

ORDINANCE NO. ~~2022~~-8-15-2022 #01 (607)

AN ORDINANCE REPLACING  
CHAPTER 100, "REGULATION OF INDUSTRIAL WASTEWATER, COMMERCIAL  
WASTEWATER; DISCHARGE OF FAT, OIL AND GREASE; AND HAULED WASTE"

BE IT ORDAINED by the City Council of the City of Altoona, Iowa:

**SECTION 1:** INTERNAL REFERENCES. All references to section numbers in this ordinance shall be to sections contained within Chapter 100 of the "City of Altoona Municipal Code" unless otherwise specified.

**SECTION 2:** AMENDMENT. Chapter 100, as set forth in Exhibit A attached hereto, is hereby replacing Chapter 100 in the "City of Altoona Code".

**SECTION 3:** REPEALER. All parts of the "City of Altoona Municipal Code" in conflict herewith are hereby repealed.

**SECTION 4:** SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

**SECTION 5:** EFFECTIVE DATE. This ordinance shall be effective from and after October 1, 2022, subject to final passage, approval and publication as provided by law.

Passed and Approved by the Council of the City of Altoona, Iowa, this 15<sup>th</sup> day, of August 2022.

  
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Dean O'Connor, Mayor

ATTEST:

  
\_\_\_\_\_  
Randy Pierce, City Clerk

8/25/22  
\_\_\_\_\_  
Published



## EXHIBIT A

# CHAPTER 100: REGULATION OF INDUSTRIAL WASTEWATER, COMMERCIAL WASTEWATER; DISCHARGES OF FAT, OIL AND GREASE; AND HAULED WASTE

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## **REGULATION OF INDUSTRIAL WASTEWATER, COMMERCIAL WASTEWATER**

### **§ 100.001 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** or **CLEAN WATER ACT.** The 1972 Federal Water Pollution Control Act, the 1977 Clean Water Act and the 1987 Water Quality Act, as amended.

**APPROVAL AUTHORITY.** The State Department of Natural Resources.

**AUTHORIZED REPRESENTATIVE.**

- (1) An executive officer of a corporation;
- (2) A general partner of a partnership;
- (3) The proprietor of a proprietorship;
- (4) The conservator, trustee, attorney in fact, receiver or other person or agent authorized in law and in fact to act on behalf of users which are not corporations, partnerships or proprietorships or on behalf of other entities which must legally act through an agent;
- (5) Any other authorized representative of a person or entity identified in divisions (1), (2), (3) or (4) above of this definition, if the authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the discharge originates, such as the position of plant manager or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company and the written authorization is submitted to the Director; or
- (6) Any other person authorized by law to act on behalf of any entity.

**BASELINE MONITORING REPORT.** The report required by 40 C.F.R. § 403.12(b)(1) through (7).

**BIOCHEMICAL OXYGEN DEMAND (BOD).** The analysis of BOD as described in Environmental Protection Agency methods.

**BUILDING DRAIN.** The part of the lowest horizontal piping of a drainage system, which receives the discharge from waste and other drainage pipes inside the wall of the building and conveys it to the building sewer, beginning three feet outside the building wall.

**BUILDING SEWER** or **LATERAL SEWER.** The sewer extending from the building drain to the connection with the POTW.

**BYPASS.** The intentional diversion of waste streams from any portion of an industrial user's pretreatment facility.

**CARBONACEOUS BIOCHEMICAL OXYGEN DEMAND (CBOD).** The analysis of BOD as described in Environmental Protection Agency methods while inhibiting the nitrogenous oxygen demand.

**CATEGORICAL USER.** A user subject to national categorical pretreatment standards.

**CHEMICAL OXYGEN DEMAND (COD).** The measurement of the susceptibility of a

sample to oxidation by a strong chemical oxidant expressed in mg/l and using Environmental Protection Agency methods.

**CITY SANITARY SEWER SYSTEM** or **SANITARY SEWER SYSTEM**. The local outfall sewers, trunk sewers, pumping stations, force mains and wastewater equalization basins, and all other structures, devices and appliances appurtenant thereto, which are used for collecting, conveying or storing wastewater and which serve and are owned, operated and maintained by the city or by a sanitary district serving the city.

**CITY**. The political subchapter known as the City of Altoona, Iowa, and also means the territory within the corporate boundaries of the City of Atoona.

**COMBINED WASTE STREAM FORMULA**. The formula as found in 40 C.F.R. § 403.6(e).

**COMPOSITE SAMPLE**. A representative sample using a minimum of three grab sample aliquots obtained over a period of time and mixed using either a flow proportional or time proportional method.

**CONVENTIONAL POLLUTANT**. BOD, COD, O&G, suspended solids, pH, ammonia nitrogen, total Kjeldahl nitrogen and fecal coliform bacteria.

**COUNTY**. The political subdivisions known as Dallas County or Polk County, and also means the territory within the corporate boundaries of Dallas County or Polk County.

**DISCHARGE** or **INDIRECT DISCHARGE**. The introduction of treated or untreated wastewater into the POTW.

**DISSOLVED SOLIDS**. The concentration of residue left in an evaporating dish after evaporation and drying at defined temperatures using Environmental Protection Agency methods or standard methods.

**DOMESTIC USER**. A person discharging only domestic wastewater to the POTW, which wastewater is discharged from any building or parts of a building designed for or occupied by one or more persons as a single housekeeping unit, including those units within multi-family dwellings and apartment buildings, which building or premises is a source of wastewater discharge into a POTW.

**DOMESTIC WASTEWATER**. All household-type waste discharged from places of human habitation, including toilet, bath, kitchen and laundry wastewater. **DOMESTIC WASTEWATER** is further defined as waste which does not exceed daily maximum limits of 300 mg/l COD, 200 mg/l BOD, 250 mg/l suspended solids, 100 mg/l oil and grease, 30 mg/l TKN and 15 mg/l NH<sub>3</sub>-N at a discharge rate of 100 gallons per capita per day. This loading is equal to 0.25 pound of COD, 0.17 pound of BOD, 0.20 pound of suspended solids, 0.083 pound of oil and grease, 0.025 pound of TKN and 0.013 pound of NH<sub>3</sub>-N per capita per day.

**E. COLI** or **ESCHERICHIA COLI**. Bacteria that are a member of the fecal coli form group and whose presence indicates fecal contamination in water.

**ENVIRONMENTAL PROTECTION AGENCY METHODS**. Standard procedures for wastewater analysis approved by the United States Environmental Protection Agency and prescribed in 40 C.F.R. part 136, and includes alternate methods approved by the approval authority.

**ENVIRONMENTAL PROTECTION AGENCY** or **EPA**. The United States Environmental Protection Agency.

**FAT, OIL AND GREASE** or **OIL AND GREASE** or **FOG**. Those substances which

are detectable and measurable using analytical test procedures established in 40 C.F.R. part 136, as may be amended from time to time. All are sometimes referred to herein as **GREASE** or **GREASES**.

**FECAL COLI FORM.** Bacteria common to the intestinal tracts of humans and animals whose presence in water is an indication of pollution.

**GARBAGE.** Solid waste from the domestic and commercial preparation, cooking and dispensing of food, and from the commercial handling, storage and sale of produce.

**GRAB SAMPLE.** A single aliquot sample collected either directly or by means of a mechanical device.

**HEADWORKS.** The main wet well at the WRF prior to any treatment process.

**INDUSTRIAL USER.** A person whose property, building or premises is a source of wastewater discharge into the POTW, other than a domestic user.

