

ORDINANCE NO. 2012-1153

AN ORDINANCE AMENDING AND RESTATING SECTION 74 ARTICLE II OF THE CODE OF ORDINANCES, CITY OF ORANGE BEACH, ALABAMA ENTITLED “SEWERS AND SEWAGE DISPOSAL” TO PRESCRIBE ADDITIONAL GENERAL SEWAGE DISCHARGE REGULATIONS, AND REGULATIONS AND FEES FOR INDUSTRIAL DISCHARGE INTO THE PUBLIC SANITARY SEWER

BE IT ORDAINED by the City Council of the City of Orange Beach, Alabama, as follows:

SECTION 1.

Chapter 74, Article II of the Code of Ordinances, City of Orange Beach, Alabama is hereby amended and restated so that the entire Article II shall read as follows:

“ARTICLE II. COLLECTION, TREATMENT AND

DISPOSAL Sec. 74-10. Findings.

(a) The Council finds and determines that it is in the public interest to ensure that all within the City and its police jurisdiction have an adequate, high-quality, and reliable public sanitary sewer system;

(b) Uniform requirements for contributors into the wastewater collection and treatment system of the city will enable the city to implement all applicable state and federal laws, the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR, Part 403);

(c) Uniform requirements will also reduce the problems of illegal, unsightly and potentially dangerous and unsanitary on-site wastewater disposal; and

(d) It is essential to the proper sanitation of the city and to the health of its inhabitants that all property accessible to public sanitary sewer be connected to a public sanitary sewer.

Sec. 74-11. Title; jurisdiction.

This Chapter may be cited as the Wastewater Code. It is adopted pursuant to the City’s general police powers and Alabama Code section 11-50-50 et seq. (1975). These regulations shall govern the installation, alteration and maintenance of all sanitary sewers within the City and its police jurisdiction.

Secs. 74-12—74-20 Reserved.

DIVISION 1. GENERALLY

Sec. 74-21. Definitions.

(a) Unless the context specifically indicates otherwise, the meaning of terms used in this article and not otherwise defined shall have the meaning of such terms as defined in the 2012 International Plumbing Code, as it may be amended from time to time.

(b) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Act, The Act or CWA means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, U.S.C. 1251.

ADEM means the Alabama Department of Environmental Management.

ADMI means the American Dye Manufacturers Institute color units.

Anticipated certificate of occupancy date means the date certified in writing to the Utilities Director by each applicant for the issuance of a building permit by the authority having jurisdiction with respect to property within its sewer service area as the date by which the applicant reasonably anticipates completion of proposed improvements to the stage where the issuance of a certificate of occupancy by the city will be appropriate.

BOD means biochemical oxygen demand and is the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in parts per million by weight.

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

Building sewer means that part of the sanitary sewer system which extends from the point of connection to the sanitary building drain to the point of connection to the public sewer system or the private wastewater disposal system.

Categorical standards means the National Categorical Pretreatment Standards or Pretreatment Standard.

CFR means the Code of Federal Regulations.

City means the City of Orange Beach, or its authorized agent or representative.

Color means the true color as established by standard method due to the substances in solution expressed in ADMI units.

Combined sewer means a sewer receiving both surface runoff and wastewater.

Commercial service means service to any commercial enterprise, whether located in a separate, detached structure or part of a grouping of enterprises in a single building or development, including multifamily residential development.

Constituents means the combination of particles, chemicals, or conditions which exists in the industrial wastes.

Contribute means the addition, discharge, or introduction of any substance into the POTW as hereinafter defined.

Cooling water means the water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant is heat.

Customer means a Person who has an account with the City for sewer service.

Direct discharge means the discharge of treated or untreated wastewater directly to the Waters of the State of Alabama.

Domestic wastewater means any wastewater which is not prohibited by this Article.

Effluent means the discharge of flow of a treatment facility.

EPA means the U.S. Environmental Protection Agency or where appropriate the term may also be used as a designation for the Regional Administrator or other duly authorized official of said Agency.

Fixture means a receptacle or device that is either permanently or temporarily connected to the water distribution system of the premises and demands a supply of water therefrom; discharges wastewater either directly or indirectly into the sanitary sewer system.

Flammable shall be defined by the existing fire regulations of the city.

FOG means free oil and grease.

Garbage means putrescible animal and vegetable wastes resulting from the handling, processing, preparation, cooking and consumption of food, including wastes from markets, storage facilities, handling and sale of produce, and other food products.

Grab sample means a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

Holding tank waste means any waste from holding tanks, such as vessels, chemical toilets, campers, trailers, septic tanks, recreational vehicles, and vacuum-pump tank trucks.

Indirect discharge means the discharge or introduction of non-residential wastewater from any source regulated under section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system.)

Industrial user or contributor means a source of direct discharge which constitutes a discharge of pollutants under regulations issued pursuant to section 402 of the Act.

Industrial wastes means the liquid wastes from industrial manufacturing processes, trade, or business.

Industrial waste surcharge means the additional service charge assessed against industries in the city service area whose waste characteristics exceed those of normal wastewater.

Inspector means the superintendent or person authorized by the Utilities Director to make inspections.

Interference means the inhibition or disruption of the POTW's treatment processes, operations, or sewer system which contributes to a violation of any requirement of its NPDES

permit. The term includes prevention of wastewater sludge use or disposal by the POTW in accordance with section 405 of the Act, or any critical guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Water Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

Mg/l denotes milligrams per liter and means ratio by weight.

Multifamily residential means a residential arrangement comprised of three or more dwelling units with each dwelling unit having cooking and living facilities.

National Pollution Discharge Elimination System Permit or *NPDES Permit* means a permit issued to a POTW pursuant to section 402(b) of the Act (33 U.S.C. 1342).

National Pretreatment Standard means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act which applies to industrial users.

Natural outlet means any outlet into a water-course, pond, ditch, lake or other body of surface water or groundwater.

New source means any source, the construction of which is commenced after the publication of proposed regulations prescribing a section 307(b) categorical pretreatment standard of the Act which will be applicable to such source, if such standard is thereafter promulgated within 120 days of proposal in the Federal Register. Where the standard is promulgated later than 120 days after the proposal, a new source shall mean any source, the construction of which is commenced after the date of promulgation of the standard.

Normal means those values taken as standards in the measurement of this division; these limits are defined in context.

Notice means a written order given to the owner, agent or occupant of a property to do or refrain from doing specified acts in accordance with this Article. Notice may be given as follows:

- (1) by personal service delivered by a municipal police officer if the owner may be found within the jurisdiction; provided, however, that whenever there are two returns of "not found" notice may be given as in the manner set forth below:
- (2) by publication once a week for three consecutive weeks in a newspaper published in the city or, if no newspaper is at the time being published in the city, by posting for three weeks in three public places within the corporate limits of the city and/or by publishing in a newspaper of general circulation in Baldwin County; and
- (3) by mailing a copy of such notice to such owner at such owner's last known address; and
- (4) by delivering a copy of such notice to the occupant of such property, or if unoccupied, by posting a copy on the door.

