

## CHAPTER 96

# SANITARY SEWER SYSTEM - ADMINISTRATION

96.01 General  
96.02 Director of Public Works  
96.03 Permits Required  
96.04 Construction Permit

96.05 Wastewater Discharge Permit  
96.06 Capacity Requirements  
96.07 Confidentiality  
96.08 Falsifying Information

**96.01 GENERAL.** The POTW is under the authority, management and control of the City of Postville. The City shall employ a full-time Director of Public Works and other employees as are necessary for the operation and maintenance of the POTW and the administrative activities incidental thereto.

**96.02 DIRECTOR OF PUBLIC WORKS.** The Director of Public Works shall be the administrator of the system and, as such, is empowered to implement and enforce the provisions of these Sanitary Sewer chapters. The Director of Public Works is hereby empowered to, either directly or indirectly:

1. Supervise the implementation of the chapters.
2. Institute actions against all users violating the chapters and, with the City Attorney, institute necessary legal proceedings to prosecute violations of the chapters and compel the prevention and abatement of violations of the chapters or nuisances arising therefrom.
3. Review the plans for pretreatment equipment, submitted by users.
4. Make inspections and tests of existing and newly installed, constructed, reconstructed or altered pretreatment equipment to determine compliance with the provisions of the chapters.
5. Investigate complaints of violations of the chapters and make inspections and observations of discharges. Record such investigations, complaints, inspections and observations.
6. Issue orders requiring compliance with the chapters.
7. Determine surcharges to be levied pursuant to the chapters.
8. Deny a permit for cause.
9. Perform other actions necessary or advisable for the management and operation of the POTW and the enforcement of the chapters and other applicable laws and regulations.

**96.03 PERMITS REQUIRED.** Permits are required for:

1. The construction of improvements and/or extensions that will contribute to the POTW.
2. Special permits for discharging surface waters to a public sanitary sewer may be issued by the Council upon recommendation of the Director of Public Works.
3. The discharge of any non-domestic user to the POTW.

**96.04 CONSTRUCTION PERMIT.** Applications for construction of sanitary sewer extensions and/or improvements that connect to the POTW shall be submitted to the City Engineer for approval. The application may be made concurrently with the Iowa DNR construction permit submittal. The permit application shall include the appropriate IDNR construction permit schedules and shall, at a minimum, include:

1. Owner's name, address and phone number.
2. Project name and location.
3. Initial service area and future service area.
4. Initial estimated flows and future estimated flows.
5. Plans and specifications which shall, at a minimum, conform to the applicable standard specifications of the State of Iowa.
6. Evidence that the project has been submitted to Iowa DNR and/or other regulatory agencies that may be appropriate.
7. Other information as may be required by the City Engineer.

Construction of the proposed sanitary sewer extensions and/or improvements shall not begin without the City Engineer's approval. Upon completion of the construction, the owner shall provide the City Engineer one copy of the as-constructed drawings which shall identify pertinent features of the project: pipe size, length, materials of construction, structure locations, elevations, service line connection locations, utilities, soil and groundwater conditions and other information that may be requested by the City Engineer. The City reserves the right to inspect the work while in progress or upon completion, including internal inspection. If it is found that the project is improperly constructed, improperly used or maintained which, in turn, causes extraneous flows to enter the POTW, creates a flow restriction, affects the structural integrity of the POTW or in any way impacts the POTW or other City facilities, the City Engineer may give notice of the condition to the owner and shall direct the condition be corrected. Construction or maintenance of building sewer lines whether located upon the private property of any owner or in the public right-of-way, which construction or maintenance is in violation of any of the requirements of these Sanitary Sewer chapters, shall be corrected, at the owner's expense, within thirty days after date of official notice from the Council of such violation. If not made within such time the Council shall, in addition to the other penalties herein provided, have the right to finish and correct the work and assess the cost thereof to the property owner. Such assessment collected with and in the same manner as general property taxes.

