

## TITLE 8 - MUNICIPAL UTILITIES

### Chapter 8.01 - General Provisions

### Chapter 8.02 - Water Provisions

### Chapter 8.03 - Sewer Provisions

### Chapter 8.04 - Stormwater Drainage

## CHAPTER 8.01- GENERAL PROVISIONS

- 8.0111 User Responsible for Operation and Maintenance of Water and Sewer Lines. Each occupied residence must have a usable City domestic water and sanitary sewer service. The City of Harrisburg shall be responsible for the maintenance and proper operation of the domestic water mains, sanitary sewer mains and domestic water service line from the main to the curb stop. Any domestic water service line past the curb stop or sanitary sewer service line from the sanitary sewer main to the structure, shall be the exclusive responsibility of the property owner. Owners at their own expense must keep and maintain their sanitary sewer service lines, from the point of connection at the main line, and all other equipment in good working order and properly protected from frost and other damage. Owners at their own expense must keep their domestic water service line from the point of connection at the curb stop to the structure in good working order and properly protected from frost and other damage. Thirty days after written notice from the City, if the repair has not been replaced, the City shall cause such repairs to be made and the cost of these repairs shall be assessed against the property. In the event that a property owner must excavate to repair a line, it shall be his sole responsibility to fill in such excavation to the satisfaction of the City. It shall be the responsibility of the City to replace the gravel base course and asphalt pavement displaced by such excavation at the cost of the property owner.
- 8.0112 City Not Liable for Damage. No claim shall be made against the City by reason of the breaking of any service pipe or equipment, or for any other damage that may result from shutting off water for repairing or any other purpose, or for any variation in pressure, or ram of water from mains, and no reduction will be made from regular rates because of leaking pipes or fixtures. The City shall not be liable for damage or injury to person or property whether caused by fire, interruption of service, downed lines, blackouts, brownouts, discontinuance of service, or other utility-related problems which shall arise from mechanical breakdowns, electricity supply reductions, and act of God, or other cause beyond the control of the City.
- 8.0113 Construction of Sewer and Water Connections. Whenever a property owner or developer shall deem it necessary to construct sewer and water service connections from the mains to the curb line on any street, highway, alley or public place, in advance of the permanent improvement of such street, highway, alley or public place, it shall be the duty of the owners of property fronting thereon to make such service connections at the cost of the property owner. If no mainline sanitary sewer or domestic waterlines exist in front of said property, it is and shall be the sole responsibility of the property owner to pay for all costs of extending said utilities. All costs associated with the extension and connection of utilities including but

not limited to surveying, engineering, road replacement, pipe materials, valves, and miscellaneous items will be the sole responsibility of the property owner.

- 8.0114 Written Notice for Owners. Whenever the City Council shall have ordered, by resolution, any such connections to be made, it shall serve written notice on the owners of said property, either by personal service or by certified mail, return receipt requested, or by posting on the property, to make said connections by a date fixed, which shall not be less than ten days after such notice is given, or to show cause in writing, filed with the City Finance Officer within said time, why such connections should not be made. At the expiration of the time fixed, the City Council shall consider all the objections so filed and if over-ruled, shall thereupon, by resolution, order the making of such connections as they shall deem necessary. Failure by any person to actually receive any document sent to him by certified mail or to sign and return any receipt card acknowledging receipt by certified mail shall not invalidate service made upon such person by certified mail. Such notice is deemed completed at the time it is mailed, hand delivered or posted, and any period to reply or abate begins to run from the date of mailing, personal service or posting.
- 8.0115 City Initiated Work and Assessment of Property Owners. When any such connections are ordered, as herein provided, the City Council shall cause the work to be done, and the cost thereof shall be collected from the owners of the property where such connections are made or assessed as a special tax against such property in the manner provided for assessing the cost of constructing sidewalks, so far as applicable.
- 8.0116 Providing Underground Utility Services When Frost Exists; Fee. When any utility customer of the City requests underground utility services for water or sewer and at the time of installation there is frost present, the City shall, in addition to the usual and customary charges established by the City Council for providing such services, charge the customer requesting such service the following:
- A. The hourly equipment rental rate, as established by resolution from time to time by the City Council, for the equipment necessary to install the utility service, for the number of hours necessary to operate such equipment in the installation of the utility service; and
  - B. The hourly rate, per man, for the labor necessary to install the utility service, as established by resolution from time to time by the City Council.

## **CHAPTER 8.02 - WATER PROVISIONS**

- 8.0201 Connection With City Watermain. No person shall make any connection with any City watermain or tap the same or conduct water therefrom upon his premises or use any water therefrom without first making application therefore to the City.
- 8.0202 City Prescribing Connections. All connections hereafter made with the City water mains shall be at the expense of the person desiring the same and shall be made under the supervision of the City. The City may prescribe the place where and the manner in which the connection shall be made, the size of the service pipe to be used, the place where the valve box and fire hydrant shall be placed and the manner and materials in which the plumbing shall be done.

- 8.0203 Meter Installation. All persons hereafter making application to be furnished with water shall be required to install a meter for the measurement of the amount of water used and shall pay for such water used at the rate hereinafter specified but two or more premises will not be supplied with water measured by the same meter unless one person is liable for the payment for the whole of such water furnished; such meter shall be so placed as to measure all water used. When a meter is placed on a pipe connected to a boiler or other hot water apparatus a check valve must be placed between such meter and boiler or other hot water apparatus to protect meter from back pressure of steam or hot water; in case of the breakage of any pipe or meter or if there be a leak in the same, the water shall be shut off until such breakage or leak is repaired.
- 8.0204 Meter Requirements. All meters shall be of the kind prescribed by the City and shall be placed as to be easily read and charged monthly.
- 8.0205 Meter Tests. Customers may have their meters tested upon payment of the actual cost for test. If the meter is found to be in error, the fee shall be refunded. If the test of the meter shows that it fails to register correctly within two percent, the City shall make a charge or allow a credit in proportion to the error, for all water registered in excess of the minimum amounts allowed by the established rates, the same to be retroactive for three billing periods only.
- 8.0206 Unnecessary Waste of Water. It shall be the responsibility of all consumers of water paying the rates mentioned to prevent unnecessary waste of water and to keep all water outlets closed when not in actual use; unpermissible uses; not to permit other persons or families to use water from any of their faucets, hydrants or pipes.
- 8.0207 Connection to Water Mains. It shall be unlawful for any person, firm or corporation to connect any water pipe or pipe of any kind to any of the water mains of the municipal water works system of the City of Harrisburg or to in any manner tamper with or bore into said water mains for any purpose whatever, except as hereinafter provided.
- 8.0208 Exceptions. The City may but need not allow connections to the water mains of said system upon application of any person desiring the same. Connections shall only be made on streets where water mains are located and in order to bring the water to the curb along said street in which said water mains are located and shall be at the expense of the applicant desiring connection. The City will review and approve plans and specifications for the utility extension. The applicant shall be responsible for all construction and engineering costs associated with the project.
- 8.0209 Standard Workmanship. The connections made to the City of Harrisburg water system shall be of standard workmanship of pipe and made according to the provisions of the ordinances of said City heretofore enacted as to size and quality of pipe, material and workmanship, including curb box and other attachments as approved by the City.
- 8.0210 Rain Sensors Required. Rain sensors shall be installed on all automatic irrigation systems installed after April 4, 2006 that receive water supplied by the City.
- 8.0211 Rain Sensor Installation and Setting. All rain sensors shall automatically shut off the irrigation system after one-fourth inch of rainfall has occurred. All rain sensors shall be installed according to the manufacturer's instructions in a location providing full exposure to rainfall to assure accurate operation. The sensors shall be maintained in good working

condition. No person shall, with the intent of circumventing the purpose of this section, adjust either the rain sensor or irrigation system so that the sensor cannot override and turn off the irrigation system after one-fourth inch of rain has fallen.