Owner means a person who has fee simple title or other legal right of possession and/or control of property subject to this Chapter.

Person means any individual, firm, trust, partnership, association, organization or corporation.

pH means the logarithm of the negative concentration of hydrogen ions in grams per liter of solution. A stabilized pH will be considered as a pH which does not change beyond the specified limits when waste is subject to aeration. pH shall be determined by standard methods as hereinafter defined.

Pollution means the man-made or man-induced alteration of the chemical, physical, and radiological integrity of water.

Pollutant means any constituent identified in a National Categorical Pretreatment Standard or any item identified as incompatible in Article II contained herein.

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 POTW. The reduction or alteration can be obtained by physical, chemical, or biological processes; process changes; or other means except as prohibited by 40 CFR section 403.6(d).

Pretreatment requirement or *pretreatment standard* means any substantive or procedural requirement related to pretreatment, or other than a National Pretreatment Standard imposed on an industrial user.

Potential peak demand means the sum of the demands of all water using fixtures, assuming concurrent operation.

PP means priority pollutants, as listed in CFR and list attached hereto.

Properly shredded garbage means the wastes from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-quarter of an inch in any dimension.

Property accessible to public sanitary sewer means any lot or parcel of land located within the corporate limits of the city that (1) abuts any easement or right-of-way in which a public sanitary sewer is then located; (2) is located within 300 feet of any easement or right of way in which a public sanitary sewer is then located; or (3) that abuts any easement right-of-way as to which the Utilities Director certifies in writing that a public sanitary sewer will be located at a point contiguous with the property line of such lot or parcel:

- (a) Within 60 days after the date of such certificate; or
- (b) On or before the anticipated certificate of occupancy date certified in writing to the Utilities Director by a building permit applicant, whichever period is longer.

Publicly Owned Treatment Works or *POTW* shall mean a treatment works as defined by section 212 of the Act (33 U.S.C. 1292) which is owned, in this case, by the city.

This definition includes any sewers that convey wastewater to such treatment works, but does not include privately owned pipes, sewers, or other conveyances on private property without proper easements not connected to a facility providing treatment. The term shall also mean the city, as defined in section 502(4) of the Act (33 U.S.C. 1362) which has jurisdiction over the indirect discharges to and the discharges from such treatment works.

Public sanitary sewer means a pressurized or gravity flow sanitary sewer owned by the city and constituting part of the public sanitary sewer system.

Public sanitary sewer system means the facilities owned by a public or private corporation operating as a public utility for collecting, pumping, treating and disposing of wastewater.

Residential or domestic user means a premises or person who discharges wastewater to the city sewers, that is of a volume and strength typical for residences, and further for billing purposes, is defined as a dwelling place or place of residence.

Sanitary sewer means a sewer which carries wastewater and to which stormwater, surface water, and groundwater are not intentionally admitted.

Sewer means a pipe or conduit for carrying wastewater.

SIC means the Standard Industrial Classification Code which is the classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

SID Permit means the State Indirect Discharge Permit issued by the Alabama Department of Environmental Management. Such permits shall be issued to dischargers of non-domestic pollutants from any source, including but not limited to those regulated under section 307(b) or (c) of the Federal Act, to a POTW.

Single-family residential service means service to a permanent single-family residence.

SWDA means the Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.

Standard Methods means those sampling and analysis procedures established by and in accordance with EPA pursuant to section 304(g) of the Act and contained in 40 CFR, Part 136, as amended or the "Standard Methods for the Examination of Water and Sewage" as prepared, approved, and published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation. In cases where procedures vary, the EPA methodologies shall supersede.

Storm drain or storm sewer means a sewer which carries storm water and surface water and drainage, but excludes domestic and industrial wastewater, other than unpolluted cooling water.

Suspended solids means solids that either float on the surface or are in suspension in water, wastewater, or liquid and which are removable by laboratory filtering.

Total solids means total weight ppm of all solids: dissolved, undissolved, organic, or inorganic.

accessible to public sanitary sewer fail to cause the required sewer connection, the city shall, after ten days' notice, make or cause such connection to be made at the expense of such owner.

(b) The cost of making such connection, together with the cost of required sewer connection permits, shall constitute a lien upon such property in favor of the city, prior and superior to all liens other than liens for taxes, to be collected as other debts are collected and liens enforced.

Sec. 74-33. Service; user charge system.

(a) The Council shall by resolution establish and collect, and from time to time, alter charges for service furnished by or from the public sewer system. It is the purpose of this section to provide for the recovery of costs from users of the city wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth by in a Schedule of Charges and Fees. The city may establish charges and fees when necessary which may include: fees for monitoring, inspections, and surveillance procedures to cover the costs incurred by the Utilities Director. In setting such charges, the Council shall take in to account the following:

- (1) The itemized operation and maintenance budget, based on actual and projected operating costs, including debt service and minor replacement costs, as prepared by the Utilities Director ("the Cost").
- (2) The proportional distribution of cost among users.
- (3) The amount of flow, strength of waste in excess of strength allowed by this article;
- (4) and any other information necessary and proper to make such calculations.

(b) The sewer user charges, as developed or modified by the city, shall be published in a newspaper of local distribution at least 30 days prior to its consideration and/or adoption by the City Council. The City Council shall receive comments from the public at least one regular meeting prior to adoption of the user charge system. Comments and discussion at that regular meeting shall be considered in any appropriate modifications to the user charge system.

(c) User charges shall be in effect until amended by later resolution.

Sec. 74-34. Certificate of accessibility to public sewer required; administration.

(a) As a condition precedent to the issuance of any new building permit or new business license for property within the corporate limits or police jurisdiction, the applicant shall obtain and present a certificate certifying whether the lot or parcel on which the proposed construction or business will be situated is a property accessible to a public sanitary sewer and if the sewer is or will be available in accordance with this article.

(b) The applicant must also present the approximate number of certificates of use (sewer taps) for the sewer system acceptable to the city or, if a business license is requested, shall present to the business license division of the Finance Department a certificate or letter from the sewer division that all fees and costs are paid in full or up to date as the case may be.

TSS means total suspended solids.

Toxic means constituents of wastes which adversely affect the organism involved in wastewater treatment, or in the receiving waters, as defined by the latest ADEM and EPA regulations.

TTO means total toxic organic compounds, as listed in CFR.

Toxic pollutant means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the EPA under the provisions of CWA 307(a) or other Acts.

U.S.C. means United States Code.

User means a person who contributes, causes, or permits the contribution of wastewater into the city POTW.

Utilities Director means the Director of the City of Orange Beach Utilities Department, or his authorized deputy, agent or representative.