**96.05 WASTEWATER DISCHARGE PERMITS.** All non-domestic users of the POTW which contribute either directly or indirectly to the POTW may be required to obtain a wastewater discharge permit from the City. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this Code of Ordinances and subjects the wastewater discharge permittee to the sanctions set out in Chapter 99. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal, state, or local laws. The wastewater discharge permit may require pretreatment of industrial wastewaters prior to discharge to the POTW, flow equalization to reduce peak flows, discharge of certain wastes only to specific sewers, relocation of discharge points, prohibition of certain discharges, restriction of some discharges to specific hours of the day, payment of additional charges to defray costs that may be related to specific discharges and other conditions that may be needed to implement activities consistent with the intent of these Sanitary Sewer chapters. No person shall discharge wastewater to the POTW in excess of the quantity or quality limits established in the wastewater discharge permit. Any

person desiring to discharge wastewater or use facilities which do not conform to the permit should apply to the City for an amended permit. A schedule for complying with permit requirements, effluent limits, self-monitoring requirements or other requirements deemed necessary by the Director of Public Works shall be submitted to the City for approval by the non-domestic user in a time frame established by the Director of Public Works. The Director of Public Works may require compliance schedule progress reports, a report on final compliance with effluent limits and standards, and periodic reports on continued compliance. The Director of Public Works may require a non-domestic user to submit to compliance independent of a compliance schedule.

1. **Permit Application.** All non-domestic users of the POTW may be required to obtain a wastewater discharge permit. Application procedure for the permit shall be initiated by the non-domestic user who, upon notification by the Director of Public Works, shall provide the following information:
  - A. Name, address and location if different from the address.
  - B. Authorized representative.
  - C. SIC Code according to Standard Industrial Classification Manual, Bureau of the Budget, 1987, as amended.
  - D. Description of the operation and primary activities associated with wastewater production.
  - E. Time and hours of operation and/or wastewater discharge.
  - F. General description of the wastewater discharge characteristics, including the nature and concentration of any known pollutants in the discharge.
  - G. Spill prevention plans in place.
  - H. Priority pollutant information.
  - I. Any other information that the Director of Public Works may deem appropriate to evaluate the permit application.

The Director of Public Works shall determine from the information supplied whether the non-domestic user can be granted a general wastewater discharge permit for the classification of its discharge or whether a specific discharge permit shall be required.

2. **Individual Permit Requirements.** All significant industrial users (SIUs) and all other discharges to the POTW determined by the Director of Public Works to have significant potential impact on the POTW shall be required to apply for an Individual Wastewater Discharge Permit. Dischargers requiring an individual permit shall submit, at least ninety (90) days prior to connecting to or contributing to the POTW, a Permit Application/Baseline Monitoring Report providing the following information to the City along with the appropriate permit application fee:
  - A. Name, address and location, if different from the address, and the authorized representative.
  - B. Primary SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1987, as amended.

- C. List the environmental control permits held by or for the user.
- D. General description of activities which may result in discharges to the POTW.
- E. Each product produced, by type and amount.
- F. Number and type of employees and hours of operation of plant and proposed or actual hours of operation of pretreatment system.
- G. Show all sewers, sewer connections, testing places and provide site plans, floor plans, mechanical and plumbing plans when available.
- H. Average daily and estimated peak wastewater flow rates, including daily, monthly and seasonal variations, if any.
- I. Time and duration of contribution.
- J. Wastewater constituents and characteristics as determined by a certified analytical laboratory. Sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended. Where 40 CFR, Part 136, does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA Publication, Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants, April, 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the Director of Public Works.
- K. All pretreatment standards which apply to the user's discharge.
- L. The nature and concentration of any pollutants in the discharge which are limited by any federal or categorical pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance and/or additional pretreatment is required for the user to meet applicable pretreatment standards.
- M. If additional pretreatment and/or operation and maintenance will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule for categorical pretreatment standards shall not be later than the compliance date established for applicable pretreatment standards. The following conditions shall apply to the schedule:
  - (1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

- (2) The schedule should be submitted to the Director of Public Works for approval.
- (3) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Director of Public Works or pretreatment program manager including, as a minimum, whether or not it complied with the increments of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay and the steps being taken by the user to return the construction to the schedule established. In no event shall more than six (6) months elapse between such progress reports to the Director of Public Works or pretreatment program manager.
- (4) A statement reviewed by an authorized representative of the industrial user and certified to by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance and/or additional pretreatment is required for the industrial user to meet the pretreatment standards and requirements.
- (5) A Certification Statement attesting to the validity of the information supplied, signed by a representative of the permittee.
- (6) Any other information as may be deemed by the City to be necessary to evaluate the permit application.

