

# APPENDIX 6-A

CITY ORDINANCE – SECTION 403

CHAPTER 403

USE OF SEWERS

Section

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403.01 Prohibited Discharges Generally.

Except as otherwise provided, no person shall discharge or cause to be discharged any of the following described wastes or waters into any public sewer:

- Subd. 1. Any liquid or vapor having a temperature higher than one hundred ninety (190) degrees Fahrenheit.
  
- Subd. 2. Any water or waste containing more than one hundred (100) milligrams per liter by weight of fats, oils or greases or other substances having similar congealing affects.
  
- Subd. 3. Any liquids, solids or gases which by reason of their nature or quality may cause fire or explosion, or be in any other way injurious to person, to the sewerage works structures or to the operation of these works.
  
- Subd. 4. Any noxious or malodorous gas or substance, which either singly or by interaction with other wastes, is capable of creating a public nuisance or hazard to life, or which may prevent entry into sewers for their maintenance and repair.
  
- Subd. 5. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, cesspool sludge, bones, feathers, rubber, ties, plastic, wood, paunch manure, swimming pool sludge, blood, butchers' offal, or any other solid or viscous substances capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewerage system or sewage treatment works.

Subd. 6. All other discharges which do not meet the minimum standards set forth by the State of Minnesota, the Federal government and their respective agencies.

403.02 Certain Discharges into Storm Drainage System Prohibited.

Subd.1 Prohibition and Exceptions.

No person shall discharge or cause to be discharged into the municipal storm drainage system or watercourses any materials including, but not limited to, pollutants or waters containing any pollutants, that cause or contribute to a violation of applicable water quality standards, other than stormwater, except that the following shall be allowed:

Water line flushing or flushing of other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if dechlorinated – typically less than one PPM chlorine), firefighting activities, and any other water source not containing pollutants.

Discharges specified in writing by any federal or state authorized enforcement agency as being necessary to protect public health and safety.

Dye testing if a verbal notification to the City is given prior to the time of the test.

Discharge permitted under any NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the EPA, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drainage system.

Subd. 2. Suspension of Access to Storm Drainage System.

A. The City may, without prior notice, temporarily suspend storm drainage system discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or the waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the storm drainage system or waters of the United States, or to minimize danger to persons.

- B. The City may terminate any person's access to the storm drainage system if the person is discharging to the storm drainage system in violation of this Section 403.02 and such termination would abate or reduce the illicit discharge. The Public Service Director will notify a violator of any termination and the violator may petition the City for a reconsideration hearing as allowed by Subd. 7 below.
- C. No person shall reinstate storm drainage system access to any premises without the City's consent when access has been suspended or terminated.

Subd. 3.      Permit Compliance. Any person subject to NPDES permit shall comply with all provisions of such permit. Proof of compliance with such NPDES permit may be required in a form acceptable to the City prior to the allowing of discharges to the storm drainage system.

Subd. 4.      Industrial Connections.

A. Applicability. This section applies to all premises that have stormwater discharges associated with industrial activity, including construction activity.

B. Access to Facilities.

- i. The City shall be permitted to enter and inspect each premises subject to regulation under this Section 03.02 or an NPDES permit as often as the City deems necessary to determine compliance. If a premises owner or tenant has security measures in force that require proper identification and clearance before entry into its premises, the owner or tenant shall make the necessary arrangements to allow access to City representatives.
- ii. Facility operators shall allow the City ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit, and the performance of any additional duties as defined by state and federal law.
- iii. The City shall have the right to set up on any NPDES permitted premises such devices as are necessary or desirable to conduct monitoring and/or sampling of the stormwater discharge from the premises.
- iv. The City may require the premises owner or tenant to install monitoring equipment as necessary to maintain such equipment in a safe and proper operating condition at its own expense. All devices used to measure stormwater flow and quality shall be calibrated pursuant to manufacturer specifications to ensure their accuracy.

- v. 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 premises owner or tenant at the written or oral request of the City and shall not be replaced. The cost of clearing such access shall be borne by the premises owner or tenant.
  
- vi. Unreasonable delays in allowing the City access to a NPDES permitted premises is a violation of this Section 403.02. A person who is the operator of a premises with a NPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the City reasonable access to the permitted premises for the purpose of conducting any activity authorized or required by this Subd. 4.
  