**INDUSTRIAL WASTE.** The liquid waste from industrial users as distinct from domestic sewage.

**INTERFERENCE.** A discharge which, alone or in conjunction with a discharge or discharges from other sources, which both:

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

(2) Causes a violation of any requirement of the WRA's national pollutant discharge elimination system permit (including an increase in the magnitude or duration of a violation) or prevents sewage sludge use or disposal in compliance with any federal, state or local regulations or permits.

**LIMIT.** The maximum allowable discharge of a given pollutant as in the following definitions.

(1) **DAILY MAXIMUM LIMIT** or **DAILY INSTANTANEOUS MAXIMUM LIMIT.** The maximum allowable discharge of pollutant as measured at any time during a calendar day, expressed as either a concentration limit or a daily mass limit. It is a violation if the concentration limit on any single sample taken exceeds that discharge limits in the discharge permit for the user, or the discharge limits set forth in § 100.011.

(2) **MONTHLY AVERAGE LIMIT.** The maximum allowable value for the average of all measurements of a pollutant obtained during one calendar month.

**NATIONAL CATEGORICAL PRETREATMENT STANDARDS (NCPS)** or **CATEGORICAL STANDARDS.** Any limitations on pollutant discharges to POTW promulgated by the United States Environmental Protection Agency that apply to specified process wastewater of particular industrial categories.

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)**

**PERMIT.** A permit issued pursuant to the Act.

**NEW SOURCE.** A source as defined by 40 C.F.R. § 403.3(k).

**NH3-N.** The ammonia nitrogen concentration in mg/l as determined using Environmental Protection Agency methods.

**NONCONVENTIONAL POLLUTANTS.** All pollutants which are not included in the definition of conventional pollutants.

**O&M.** Means operation and maintenance.

**NON-SIGNIFICANT CATEGORICAL INDUSTRIAL USER (NSCIU).** Categorical user which never discharges more than 100 gallons per day of total categorical wastewater, as defined in 40 CFR 403.3(v)(2).



**PASS THROUGH.** A discharge which exits the POTW into water of the state 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 WRA's national pollutant discharge elimination system permit, including an increase in the magnitude or duration of a violation, or other permit issued to the WRA by the Department of Natural Resources or the United States Environmental Protection Agency.

**PERSON.** Any individual, partnership, co-partnership, firm, company, association, joint stock company, society, corporation trust, estate, municipality, governmental entity, group or any other legal entity, or their legal representatives, agents or assigns.

**pH.** The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

**POLLUTION.** The alteration of chemical, physical, biological or radiological integrity of water as a result of human activity or enterprise.

**POTW TREATMENT PLANT.** The portion of the publicly-owned treatment works, which is designed to provide treatment, including recycling and reclamation, of municipal sewage and industrial waste.

**PRETREATMENT FACILITY.** The equipment used to accomplish pretreatment.

**PRETREATMENT REQUIREMENTS.** Any substantive or procedural requirement related to pretreatment standards, imposed on an industrial user.

**PRETREATMENT STANDARDS.** For any specified pollutant, the prohibitive discharge standards as set forth in § 100.010, the specific limitations on discharge as set forth in § 100.011, the state pretreatment standards or the national categorical pretreatment standards, whichever standard is most stringent.

**PRETREATMENT.** The reduction, elimination or alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing those pollutants into the POTW.

**PROPERLY SHREDDED GARBAGE.** The waste from the preparation, cooking and dispensing of food that has been shredded to a degree that all particles are carried freely under the flow conditions normally prevailing in the POTW, with no particle greater than one-half inch in any dimension.

**PUBLICLY-OWNED TREATMENT WORKS or POTW.** Includes "POTW" treatment works as defined by § 212 of the Clean Water Act, and which is owned by the Des Moines Metropolitan Wastewater Reclamation Authority or any of participating communities that make up the WRA. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances if they convey wastewater to a POTW treatment plant.

**SAMPLING CHAMBER or SAMPLING MAINTENANCE HOLE.** A device or structure suitable and appropriate to permit sampling and flow measurement of a wastewater stream to determine compliance with this chapter.

**SEVERE PROPERTY DAMAGE.** Substantial physical damage to property, damage to a pretreatment facility causing it to become inoperable, or substantial and permanent loss of natural resources, which can reasonably be expected to occur in the absence of a

bypass. **SEVERE PROPERTY DAMAGE** does not mean economic loss caused by delays in production.

**SEWAGE.** Wastewater as defined below.

**SEWAGE SYSTEM.** Sewers, intercepting sewers, pipes or conduits, pumping stations, force mains and all other constructions, devices and appliances appurtenant thereto used for collecting or conducting sewage to a point of treatment or ultimate disposal.

**SIGNIFICANT USER.**

- (1) All categorical users; and
- (2) All industrial users that:
  - (a) Discharge 25,000 gallons per day or more of process wastewater (excludes sanitary, non-contact cooling and boiler blowdown wastewater);
  - (b) Contribute a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the WRF; or
  - (c) Contribute a discharge that has a reasonable potential, in the opinion of the Director, to adversely affect the POTW treatment plant by causing interference or pass through.

**SLUDGE.** The solids separated from the liquids during the wastewater treatment process.

**SLUG OR SLUG LOAD** means any discharge of water or wastewater which, in concentration of any pollutant, measured using a grab or composite sample, is more than five times the allowable concentration as set forth in §§ 100-010 and 100-011 of this article or in a user's most recent wastewater discharge permit or which exceeds a slug concentration level specified in a wastewater discharge permit. A discharge with pH outside the allowable range by more than one standard unit (S.U.) shall also be considered a slug.

**STANDARD INDUSTRIAL CLASSIFICATION (SIC).** A classification pursuant to the *Standard Industrial Classification Manual* issued by the Executive Office of the President, Office of Management and Budget, most recent edition.

**STANDARD METHODS.** The laboratory procedures set forth in the latest United States EPA approved edition of *Standard Methods for the Examination of Wastewater* prepared and published jointly by the American Public Health Association, the American Water Works Association and the Water Environment Federation.

**STORM SEWER.** A sewer, which carries stormwater, surface water and drainage but excludes sewage and industrial waste other than unpolluted cooling water.

**T.** When used as a portion of a chemical name, shall designate total such as in cyanide-T where **T** means "total" cyanide.

**TKN.** The total Kjeldahl nitrogen concentration expressed in mg/l as determined using Environmental Protection Agency methods or Standard Methods.

**TOTAL METAL.** The sum total of the suspended and dissolved concentrations of a metal specified in a wastewater discharge permit or as specified in § 100.011.

**TOTAL SUSPENDED SOLIDS (TSS).** The portion of total solids retained by a filter using Environmental Protection Agency methods or Standard Methods.

**TOTAL TOXIC ORGANICS (TTO).** The summation of all quantified values greater than 0.01 milligram per liter for the toxic organics as specified in the applicable regulation.

**TOXIC POLLUTANT.** Any pollutant or combination of pollutants listed in 40 C.F.R.

part 403, Appendix B.

**UNPOLLUTED WATER.** Water containing none of the following: free or emulsified oil and grease; substances that may impart taste, odor or color characteristics; volatile, explosive, toxic or poisonous substances in suspension or solution; explosive, odorous or otherwise obnoxious gases. This water shall not contain more than 25 mg/l of suspended solids and not more than 25 mg/l of BOD.