8.0212 Water Restrictions. The City may limit or prohibit temporarily the use of water from the distribution system for any purpose, except domestic purposes within the dwellings of consumers or in business establishments, during emergencies, in the event of plant breakdown, prolonged drought or shortage of water supply for any reason in order to maintain maximum fire protection efficiency. The Mayor shall authorize the imposition of these restrictions. The City will attempt to notify affected utility customers if time permits of any such limitation. Any person violating the terms of such prohibition or restriction after such notice shall upon conviction thereof be subject to the penalties provided in this ordinance (Section 12.0101). Water service to the premises involved may be discontinued entirely during emergency.

8.0213 Water Permits for Newly Sodded or Seeded Lawns. The City of Harrisburg may issue a thirty (30 day ) lawn watering permit for newly seeded or sodded lawns for a permit fee of \$25.00 payable by the applicant. Only the sod or seeded area may be watered. No watering is allowed between the hours of 10:00 a.m. and 5:00 p.m. After the expiration date of the watering permit, the water level alert that is in effect for the City applies to all subsequent watering.

8.0214 Returned Check Policy. Returned check fees may be established by resolution by the Harrisburg City Council. In addition to any fees, after two returned checks, the customer shall pay all current and future payments by cash or money order for a period of no less than twelve (12) months.

8.0215 Water Conservation Measures Established. For the purposes of regulating and conserving the use of water the following measures are established and shall be enforced.

A. Water Alert Levels. The Mayor shall authorize the imposition of these restrictions. The Finance Officer shall notify municipal system users of the Mayor’s determination by publishing notice in the official newspaper and on the City’s Website. The day and time for sprinkling, watering or irrigating yards and grass by any method may be regulated or prohibited as follows:

1. **Level 1** – Consumers with an odd-numbered address shall water lawns when necessary only on odd-numbered days, and those with even- numbered addresses shall water lawns only on even-numbered days. Lawns shall not be watered between the hours of 10:00 a.m. and 5:00 p.m.
2. **Level 2** –Lawn watering restricted to two days per week watering schedule using the last digit of the address to determine status. Water use shall occur before 10:00 a.m. or after 5:00 p.m. No watering is permitted other than pursuant to the following chart:

Address ending in:	Day watering may occur:
0,3,6	Monday
1,4,7	Tuesday
2,5,8,9	Wednesday
0,3,6	Thursday

1,4,7	Friday
2,5,8,9	Saturday
No Watering Allowed	Sunday

3. **Level 3** – Water use restricted to one day per week watering schedule using the last digit of the address to determine status. Water use shall occur before 10:00 a.m. or after 5:00 p.m. No watering is permitted other than pursuant to the following chart:

Address ending in:	Day watering may occur:
0 or 1	Monday
2 or 3	Tuesday
4 or 5	Wednesday
6 or 7	Thursday
8 or 9	Friday

4. **Level 4** - No watering permitted.
- B. **Violation of Water Conservation Measure.** Use of municipal water contrary to and in violation of this Section shall be deemed prohibited and any individual found in violation shall be subject to a fine of \$125.00. The individual found in violation of this Section may, within three business days of the time when the notice of violation was given, pay to the office of the Finance Officer, as fine for and in full satisfaction of the violation, the sum of \$125.00. If the individual fails to pay the sum within the three business day period, he or she may pay to the office of the City Finance Officer, within the next fourteen business days from the date of violation, as a fine for and in full satisfaction of the violation, the sum of \$150.00. Upon failure of the individual to pay either of the sums to the office of the Finance Officer within the time periods indicated, and upon conviction of a violation of this Section, the owner or operator shall be fined not less than \$200.00 plus court costs, which fine shall be collected by the Magistrate Court. The individual also has the right to contest the charges or plead “not guilty” within the time periods indicated above, and have the matter transferred to Magistrate Court. The penalties in this Section may be adjusted by resolution of the City Council.

## CHAPTER 8.03 - SEWER PROVISIONS

8.0301 **Administration.** Except as herein provided, the City Council shall be charged with the administration of this Chapter and shall be in full charge and control of the publicly owned treatment works.

8.0302 **Definitions.** 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 USC 1251 et seq.

*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 employing more than 250 persons or having gross annual sales or expenditures exceeding 25 million dollars (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- (3) 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 their designee.

The individuals described in paragraphs (1) through (3) 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 City.

*Biochemical oxygen demand (BOD)* means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in milligrams per liter.

*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 4 feet outside the inner face of the building wall.

*Building sewer* means the extension from the building drain to the public sewer or other place of disposal; also called house connection.

*Categorical standards* means any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with Section 307(b) and (c) of the Act which apply to a specific category of industrial users and which appear in 40 CFR 405-471.

*City engineer* means the City Engineer or his authorized deputy, agent or representative.

*Composite sample* means a sample composited from an appropriate number of discrete samples collected over the designated monitoring period greater than 15 minutes. The sample may be flow-proportional or time-proportional composite as long as the sample has a minimum of four grab samples and represents the average quality of wastewater discharged.

*Daily maximum* is a limit indicating the maximum allowable discharge of a pollutant, monitored by a composite sampling, during a 24-hour period that corresponds to the designated monitoring period.

*DENR* means the South Dakota Department of Environment and Natural Resources.

*Domestic only commercial user* means a business or commercial establishment whose only uses of water are for sanitary, culinary, drinking, washing, bathing, and other domestic purposes.

*Easement* means an acquired legal right for the specific use of land owned by others.

*Existing source* means any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, that will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

*Floatable oil* means oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

*Garbage* means the animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.

*Grab sample* means a discrete sample collected or measured from a wastewater stream over a period of time not to exceed 15 minutes.

*Hazardous waste* means waste from generators containing materials or exhibiting specific properties identified in 40 CFR 261.

*Incompatible waste* means all waste other than those identified as hazardous wastes that interfere with, pass through, or are incompatible with the City wastewater treatment facility.

*Indirect discharge* means introduction of pollutants to a POTW from any nondomestic source.

*Industrial user* or *user* means a source of indirect discharge.

*Industrial waste* means the wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.

*Instantaneous maximum* is a limit indicating the maximum concentration of a pollutant, monitored by a grab sample, allowed to be discharged at any specific time.

*Interference* means a discharge that alone or in conjunction with a discharge or discharges from other sources:

- (1) Inhibits or disrupts the POTW, its treatment process or operations or its sludge processes, use or disposal; and

- (2) Therefore is a cause of a violation of the City's NPDES permit including an increase in the magnitude or duration of a violation or of the prevention of sewage sludge use or disposal in compliance with regulatory provisions or permits.