- vii. If the City has been refused access to any part of the premises from which stormwater is discharged, and the City is able to demonstrate probable cause to believe that there may be a violation of this Section 403.02 or an NPDES permit, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this Chapter or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the City may seek issuance of a search warrant from any court of competent jurisdiction.

Subd. 5. Best Management Practices. If the City adopts best management practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm drainage system, or waters of the United States, the owner or tenant of a commercial or industrial establishment shall, at its own expense, comply with the BMPs. Further, any owner or tenant of a premises that is, or may be, the source of an illicit discharge may be required to implement, at such person's expense, additional structural and non-structural best management practices to prevent the further discharge of pollutants to the storm drainage system. These BMPs shall be part of a stormwater pollution prevention plan (SWPP) as necessary for compliance with requirements of the NPDES permit

Subd. 6. Notification of Spills. As soon as any owner, tenant, operator or emergency response employee of a premises that discharges to the storm drainage system has information of any known or suspected discharge into the storm drainage system or water of the United States that is not expressly permitted by Subd. 1 above and any NPDES permit for the premises, such person shall immediately notify the City (and in the case of hazardous materials, any applicable emergency response agency) of the discharge. In the event of a discharge of non-hazardous materials, said person shall notify the city in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City within three (3) business days of the phone notice. If the discharge of prohibited

materials emanates from a commercial or industrial establishment, the owner or tenant of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

Subd. 7. Enforcement.

- A. Whenever the City finds a person has violated this Section 403.02 or any NPDES permit, the City may order compliance by written to the owner or tenant of the premises where the violation occurred. Such notice may require without limitation.
- i. The performance of monitoring, analyses, and reporting;
  - ii. The elimination of illicit connections or discharges;
  - iii. That violating discharges, practices, or operations cease and desist;
  - iv. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
  - v. Payment of a fine to cover administrative and remediation costs; and
  - vi. The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected premises is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

- B. Appeal of Notice of Violation. Any person receiving a notice of violation may appeal to the City Council by filing a written request for reconsideration with the Public Service Director within ten (10) days from the date of the violation notice. The City Council shall hear the appeal within fifteen (15) days from the date of receipt of the request for reconsideration, during which time enforcement of the violation shall be suspended. The decision of the City Council shall be final.
- C. Enforcement Measures After Appeal. If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within thirty (30) days of the City Council's decision upholding the violation, if applicable, then the City may seek an order from a Court with jurisdiction authorizing it to enter upon the subject premises to take any and all measures necessary to abate the violation and/or restore the premises.

- Subd. 8. Cost of Abatement of the Violation. If the City abates any violation, within thirty (30) days after abatement of a violation, the owner or tenant of the premises shall be notified of the cost of abatement, including administrative costs. The property owner or tenant may file a written protest objecting to the amount of the assessment within ten (10) days. If the amount due is not paid within a timely manner as determined by the decision of the City Council or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the premises and shall constitute a lien on the premises for the amount of the assessment.
- Subd. 9 Injunctive Relief. In addition to any other remedies provided herein, the City may petition for a preliminary or permanent injunction restraining a violator from activities which would create further violations or compelling the owner or tenant of a premises to perform abatement or remediation of the violation.
- Subd. 10. Violations Deemed A Public Nuisance. In addition to the enforcement processes and penalties provided in this section 403.02, any condition caused or permitted to exist in violation of any of the provisions of this Section 403.02 are declared to be a threat to public health, safety, and welfare, and are further declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.
- Subd. 11. Remedies Not Exclusive. The remedies listed in this Section 403.02 are in addition to the criminal penalties provided in Chapter 400 and elsewhere in the Code. Further all other remedies available under any applicable federal, state or local law shall be available to the City.

403.03 Prohibited Discharge Into Sanitary Sewer.

No person shall discharge or cause to be discharged any storm water, ground water, roof runoff, yard drainage, yard fountain, pond overflow or any substance other than sanitary sewage into the sanitary collection system.

- Subd. 1. No roof runoff, sump pump, footing tile or drain, swimming pool discharge, or surface water drainage shall be connected to the sanitary sewer system and no building shall be constructed nor shall any existing buildings be altered in such a manner that any source of discharge or drainage other than sanitary sewer shall connect with the sanitary sewer system inside or outside the building.
- Subd. 2. Reserved for future use.
- Subd. 3. Effective August 12, 1993, all new residential construction having a sump pump basket shall have the sump pump installed in the sump pump basket with permanent fittings and discharged to the outside of the foundation wall as described below. Such work

shall be completed prior to the final building inspection and issuance of a Certificate of Occupancy.