**UPSET.** An exceptional incident in which there is unintentional and temporary noncompliance with pretreatment standards because of factors beyond the reasonable control of the user. An **UPSET** does not include noncompliance to the extent caused by operational error, improperly designed pretreatment facilities, inadequate pretreatment facilities, lack of preventive maintenance or careless or improper operation.

**USER.** A person discharging anything other than domestic wastewater into the POTW, and includes categorical users as herein defined.

**WASTE GENERATOR.** Any person which hauls or has hauled on its behalf wastewater it generates to the WRF.

**WASTE HAULER.** A private contractor licensed by the WRA to deliver wastewater to the WRT or other locations approved by the WRA Director, and includes all persons required to have a license under § 100.091.

**WASTEWATER.** Means and includes *sewage* as defined in federal law and regulation, or a combination of the liquid and water-carried waste from residences, commercial buildings, institutions and industrial establishments, together with such groundwater, surface water, and stormwater as may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

**WASTEWATER DISCHARGE PERMIT.** The document issued to a user by the WRA in accordance with the terms of this subchapter which permits the user to discharge wastewater to the POTW.

**WATER OF THE STATE.** All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof.

**WRA** or **WASTEWATER RECLAMATION AUTHORITY.** The Des Moines Metropolitan Wastewater Reclamation Authority, an entity organized and existing under Iowa Code Chapters 28E and 28F, and established pursuant to the WRA agreement. The term **WRA** means and includes the representatives of the participating communities on the WRA Board, and the officers and employees of the WRA.

**WRA AGREEMENT.** The amended and restated agreement for the Des Moines Metropolitan Wastewater Reclamation Authority, approved and executed by the WRA and its participating communities and effective as of July 1, 2004.

**WRA DIRECTOR** or **DIRECTOR.** The person appointed by the WRA Board, or by the WRA operating contractor upon consultation with the Board, as provided in § 2.63 of the WRA operating contract, who is charged with the administration and management of the WRA system and of the provision of all services outlined in the operating contract. Unless otherwise indicated in the text, the **DIRECTOR** shall mean and include the person acting as the Director's authorized designee in the Director's absence in carrying out the Director's duties under this subchapter.

**WRA OPERATING CONTRACTOR** or **OPERATING CONTRACTOR**. The City of Des Moines, pursuant to the initial operating contractor executed by the City of Des Moines and the WRA Board on and as of July 1, 2004, or any successor operating contractor as the WRA shall contract with to provide operation and management services to the WRA.

**WRA PARTICIPATING COMMUNITY** or **WRA PARTICIPATING COMMUNITIES**. Means, individually or collectively, depending on context, the cities of Altoona, Ankeny, Bondurant, Clive, Cumming, Des Moines, Grimes, Johnston, Norwalk, Pleasant Hill, Polk City, Waukee, and West Des Moines, and Polk County, Warren County, the Urbandale Sanitary Sewer District, the Urbandale-Windsor Heights Sanitary District and the Greenfield Plaza/Hills of Coventry Sanitary District, together with any other cities, counties, or sanitary districts that become participating communities under the provisions of the WRA agreement.

**WRA SYSTEM**. Includes the WRF, the WCCS, satellite wastewater and CSO treatment facilities hereafter constructed, all real and personal property of every nature hereinafter owned by the WRA and comprising part of or used as a part of the WRA system, and all appurtenances, contracts, leases, franchises and other intangibles of the WRA.

**WRA WASTEWATER COLLECTION AND CONVEYANCE SYSTEM** or **WCCS**. The WRA sanitary sewer interceptors and extensions to same, detention basins, equalization basins, storage facilities, pumping stations, force mains and all related property and improvements.

**WRA WASTEWATER RECLAMATION FACILITY** or **WRF**. The wastewater treatment plant located generally at 3000 Vandalia Road, Des Moines, Iowa, as the same may be expanded or improved in the future, and any other wastewater treatment plants hereafter acquired or constructed and operated by the WRA.

#### **§ 100.002 ABBREVIATIONS.**

The following abbreviations, when used in this article, shall have the designated meanings:

BETX	Benzene, ethylbenzene, toluene, and xylenes(total)
BOD	Biochemical oxygen demand
BMR	Baseline monitoring report
C	Celsius
CFR	Code of Federal Regulations
COD	Chemical oxygen demand
EPA	Environmental Protection Agency
F	Fahrenheit
FOG	Fat oil, and grease
GPD	Gallons per day
IDNR	Iowa Department of Natural Resources
lb/day	Pounds per day
mgd	Million gallons per day

mg/l	Milligrams per liter
NCPS	National Categorical Pretreatment Standards or categorical standards
NH <sub>3</sub> -N	Ammonia nitrogen
NPDES	National Pollutant Discharge Elimination System
O&G	Oil and grease
POTW	Publicly owned treatment works
SCP	Spill control plan
SIC	Standard industrial classification
SNC	Significant noncompliance
RCRA	Resource Conservation and Recovery Act
TCLP	Toxicity characteristic leaching procedure
TFE	Trichlorotrifluoroethane
TKN	Total Kjeldahl nitrogen
TOH	Total organic hydrocarbons
TRC	Technical review criteria
TSS	Total suspended solids
TTO	Total toxic organics
USC	United States Code
U.S. EPA	United States Environmental Protection Agency
VPH	Volatile petroleum hydrocarbons

#### **§ 100.003 GENERAL ADOPTION.**

The provisions of this chapter are enacted to aid in the enforcement of the pretreatment regulations set forth in this chapter. The city by enacting this subchapter designates the WRA and its operating contractor as the enforcement agency under this chapter. Employees, agents and officers of the WRA and of its operating contractor, while acting to enforce this chapter for the WRA, are empowered to make inspections, issue orders or permits and take those actions within the corporate boundaries of the city or sanitary sewer district as are authorized by this subchapter. The WRA or its operating contractor is also authorized to impose and collect all fees or penalties authorized by this chapter, and are authorized to directly bill and collect from contributors penalties, fees, charges and surcharges from all users within the city. A user's failure to pay any fee, charge, penalty or surcharge is a municipal infraction and shall also be grounds to discontinue sewer service to the user, all as hereafter more particularly provided. The enforcement of this chapter in the city or sanitary sewer district is not dependent upon passage of this chapter or a similar ordinance by other WRA participating communities.

#### **§ 100.004 INTENT AND CONSTRUCTION.**

(A) This chapter seeks to implement provisions of the Act, the general pretreatment regulations found at 40 C.F.R. parts 403 and I.A.C. Chapter 567, §§ 62.4 and 62.8.

(B) This chapter is to be construed and applied in accordance with the Clean Water Act amendments, the general pretreatment regulations, the Iowa Administrative Code and the purpose and policy provision set forth in § 100.005.

**§ 100.005 PURPOSE AND POLICY.**

(A) This chapter regulates the use of sanitary sewers; private wastewater disposal; the installation and connection of building sewers; and the discharge of wastewater or waste into the POTW. This chapter sets forth uniform requirements for discharges into the POTW, and the deposit of wastewater and waste hauled to the WRF or to other locations approved by the WRA Director for disposal and treatment.

(B) The objectives of this chapter are to:

(1) To prevent the introduction of pollutants into the POTW that may interfere with the operation of the system or interfere with sludge management and disposal;

(2) Prevent the introduction of pollutants into the POTW that may pass through the system inadequately treated and ultimately into receiving water, the atmosphere or otherwise be incompatible with the system;

(3) Protect workers' safety and health and protect against damage to the POTW; and

(4) Provide for equitable distribution of treatment and industrial pretreatment costs resulting from pollutants introduced into the POTW.