VOC means volatile organic compounds, as defined by EPA and listed in the CFR.

Wastewater means any solid, liquid, gas, or radiological substance originating from residences, business buildings, institutions and industrial establishments, whether untreated or treated, and may include groundwater, surface water and storm water unintentionally present, which is contributed into or permitted to enter the POTW.

Wastewater treatment plant means any arrangement of devices and structures used for treating wastewater.

Watercourse means a channel in which a flow of water occurs, either continuously or intermittently.

Waters of the State of Alabama means any water, surface or underground, within the boundaries of the state.

Secs. 74-21—74-30 Reserved.

DIVISION 2. CONNECTION AND USE REQUIREMENTS

Sec. 74-31. Accessible property to be connected to sanitary sewer system.

The owner of property located within the corporate limits of the city that is accessible to the public sanitary sewer and used for human occupancy, employment, recreation, or other purposes, shall install suitable toilet facilities therein, and connect such facilities directly with the public sewer in accordance with the provisions of this Chapter, within 90 days after official notice to do so, provided that said public sewer is within 300 feet of the property line, measured along the existing right-of-way or utility easement.

Sec. 74-32. Notice of noncompliance; connection costs; liens.

(a) Should any owner of property, located within the corporate limits of the city, that is

(c) In issuing any such certificate of use, the Utilities Director shall rely on the anticipated certificate of occupancy date certified by the applicant. In this event, the Utilities Director certifies such lot or parcel as a property accessible to a public sanitary sewer, based on the intention to extend a public sanitary sewer to a point contiguous with the property line of such lot or parcel on or before the anticipated certificate of occupancy date of issuance.

Sec. 74-35. Building sewer and connections.

(a) All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may be directly or indirectly occasioned by the installation of the building sewer.

(b) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot, and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway. Under this circumstance or, at the discretion of the Utilities Director to avoid excessive costs and damages to public streets and utilities, sewers from the building may be combined and the whole considered as one sewer.

(c) All building sewers shall be provided with a clean-out at the property line nearest the main sewer.

(d) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, pipe placement, jointing, testing, and backfilling of the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

(e) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, wastewater shall be lifted by an approved means and discharged to the building sewer.

(f) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9. All such connections shall be made gastight and water tight. All pertinent OSHA requirements shall be met in the construction of sewers and connections. Any deviation from the prescribed procedures and materials must be approved by the Utilities Director before installation.

(g) The applicant for the building sewer permit shall notify the Utilities Director when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Utilities Director or his representative.

(h) All excavations for building sewer installation shall be adequately guarded with barricades and lights to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of work shall be restored in a manner satisfactory to the city.

(i) Sewer laterals that have been previously used, but have been abandoned due to the razing of building structure may be used in connection with new buildings only when they are found, on examination and testing by the city, to meet all requirements of these rules and regulations. All others must be sealed to the satisfaction of the city. Each individual, commercial, or individual user of the sanitary sewer facilities of the city shall be entirely responsible for the maintenance of the sewer lateral which extends from the sewer mains of the city to the private premises.

(j) It shall be the responsibility of all property owners who demolish or move existing buildings to preserve the location and integrity of sewer laterals, and to report this information to the city. The location of the sewer lateral shall be marked for locating by a metal detector, and also marked on a property map.

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

Sec. 74-36. Grinder pump specifications.

Except as may be provided elsewhere herein, the owner of any property, located within the corporate limits of the city, that is accessible to public sanitary sewer shall at his own expense connect with a public sanitary sewer all water closets, urinals, sinks, lavatories, laundry tubs, bathtubs, and other fixtures from which water is wasted on such premises. Any low-pressure building sewer connected to a public sanitary sewer must have a minimum inside diameter of 1 3/4 inches and be equivalent to Class 200 PVC pipe or SDR11 PE pipe. Any grinder pump connected to public sanitary sewer shall be purchased by customer and installed and shall meet the following minimum requirements:

- (1) Each grinder pump installation shall be equipped with a check valve and anti-siphon device on the discharge piping, the anti-siphon device to be mounted inside the pump chamber or tank within two feet of its top;
- (2) Each grinder pump installation shall macerate all waste flow constituents so as to permit passage through a one-inch discharge pipe without clogging or plugging;
- (3) Any grinder pump installation utilized for single-family residential service or commercial service with potential peak demand not in excess of 20 gallons per minute shall consist at a minimum of a two horsepower simplex pumping system capable of delivering ten gallons per minute of macerated waste at a total dynamic head of 90 feet, with minimum tank volume of 115 gallons;
- (4) Any grinder pump installation utilized for commercial service with a potential peak demand in excess of 20 gallons per minute but not in excess of 50 gallons per minute shall consist at a minimum of two horsepower duplex pumping system capable of delivering with each pump ten gallons per minute of macerated waste at a total dynamic head of 90 feet, with minimum tank volume of 370 gallons;
- (5) Any grinder pump installation utilized for commercial service potential

peak demand in excess of 50 gallons per minute but not in excess of 100 gallons per minute shall consist at a minimum of a five horsepower duplex pumping system capable of delivering with each pump 25 gallons per minute of macerated waste at a total dynamic head of 90 feet, with minimum tank volume of 660 gallons;

- (6) Any grinder pump installation utilized for multi-family residential service or for commercial service with potential peak demand in excess of 100 gallons per minute shall be subject to such specifications and requirements as are determined by the Utilities Director with respect to the specific service involved;
- (7) Notwithstanding the provisions of any subsection hereinabove any grinder pump installation shall be by the city only, using sound engineering principles, and shall be subject to inspection and re-approval from time to time by the city. Further, after installation and payment or adequate provisions for payment, grinder pump, its maintenance, and continued operation shall be the sole responsibility of premises owner/customer.

Sec. 74-37. Grease, oil and sand traps.

(a) Except as hereinafter provided, no person shall discharge or cause to be discharged any water or waste which may contain more than 100 parts per million by weight of fat, oil or grease. Grease and oil include hydrocarbons, fatty acid, soaps and waxes.

(b) Grease, oil and sand traps and interceptors shall be provided when, in the opinion of the city, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, and other harmful ingredients. All restaurants and fast food restaurants are required to have a grease trap; all truck and car washes are required to recycle the wash facility effluent unless a special exception is approved by the Utilities Director. When approved by the Utilities Director, the wash facilities are required to have a sand trap and oil separator and prior to being installed, shall present to the city a set of signed and sealed drawings for review and approval. Such interceptors shall not be required for private living quarters of dwelling units. All interceptors shall be of type and capacity approved by the city and shall be located as to be readily and easily accessible for cleaning and inspection. Oil and grease traps shall conform to the design standards as established and approved by the Utilities Director.

(c) Grease and oil traps shall be constructed of precast concrete. They shall be of substantial construction, watertight, and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight. Grease traps for restaurant establishments shall have a minimum capacity equal to 1000 gallons.