All sump pumps shall have a discharge pipe installed to the outside wall of the building with one (1) inch inside minimum diameter. The pipe attachment must be a permanent fitting such as a PVC pipe with glued fittings. The discharge shall extend at least three (3) feet outside of the foundation wall. If a public drain tile system has been installed in a street before a Certificate of Occupancy has been issued for a lot abutting such street, a Certificate of Occupancy may not be issued until the foundation drain tile system has been constructed and connected to the public drain tile system.

If a public drain tile system has not been installed in the street before a Certificate of Occupancy has been issued, any property with a foundation drain tile system abutting such street shall connect such system to the public drain tile system within one (1) year after the public drain tile system is installed when water from the private drain tile is either being discharged into a City boulevard or street or discharged onto property not owned by the owner of the foundation drain tile system.

Effective September 2, 1997, all new residential construction having a foundation drain tile system shall discharge into an abutting holding pond, drainage swale, ravine or similar system. No foundation drain tile system shall be discharged into a front yard boulevard area unless it can be connected to a public drain tile system. Discharge pipes from sump pumps not connected to a public drain tile system shall be located no closer than five (5) feet from any property line, unless authorized by the City Engineer.

Subd. 4. The following shall apply to enforcement of this Section:

- A. General: Every person owning improved real estate that discharges or drains into the City's sanitary sewer system shall, from time to time and within thirty (30) days of receiving written notice from the City, either: i) Allow the City's employees or agents to enter upon and inspect the buildings and pipes on the property to confirm that no sump pump or other prohibited source on the property discharges or drains into the sanitary sewer system; or ii) At the property owner's sole cost, have the property inspected by a plumber licensed in the State of Minnesota, which plumber shall attest on a form available from the City Clerk that no sump pump or other prohibited source on the property discharges or drains into the sanitary sewer system. The owner of any property found to be in violation of this Section 403.03 shall take all actions required to correct the violation within thirty (30) days of the date of the City's inspection or the plumber's report, except as provided in Section 403.03, Subd. 4, B, below, as applicable, and such correction shall be verified by employees or agents of the City or, at the option and sole cost of the property owner, by a plumber licensed in the State of Minnesota. It shall be the property owner's responsibility to request a compliance inspection from the City.



- B. Exception for Footing Tile or Drains: The owner of any property found to be in violation of Section 403.03 by reason of having a footing tile or drain connected to the sanitary sewer system shall take all actions required to correct the violation within one hundred eighty (180) days of the date of the City's inspection or the plumber's report, and such correction shall be verified by employees or agents of the City or, at the option and sole cost of the property owner, by a plumber licensed in the State of Minnesota. It shall be the property owner's responsibility to request a compliance inspection from the City.

Subd. 5. A surcharge of seventy-five dollars (\$75.00) per month is hereby imposed and shall be added to every sewer billing to property owners who are found not in compliance with Section 403.03 and who fail to correct the violation within the applicable time period provided in Section 403.03, Subd. 4 above. The surcharge shall be added every month until the property is in compliance. In the event a violation of this Section is discovered upon inspection of new construction, the surcharge shall be paid to the City of Waconia prior to the issuance of an Occupancy Permit. Repeated violations of this Section by the same contractor or property owner shall be subject to an escalating schedule of surcharges as set forth in Chapter 1100 of this Code. The imposition of such surcharge shall in no way limit the right of the City of Waconia to seek an injunction in the District Court ordering the property owner to disconnect the non-conforming connection to the sanitary sewer system or from pursuing any other legal remedies available.

Subd. 6. Upon verified compliance with this Section 403.03, the City reserves the right to inspect each improved real property at least annually to verify compliance.

403.04 Discharge of Cooling Water From Air Conditioning Units Into Sanitary Sewer Prohibited.

In as much as the sanitary sewers of the City are not designed to handle the volume of cooling water produced by air conditioning units, the discharge of cooling water from air conditioning units, three (3) tons of refrigeration or air conditioning and larger, draining into any one (1) building drain, without cooling towers or recirculating systems is prohibited unless no other alternative is available. Under such circumstances a flat per gallon fee shall be charged at the same rate as a sewer charge. Cooling water which is free from bacteria and harmful chemicals should be drained into storm water drains.