**§ 100.006 JURISDICTION.**

The sections of this chapter are applicable in their entirety to all users who contribute wastewater, directly or indirectly, into the POTW without regard to whether the physical facilities of those users are situated within or outside the corporate limits of the city. (

**§ 100.007 SEVERABILITY.**

If any provision of this chapter or the application thereof to any particular person or particular circumstance is held invalid, the invalidity shall not affect other provisions or application of this chapter which can be given effect without the invalid provision or application. To this end, the provisions of this chapter are severable.

**§ 100.008 INTERPRETATION.**

This chapter shall be construed and interpreted to conform with 40 C.F.R. Chapter I, and it is the intent of this subchapter that it comply with the federal regulations.

**§ 100.009 USER REQUIREMENTS.**

(A) The following requirements shall apply to all users of the POTW.

(1) All users shall promptly notify the WRA Director in advance of any substantial change in the volume or character of pollutants in their discharge.

(2) New or increased contributions of pollutants or changes in the nature of pollutant discharged to the POTW shall require prior approval by the WRA Director.

(3) Industrial users shall notify the WRA Director, the Environmental Protection Agency 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 C.F.R. part 261. The notification shall comply with the requirements set forth in 40 C.F.R. § 403.12(p).

(4) Discharge of any pollutants without the notice and approval required by this section is prohibited. Upon the receipt of notice required by this section, the WRA Director shall within 180 days or less approve the discharge if he or she finds the proposed discharge meets applicable pretreatment standards and requirements and would not cause the WRA to violate its national pollutant discharge elimination system permit. The WRA Director shall deny permission for the discharge if he or she finds applicable pretreatment standards and requirements are not met or the discharge would cause a violation of the national pollutant discharge elimination system permit for the WRF. In lieu of denial of permission for discharge, the WRA Director may allow the discharge or contribution upon conditions which would not violate applicable pretreatment standards or requirements and would not cause a violation of the national pollutant discharge elimination system permit for the WRF.

(5) Food service establishments shall initially be regulated under §§ 100.060 through 100.075 of this chapter but may be required to obtain a wastewater discharge permit and be subject to the requirements of §§ 100.001 through 100.048 if the WRA Director determines that additional pretreatment is required in order to comply with fat, oil and grease discharge limits.

(B) Any part of this section notwithstanding, upon receipt of the notice required by this section, the WRA Director may require, in addition to the requirements of this section, that an industrial user obtain a permit under this subchapter.

(C) Users who are determined to be industrial users as herein defined and who refuse to apply for or obtain a wastewater discharge permit shall be subject to termination of sewer services as provided in § 100.043.

#### **§ 100.010 DISCHARGE PROHIBITIONS.**

The following general prohibitions shall apply to all users of the POTW unless the user is subject to a more restrictive National Categorical Pretreatment Standards, the Iowa Department of Natural Resources, or wastewater discharge permit limit. The following substances are prohibited from discharge to the POTW:

- (1) Pollutants creating a fire or explosion hazard in the POTW, including but not limited to waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Celsius) using test methods referenced in 40 CFR 261.21. Waste streams shall not be ignitable at ambient temperatures. At no time shall two successive readings on a meter capable of reading L.E.L. (lower explosive limit) at the nearest accessible point to the POTW, at the point of discharge into the POTW or at any point in the POTW, be more than five percent nor any single reading greater than ten percent.
- (2) Any substance which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0 or greater than 12.0.
- (3) Solid or viscous pollutants which will cause obstruction to the flow in the POTW resulting in interference. Such pollutants include but are not limited to grease, garbage with particles greater than one-half inch any dimension, animal tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, wipes, spent grains, spent hops, wastepaper, wood, plastics, tar, asphalt residues from refining or processing of fuel or lubricating oil, mud or

- glass grinding or polishing waste, or tumbling and de-burring stones, and wastewater containing fat, wax, O&G, or other substances which may solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit (0 and 65 degrees Celsius).
- (4) Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate or pollutant concentration which will cause interference or pass through at the WRF or which constitutes a slug load as defined in this article.
  - (5) Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case wastewater or vapor having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius) at the point of introduction into the POTW, and in no case wastewater or vapor which alone or in concert with other discharges produces a temperature at the WRF greater than 104 degrees Fahrenheit (40 degrees Celsius).
  - (6) Petroleum oil, non-biodegradable 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 or a public nuisance.
  - (8) Any trucked or hauled pollutants, except at discharge points designated by the WRA.
  - (9) Any radioactive material as defined in the Atomic Energy Act of 1954, as amended, and as defined in I.C. §136C.1, except materials which meet conditions of disposal by release into sanitary sewerage pursuant to 10 CFR 20.2003.
  - (10) Any wastewater containing concentrations of inert suspended solids, such as but not limited to fuller's earth, lime slurries, and lime residues, or of dissolved solids, such as but not limited to, sodium chloride and sodium sulfate, which exceed 3,000 mg/l nonvolatile or 3,000 mg/l total dissolved solids unless approved by the WRA director.
  - (11) Pollutants causing excessive discoloration, such as but not limited to dye waste and vegetable tanning solutions.
  - (12) Hazardous Waste Pharmaceuticals for human or animal use as defined in 40 CFR 266.500.

**§ 100.011 LOCAL LIMITS FOR SPECIFIC POLLUTANTS.**

- (a) *Generally.* Local limits for specific pollutants discharged pursuant to this article shall be as follows:
  - (1) *Dilution.* Dilution of the discharge from a pretreatment facility or from a regulated process is prohibited as a method for treatment of wastes in order to meet the limits set forth in this article.
  - (2) *Sample location.* Measurement of pollutant concentrations to determine compliance shall be made at the point immediately following the pretreatment facility and before mixture with other waters, unless another point is designated by the WRA director. If necessary, the concentrations so measured shall be recomputed to exclude the effect of any dilution that is improper using the combined waste stream formula.



- (b) *Headworks limits; average mass.* The average composite loading of all industrial users contributing the following specific pollutants to the POTW shall not exceed the allowable total pounds. The allocation of pollutants between industrial and nonindustrial sources may be adjusted by the director provided that the allowable total loading for any pollutant at the headworks of the WRF is not exceeded.

	30-Day Average Allowable Pounds/Day	
Pollutant	Total	Industrial
BOD	195,600	135,153
TSS	300,400	208,463
NH3	13,000	6,959
TKN	27,760	16,950

	Maximum Allowable Headworks Loading Pounds/Day	Maximum Allowable Industrial Loading Pounds/Day
Pollutant	Total	Industrial
Arsenic-T	7.58	3.81
Cadmium-T	3.65	2.16
Chromium-T	136.35	120.90
Copper-T	148.56	125.51
Cyanide-T	17.08	8.28
Lead-T	28.17	20.94
Mercury-T	0.999	0.747
Nickel-T	87.27	75.75
Silver-T	23.30	19.77
Zinc-T	360.59	283.53

- (c) *Discharge concentration limits and review criteria.* Discharge concentration limits and review criteria shall be as follows:

- (1) The discharge into the POTW of any materials, water or waste having a pollutant concentration greater than the limits in subsections (c)(3), (4), and (5) of this section or containing pollutants not listed in this subsection shall be subject to the review and approval of the WRA director. After review of the proposed discharges, the WRA director may:
  - a. Reject the waste for reasons consistent with section 100-005 of this article.
  - b. Require pretreatment to an acceptable pollutant concentration for discharge to the POTW.
  - c. Require control of the quantities and rates of discharge of the water or waste.
  - d. Require payment to cover the added cost of handling and treatment of water and waste or any combination thereof.