*Liquid waste* means all nonhazardous wastes that are mostly water containing no more than 25 percent treatable contaminants not directly discharged to the sanitary sewer system.

*Liquid waste disposal coupon* means a document identifying the source, contents, and conditions for disposal of a liquid waste.

*Liquid waste generator (LWG)* means any person, corporation, residence, commercial establishment, industry, or institution that produces a liquid waste which is not directly discharged and hauled to the sanitary sewer collection system.

*LWG permit* means an industrial wastewater discharge permit issued to a LWG for the discharge of hauled industrial liquid waste.

*Liquid waste hauler* means any person, corporation, commercial establishment, industry, or institution that engages in the activity of transporting liquid waste from a source or generator to a point of final disposal.

*Medical waste* means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical waste, potentially contaminated laboratory waste, and dialysis waste.

*Natural outlet* means any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface water or groundwater.

*New source* means:

- (1) Any building, structure, facility or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that Section, provided that:
  - a. The building, structure, facility, or installation is constructed at a site at which no other source is located;
  - b. The building, structures, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
  - c. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

- (2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of paragraph (1) b. or c. above, but otherwise alters, replaces or adds to existing process or production equipment.
- (3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
  - a. Begun, or caused to begin, as part of a continuous on-site construction program:
    - (i) Any placement, assembly, or installation of facilities or equipment; or
    - (ii) Significant site preparation work including clearing, excavation or removal of existing buildings, structures, or facilities that is necessary for the placement, assembly, or installation of new source facilities or equipment.
  - b. Entered into a binding contractual obligation for the purchase of facilities or equipment that are intended to be used in its operation within a reasonable time. Options to purchase or contracts that can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies, do not constitute a contractual obligation under this paragraph.

*Noncontact cooling water* means water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

*Pass-through* means a discharge that exits in the POTW into waters of the U.S. in quantities or concentrations which, alone or in conjunction with a discharge from other sources, is a cause of a violation of any requirement of the City's NPDES permit, including an increase in the magnitude or duration of a violation.

*Permit* means an industrial wastewater discharge permit issued to industrial users for the discharge of nondomestic wastes into the sanitary sewer collection system.

*pH* means the negative logarithm of the hydrogen ion concentration. The concentration is the weight of hydrogen ions in grams per liter of solution. Neutral water, for example, has a pH value of seven and a hydrogen ion concentration of ten to the minus seven power.

*Pollutant* means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., flow pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

*POTW (publicly owned treatment works)* means any wastewater treatment plant owned and operated by the City including all devices and systems used in the collection, storage, treatment, recycling and reclamation of wastewater or industrial wastes and any conveyances that transport wastewater to the plant.

*Pretreatment* means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW.

*Pretreatment standards or standards* mean prohibited discharge standards, categorical pretreatment standards, and local limits.

*Prohibited discharge standards* means absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 8.0314.

*Properly shredded garbage* means the wastes from the preparation, cooking, and dispensing of food that have 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 1/2 inch (1.27 centimeters) in any dimension.

*Public sewer* means a common sewer controlled by a governmental agency or public utility.

*Sanitary sewer* means a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of groundwater, storm water, and surface water that are not admitted intentionally.

*Sewage* means the spent water of a community. The preferred term is wastewater.

*Sewer* means a pipe or conduit that carries wastewater or drainage water.

*Significant industrial user* means:

- (1) Industrial users subject to categorical standards; or
- (2) Industrial users that:
  - a. Discharge an average of 25,000 gallons per day or more of process wastewater;
  - b. Contribute a process wastewater that makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the wastewater treatment plant; or
  - c. Are designated as significant by the City on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
- (3) Upon a finding that a user meeting the criteria in subsection (2) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the City 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.

*Significant noncompliance* means the same as the definition of "significant noncompliance" under Section 41-128.

*Slug or slug load* means any substance released in a discharge at a flow rate and/or concentration that will adversely affect the wastewater treatment plant or hydraulically overloads the sanitary sewer collection system. This includes, but is not limited to, accidental spills and batch discharges.

*Standard Industrial Classification (SIC)* means the classification pursuant to the latest revision of the Standard Industrial Classification Manual published by the office of management and budget.

*Storm drain*, sometimes termed *storm sewer*, means a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

*Total Kjeldahl Nitrogen (TKN)* means nitrogen in the form of organic proteins or their decomposition product ammonia, as measured by the Kjeldahl method.

*Total Suspended Solids (TSS)* means total suspended matter that either floats on the surface of or is in suspension in water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in Standard Methods for the Examination of Water and Wastewater.

*Toxic pollutant* means one of the 126 pollutants, or combinations of those pollutants, listed as toxic in regulations promulgated by the U.S. EPA under the provisions of Section 307 of the Act.

*Unpolluted water* means water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge into the sanitary sewers and wastewater treatment facilities provided.

*U.S. EPA* means United States Environmental Protection Agency (EPA).

*User or industrial user* means a source of indirect discharge.

*Wastewater* means the spent water of a community. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, that are contributed to the POTW.

*Wastewater treatment plant* means an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge.

*Watercourse* means a natural or artificial channel for the passage of water either continuously or intermittently.

#### 8.0303 Use of Public Sewers Required.

- A. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage or other objectionable waste.
- B. It shall be unlawful to discharge to any natural outlet within the City or in any area under the jurisdiction of the City any sewage or other polluted waters, except where

suitable treatment has been provided in accordance with this Chapter, or permitted by DENR or EPA.

- C. It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater.
- D. Whenever a municipal sanitary sewer is constructed within two hundred 200 feet of the property line of any premises, the City Council shall notify the owner of any building used for human occupancy, employment, recreation or similar uses on such premises of said fact and direct him or her to install toilet facilities thereon and to connect such facilities with the municipal sewer in accordance with this Chapter and the owner shall comply with said order within ninety (90) days after date of receipt of such notice.

8.0304 Reserved. (Intentionally Omitted Sec. 41-112 of the Revised Ordinances of the City of Sioux Falls)

8.0305 Administrative Procedures. Administrative procedures for enforcement of Sections 8.0303 for existing and annexed property shall be established by resolution by the City Council.

8.0306 Sanitary Sewers, Building Sewers and Connections.

- A. No authorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a building permit and, if necessary, a permit for work within the right- of-way per Chapter 3 of the Engineering Design Standards.
- B. For service to establishments producing industrial wastes, a sewer permit must be requested.

The permit application shall be supplemented by any plans, specifications or other information considered pertinent by the City engineer. A permit and inspection fee established by ordinance and shall be paid to the City when the application is filed.

- C. All costs in an expense incidental 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 directly or indirectly be occasioned by the installation of the building sewer. The owner shall be responsible for the maintenance of the building drain and the building sewer.
- D. A separate and independent four-inch diameter sewer service shall be provided for every living unit where a separate ownership or billing is anticipated, and in units where separate water services are required, and for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. In lieu of a separate four-inch diameter sewer service for every living unit, a single building sewer of a size to be determined by the City Engineer but in no event less than six-inch diameter, may be provided. The City does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection.