(d) Where installed, all grease, oil and sand traps shall be maintained by the owner, at his expense, in continuously efficient operation at all times. Grease traps shall be pumped out every two weeks from April through September, and monthly for all other months. Sand and oil traps shall be cleaned out once a month.

Sec. 74-38. Inspection of connections.

No industrial or commercial sewer service with or without a control and/or inspection

manhole shall be connected until the plumbing and connections incident thereto shall have been inspected and approved by the city. The sewer service connection shall be inspected and approved by the city inspector before any underground portion of the sewer service is covered.

Secs. 74-39—74-50 Reserved.

DIVISION 3. DISCHARGE RESTRICTIONS AND PROHIBITED ACTIVITIES

Sec. 74-51. Prohibited activities

It shall be unlawful for any person to:

(a) place, deposit, or permit any human or animal excrement, garbage, or other objectionable waste to be deposited in any unsanitary manner on public or private property within the city or in any area under the jurisdiction of said city;

(b) to discharge into any natural outlet or deposit on or in the ground any wastewater or other polluted waters required by law to be discharged to the sewer, except where written permission is provided from the Alabama Department of Environmental Management ensuring suitable treatment has been provided in accordance with the requirements of the State of Alabama and the provisions of these rules and regulations;

(c) to construct, or maintain any privy, privy vault, surface closet, dry closet, septic tank, cesspool, or other facilities intended or used for the disposal of wastewater on any property, located within the corporate limits of the city, that is accessible to public sanitary sewer or to keep or maintain upon any such property any fixtures from which water is wasted;

(d) to break, damage, destroy, uncover, deface, or tamper with any portion of the POTW;

(e) to uncover, make any connections with or opening into, use, alter, or disturb any part of the POTW without first establishing an account with the Finance Department;

(f) to dispose of wastewater by means other than the use of the available sanitary sewer system; unless otherwise authorized by the Utilities Director. The disposal of wastewater by private disposal systems shall be permissible only in those instances where service from the sanitary sewer system is not available, or found to be the cause of nuisance or damage to a resident. Septic tank installations are prohibited where the location of public sanitary permits the owner to discharge waste by a privately owned pump. Operation and maintenance of such pump and piping within the owner's property shall be the responsibility of the owner.

Sec. 74-52. Stormwater, groundwater and other unpolluted waters; discharge into public sewer prohibited.

No person shall discharge or cause to be discharged, directly or indirectly, any stormwater, surface water, groundwater, roof top drainage, subsurface drainage, uncontaminated cooling water, filter backwash water, swimming pool water or unpolluted industrial process waters to any public sanitary sewer.

Sec. 74-53. Alternate disposal procedures of unpolluted waters.

Stormwater and all other unpolluted drainage are prohibited from the public sanitary

sewer and shall be discharged only to storm drains or in a manner approved by the Alabama Department of Environmental Management and the city. Industrial cooling water or unpolluted process waters shall be discharged only in a manner approved by the Alabama Department of Environmental Management and the city. Wastewater shall not be discharged into storm sewers.

Sec. 74-54. Prohibited discharge of certain other waters or wastes into public sewer system or storm drain, Utilities Director discretion.

(a) No user, person, firm, or corporation shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation of performance of the POTW whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. The following described substances, materials, waters or wastes shall not be discharged if it appears likely, in the opinion of the Utilities Director, that such wastes can harm the POTW or the operation of the POTW; have an adverse effect on the receiving stream; can otherwise endanger life, limb, or public property; or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, the Utilities Director will give consideration to the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature and capacity of the POTW, treatability of wastes in the POTW, and other pertinent factors. The substances prohibited are:

- (1) Any wastewater or vapor having a temperature which will inhibit biological activity in the POTW resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW plant which exceeds 40°C (104°F). Unless a higher temperature is allowed in the user's SID permit, no user shall discharge into any sewer line or appurtenance of the POTW wastewater system with a temperature exceeding 65°C (150°F).
- (2) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32°F and 150°F (0°C and 65°C).
- (3) Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions, whether naturalized or not.
- (4) Any waters or wastes containing iron, chromium, copper, zinc, cyanide and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such a degree that any such material received at the wastewater treatment plant exceeds the limits that may be established by the Utilities Director and/or the Alabama Department of Environmental Management for such materials.
- (5) Any noxious or malodorous liquids, gases, or solids containing phenols or other waste or odor-producing substances which either singly or by interaction with other wastes are sufficient to create a public nuisance, while being conveyed through the sanitary sewer and at the POTW operating in its normal mode, as defined by state or federal law, or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.
- (6) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits as may be established by the Utilities Director in compliance with

applicable state or federal regulations.

- (7) Any waters or wastes having a pH lower than 6.0 or higher than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the POTW.
- (8) Materials which exert or cause:
 - a. Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride, and sodium sulfate).
 - b. Excessive BOD, suspended solids, chemical oxygen demands or chlorine requirements in such quantities as to constitute a significant load on the POTW.
- (9) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system), be more than five percent nor any single reading over ten percent of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to: alcohols, aldehydes, benzene, bromates, carbides, chlorates, commercial solvents, ethers, fuel oil, gasoline, or any hydrocarbon derivatives, hydrides, kerosene, ketones, mineral spirits, motor oils, naphtha, perchlorates, peroxides, sulfides, toluene, xylene, and any other substances which the city, the state, or EPA has notified the user is a fire hazard or a hazard to the system.
- (10) Any waters or wastes containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to section 307(a) of the Act. No TTO, PP, or VOC compounds shall be discharged into the sewer system without written notification to the Utilities Director. A complete list of all such compounds and the amounts of each discharged to the POTW shall be delivered to the Utilities Director once each calendar quarter, four times a year.
- (11) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operations of the POTW such as, but not limited to, garbage not properly shredded or garbage particles greater than one-quarter inch in any dimension, ashes, cinders, sand, lime residues, stone or marble dust, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, fiberglass, paint, ink residues, gas, tar, asphalt residues, woods, grass clippings, spent grains, spent hops, whole blood, paunch manure, hair, hides or fleshings, offal, animal entrails, bones, waste paper, milk containers, beer or distillery slops, chemical residues from refining or processing wastes, seafood or seafood processing by-products etc., either whole or ground by garbage grinders.

- (12) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, unusual concentrations of inert suspended solids, to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program or to cause undue additional labor and materials in connection with its operation. In no case shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Water Act, the Toxic Substances Control Act, state criteria applicable to the sludge management method being used or any future federal regulation.
- (13) Any substance which will cause the POTW to violate its NPDES and/or State Disposal System Permit or the receiving water quality standards.
- (14) Any wastewater with color sufficient to increase the color in the receiving stream by more than 50 ADMI at the design flow rate of the POTW when the receiving stream is at the calculated 7Q10 rate of flow.