- e. Reduce the maximum or average mass loading of present and prospective individual users on any reasonable prorated basis to meet headworks loading limits at the WRF.
  - f. Require the user to obtain a wastewater discharge permit and be subject to any of the rules and regulations contained therein.
  - g. Require the user to meet local limits when local limits are more restrictive than National Categorical Pretreatment Standards, provided that headworks loading limits are met.
  - h. Initiate enforcement action in response to any noncompliance with this article using the enforcement procedures outlined in this article.
  - i. Take any combination of the steps in subsections (c)(1)a through (c)(1)g, as appropriate.
- (2) Users discharging wastewater to the POTW whose pollutant concentrations or flows are greater than the following shall be considered industrial users for purposes of sewer charges and may be regulated or permitted by the WRA director as appropriate:

	Pollutant	Daily Maximum (mg/l)
a.	BOD	200
b.	TSS	250
c.	COD	300
d.	O&G-T	100
e.	TKN	30
f.	NH3-N	15
g.	An average daily flow greater than 5,000 gallons or having an unusual concentration of flow.	

- (3) Pollutant limits. Average and maximum concentration limits for users without National Categorical Pretreatment Standards for these pollutants shall be as follows:

Pollutant	Daily Maximum (mg/l)	Monthly Average (mg/l)
Arsenic-T	0.38	0.25
Cadmium-T	0.08	0.05
Chromium-T	6.43	4.29
Copper-T	10.21	6.80
Cyanide-T	0.53	0.36
Lead-T	1.43	0.95
Mercury-T	0.042	0.028
Nickel-T	7.22	4.81

O&G-T	400.0	--
O&G-Mineral	100.0	--
Silver-T	1.30	0.87
VPH	10.0	--
Zinc-T	19.64	13.09

pH range shall be not lower than 5.0 or greater than 12.0.

Temperature (liquids or vapors) shall be not greater than 150 degrees Fahrenheit at the point of entry into the POTW.

- (4) Daily maximum pollutant limits for hauled waste. Wastes delivered to the WRF by truck or rail shall not exceed the following concentrations in any load or overall daily loading limits unless otherwise approved by the WRA Director:

Pollutant	Concentration (mg/l)	Loading (pounds/day)
COD	100,000	--
O&G-T	50,000	--
VPH	10.0	--
Arsenic-T	--	0.014
Cadmium-T	--	0.93
Chromium-T	--	24.74
Copper-T	--	23.71
Cyanide-T	--	0.29
Lead-T	--	6.70
Mercury-T	--	0.12
Nickel-T	--	3.71
Silver-T	--	0.26
Zinc-T	--	87.62

pH range shall be not lower than 5.0 or greater than 12.0.

- (5) Daily maximum limit for gasoline cleanup projects. Discharge of wastewater from sites where gasoline is being removed from the soil or groundwater shall meet the following limits prior to discharge to the POTW:

Pollutant	mg/l
Benzene	0.050
BETX	0.750

- (d) No subsection of this section shall be construed to provide lesser discharge standards than are or that may be imposed and required by U.S. Environmental Protection Agency or the Iowa department of natural resources, nor to allow the average allowable total loading for any pollutant at the headworks of the WRF to be exceeded.

**§ 100.012 NATIONAL CATEGORICAL PRETREATMENT STANDARDS.**

(A) Users subject to national categorical pretreatment standards (NCPS) as contained in 40 C.F.R. Chapter I, Subchapter N, Part 405-471 shall comply with the standards and applicable reporting requirements under 40 C.F.R. § 403.12.

(B) New sources of categorical discharge shall meet national categorical pretreatment standards in the shortest feasible time, but in no case longer than 90 days from the commencement of discharge.

(C) Failure to comply shall be a violation of this subchapter and subject the user to enforcement action.

(D) The WRA is required to notify all known affected categorical users of the applicable reporting requirements under 40 C.F.R. § 403.12. Failure of the WRA to notify a user shall not relieve the user of the duty, if any, to comply with national categorical pretreatment standards.

**§ 100.013 STATE REQUIREMENTS.**

State requirements and limitations on discharges pursuant to this subchapter shall apply when they are more stringent than United States Environmental Protection Agency or WRA requirements and limitations unless allowed by the State Department of Natural Resources.

**§ 100.014 CITY'S RIGHT OF REVISION.**

The city, acting at the direction of the WRA, reserves the right to establish more stringent limitations or requirements on discharges to the POTW than those contained in this subchapter if deemed necessary to comply with the purpose and policy objectives presented in § 100.005.

**§ 100.015 PRETREATMENT.**

(A) A user discharging or with potential to discharge any waste into the POTW as set forth in §§ 100.010, 100.011 or 100.012 shall be required by the WRA Director to construct, install and operate, at the user's sole expense, pretreatment facilities as may be required in order to:

(1) Reduce the objectionable characteristics or constituents of wastewater to within the maximum limits provided for in §§ 100.010, 100.011 and 100.012;

(2) Control the quantities and rates of discharge of wastewater;

(3) Reduce the pollutants to those concentration and flows as may be contained in the user's wastewater discharge permit; and

(4) Prevent the discharge of liquid waste containing FOG, sand in excessive amounts, any flammable waste or other harmful pollutants. All traps or similar devices shall be of a type and capacity needed to perform effectively and shall be readily and easily accessible for cleaning and inspection. All traps or devices shall be provided and maintained in efficient operating condition at all times. Materials removed from traps shall be considered unacceptable for disposal at the WRF unless specifically approved by the WRA Director.

(B) All plans, specifications, technical operating data and other information pertinent to the proposed operation and maintenance of pretreatment facilities shall be reviewed and approved by the WRA Director prior to construction. Design and installation of these

facilities shall be subject to the requirements of all applicable codes, chapters and laws, including local zoning regulations. The review and approval of the plans and operating procedures shall, in no way, relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the WRA Director under this subchapter. Any subsequent changes in the pretreatment facilities or method of operations shall be reported to and be acceptable to the WRA Director prior to the user's initiations of the changes.

(C) Users shall continuously maintain all pretreatment facilities required by this subchapter in satisfactory and effective operating condition at the sole expense of the user.

(D) No section contained in this chapter shall be construed to prevent or prohibit a separate or special agreement between the WRA and any user whereby wastewater containing waste of unusual strength, character or composition may be accepted for treatment, subject to additional payment by the user; provided, however, that the agreement shall have the prior approval of the WRA Board, shall not conflict with the State Department of Natural Resources and United States Environmental Protection Agency requirements, and shall be consistent with §§ 100.011(B), 100.012, 100.013 and division (F) below.

(E) The WRA Director may reject any waste, which, in the opinion of the Director, may cause interference or pass through.

(F) Users shall obtain the specific approval of the WRA Director prior to discharging any waste resulting from a pretreatment facility to the POTW. The WRA Director may develop a documentation system to track the transportation and final disposition of any pretreatment waste. Pretreatment waste regulated by this division (F) shall include waste generated as a result of pretreatment processes used to comply with national pollutant discharge elimination system permits, air pollution permits, wastewater discharge permits, soil/groundwater reclamation processes and pollutants resulting from a spill of any liquid or solid material or the cleanup of any spill. Pretreatment waste is prohibited from disposal to the water of the state except as specifically permitted by the State Department of Natural Resources.

#### **§ 100.016 DILUTION PROHIBITED.**

Users shall not increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate pretreatment to achieve compliance with the limitations contained in the national categorical pretreatment standards, or with any other pollutant specific limitation developed by the WRA or its operating contractor.