- E. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the City Engineer, to meet all requirements of this Chapter.
  - F. The size, slope, alignment, materials or construction of all sanitary sewers including building sewers, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing codes and other applicable specifications or requirements of the City. In the absence of suitable code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.
  - G. 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, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer at the owner's expense.
  - H. No person shall make connection of roof downspouts, 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 unless such connection is specifically authorized by the City Engineer or Superintendent.
  - I. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing codes and other applicable specifications and requirements of the City, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the City Engineer before installation.
  - J. The building permit applicant shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Superintendent or their representative.
  - K. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.
- 8.0307 Reserved. (Intentionally Omitted Sec. 41-113.1 of the Revised Ordinances of the City of Sioux Falls)
- 8.0308 Reserved. (Intentionally Omitted Sec. 41-113.2 of the Revised Ordinances of the City of Sioux Falls)
- 8.0309 Resolution and Notice to Owners to Construct Sewer Connections.
- A. Whenever the City shall deem it necessary to construct sewer service connections from the trunk or service sewers to the curblin in the streets or alleys, a resolution shall be

passed by the City Council requiring the property owners whose property has not been connected with the trunk or service sewers to construct such connecting sewers from the trunk or service sewers to the curblin in the streets or alleys within the time specified not less than 30 days from the passage of the resolution.

- B. The resolution shall contain a notice to the owners stating what work is to be done and the time within which they are required to do it. Such notice may be general as to the owners but must be specified as to the descriptions of the lots or parcels of ground in front of which such sewer connections are to be constructed.

8.0310 Special Assessment for Sewer Connections.

- A. If such sewer connections are not built, laid and constructed in the manner and within the time prescribed in the resolution described in Section 8.0309, the City Council may order the construction to be done by such person as they may contract with and under the direction of the City Engineer at the expense of the lots and parcels of land adjoining in front of and for the benefit of which the sewer connections have been laid, built and constructed. Such expense shall be assessed upon such lots and parcels of land so chargeable by the City Engineer and returned by him to the City Council.
- B. The Finance Officer shall cause to be published the estimate of the City Engineer, together with a notice of the time and place when the City Council will meet to approve the construction, by one publication in the official newspaper at least one week prior to the meeting of the City Council to approve the construction.
- C. Payments therefore shall be due and payable from and after the filing of the assessment roll with the Finance Officer and shall be collected in the same manner as other special assessments are now collected as provided by law.
- D. All steps taken for the charge of the property affected and the collecting of such assessment and the selling of such property in default of payment of such assessment shall be done and performed in the same manner as other special assessments for local improvements are now collected by the City.

8.0311 Regulation of Use of Public Sewers.

- A. No person shall discharge or cause to be discharged any unpolluted waters such as storm water, surface water, ground water, roof runoff, subsurface drainage or cooling water to any sanitary sewer, unless specifically authorized by the City Engineer.
- B. Storm water other than that exempted under subsection (a) of this section and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, to the street or to a natural outlet approved by the City Engineer. Unpolluted industrial cooling water or process water may be discharged, on approval of the City Engineer, to a storm sewer or natural outlet. Groundwater collected by building subdrains must discharge to the ground surface outside of the building, a storm drain, a sump pump collection system, or a natural outlet. Except for residences constructed before 2005, no sump pump discharge to the ground surface shall create a hazard or a nuisance, including but not limited to: ice accumulation on City streets, alleys, and sidewalks; damaging a City street or sidewalk; creating ponds of standing water or algae; or flowing over adjoining property. If a storm drain or sump pump collection system exists or is constructed adjacent to the property, the property owner

shall be charged a permit fee and connect the sump pump or building subdrains to the storm sewer system.

- C. A sump pump collection system fee shall be paid whenever a connection is made to an existing collection system not constructed by the developer of the lot connecting to the system.

8.0312 Grease, Oil and Sand Traps. Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, or oil, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal, which are subject to review by the Superintendent. Any removal and hauling of the collected materials not performed by the owner's personnel must be performed by a currently licensed liquid waste hauler.

8.0313 Protection of Property. No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the POTW. Any person violating this section shall be subject to immediate arrest under charge of disorderly conduct.

8.0314 Prohibited Discharge Standards.

- A. General prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state or local pretreatment standards or requirements.
- B. Specific prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
  1. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flash point of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;
  2. Wastewater having a pH less than 5.0 or more than 12, or otherwise causing corrosive structural damage to the POTW or equipment;
  3. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference;
  4. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
  5. Wastewater having a temperature which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes

the temperature at the introduction into the treatment plant to exceed 104°F (40°C);

6. Petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin, in amounts that will cause interference or pass through;
  7. Pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
  8. Trucked or hauled pollutants, except at discharge points designated by the Superintendent;
  9. Noxious or malodorous liquids, gases, solids or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
  10. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent;
  11. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations;
  12. Sludges, screenings or other residues from the pretreatment of industrial wastes, except as specifically authorized by the Superintendent;
  13. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test; or
  14. Fats, oils or greases of animal or vegetable origin in amounts which will cause obstruction of the flow in sanitary sewers.
  15. Light water foaming agents in quantities which would cause foaming problems in the POTW.
- C. Pollutants, substances or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

8.0315 National Categorical Pretreatment Standards. The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405471 are hereby incorporated.

- A. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Superintendent may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
- B. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Superintendent shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).

- C. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
- D. A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

8.0316 South Dakota pretreatment standards found at Section 74:52:11 of the Administrative Rules of South Dakota are hereby incorporated.

8.0317 Local Limits.

- A. The following pollutant limits are established in order to protect publicly owned treatment works (POTW), receiving water quality, worker health and safety, and improve opportunities for beneficial use of biosolids from non-domestic discharges.

Pollutant	Daily Maximum (mg/L)	Instantaneous Maximum (mg/L)
(1) Arsenic	0.19	0.38
(2) Cadmium	0.024	0.048
(3) Copper	2.79	5.58
(4) Lead	1.06	2.12
(5) Nickel	1.52	3.04
(6) Selenium	0.19	0.38
(7) Silver	3.04	6.08
(8) Zinc	11.57	23.14

- B. The following pollutant limits are established in order to protect publicly owned treatment works (POTW), receiving water quality, worker health and safety, and improve opportunities for beneficial use of biosolids from nondomestic discharges. The following pollutant shall be imposed on significant industries of concern by their wastewater discharge permits. The mass allocation shall be imposed on significant industries of concern by their wastewater permits.

Pollutant	Maximum Allowable Industrial Loading (MAIL)	Unit of Measure	Unit of Limit
(1) BOD	20,692	lbs/day	30-day average
(2) TSS	15,095	lbs/day	30-day average
(3) TKN	3,527	lbs/day	30-day average
(4) Molybdenum	6.17	lbs/day	Daily

- C. The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations and limits for metallic substances are for "total" metal unless

indicated otherwise. The manager may impose industry specific mass limitations in addition to, or in place of the concentration-based limitations above. The manager may also develop site specific permit limits for pollutants that are specific to an industrial user or user group.