(b) No statement contained in this article shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste or unusual strength of character may be accepted by the city for treatment, subject to payment therefore, by the industrial concern, as long as the POTW operation complies within the NPDES limits authorized by EPA and the Alabama Department of Environmental Management.

Sec. 74-55. National categorical pretreatment standards.

Certain industrial users now or hereafter shall become subject to national categorical pretreatment standards promulgated by the EPA specifying quantities or concentrations of pollutants or pollutant properties which may be discharged into the POTW. All industrial users subject to a national categorical pretreatment standard shall comply with any additional or more stringent limitations contained in this chapter.

Sec. 74-56. Industrial waste pretreatment.

(a) All persons desiring to discharge industrial wastewater to the POTW or discharging industrial wastewater directly to the POTW prior to the effective date of this ordinance and who have obtained prior approval of the industrial wastewater discharge must first complete an industrial waste questionnaire and submit the questionnaire to the Utilities Director and the Alabama Department of Environmental Management for review. If, after review by the Utilities

Director and the Alabama Department of Environmental Management as noted in the agreement, the industry is found to be subject to the federal or state pretreatment program, then that person must obtain a State Indirect Discharge (SID) Permit. Certain industrial users discharging industrial wastewater to the POTW must comply with regulations establishing the national categorical pretreatment standards promulgated by EPA and required by ADEM.

(b) These regulations adopt and use as a guide the national pretreatment standards and the Environmental Protection Agency's pretreatment guidelines. The city recognizes that in

some cases these pretreatment standards may not be sufficient to protect the operation of its treatment works, or make it unable to comply with the terms of its NPDES permit. In such cases, the Utilities Director reserves the right to impose more stringent pretreatment standards than those specified in the EPA regulations and required by the Alabama Department of Environmental Management.

Sec. 74-57. State requirements.

State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in these rules and regulations.

Sec. 74-58. Excessive discharge.

No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the national categorical pretreatment standards, or in any other pollutant specific limitation developed by the city and the Alabama Department of Environmental Management. Where necessary in the opinion of the Alabama Department of Environmental Management, equalizing may be required to bring constituents or volume to an acceptable level and to hold or equalize flows such that no peak flow conditions may interfere with the POTW. Said equalization or holding unit shall have a capacity suitable to serve its intended purpose, as stated above, and be equipped with acceptable outlet control facilities to provide flexibility in operation and accommodate changing conditions in the waste flow.

Sec. 74-59. Maintenance of preliminary treatment or flow-equalizing facilities.

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

Sec. 74-60. Accidental discharges.

In the case of accidental discharge, it is the responsibility of the user to immediately telephone and notify the Utilities Department of the incident. The notification shall include: 1) location of the discharge, 2) type of waste, 3) concentration and volume, and 4) corrective actions.

Within five calendar days following an accidental discharge, the user shall submit to the Utilities Director and the Alabama Department of Environmental Management a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law. Violation of this provision shall constitute a misdemeanor, punishable as provided in section 8.5 of the Code of the City.

A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees to call the city in the event of a discharge of any substances enumerated in section 74-54.

Secs. 74-61—74-70 Reserved.

DIVISION 4. ENFORCEMENT OF RULES AND REGULATIONS

Sec. 74-71. Criminal.

It shall be unlawful to violate any of the provisions of this chapter or any requirement of a permit issued, including a SID Permit, pursuant to the terms of this article. Violation shall be punishable as a misdemeanor, pursuant to the provisions of section 1-7 of the City Code. Each day a violation continues to exist shall constitute an independent and separate offense.

Sec. 74-72. Civil.

The discharge of any other pollutant in violation of this article is hereby declared a public nuisance. The city may file in the Circuit Court of Baldwin or any other court of competent jurisdiction, a suit seeking to have the user's conduct declared a public nuisance, pursuant to section 11-47-117, section 11-47-118, and section 6-5-122, Code of Alabama, 1975, or any other law, and further, seeking the issuance of an injunction to abate such nuisance and/or any other appropriate relief to enforce the provisions of this article.

Sec. 74-73. Termination of services.

(a) Action by the city to terminate the user's sanitary sewer connection may be taken when the user commits any one of the following acts or allows any one of the following to occur:

- (1) A violation of the terms or conditions of this article occurs or a violation of any regulation issued, pursuant to this article.
- (2) The action is necessary to protect the city POTW.
- (3) When the user has obtained a permit by misrepresentation or has failed to disclose fully all relevant facts.
- (4) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.
- (5) A violation of any term or condition of the SID permit issued by the state.
- (6) User discharges wastewater at an uncontrolled, variable rate in sufficient quantity to cause an imbalance in the POTW.
- (7) User fails to pay quarterly or monthly bills for sanitary sewer services when due and/or otherwise violates its account agreement. .
- (8) User repeats a discharge of prohibited waste to the POTW.
- (9) The city is reliably informed or has reason to believe that the effluent from the wastewater treatment plant is no longer of quality permitted for discharge to a water course, and it is found that the user is delivering

wastewater to the POTW that cannot be sufficiently treated or the same requires treatment that is not provided by the city as a normal domestic treatment.

(b) The city, prior to any of these actions, shall notify the user or his designated representative in writing, either by personal service or by certified mail. Said notice shall set forth the specific violation and/or reason enumerated in the preceding section, for which

termination of the user's connection to the sanitary sewer system is sought by the city. Said notice shall also set forth the character of the violation and the dates on which the violations occurred, to enable the user to prepare his defense. Said notice shall also set a time and place for a hearing, not to exceed fifteen days from the date of service of the notice on the user. At said hearing, the user may appear and be afforded a full opportunity to be heard.

(c) The City Council shall render a decision by resolution within 15 days from the date of said hearing before Council. A certified copy of said resolution shall be served on the user within ten days from the date of the decision by the city. Said resolution of the decision shall set forth the action to be taken and the reasons, including violations of the article, which necessitate said action as enumerated in section 74-71 of this article.

Sec. 74-74. Emergency termination of service.

(a) In the event of an actual discharge or threatened discharge to the POTW of any pollutant which, in the opinion of the Utilities Director, imposes an immediate threat of serious irreparable harm to the public health, safety and welfare, either directly or indirectly through interference with the operation of the POTW, the Utilities Director may immediately terminate sewer service and shall immediately notify the Mayor and the Alabama Department of Environmental Management of the action taken and the nature of the emergency.

(b) If, in the judgment of the Utilities Director, it is anticipated that the waste may have a deleterious effect upon the POTW, or the operation of the POTW, or receiving waters, or which otherwise may create a hazard to life or constitute a public nuisance, the Utilities Director may:

- (1) Reject the wastes;
- (2) Require pretreatment to any acceptable conditions for discharge to the POTW;
- (3) Require control over the quantities and rates of discharge; and/or
- (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing sewer charges.