403.05 Policy Regarding Use of Sanitary Sewers for Industrial Wastes.

The economy and desirability of the combined treatment of industrial wastes and sanitary sewage is recognized. However, not all types and quantities of industrial wastes can be so treated. Therefore, it shall be the established policy of the City to admit those types and quantities of industrial wastes that are not harmful or damaging to the structures, processes or operation of the sewerage works or are not specifically prohibited by this Chapter. It is also recognized that to provide this service additional facilities are required, the cost of which must be borne by those persons receiving its benefits. The types and quantities of industrial wastes which may be admitted into the public sewerage system of the

City without pretreatment shall be established by the Engineer and approved by the City Council pursuant to standards set forth by the appropriate government agency.

403.06 Certain Discharges Subject to Approval of City Council.

The discharge into the public sewers of any of the following waters or wastes shall be subject to the review and approval of the City Council:

- Subd. 1. A five-day twenty (20) degrees centigrade BOD greater than four hundred (400) milligrams per liter.
- Subd. 2. A suspended solids content greater than four (400) milligrams per liter.
- Subd. 3. A chlorine demand greater than twenty (20) milligrams per liter in any fifteen minute time period.
- Subd. 4. An average daily flow greater than two (2) per cent of the average daily sewage treatment works.
- Subd. 5. Any toxic substance.
- Subd. 6. Any wastes which are considered by the Engineer to offer possibilities of harm to structures, processes or operation of any facilities of the City.

403.07 Survey Data Required.

- Subd. 1. All users of the sewerage system who are now discharging industrial wastes to the public sewers shall, upon request of the City Council, file with the Engineer within sixty (60) days, a questionnaire which shall furnish pertinent data, including quantity of flow, and an analysis of the water discharged into the sewerage works and treatment plant. Similarly, any persons desiring to make a new connection to the sewerage system for the purpose of discharging industrial wastes into the public sewers shall file with the Engineer an industrial waste questionnaire which shall furnish pertinent or predicted data, including quantity of flow and a complete analysis of the industrial waste to be discharged into the sewer system, and shall submit same upon application for building permit.
- Subd. 2. Whenever any current user who discharges industrial wastes to the sanitary sewers wishes to modify, in any manner, the quality or quantity of the discharge, it shall furnish said data to the Council prior to making said modification.

403.08 Sampling and Analysis.

Samples shall be composite samples collected over a three-day period of operation so as to be a truly representative sample of the actual quality of the wastes. Samples for analysis must be collected by the Engineer or his representative. An analysis shall be made by a qualified sanitary engineer using the laboratory methods for the examination of industrial waste as set forth in the latest edition of "Standard Methods for Examination of Water and Sewage" as published by the American Public Health Association.

403.09 Installation of Control Manhole.

Any establishment discharging industrial wastes into the sewage system shall construct and maintain at its expense a suitable control manhole or manholes downstream from any treatment, storage or other approved works, to facilitate observation, measurement and sampling of all wastes, including domestic sewage, from the establishment. The control manhole or manholes shall be constructed at suitable and satisfactory locations and built in a manner approved by the Engineer. The control manhole shall be accessible to the Engineer at all times for observing, measuring and sampling of such wastes. Persons using the sewage system for industrial wastes shall also provide a flow-measuring device, approved by the Engineer, to record total flowage and rate of flow at no cost to the City for such device.

403.10 Oil Traps.

Any established discharging oils or grease to the sewerage system shall maintain a suitable device to trap and collect oil and grease before it enters the sewerage system and accepted methods of cleaning and maintenance of the disposal shall be the responsibility of the owner.

403.11 Pretreatment.

Any person using the City sewer system shall provide at his expense such preliminary treatment or handling as may be necessary to modify the objectionable characteristics or constituent to come within the limits set forth in this Chapter.

403.12 Special Agreements Between City and Industrial Users.

No statement contained in this Chapter shall be construed as prohibiting any special agreement or arrangement between the City and any person whereby an industrial waste of unusual strength of character may be admitted into the sanitary sewers for treatment by the City either before or after pretreatment.