- D. Liquid waste generators (LWG) in compliance with a valid LWG permit are exempt from the local limits listed in Section 8.0317(A).
  - E. Liquid waste haulers in compliance with the revised ordinances and the liquid waste control program rules are exempt from local limits in Section 8.0317(A) when servicing LWGs that are exempted in accordance with Section 8.0317(D).
- 8.0318 Right of Revision. The City reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.
- 8.0319 Dilution. 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 a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Superintendent may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.
- 8.0320 Pretreatment Facilities. Users shall provide wastewater treatment as necessary to comply with this Chapter and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Section 8.0314 within the time limitations specified by EPA, the state, or the Superintendent, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Superintendent for review, and shall be acceptable to the Superintendent and City Engineer before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under the provisions of this Chapter.
- 8.0321 Additional Pretreatment Measures.
- A. Whenever deemed necessary, the Superintendent may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this Chapter.
  - B. The Superintendent may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
  - C. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

- 8.0322 Wastewater Analysis. When requested by the Superintendent, a user must submit information on the nature and characteristics of its wastewater within a time period specified by the Superintendent. The Superintendent is authorized to prepare a form for this purpose and may periodically require users to update this information.
- 8.0323 Accidental Discharge/Slug Control Plans. At least once every two years, the Superintendent shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The Superintendent may require any user to develop, submit for approval, and implement such a plan. Alternatively, the Superintendent may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:
- A. Description of discharge practices, including nonroutine batch discharges;
  - B. Description of stored chemicals;
  - C. Procedures for immediately notifying the Superintendent of any accidental or slug discharge, as required by Section 8.0345; and
  - D. 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.
- 8.0324 Wastewater Discharge Permit Requirement.
- A. No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Superintendent, except that a significant industrial user that has filed a timely application pursuant to Section 8.0325 may continue to discharge for the time period specified therein.
  - B. The Superintendent may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this Chapter.
  - C. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in sections of this Chapter. 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.
- 8.0325 Wastewater Discharge Permitting: Existing Connections. Any nonpermitted user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within 60 days after notification by the Superintendent, apply to the Superintendent for a wastewater discharge permit in accordance with Section 8.0327, and shall not cause or allow discharges to the POTW to continue after 180 days of the notification date of the Superintendent except in accordance with a wastewater discharge permit issued by the Superintendent.

8.0326 Wastewater Discharge Permitting: New Connections. Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with Section 8.0327, must be filed at least 90 days prior to the date upon which any discharge will begin or recommence.

8.0327 Wastewater Discharge Permit Application Contents.

A. All users required to obtain a wastewater discharge permit must submit a complete and accurate permit application. The Superintendent may require all users to submit as part of an application the following information:

1. All information required by Section 8.0340(B);
2. Description of activities, facilities and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
3. Number and type of employees, hours of operation and proposed or actual hours of operation;
4. Each product produced by type, amount, process or processes, and rate of production;
5. Type and amount of raw materials processed (average and maximum per day);
6. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains and appurtenances by size, location and elevation, and all points of discharge;
7. Time and duration of discharges; and
8. Any other information as may be deemed necessary by the Superintendent to evaluate the wastewater discharge permit application.

B. Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

8.0328 Application Signatories and Certification. 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."

8.0329 Wastewater Discharge Permit Decisions. The Superintendent will evaluate the data furnished by the user and may require additional information. After receipt of a complete wastewater discharge permit application, the Superintendent will determine whether or not to issue a wastewater discharge permit. The Superintendent may deny any application for a wastewater discharge permit.

8.0330 Wastewater Discharge Permit Duration. A wastewater discharge permit shall be issued for a specified time period, not to exceed five years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five years, at the discretion of the Superintendent. Each wastewater discharge permit will indicate a specific date upon which it will expire.

8.0331 Wastewater Discharge Permit Contents. A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Superintendent 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 POTW.

A. Wastewater discharge permits must contain:

1. A statement that indicates wastewater discharge permit duration, which in no event shall exceed five years;
2. A statement that the wastewater discharge permit is nontransferable without prior notification to the Superintendent in accordance with Section 8.0337;
3. Effluent limits based on applicable pretreatment standards;
4. Self-monitoring, sampling, reporting, notification 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; and
5. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state or local law.

B. Wastewater discharge permits 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 nonroutine discharges;

4. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
5. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
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; and
8. Other conditions as deemed appropriate by the Superintendent to ensure compliance with this ordinance, and state and federal laws, rules and regulations.

8.0332 Wastewater Discharge Permit Appeals. The Superintendent shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the Superintendent to reconsider the terms of a wastewater discharge permit within 30 days of notice of its issuance.

- A. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- B. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
- C. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
- D. If the Superintendent fails to act within 30 days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.
- E. The final administrative wastewater discharge permit decision is subject to judicial review as provided by law.

8.0333 Wastewater Discharge Permit Modification. The Superintendent may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- A. To incorporate any new or revised federal, state or local pretreatment standards or requirements;
- B. To address significant alterations or additions to the user's operation, processes or wastewater volume or character since the time of wastewater discharge permit issuance;

- C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
  - D. Information indicating that the permitted discharge poses a threat to the City's POTW, City personnel or the receiving waters;
  - E. Violation of any terms or conditions of the wastewater discharge permit;
  - F. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
  - G. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
  - H. To correct typographical or other errors in the wastewater discharge permit.
- 8.0334 Wastewater Discharge Permit Revocation or Termination.
- A. The Superintendent may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:
    1. Failure to notify the Superintendent of significant changes to the wastewater prior to the changed discharge;
    2. Failure to provide prior notification to the Superintendent of changed conditions pursuant to Section 8.0344;
    3. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
    4. Falsifying self-monitoring reports;
    5. Tampering with monitoring equipment;
    6. Refusing to allow the Superintendent timely access to the facility premises and records;
    7. Failure to meet effluent limitations;
    8. Failure to pay fines;
    9. Failure to pay sewer charges;
    10. Failure to meet compliance schedules;
    11. Failure to complete a wastewater survey or the wastewater discharge permit application;
    12. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or

13. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this Chapter.

B. Wastewater discharge permits shall be terminated upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user terminate upon the issuance of a new wastewater discharge permit to that user.

8.0335 Wastewater Discharge Permit Reissuance. A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete and accurate permit application, in accordance with Section 8.0327, a minimum of 90 days prior to the expiration of the user's existing wastewater discharge permit.

8.0336 Continue Permits Beyond Expiration Date. The Superintendent may extend the permit beyond its expiration date where permittee has complied with Section 8.0335 but, through no fault on the part of the industrial user, is not reissued a permit at time of expiration.

8.0337 Wastewater Discharge Permit Transfer. Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least 30 days advance notice to the Superintendent and the Superintendent approves the wastewater discharge permit transfer. The notice to the Superintendent must include an authorized representative designation form and a written certification by the authorized representative which:

- A. States that the new company has no immediate intent to change facility's operations and processes;
- B. Identifies the specific date on which the transfer is to occur; and
- C. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to provide advanced notice of a transfer terminates the wastewater discharge permit as of the date of facility transfer.