The Utilities Director shall immediately make every reasonable effort to notify the user or other person causing the emergency and request their assistance in abating the same.

(c) The city shall give notice to the user upon taking any action. Said notice shall conform in all respects to that required in section 74-71 of this article. The city shall also immediately implement the procedures as enumerated in section 74-71 of this article, with the exception that the city may immediately terminate sewer service.

Sec. 74-75. Assessment of damages to users.

When a discharge of waste proximately causes an obstruction, damage or any other impairment to the facilities of the city or any expense of whatever character or nature to the city, the Utilities Director shall assess the expenses incurred by the city to clear the obstruction, repair damage to the facility, and any other expenses or damages proximately caused to the city by the discharge. The city shall file a claim with the user or any other person causing or suffering said damage to occur seeking reimbursement for any and all expenses or damages suffered by the city. If the claim is ignored or denied, the city shall notify its Legal Department to take such measures as shall be appropriate to recover for any expense or other damage suffered by the city.

Sec. 74-76. Petition for federal or state enforcement.

In addition to any other remedies for enforcement provided herein, the city may petition the State of Alabama, or the United States Environmental Protection Agency as appropriate, to exercise such methods or remedies as shall be available to such government entities, to seek criminal or civil penalties, injunctive relief, or such other remedies as may be provided by applicable pretreatment standards, to prevent the introduction of toxic pollutants or other regulated pollutants into the POTW, or to prevent such other water pollution as may be regulated by state or federal laws.

Secs. 74-77—74-90 Reserved.

DIVISION 5. SID PERMIT, DISCHARGE REPORTS, AND ADMINISTRATION

Sec. 74-91. Application and permit requirements for primary and significant industrial users.

All primary or significant users as defined by the Alabama Department of Environmental Management, prior to discharging non-domestic waste into the POTW, shall submit an original and two copies of an application and engineering report to the city for the purpose of obtaining a SID Permit. The original and copies of said package shall be submitted

to the Utilities Director for review and comment prior to forward to the Alabama Department of Environmental Management. The engineering report shall contain the information specified in section 74-92 hereof. The user shall submit to the city and the Alabama Department of Environmental Management revised plans whenever alterations or additions to the user's premises deviate from the originally submitted plans. Any currently connected primary or significant user discharging waste other than domestic waste who has not heretofore filed such a report shall file same with the city and the Alabama Department of Environmental Management no later than six months after the effective date of these rules and regulations.

Sec. 74-92. Application and report requirements.

The application and report required by section 74-91 above or other provision of this article for all primary and significant industrial users shall contain in units and terms appropriate for evaluation the information listed in subsections (1) through (7) below. Industrial users subject to national categorical pretreatment standards shall submit to the city and the Alabama Department of Environmental Management a report which contains information listed in subsections (1) through (10) below within 180 days after the promulgation by the

Environmental Protection Agency of a national categorical pretreatment standard under section 307(b) or (c) (33 U.S.C. 1317(b) or (c)) of the Act where such national categorical pretreatment standards have been promulgated prior to the effective date of this ordinance. Primary or significant industrial users who are unable to achieve compliance with the provisions of division 3 of this article without improved operation and maintenance procedures or pretreatment shall submit a report which contains the information listed in subsections (1) through (10) below. As specified hereinabove, the report shall be certified by a professional engineer registered in the State of Alabama and shall contain all or applicable portions of the following:

- (1) General information including name and affiliation of company, number of employees, product(s) to be manufactured, including rate of production and SIC number(s), hours of operation, and water supply or supplies (i.e. well water) and disposition.
- (2) Location map showing location of manufacturing plant (with latitude and longitude), treatment facilities, drainage, and appurtenance structures such as manholes and indicating locations or each discharge point. In case of indirect discharges, location of sewer and point of industry tie-in should be shown.
- (3) Narrative account of manufacturing operation(s) explaining and/or defining raw materials, processes, and products. Block line or schematic diagrams indicating points of waste origin and its collection and disposition should be included. Material safety data sheets on all chemicals used in the process along with the annual usage of each chemical shall also be submitted, along with a complete and detailed list of all PP, TTO, and VOC compounds contained herein.
- (4) The average and maximum total flow and the daily flow pattern and seasonal variations of each discharge from such industrial user to the sewer system, in gallons per day.
- (5) The average and maximum of both quantity and quality of the wastewater discharge from each regulated process from such industrial user and identification of any applicable pretreatment standards and requirements. The concentration shall be reported as a maximum or average level as provided for in the applicable pretreatment standard. If an equivalent concentration limit has been calculated in accordance with any pretreatment standard, this adjusted concentration limit shall also be submitted to the Alabama Department of Environmental Management for approval.
- (6) Description of existing and proposed waste treatment facilities, where applicable, including plans and specifications, design parameters, pretreatment measures, and recovery systems. Means of handling cooling water, storm drainage, and sanitary wastes should be discussed. Containment systems for product storage areas, loading and intermediate, or raw material handling areas, process areas, and other areas with spill potential should be described. Where applicable, the availability of a Spill Prevention Control and Containment (SPCC) Plan should be indicated.
- (7) When treatment sludges are generated, method and handling of dewatering

and location of disposal should be indicated. Quantity and analysis information should also be furnished.

- (8) In the of case new or expanded treatment systems, copies of logs for test borings in the vicinity of treatment facilities of earthen construction should be furnished to facilitate a geological/hydrologic review.
- (9) A statement reviewed and signed by an authorized representative of the industrial user indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance procedures or additional pretreatment is required for the industrial user to meet the pretreatment standards and requirements; and
- (10) If additional pretreatment or operation and maintenance procedures will be required to meet the pretreatment standards, then the report shall contain the shortest schedule by which the industrial user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

Sec. 74-93. Incomplete SID application.

Persons who have filed incomplete applications will be notified in writing by the city the nature of such deficiency and will be given 45 days, or within such extended period as allowed by the city to respond in writing. If no written response is received from the applicant in the time frame specified by the city, the city shall submit the application to the Alabama Department of Environmental Management with a recommendation that it be denied and notify the applicant in writing of such action.

Sec. 74-94. Evaluation of SID applications.

The city may recommend to the Alabama Department of Environmental Management that the SID Permit applications require any of the following:

- (1) Pretreatment requirements;
- (2) The average and maximum wastewater constituents and characteristics;
- (3) Limits on rate and time of discharge or requirements for flow regulation and equalization;
- (4) Requirements for installation of inspection and sampling facilities;
- (5) Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, number, types and standards for tests and reporting schedule;
- (6) Requirements for submission of technical reports or discharge reports;
- (7) Requirements for maintaining records relating to wastewater discharge;
- (8) Mean and maximum mass emission rates, or other appropriate limits

when incompatible pollutants (as set forth in division 3 of this article) are proposed or present in the user's wastewater discharge;

- (9) Other conditions as deemed appropriate by the city to insure compliance with this article or other applicable law or regulation;
- (10) A reasonable compliance schedule will be required to insure the industrial user's compliance with pretreatment requirements;
- (11) Requirements for the installation of facilities to prevent and control accidental discharge or "spills" on the user's premises; and
- (12) Mass limitations where dilution is used to meet applicable pretreatment standards or requirements or in other cases where imposition of mass limitations are deemed appropriate.