#### **§ 100.017 SPILL CONTAINMENT.**

(A) Users having the ability to cause interference or pass through or to discharge a slug shall provide protection from accidental discharge to the POTW of prohibited materials or other substances regulated by this subchapter. Facilities to prevent accidental discharge of prohibited materials shall be constructed, installed, operated and maintained at the user's sole cost and expense.

(B) Users meeting the criteria in division (A) above shall develop a spill containment plan. The plan shall require the approval of the WRA Director and shall contain the

following:

(1) A description of discharge practices, including non-routine batch discharges;

(2) A description of stored chemicals;

(3) Procedures for immediately notifying the WRA of slug discharges, including any that would violate the discharge prohibitions in § 100.010. Notification procedures shall comply with divisions (C) and (D) below;

(4) A description of procedures and structures necessary to prevent adverse impacts upon the POTW from accidental spills including 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; and

(5) A schedule for the completion or implementation of necessary procedures and structures. Complete implementation and installation of any procedures or structures shall be according to the shortest possible schedule, but in no case longer than one year. Review and approval of these plans and operating procedures shall not relieve the user from the responsibility to modify and operate its facility as necessary to meet the requirements of this subchapter.

(C) Users shall immediately telephone and notify the WRA of any accidental or deliberate discharge of pollutants which violates § 100.010 or which is a slug load. Any discharge into the POTW of a substance which is a listed or characteristic waste under § 3001 of RCRA must be immediately reported to the United States Environmental Protection Agency Regional Director, the State Department of Natural Resources and the WRA. Notifications required in this division (C) shall include the name of caller, location and time of discharge, pollutant concentration, volume and the corrective actions taken.

(D) Users shall submit a written report to the WRA Director within five days following an accidental or deliberate discharge describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Users shall submit follow-up reports as may be required by the WRA Director. The report shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills or any other damage to person or property, nor shall this report relieve the user of any fines, civil penalties or other liability which may be imposed by this subchapter or otherwise. Failure to report accidental or deliberate discharges may, in addition to any other remedies available to the city and sewer district, result in the revocation of the discharger's wastewater discharge permit.

(E) Users shall control production or all discharges to the extent necessary to maintain compliance with all applicable regulations upon reduction, loss or failure of its pretreatment facility until the facility is restored or an alternative method of pretreatment is provided. This requirement applies in the situation where, among other things, the primary source of power to the user's pretreatment facility is reduced, lost or fails.

(F) Users required to have a spill containment plan must permanently post a notice in English and the language of common use on the user's bulletin board or other prominent place advising employees whom to call if a prohibited discharge occurs. Users shall ensure that all employees who are in a position to cause, discover or observe an accidental discharge are advised of the emergency notification procedures.

**§ 100.018 TREATMENT UPSETS.**

(A) Users shall inform the WRA Director within one hour of becoming aware of an upset in operations that places it in a temporary state of noncompliance with the pollutant limits in this subchapter. Users shall provide a follow-up written report to the WRA Director within five days.

(B) The report must demonstrate that the pretreatment facility was being operated in a prudent and appropriate manner and shall contain:

- (1) A description of the upset, its cause and impact on the user's compliance status;
- (2) The duration of noncompliance, including exact dates and times of noncompliance, and, if the noncompliance is continuing, the time by which compliance is reasonably expected to be restored; and
- (3) All steps taken or planned to reduce, eliminate and prevent recurrence of an upset.

**§ 100.019 TREATMENT BYPASS.**

(A) Under this subchapter, bypass is prohibited unless it is unavoidable to prevent loss of life, personal injury or severe property damage or no feasible alternatives exist such as the use of auxiliary treatment facilities, retention of untreated waste or maintenance during normal periods of equipment downtime.

(B) The user may allow a bypass to occur which does not cause a violation of pretreatment standards, but only if it is for essential maintenance to ensure efficient operation.

(C) Notification of bypass shall be submitted in accordance with the following.

(1) *Anticipated bypass.* If the user knows in advance of the need for a bypass, it shall submit prior written notice, at least ten days before the date of the bypass, to the WRA Director.

(2) *Unanticipated bypass.* The user shall immediately notify the WRA Director and submit a written report to the WRA within five days. This report shall specify the following:

- (a) A description of the bypass, its cause and the duration;
- (b) Whether the bypass has been corrected; and
- (c) The steps being taken or to be taken to reduce, eliminate and prevent a reoccurrence of the bypass.

(D) Proper notification shall not relieve the user of liability for treatment costs and fees or other remedies as provided for in § 100.015.

**§ 100.020 FEES.**

To provide for the recovery of costs from users of the POTW and for the implementation of the pretreatment program established by this article, the following fees are hereby established and shall be applicable to discharges by all users:

- (1) All users shall be subject to the following fees and charges:
  - a. The one-time wastewater discharge permit application fee shall be \$200.00 for a class A permit and, \$100 for a class B permit.
  - b. The annual fee for a class A wastewater discharge permit, including annual inspection of permitted users, shall be \$1,500.00.

- c. The annual fee for a class B wastewater discharge permit, including annual inspection of permitted users if completed or applicable, shall be \$750.00.
- d. The fee paid by each industrial user when an accidental discharge or slug load occurs shall be the total of all costs incurred by the WRA as a result of said discharge or load. Said fee may be charged by the WRA separately from and in addition to a civil penalty of up to \$1,000.00 charged to the user under Chapter 100 related to said discharge or load.
- e. The trip charge for sampling or inspecting a user's discharge shall be \$50.00 per event. An equipment fee of \$50.00 per event shall also apply when using a WRA-owned automatic sampler. When a sampling or inspection event must be rescheduled due to failure of the user's sampling equipment, a sampler seal (used to detect sample tampering) being broken, monitoring facilities not being readily accessible or operational, or any other reason beyond the control of the WRA, a trip charge of \$50.00 shall be assessed.
- f. Laboratory analysis fees for those analyses performed by the WRA shall be as follows:

#### LABORATORY ANALYSIS FEES

Test		Cost/ Sample
BOD		\$ 20.00
COD		20.00
Total Organic Carbon (TOC)		20.00
TSS		10.00
pH		5.00
Oil and grease – Total		35.00
Mineral/nonmineral		35.00
Nitrogen, ammonia		15.00
Nitrogen, nitrate		15.00
TKN		30.00
Phosphorous, total		25.00
Potassium		12.00
Calcium carbonate equivalent		15.00
Soil analysis, each pollutant		20.00
Phenols		28.00
Cyanide		30.00
Metals:		
	Arsenic	20.00
	Selenium	20.00
	Mercury	25.00



	Other metals (per parameter)	15.00
	BETX (OA-1)	40.00
	VPH (OA-1)	40.00
	BETX & VPH (OA-1)	45.00
USEPA Tests:		
	608 Organochlorine Pesticides & PCBs	70.00
	624 Volatile Organic Compounds	140.00
	625 Base/Neutral Organic Compounds and/or	290.00
	625 Acid/Organic Compounds	290.00