8.0338 Regulation of Waste Received From Other Jurisdictions.

- A. If another municipality, sanitary district or user located within another municipality, contributes wastewater to the POTW, the Superintendent shall enter into a multi-jurisdictional agreement with the contributing jurisdiction.
- B. Prior to entering into an agreement required by Subsection (A), the Superintendent shall request the following information from the contributing jurisdiction:
  - 1. A description of the quality and volume of wastewater discharged to the POTW by the contributing jurisdiction;
  - 2. An inventory of all users located within the contributing jurisdiction that are discharging to the POTW; and
  - 3. Such other information as the Superintendent may deem necessary.

- C. A multi-jurisdictional agreement, as required by subsection (a), shall contain the following conditions:
1. A requirement for the contributing jurisdiction to adopt or adopt by reference a sewer use ordinance which is at least as stringent as this Chapter and local limits which are at least as stringent as those set out in Section 8.0317. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the City's ordinance or local limits;
  2. A requirement for the contributing jurisdiction to submit a revised user inventory on at least an annual basis;
  3. A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing jurisdiction; which of these activities will be conducted by the Superintendent; and which of these activities will be conducted jointly by the contributing jurisdiction and the manager;
  4. A requirement for the contributing jurisdiction to provide the Superintendent with access to all information that the contributing jurisdiction obtains as part of its pretreatment activities;
  5. Limits on the nature, quality and volume of the contributing jurisdiction's wastewater at the designated monitoring point before it discharges to the POTW;
  6. Requirements for monitoring the contributing jurisdiction's discharge;
  7. A provision ensuring the Superintendent access to the facilities of users located within the contributing jurisdictional boundaries for the purpose of inspection, sampling and any other duties deemed necessary by the Superintendent; and
  8. A provision specifying remedies available for breach of the terms of the multi-jurisdictional agreement.

8.0339 Hauled Wastewater.

- A. No person, corporation, residence, commercial establishment, industry or institution shall engage in the practice of pumping, hauling or disposing of liquid waste in the City, unless a current license issued by the City is held to engage in such practice. An application for a liquid waste hauler's license shall be submitted to and approved by the Superintendent. Any license issued pursuant to the provision of this Chapter is subject to the following conditions:
1. The license shall expire on December 31 following its date of issuance.
  2. The license shall be nontransferable.
  3. The licensee shall furnish proof of:
    - a. Automobile liability insurance covering all owned, non-owned, and hired automobiles, trucks, and trailers. Such insurance shall provide coverage at least as broad as that found in the standard comprehensive automobile

liability policy with limits of not less than \$1,000,000.00 combined single limit each occurrence.

- b. Commercial general liability insurance providing coverage not less than that of the standard commercial general liability insurance policy for operations of the licensee. The policy shall include contractual personal injury, bodily injury, and property damage liability coverages not less than \$2,000,000.00 general aggregate.
  - c. Workers' compensation insurance with statutory limits of the workers' compensation laws of the State of South Dakota and Coverage B, employer's liability, covering operation of the licensee. This shall include "Other States Insurance" so as to include all states not named on the declarations page of the insurance policy, but excepting monopolistic state funds states. The available limits for Coverage B, employer's liability shall not be less than \$1,000,000.00 each accident, \$1,000,000.00 disease--policy limits.
- 4. All liquid waste haulers shall be bonded in an amount of at least \$25,000.00, indemnifying the public against damages sustained by reason of any spill, dumping, or discharge of any liquid waste, hazardous waste, or incompatible waste within the jurisdictional limits of the City. Proof of bonding shall be filed with the Superintendent prior to issuance of a license.
  - 5. The license is subject to denial or revocation for violation by the licensee of any applicable provision of this Code, state law or City rule or regulation.
  - 6. The license required by this section for liquid waste haulers shall not apply to vehicles owned by the City engaged in work as authorized by the Superintendent or his authorized representative.
- B. At the time of collection, all liquid waste generators shall supply the liquid waste hauler with a completed liquid waste disposal coupon accurately identifying the contents of the liquid waste. The Superintendent may require site specific liquid wastes to be hauled separately by liquid waste haulers. At the time of disposal, the liquid waste hauler must supply the City with a complete and accurate liquid waste disposal coupon. Unauthorized dumping or discharge is prohibited as follows:
- 1. The unauthorized dumping or discharge of liquid waste into the sanitary sewer system of the City, other than at a disposal station designated by the Superintendent, is prohibited.
  - 2. The dumping or discharge of hazardous wastes or incompatible wastes into the sanitary sewer system of the City is prohibited.
  - 3. Intentionally providing false or inaccurate information on the liquid waste disposal coupon required in this section is prohibited.

8.0340 Baseline Monitoring Reports.

- A. Within either 180 days after 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 POTW shall submit to the Superintendent 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 Superintendent 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 operation(s). A brief description of the nature, average rate of production and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
  4. Flow measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW 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 categorical pretreatment standards applicable to each regulated process.
    - b. The results of sampling and analysis identifying the nature and concentration and/or mass, where required by the standard or by the Superintendent, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long- term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 8.0349.
    - c. Sampling must be performed in accordance with procedures set out in Section 8.0350.
  6. Certification. A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.
  7. Compliance schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this

schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 8.0341.

8. Signature and certification. All baseline monitoring reports must be signed and certified in accordance with Section 8.0328.

8.0341 Compliance Schedule Progress Reports. The following conditions shall apply to the compliance schedule required by Section 8.0340(B)(7):

- A. The schedule shall contain progress increments 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 (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- B. No increment referred to above shall exceed nine months;
- C. The user shall submit a progress report to the Superintendent no later than 14 days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
- D. In no event shall more than nine months elapse between such progress reports to the Superintendent.

8.0342 Reports On Compliance With Categorical Pretreatment Standard Deadline. Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Superintendent a report containing the information described in Section 8.0340(B)(4-6). For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 8.0328.

8.0343 Periodic Compliance Reports.

- A. All significant industrial users shall, at a frequency determined by the Superintendent but in no case less than twice per year (in July and January), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with Section 8.0328.

- B. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
- C. If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Superintendent, using the procedures prescribed in Section 8.0350, the results of this monitoring shall be included in the report.

8.0344 Reports of Changed Conditions. Each user must notify the Superintendent of any planned significant changes to the user's operations or system which might alter the nature, quality or volume of its wastewater at least 30 days before the change.

- A. The Superintendent may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 8.0327.
- B. The Superintendent may issue a wastewater discharge permit under Section 8.0329 or modify an existing wastewater discharge permit under Section 8.0333 in response to changed conditions or anticipated changed conditions.
- C. For the purposes of this requirement, significant changes include, but are not limited to, flow increases of 20 percent or greater, and the discharge of any previously unreported pollutants.

8.0345 Reports of Potential Problems.

- A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the Superintendent of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.
- B. Within five days following such discharge, the user shall, unless waived by the Superintendent submit a detailed written report describing the cause(s) 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, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties or other liability which may be imposed pursuant to this Chapter.
- C. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in subsection (A). Employers shall ensure that all employees who may cause such a discharge to occur are advised of the emergency notification procedure.

8.0346 Reports from Unpermitted Users. All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Superintendent as the Superintendent may require.

8.0347 Notice of Violations; Repeat Sampling and Reporting. If sampling performed by a user indicates a violation, the user must notify the Superintendent within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Superintendent within 30 days after becoming aware of the violation. The user is not required to resample if the Superintendent monitors at the user's facility at least once a month, or if the Superintendent samples between the user's initial sampling and when the user receives the results of this sampling.