The user shall design any necessary facility, and submit detailed design plans and operating procedures to the city, state and federal agencies having jurisdiction. The city shall review and comment on said plant and recommend to the user any change it deems appropriate. Upon comment by the city and approval by the state and federal agencies of plans as specified above, the user shall secure such building, electrical, plumbing, or other permits as may be required by applicable codes and proceed to construct any necessary facility and establish such operating procedures as are required within the time provided in the user's SID Permit.

Sec. 74-95. Applicant's notification of proposed SID Permit conditions and objection procedures.

Upon receipt of a draft permit, the applicant shall review same and file written objections with the city and the Alabama Department of Environmental Management. Upon receipt of an applicant's request or written objections, the city may schedule a meeting between itself, the applicant, and the Alabama Department of Environmental Management for the purpose of resolving the disputed SID Permit issues. If an applicant files no written objection to the draft SID Permit proposed by the Alabama Department of Environmental Management, or a subsequent agreement is reached concerning the same, the SID Permit will be issued.

Sec. 74-96. Permission to discharge.

Issuance of a SID Permit by the Alabama Department of Environmental Management shall constitute permission by the city to discharge into the city sanitary sewer system, under the terms and conditions as enumerated in the SID Permit. All users not required to operate under a SID Permit or who currently contribute wastewater other than normal domestic wastewater or discharge in excess of 700 gpd shall comply with the provisions of section 74-72 of this article.

Sec. 74-97. Compliance schedule and reporting requirements.

Compliance with national categorical pretreatment standards for existing sources subject to such standards or for existing sources which hereafter become subject to such standards shall be within three years following promulgation of the standards unless a shorter compliance time is specified in the standard. Compliance with national categorical pretreatment standards for new sources shall be required upon promulgation of the standard. The city shall attempt to notify in writing any user whom it has cause to believe is subject to a national

categorical pretreatment standard upon promulgation for such federal regulations, but any failure of the city in this regard shall not relieve the user of the duty of complying with such national pretreatment standards.

The following conditions shall apply to the schedule required by sections 74-92 and 74-94 of this article:

- (1) The schedule shall contain increments of progress in the form of calendar dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment requirements for the industrial user to meet the applicable pretreatment standards (e.g. hiring a professional engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction. etc.) No increment referred to in this subsection exceed nine months.
- (2) Not later than fourteen days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the city and the Alabama Department of Environmental Management including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for the delay, and steps being taken by the industrial user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the city and the Alabama Department of Environmental Management.
- (3) Within 90 days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any industrial user subject to pretreatment standards and requirements shall submit to the city and the Alabama Department of Environmental Management a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the industrial user which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operation and maintenance procedure or pretreatment is necessary to bring the industrial user into compliance with the pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user and certified by a professional engineer registered in the State of Alabama.
- (4) Any industrial user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the city and the Alabama Department of Environmental Management during the months of June and December, unless required more frequently in the pretreatment standard or by the city and the Alabama Department of Environmental Management, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting

period exceeded the average daily flow reported in section 74- 92(4) of this article. At the discretion of the city or the Alabama Department of Environmental Management, as applicable, and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the city or the Alabama Department of Environmental Management, as applicable, may agree to alter the months during which the above reports are to be submitted.

- (5) If mass limitations have been imposed on the industrial user's discharge, the report required by this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the industrial user.
- (6) The frequency of monitoring effluent discharge shall be prescribed by the applicable pretreatment standard. All analyses shall be performed in accordance with procedures established by the Environmental Protection Agency under the provisions of section 304(h) of the Act (33 U.S.C. 1314(h)) and contained in 40 CFR Part 136 and amendments thereto or with any other test procedures approved by the Environmental Protection Agency.

Sec. 74-98. Measurements, tests and analyses.

(a) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published jointly by the American Public Health Association, American Water Works Association, and Water Pollution Control Federation, or by approved EPA procedures, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no onsite control manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sanitary sewer system to the point at which the building sewer is connected. Sampling shall be conducted by the customarily accepted methods to reflect the effect of constituents upon the POTW and to determine the existence of hazards to life, limb and property. The type and frequency of sampling shall be as determined by the Utilities Director.

(b) The particular analyses involved will determine whether a twenty-four hour composite of all outfalls of premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids, analyses are obtained from twenty-four hour composites of all outfalls whereas pHs are determined from periodic grab samples.

Sec. 74-99. Maintenance of records.

Any industrial user subject to the reporting requirement established in this ordinance shall maintain records of all information resulting from any monitoring activities required by this ordinance. Such records shall include for all samples:

- (1) The date, exact place, method, and time of the sampling and the names of the persons taking the samples;
- (2) The dates the analyses were performed;
- (3) Who performed the analyses?

- (4) The analytical techniques/methods used; and
- (5) The results of such analyses.

Sec. 74-100. Retention of records.

Any industrial user subject to the reporting requirement established in this ordinance shall be required to retain for a minimum of five years any records of monitoring activities and results (whether or not such monitoring activities are required by this article) and shall make such records available for inspection and copying by the city, the Alabama Department of Environmental Management and the EPA. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user.

Sec. 74-101. Confidentiality.

Any records, reports, or information obtained in accordance with these rules and regulations are intended to be used to determine applicable effluent limitations, toxic conditions, pretreatment requirements, or permit conditions and shall be available to the public except that upon a showing satisfactory to the city and the Alabama Department of Environmental Management by any person, records, reports, information, or particular part thereof (other than effluent data) to which the city and the Alabama Department of Environmental Management has access to under this ordinance, if made public would divulge methods of processes entitled to protection as trade secrets of such person, the city and the Alabama Department of Environmental Management shall consider such record, report, or information or particular portion thereof confidential in accordance with the purposes of this ordinance, except that such record, report, or information may be disclosed to officers, employees, or authorized representatives of the State of Alabama or the United States concerned with carrying out the provisions of the Clean Water Act or when relevant in any proceeding under these rules and regulations or other applicable laws.

Sec. 74-102. Duration of permits.

SID Permits shall be issued for a period of five years, provided that original permits may be issued for a period between three and five years for the administrative convenience of the Alabama Department of Environmental Management so as to stagger the renewal dates of the permits. Notwithstanding the foregoing, users becoming subject to a national pretreatment standard shall apply for new permits on the effective date of such national pretreatment standards.

Sec. 74-103. Permit renewal.