- g. Fees for analysis performed by laboratories other than the WRA laboratory shall be the full cost of each analysis.
- h. Fees for rescheduling a scheduled inspection with WRA personnel, with less than 24 hours' notice or if appropriate facility managers are unavailable at the scheduled time of inspection, shall be \$100.00 per rescheduled inspection.
- i. Fees for copying and mailing documents shall be \$1.00 for the initial page and \$0.25 for each additional page plus postage. No charges shall be assessed for requests for copies received from individuals or agencies served by the WRA, provided the number of pages requested does not exceed ten.
- j. Fees for past due reminders sent each 30 days that a balance remains unpaid shall be \$5.00.
- k. Prohibitive waste charges for each pollutant discharged in excess of permit or ordinance limits shall be \$50.00 per violation for class B permit holders and \$100.00 per violation for class A permit holders. Charges shall double if discharges exceed slug threshold values. Payment of fees does not preclude other enforcement action and may not be paid in lieu of compliance with discharge limitations.
- l. At the WRA's discretion, administrative cost recovery fees may be assessed separately to a user or added to a user's disposal fee for actions or occurrences subject to Chapter 100 which result in the need for additional labor, equipment, and/or materials from the WRA or its contractors, including but not limited to cleanup of spills, infrastructure maintenance, improper scale transactions, improper disposal, and waste source verification. Fees shall be assessed based on the actual costs incurred by the WRA, or on the estimated costs incurred by the WRA rounded down to the nearest multiple of twenty based on actual rates for labor, materials, and equipment with a minimum fee of not less than \$20.00. Fees under this section (l) will be charged in addition to charges, fines, fees, or other

costs associated with rejected, unapproved, or atypical wastes under sections 100.098 and 100.099 of this chapter.

- (2) All users contributing wastewater in excess of the following concentrations shall be assessed a surcharge, which shall be in addition to the rates and charges ordinarily billed to such users for sewer use: Commencing October 1, 2022 until June 30, 2025, surcharges shall be assessed in accordance with the following rate schedule:

Pollutant	Surcharge per Pound of Pollutant for the Period:		
	10/1/2022 – 6/30/2023	7/1/2023 – 6/30/2024	7/1/2024 – 6/30/2025
Total suspended solids in excess of 250 mg/l	\$ 0.18	\$ 0.20	\$ 0.22
BOD or CBOD in excess of 200 mg/l	0.14	0.17	0.21
TKN in excess of 30 mg/l	0.55	0.49	0.42
Oil and grease in excess of 100 mg/l	0.08	0.10	0.11

Commencing on July 1, 2025, surcharge rates listed in the above table shall be annually adjusted as of July 1 of each year to increase two percent per annum rounded to the nearest whole cent.

Chemical oxygen demand (COD) in excess of 300 mg/l may be used at the discretion of the WRA director in lieu of CBOD. In such case the excess COD concentration shall be multiplied by the known CBOD/COD ratio or by a ratio of two-thirds to establish an equivalent CBOD concentration.

Ammonia nitrogen (NH<sub>3</sub>-N) in excess of 15 mg/l may be used at the discretion of the WRA director in lieu of TKN by multiplying the excess NH<sub>3</sub>-N concentration times two to establish an equivalent TKN concentration.

- (3) The establishment and imposition of new or different fees or charges, in addition to or in substitution for those provided above in this section, shall be by ordinance amending this chapter. The amounts of the fees and charges established in this section shall be and remain in effect until such time as the WRA Board shall by resolution revise said fee amounts. Said revised fees and charges shall take effect after the board causes said resolution to be sent to this city council and the sanitary sewer district board thereafter causes same to be published in a newspaper of general circulation in each county in which participating communities are located.

#### **§ 100.021 CLASSES OF PERMITS.**

Discharge permit classifications shall be as follows:

- (A) Class A permit issued to a user discharging 25,000 gallons per day or more of process wastewater (excludes sanitary, non-contact cooling and boiler blowdown); and

(B) Class B permit issued to a user discharging less than 25,000 gallons per day of process wastewater.

**§ 100.022 PERMIT REQUIREMENTS.**

(A) All new industrial users shall notify the WRA Director of the nature and characteristics of their proposed discharge 180 days prior to commencing discharge. A notification form prescribed by the WRA shall be used for this purpose.

(B) Significant users shall discharge wastewater, either directly or indirectly, into the POTW only after obtaining a wastewater discharge permit from the WRA Director. Obtaining a wastewater discharge permit does not relieve a user of the obligation to obtain other permits required by federal, state or local law.

(C) Other users, including waste haulers, shall obtain permits as required by the WRA Director.

**§ 100.023 PERMIT APPLICATIONS; BASELINE MONITORING REPORTS; COMPLIANCE SCHEDULES.**

Users applying for a wastewater discharge permit or categorical users submitting a baseline monitoring report shall submit the following information as required by 40 C.F.R. § 403.12 or by the WRA Director.

- (A) Users applying for a wastewater discharge permit must submit an application form prescribed by the WRA and accompanied by the application fee. All new significant users must submit an application 180 days prior to the date of any wastewater discharge.
- (B) Existing users subject to new National Categorical Pretreatment standards must, within 180 days after the effective date of the standard, submit a baseline monitoring report prescribed by the WRA. New users subject to National Categorical Pretreatment Standards must submit a baseline monitoring report prescribed by the WRA at least 90 days prior to commencement of discharge to the POTW. A baseline monitoring report shall include:
  - (1) Name, address and location of the facility, if different from the mailing address;
  - (2) Name of the operator and owners of the facility;
  - (3) A list of all environmental control permits held by or for the facility;
  - (4) A description of the operations including the average rate of production, applicable Standard Industrial Classification (SIC) codes, schematic process diagrams, and points of discharge to the POTW from regulated processes.
- (5) Daily average and daily maximum flow measurements for regulated process waste streams and nonregulated waste streams where necessary.
- (6) The categorical user shall identify the pretreatment standards applicable to each regulated process and shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required) of pollutants contained therein which are limited by the applicable pretreatment standards from each regulated process.
- (7) The user shall take a minimum of one representative sample immediately downstream of any pretreatment facility or immediately downstream of each regulated process if no pretreatment exists and prior to mixing with other waste to compile that data necessary to comply with this requirement. If non-regulated wastewater is mixed with regulated wastewater prior to pretreatment, the user must measure the flows and

concentrations necessary to allow use of the combined waste stream formula of 40 CFR 403.6(e) in order to evaluate compliance with pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e), this adjusted limit along with supporting data shall be submitted to the WRA director. Sampling and analysis shall be performed in accordance with 40 CFR 136 or other verified method approved by the WRA director;

(8) The time, date, and place of sampling, methods of analysis, and certification that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.

(9) Historical data may be allowed by the WRA director so long as the data provides information sufficient to determine the need for industrial pretreatment measures.

(10) Certification by an authorized representative of the user as referenced in section 100.033 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 or additional pretreatment is required for the user to meet pretreatment standards and requirements.

(11) If additional pretreatment or O&M will be required to meet pretreatment standards, requirements, discharge limits as set forth in section 100.010, 100.011, 100.012 of this article, or any other limit set by the WRA director, the user shall supply a compliance schedule indicating the shortest time schedule necessary to accomplish installation or adoption of such additional pretreatment or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions apply to this schedule:

- i. 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. Such schedule shall include, where applicable, but shall not be limited to dates for the hiring of an engineer, completing preliminary plans, executing contracts for major components, commencing construction, beginning operation, and conducting routine operations.
- ii. No increment referred to in subsection (11)i of this section shall exceed nine months, nor shall the total compliance period exceed 18 months.
- iii. No later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the WRA director, including, at a minimum, whether or not it complied with the increment of progress, the reason for any delay, and the steps being taken by the user to return to the established schedule. In no event shall more than nine months elapse between such progress reports to the WRA director.