8.0348 Notice of the Discharge of Hazardous Waste.

- A. Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA regional waste management division director, and state hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch or other). If the user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months. All notifications must take place no later than 180 days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 8.0344. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of Sections 8.0340, 8.0342 and 8.0343.
- B. Dischargers are exempt from the requirements of subsection (a), during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than 15 kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.
- C. In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the Superintendent, the EPA regional waste management waste division director, and state hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.
- D. In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

- E. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Chapter, a permit issued thereunder, or any applicable federal or state law.

8.0349 Analytical Requirements. All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.

8.0350 Sample Collection.

- A. Except as indicated in subsection (b) below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Superintendent may authorize the use of time proportional sampling or a minimum of four grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
- B. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides and volatile organic compounds must be obtained using grab collection techniques.

8.0351 Timing. Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

8.0352 Record Keeping. Users subject to the reporting requirements of this Chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Chapter and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. 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. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the user or the City, or where the user has been specifically notified of a longer retention period by the Superintendent.

8.0353 Right of Entry; Inspection and Sampling. The Superintendent shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this ordinance and any wastewater discharge permit or order issued hereunder. Users shall allow the Superintendent ready access to all parts of the premises for the purposes of inspection, sampling records examination and copying, and the performance of any additional duties.

- A. Where a user has security measures in force which require 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, the Superintendent will be permitted to enter without delay for the purposes of performing specific responsibilities.

- B. The Superintendent shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.
- C. The manager may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated at least annually or as needed to ensure and maintain their accuracy.
- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Superintendent and shall not be replaced. The costs of clearing such access shall be borne by the user.
- E. Unreasonable delays in allowing the Superintendent access to the user's premises shall be a violation of this Chapter.

8.0354 Search Warrants. If the Superintendent has been refused access to a building, structure or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this Chapter or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Superintendent may seek issuance of a search warrant from the circuit court.

8.0355 Confidential Information. Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits and monitoring programs, and from the Superintendent's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Superintendent, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable state law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, 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.

8.0356 Publication of Users in Significant Noncompliance. The Superintendent shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the users which, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

- A. Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of wastewater measurements taken during a six- month period exceed

the daily maximum limit or average limit for the same pollutant parameter by any amount;

- B. Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- C. Any other discharge violation that the Superintendent believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;
- D. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Superintendent's exercise of its emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within 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;
- F. Failure to provide within 30 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;
- G. Failure to accurately report noncompliance; or
- H. Any other violation(s) which the Superintendent determines will adversely affect the operation or implementation of the local pretreatment program.

8.0357 Notification of Violation. When the Superintendent finds that a user has violated, or continues to violate, any provision of this Chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent may serve upon that user a written notice of violation. Within 14 days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Superintendent. The Superintendent may waive the written reporting requirement for isolated, minor violations where the user has complied with the notification requirements in Section 8.0347. 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. Nothing in this section shall limit the authority of the Superintendent to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

8.0358 Consent Orders. The Superintendent 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 Sections 8.0360 and 8.0361.

8.0359 Show Cause Hearing. The Superintendent may order a user which has violated, or continues to violate, any provision of this Chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Superintendent and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, 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. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least 30 days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

8.0360 Compliance Orders. When the Superintendent finds that a user has violated, or continues to violate, any provision of this Chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may 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. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

8.0361 Cease and Desist Orders.

- A. When the Superintendent finds that a user has violated, or continues to violate, any provision of this Chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Superintendent may issue an order to the user directing it to cease and desist all such violations and directing the user to:
  - 1. Immediately comply with all requirements; and
  - 2. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.
- B. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

8.0362 Violations; penalties.

- A. Any person found to be violating any provision of this Chapter or requirement imposed pursuant to this Chapter except Section 8.0313 may be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

- B. Any person found to be violating any provision of this Chapter, requirement imposed pursuant to this Chapter, and/or any time limit set forth in the notice provided in this section shall be guilty of a violation of City ordinances. Each day in which any such violation shall continue is a separate offense.
- C. Any person violating any of the provisions of Sections 8.0314 through 8.0356 of this Chapter shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violation.
- D. In addition to any other fine and/or penalty authorized by this Chapter, any industrial user or any significant industrial user who is found to be violating any provision of Sections 8.0314 through 8.0356 of this Chapter, requirement imposed pursuant to Sections 8.0314 through 8.0356 of this Chapter, and/or any time limits set forth in the notice provided in this section, is subject to a civil penalty not to exceed \$1,000.00 per violation per day of violation.

8.0363 Emergency Suspensions.

- A. The Superintendent may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Superintendent may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.
  - 1. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Superintendent may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Superintendent may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Superintendent that the period of endangerment has passed, unless the termination proceedings in Section 8.0364 are initiated against the user.
  - 2. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Superintendent prior to the date of any show cause or termination hearing under Sections 8.0359 or 8.0364.
- B. Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

8.0364 Termination of Discharge.

- A. In addition to the provisions in Section 8.0334, any user who violates the following conditions is subject to discharge termination:

1. Violation of wastewater discharge permit conditions;
  2. Failure to accurately report the wastewater constituents and characteristics of its discharge;
  3. Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge;
  4. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling; or
  5. Violation of the pretreatment standards in Section 8.0314.
- B. Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 8.0359 why the proposed action should not be taken. Exercise of this option by the Superintendent shall not be a bar to, or a prerequisite for, taking any other action against the user.

8.0365 Application for First Service Connections. Any party desiring sewer service from the sewer system of the City for premises not theretofore connected with the system shall apply for a connection by contacting the Finance Officer. A form of such application shall contain the address of the premises to be served and state the uses, residential or commercial, to which the sewer is to be put. The applicant shall pay, as and for a connection charge, the sum of five hundred dollars (\$750.00).

8.0366 Rates and Charges for Sewage Treatment and Disposal Services.

- A. There are hereby established just and equitable rates, charges and rentals for treatment and disposal services and benefits as authorized by SDCL 9-50-16. Said charges shall from time to time be at least sufficient to produce net revenues adequate to pay the principal of and interest on the bonds payable from revenues of the sewage disposal plant as such principal and interest becomes due, and to create and maintain required reserve therefor, and said rates, charges and rentals shall be revised whenever necessary for such purpose. Said rates, charges and rentals shall be based on minimum monthly charges.
- B. There shall be imposed a rate, charge, and rental for sewage treatment and disposal as set by resolution of the City Council.
- C. It is hereby found and determined that the sewage disposal plant prevents pollution of the water supply and, where the premises are connected to the municipal water system, the charge may be a surcharge on and collected with the regular monthly water bill. In case of nonpayment of such sewer surcharge within thirty (30) days, the City Council may discontinue water service to the premises in accordance with this Ordinance. In the event of the discontinuance of water service the same shall not be resumed until payment of all past due water and sewer charges, including penalties for the resumption of service.
- D. Where the premises are not connected to the municipal water service, the City Council may require that separate meters be installed to measure all sewage to be discharged into the municipal sewer or may require a special charge and permit.