The City will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the City may issue a wastewater discharge permit subject to terms and conditions provided herein.

3. Discharge Permit Conditions. Wastewater discharge permits shall be subject to all provisions of these Sanitary Sewer chapters and all other applicable regulations, user charges and fees established by the City. Permits may contain the following as determined by the Director of Public Works or pretreatment program manager.

- A. A statement of the duration of the permit (in no case more than five years).
- B. A statement of non-transferability without, at a minimum, prior notification to the POTW and provision of a copy of the existing control mechanism to the new owner or operator
- C. The unit charge or schedule of user charges and fees for the wastewater to be discharged to the POTW.
- D. Limits on the average and maximum wastewater concentration, mass or other measure of constituents or properties based on categorical pretreatment standards, state law or local limits.

- E. Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization.
- F. Requirements for installation of pretreatment technology, pollution control or construction of appropriate containment devices designed to reduce, eliminate or prevent the introduction of pollutants into the POTW.
- G. Requirements for the development and implementation of spill control plans or special conditions, including management practices necessary to adequately prevent accidental, unanticipated or non-routine discharges.
- H. Requirements for installation and maintenance of inspection and sampling facilities. When required by the Director of Public Works the owner of any property serviced by a building sewer carrying industrial wastes shall install suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of wastes. If not installed within reasonable time the Council shall, in addition to the other penalties herein provided, have the right to install and/or correct the work and assess the cost thereof to the property owner.
- I. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule.
- J. Compliance schedules.
- K. Requirements for submission of technical reports or discharge reports.
- L. Requirements for maintaining and retaining records relating to wastewater discharge as specified by the City and affording City access thereto.
- M. Requirements for notification to the City of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the POTW.
- N. Requirements for notification to the City of any potential problems, including slug loading.
- O. Requirements for notification of accidental discharges.
- P. Requirements for notification of an upset as defined as "an exceptional incident in which there is unintentional and temporary noncompliance with permitted pretreatment standards because of factors beyond the reasonable control on the industrial user."
- Q. Requirements for notification of discharge of hazardous wastes.

- R. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule.
  - S. Other conditions as deemed appropriate by the City of ensure compliance with this section.
4. **Permit Duration.** Permits shall be renewable as directed by the Director of Public Works for a specified time period, not to exceed five (5) years. Permits may be issued for a period less than one (1) year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum on ninety (90) days prior to the expiration of the user's permit. The terms and conditions of the permit may be subject to modification by the City during the term of the permit for cause. The user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
  5. **Permit Modifications.** Within nine (9) months of the promulgation of a federal categorical pretreatment standard, the wastewater discharge permit of the users subject to such standard shall be revised to require compliance with such standard within the prescribed time frame. Where a user becomes subject to a federal categorical pretreatment standard who has not previously submitted an application for a wastewater discharge permit, the user shall apply for a wastewater discharge permit within ninety (90) days after the promulgation of the applicable federal categorical pretreatment standard.
  6. **Permit Transfer.** Wastewater discharge permits are issued to a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the City. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.
  7. **Permit Denial.** A permit may be denied to any user whose discharge of material to the POTW, whether shown upon application or determined after inspection and testing conducted by the City, is not in conformity with these Sanitary Sewer chapters or whose application is incomplete or does not comply with the Permit Application/Baseline Monitoring Report procedure.

**96.06 CAPACITY REQUIREMENTS.** No connection to the POTW nor increased flows and/or loadings from existing connections shall be allowed unless there is sufficient unused hydraulic and treatment capacity in the POTW for the additional wastewater.

**96.07 CONFIDENTIALITY.** Information and data obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the City that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. When requested by the user furnishing a report, portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, except upon written request to governmental agencies through the Freedom of Information Act for uses related to this chapter, the National Pollutant Discharge Elimination System (NPDES) Permit, state disposal system permit and/or the pretreatment program; provided, however, that such portions of a report shall be available for use by EPA, the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Data on wastewater

constituents and characteristics will not be recognized as confidential information. Information accepted by the City as confidential shall not be transmitted to the general public by the City until and unless a 10-day notification is given to the user.

**96.08 FALSIFYING INFORMATION.** Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter or wastewater discharge permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this chapter shall be in violation of this Code of Ordinances.