A user must apply in writing to the city and the Alabama Department of Environmental Management for a renewal permit within the period of time not more than ninety days and not less than thirty days prior to expiration of the current permit.

Sec. 74-104. Permit modifications.

(a) Limitations or conditions of a permit are subject to modification or change as such changes may become necessary due to changes in applicable water quality standards, changes in the NPDES Permit, changes in applicable law or regulation, or for other cause. Any proposed change or new condition in a permit shall include a provision for a reasonable time schedule for compliance and shall be known to the user. Upon receipt of the draft

modification, the user shall have thirty calendar days to review same and file written objections with the city and the Alabama Department of Environmental Management.

(b) Within fifteen days of receipt of a user's request or written objection, the city may schedule a meeting between itself, the applicant and the Alabama Department of Environmental Management for the purpose of resolving the disputed SID permit change.

(c) The city reserves the right to impose a total ban or limitations on any compounds it feels is harmful to the sewer system, regardless of whether or not limitations for these compounds are listed in the SID Permit issued by the Alabama Department of Environmental Management.

(d) If a user files no written objection to the draft modification or a subsequent agreement is reached concerning the same, the Alabama Department of Environmental Management shall incorporate said modification into the user's SID Permit in accordance with the Memorandum of Agreement between the city and the Alabama Department of Environmental Management.

(e) Any significant change in the nature or volume of the wastewater constituents of a permitted user shall be reported to the city and may require the user to be subject to a modified SID Permit.

Sec. 74-105. Transfer of a permit.

SID Permits are issued to a specific user for a specific operation. A SID Permit shall not be reassigned or transferred or sold to a new owner, new user, or for different premises.

Secs. 74-106—74-120 Reserved.

DIVISION 6. INSPECTIONS, MONITORING, AND ENTRY

Sec. 74-121. General.

(a) The city and/or the Alabama Department of Environmental Management shall require any non-domestic primary or significant industrial user, as defined by the Alabama Department of Environmental Management, to establish and maintain such records, make such reports, install, use, and maintain such monitoring equipment or methods, including, where appropriate, biological monitoring methods, sample such effluents (in accordance with such methods, at such intervals, and in such a manner as the city and Alabama Department of Environmental Management shall prescribe), and provide such other information as they may reasonably require.

(b) Further, the city, its representatives, the Alabama Department of Environmental Management, and the EPA shall have a right of entry to all properties for purposes of inspection, observation, measurement, sampling and testing in accordance with these rules and regulations and may at reasonable times have access to and copy any records, inspect any monitoring equipment or method required above, and sample any effluents which the owner or operator is required to sample under division 5 of this article. Failure to permit entry in accordance with the above conditions shall constitute a misdemeanor punishable as provided in section 1979-8 of the Code of the City.

Sec. 74-122. Monitoring facilities.

Industrial wastewater disposal connections, where pretreatment is required by the city to satisfactorily carry out its inspection and monitoring responsibilities, may be required to have a control manhole or equivalent with a city approved automatic flow proportional refrigerated sampler and flow measuring device with continuous recorder and totalizer. Such a facility will be required to enable observation, measurement and sampling of all waste discharged to the POTW. Such manhole, when required, shall be accessibly and safely located within the property being served and shall be constructed in accordance with plans approved by the Utilities Director. Such a facility shall be installed by the industrial user discharging to the POTW without cost to the city and shall be maintained by the user so as to be safe and accessible at all times. The city shall arrange for maintenance of the facility, collect the samples and be responsible for testing of samples. The city, in a manner to be prescribed, shall be reimbursed by the user for any expenses incurred in the above mentioned maintenance sampling, testing, and any other related expenses required to make the facility safe, accessible, and in proper operating condition.

Sec. 74-123. Responsibility.

(a) While performing the necessary work on private properties as indicated above, the Utilities Director or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company.

(b) The Utilities Director and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a fully negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sanitary sewer lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

Secs. 74-124—74-140 Reserved.

DIVISION 7. FEES, CHARGES

Sec. 74-141. Industrial waste surcharge elements.

An industrial waste surcharge may be assessed against any industry in the city service area whose wastewater characteristics exceed the following normal wastewater strengths:

ORGANIC SURCHARGE SCHEDULE

Surcharge

1. BOD5 in excess of 200 mg/l	\$0.50 per pound
2. TSS in excess of 200 mg/l	\$0.65 per pound
3. FOG in excess of 100 mg/l	\$2.50 per pound

4. All customers tested for surcharges shall pay all costs related to sampling and testing the waste as incurred by the city	
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At the discretion of the city and at such times when data has been compiled and established, additional or modified surcharge elements shall be imposed. Such surcharges shall be based upon the higher cost of treatment of the pollutant.

Sec. 74-142. Septic Tank Pumping Trucks.

(a) All persons owning vacuum or septic tank pump trucks or other liquid waste transport trucks are prohibited from any discharge, directly or indirectly, of wastewater into the POTW, unless they have first applied for and received approval from the Utilities Director. The Utilities Director shall designate the locations and times where such trucks may be discharged, and may refuse to accept any truckload of waste in the absolute discretion where it appears that the waste could interfere with the effective operation of the POTW.

(b) During incidents of a declared emergency, such as prior to, during or following a hurricane, all discharge wastes from such trucks shall be domestic waste and originate from within the city limits. This restriction shall apply until such time as deemed appropriate by the Utilities Director.

Sec. 74-143. Reserved.

Sec. 74-144. Special agreements or arrangements.

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the city and any customer whereby waste of unusual strength or character may be accepted by the city for treatment.

Secs. 74-145—74-160 Reserved.”

SECTION 2.

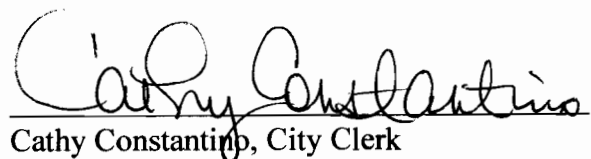
All laws and parts of laws in conflict with this article are hereby repealed, including the entirety of Chapter 74, Article II of the Code of Ordinances, City of Orange Beach, Alabama. Nothing herein is intended to repeal the sewer charge rates imposed by Resolution 09-135, adopted on December 15, 2009; and all rates shall continue in full force and effect until changed by the City Council pursuant to this article.

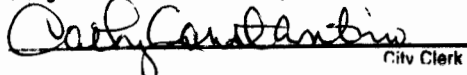
SECTION 3.

This ordinance shall become effective upon its adoption and publication as required by law.

APPROVED and ADOPTED this 21st day of August, 2012.

The City Clerk of the City of Orange Beach, Alabama hereby certifies that the foregoing ORDINANCE 2012-153 was posted _____ in three (3) public places, viz:
 Orange Beach City Hall _____
 Orange Beach Public Library _____
 Orange Beach Post Office _____


 Cathy Constantino, City Clerk


 City Clerk