- E. Any claim for unpaid rates, charges or rentals which have been properly billed may be collected in a civil action against such owner or occupant in any court of competent jurisdiction.
- F. There shall be maintained within the sewer Improvement Fund, a sewer maintenance and construction account. All receipts from the connection charge as made and collected pursuant to Section 8.0365 shall be credited to said account and shall be used to pay cost of construction, maintenance and repair of main and service sewers. Any additional expense of such construction, maintenance or repairs shall be provided out of the general fund of the municipality or from special assessments against property benefitted by such sewers and shall not be paid from any other revenues. All proceeds from the rates, charges and rentals herein provided shall be credited to the operation and maintenance account of said fund and shall be used and applied in accordance with the provisions of this Chapter.

**CHAPTER 8.04 - STORMWATER DRAINAGE**

8.0401 Fee.

- A. The purpose of this division is to establish a charge against real property within the city for the operation, maintenance, and capital expenses of the storm sewer and drainage system.
- B. All real property, except property owned by cemetery corporations, within the city shall be charged an annual fee for the operation, maintenance, and capital improvements of the storm sewer and drainage system. The fee for such property shall be based on the lot area, a runoff weighting factor, and a unit financial charge, and which fee is determined as follows:

*Storm Drainage Fee* equals the *runoff weighting factor*, multiplied by *parcel area* (in square feet), multiplied by *unit financial charge* (in dollars per square feet).

- 1. *Runoff weighting factor.* The runoff weighting factor is determined by the type of land use, and indicates the relative volume of storm water runoff from a land parcel, as a function of the percentage of impervious surfaces covering each land parcel. The runoff weighting factor is to be assigned by land use type, as shown in Table I:

TABLE I\*

Land Use Code	Land Use	Runoff Weighting Factor
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1	Private road	5
2	Railroad right-of-way	5
3	Platted public right-of-way	5
11	Single family (lot area less than 30,000 square feet)	7.5
12	Single family (lot area of 30,000 -- 60,000 square feet)	7.5
13	Estate (lot area of 60,000 -- 100,000 square feet)	3.5
14	Estate (lot area greater than 100,000 square feet)	2.5
15	Two family	11.25
16	Manufactured housing	11.25
21	Multi-family 3 to 8 units	7.5
22	Multi-family 9 to 24 units	11.25
23	Multi-family 25 to 49 units	11.25
24	Multi-family 50 to 99 units	11.25
25	Multi-family 100 units or more	11.25
31	Banks and financial institutions	18.75
32	Government offices	18.75
33	Other offices	18.75
34	Public parking ramps and lots	18.75
35	Public service facility	1
36	Neighborhood and public utilities	17
37	Neighborhood-compatible storage	18.75
38	Leased private parking lots	18.75
40	Churches	11.25
41	Nursing homes	11.25
42	Assisted living and group homes	11.25
43	Health clubs and activity center	18.75
44	Colleges, Universities, and adult ed.	11.25
45	Hospitals/funeral homes	11.25
46	Primary, secondary & special education	11.25
47	Day care centers	11.25
48	Assembly areas, arenas, stadiums	18.75
49	Cultural activities, libraries, museums	18.75
51	Low intensity commercial	17
52	Moderate intensity commercial	18.75
53	High intensity commercial	18.75
61	Mining	1
62	Airport	5
63	Assembly, processing & manufacturing	17
64	Warehousing, distribution, wholesale	17

65	Process plants and feedlots	17
66	Salvage yards and junk yards	7.5
67	Mini-storage	17
68	Large public or private utilities	17
69	Military facilities	17
71	Athletic Fields	1
72	<i>Reserved</i>	0
73	<i>Reserved</i>	0
74	<i>Reserved</i>	0
75	<i>Reserved</i>	0
76	Sightseeing/Event Park	1
77	Playground/Picnic	1
78	Bike Trail	1
79	Planned Park	1
80	Community Gardens	1
81	Cemetery	1
82	Natural drainage facility or dike	0
83	Tree farm	1
84	Public nature/conservation areas	1
85	Bodies of water	0
86	Private common space or nature area	1
87	Public golf courses	1
88	Private golf courses	1
89	Private campgrounds	1
91	Crop land and farms	0
92	Grazing land	0
93	Limited development potential	1
94	Developing site - new serviceable lot	1
95	Developing site - redeveloping Lot	1
96	Building Permit	1

Upon written request from a property owner or automatically for any property where for the first time the annual drainage fee exceeds nine thousand five hundred dollars (\$9,500.00), a detailed site study will be conducted by the city engineer to determine the runoff weighting factor. This written request must be submitted to the Authorized Official on or before April 30 of the year the fees are charged to the subject land parcel. The city engineer shall calculate the percentage of impervious area for the subject parcel which contributes storm water runoff to the drainage system of the city. This system includes the storm sewer system, drainageways, the diversion channel, and Nine Mile Creek within the city. The runoff weighting factor is then determined through utilization of Table II. This calculation shall be completed by July 1 of the year the written appeal is requested.

TABLE II

Percentage Impervious Area	Average Runoff to Rainfall Ratio ( $R_v^*$ )	Runoff Weighting Factor ( $R_v \times 25$ )
0	0.04	1.0
10	0.19	4.75
15	0.26	6.5
20	0.30	7.5
30	0.38	9.5
40	0.45	11.25
50	0.53	13.25
60	0.60	15.0
70	0.68	17.0
80	0.75	18.75
90	0.83	20.75
100	0.90	22.5

\*These values are derived from the "STORM" equation (figure 5-20, page 5-49), A Statistical Method for the Assessment of Urban Storm Drainage, EPA, Washington, D.C., January 1979. For low percentage impervious surfaces (zero percent to 20 percent), a linear relationship was assumed between the "STORM" equation and empirical data derived from drainage runoff in high depression storage, loose soils, and flat areas.

Interpolation of the runoff weighting factor for a given percentage of impervious area not listed in Table II may be obtained by assuming a linear relationship between the values listed.

The Authorized Official may direct that the runoff weighting factor for a given parcel be calculated by a detailed site investigation and Table II, where an obvious departure from the percentage of impervious surfaces of similar land uses exists.

A determination of the runoff weighting factor, resulting from a detailed site investigation and Table II, brought about either by written request from a property owner or direction from the Authorized Official, shall be used in the calculation of the subject parcels storm drainage fee and shall replace the factor previously derived from Table I, even if the resulting value is higher.

2. *Parcel area.* Parcel area is to be obtained from the records of the Lincoln County Assessor's Office and Lincoln County Register of Deeds.

The storm drainage fee established in chapter 8.0401 shall be an annual charge. The first half of the fee is due on May 1, and the second half is due on November 1, of the same year, payable at the office of county treasurer within which the land parcel lies. These fees shall be remitted or turned over to the city finance director, at least once a month, by the county treasurer.

8.0403 Fund established.

The stormwater drainage fees paid to the city shall be kept in a separate fund to be known as the stormwater drainage fund. This fund shall be used to pay the cost of financing the operation, maintenance or construction of the drainage and storm sewer system.

8.0404 Unit Charge.

The unit charge shall be effective at a rate of (\$0.0009) nine hundred thousandths. This rate can adjust by resolution of the City Council.