(12) A minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants required, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The WRA director may waive flow-proportional composite sampling for any user who demonstrates that flow-proportional sampling is not feasible. In such cases, samples may be obtained through time-proportional techniques or through a minimum of four grab samples where the user demonstrates that such sampling will provide a representative sample of the effluent being discharged.

- (C) New significant users not subject to categorical standards shall submit analysis of wastewater representative of the effluent discharged to the POTW as required in subsections (7-10) of this section for all parameters deemed necessary by the WRA director.
- (D) New or existing industrial users not subject to categorical pretreatment standards who fail to meet local, state, or federal pretreatment standards or other permit requirements on a consistent basis shall be subject to compliance schedules for additional pretreatment or O&M as outlined in subsection (11) of this section.
- (E) All applications and reports must contain the certification statement and be signed in accordance with § 100.033.

**§ 100.024 REPORT ON COMPLIANCE BY CATEGORICAL USERS.**

Users subject to National Categorical Pretreatment Standards shall submit a report to the WRA director containing the information described in section § 100.023 (2) within 90 days following the date for final compliance with applicable National Categorical Pretreatment Standards or, if a new source, following commencement of discharge. Users subject to equivalent mass or concentration limits shall provide a reasonable measure of the user's long term production rate. For all other users subject to National 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 reports must contain the certification statement and be signed in accordance with § 100.033 of this division.

**§ 100.025 PERMIT CONTENTS.**

(A) Wastewater discharge permits shall include those conditions as are reasonably deemed necessary by the WRA Director to prevent pass through or interference; protect the quality of the water body receiving effluent from the POTW; protect worker health and safety; facilitate the WRA's sludge management and disposal program; and protect against damage to the POTW.

(B) The WRA Director may include the following items in the permit and additional items as the Director determines necessary or prudent:

- (1) Limits on the average or maximum rate of discharge, time of discharge or requirements for flow regulation and equalization;
- (2) Limits on the average or maximum concentration, mass or other measure of identified wastewater constituents or properties;
- (3) Requirements for the installation of pretreatment technology or construction of appropriate containment devices and the like, designed to reduce, eliminate or prevent the introduction of pollutants into the POTW;
- (4) Development and implementation of spill control plans or other special conditions including additional management practices necessary to adequately prevent accidental, unanticipated or prohibited discharges;
- (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, sampling and flow monitoring facilities and equipment for each separate discharge into the POTW;
- (7) Specifications for monitoring programs, which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedules;

- (8) Compliance schedules;
- (9) Requirements for submission of technical reports or discharge reports and which may include production data;
- (10) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the WRA Director and affording the Director or the Director's representatives access thereto;
- (11) Requirements for the notification of any substantial change in the manufacturing processes, pretreatment processes, quantity or quality of waste discharged to the POTW 90 days prior to the change. The WRA Director shall approve, deny or condition a changed discharge prior to a change occurring in accordance with § 100.009(A)(4);
- (12) Requirements for notification of excessive, accidental or slug discharges;
- (13) Other conditions as deemed appropriate by the WRA Director to ensure compliance with this subchapter, and state and federal laws, rules and regulations; and
- (14) A statement that compliance with the permit does not relieve the permittee of responsibility for compliance with all applicable federal pretreatment standards, including those which become effective during the term of the permit.

#### **§ 100.026 PERMIT DURATION AND RENEWAL.**

Permits required under this subchapter shall be issued for a specified time period, not to exceed five years. Permit fees shall be due annually to the WRA regardless of the term of the permit. Permitted users shall apply for a new permit by submitting a completed permit application a minimum of 90 days prior to the expiration of the user's existing permit.

#### **§ 100.027 CONTINUATION OF EXPIRED PERMITS.**

Expired permits issued pursuant to this subchapter shall remain effective and enforceable until the permit is reissued unless the user is notified of permit termination by the WRA Director.

#### **§ 100.028 PERMIT MODIFICATIONS.**

(A) The WRA Director may modify the permit issued pursuant to this subchapter for good cause, including, but not limited to, the following:

- (1) To incorporate any new or revised federal, state or local pretreatment standard or requirement. After becoming aware of more stringent standards or requirements, the WRA will, as necessary, update permits within 90 days;
- (2) To make material or substantial alterations or additions to the discharger's operation processes or discharge volume or character which were not considered in drafting the effective permit;
- (3) To make a change in any condition in either the industrial user or the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (4) Upon receipt of information indicating that the permitted discharge poses a threat to the POTW, to the city, sanitary district, WRA or operating contractor personnel or to the receiving water;
- (5) Upon occurrence of a violation of any terms or conditions of the permit;

(6) Misrepresentation of, or grant of variance from, categorical standards pursuant to 40 C.F.R. § 403.13;

(7) To correct typographical or other errors in the permit;

(8) To reflect transfer of ownership or operation of the permitted facility to a new owner or operator; or

(9) Upon request of the permittee, provided the request does not create a violation of any applicable requirements, standards, laws or rules and regulations.

(B) The filing of a request by the permittee for permit modification, revocation and reissuance, termination or a notification of planned changes or anticipated noncompliance shall not have the effect of staying or delaying the implementation or effective date of any permit condition.

#### **§ 100.029 PERMIT TRANSFER.**

An industrial wastewater discharge permit is not transferable to any other person or entity. A new owner or operator must apply for a new wastewater discharge permit 60 days prior to taking ownership or undertaking operation of a permitted facility.

#### **§ 100.030 DENIAL OF PERMIT.**

The WRA Director may deny a wastewater discharge permit to any user whose discharge of material to the POTW, whether shown upon application, including test results submitted by the applicant, or determined after inspection or testing conducted by the WRA or its operating contractor, is not in conformity with this subchapter or whose application is incomplete or does not comply with the requirements of § 100.023.

#### **§ 100.031 PERMIT VIOLATIONS.**

Any violation of the terms, conditions or limits of a user's wastewater discharge permit shall be deemed a violation of this subchapter and shall subject the user to all enforcement procedures outlined in this subchapter.

#### **§ 100.032 PERIODIC COMPLIANCE REPORTS.**

Under this chapter, periodic compliance reports are required as follows.

(A) Significant users shall submit to the WRA Director, during the months of January and July, a report indicating the nature, concentration and flow of pollutants in the effluent, which are limited by permit or pretreatment standards for the preceding six-month period. This report shall include a record of the monthly average flows and the daily flow for each analysis date during the reporting period. At the discretion of the WRA Director and in consideration of those factors as local high or low flow rates, holidays, budget cycles and the like, the WRA Director may agree to alter the months during which the reports are to be submitted. More frequent reports may be required by the WRA Director.

(B) The WRA Director may impose mass limitations on users. In these cases, the report required by division (A) above shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. All analyses shall be performed using Environmental Protection Agency approved methods using sampling techniques approved by the State Department of Natural Resources.

(C) Users shall meet the certification and signatory requirements in § 100.033 for each

report submitted under this section. Where the WRA itself collects all the information required for the report, including flow data, the industrial user will not be required to submit a periodic compliance report.

(D) A user must notify the WRA Director of all violations identified as a result of self-monitoring to the POTW by telephone, during normal business hours, within 24 hours of the time the user becomes aware of the violation. The user must also submit the results of repeat analyses to the WRA within 30 days after becoming aware of the violation, together with a complete report on all steps taken to resolve the violation. The user need not repeat the analyses if:

(1) The WRA performs sampling of the industrial user at a frequency of at least once per month; or

(2) The WRA performs sampling of the user between the time when the user performs its initial sampling and the time when the user receives the results of this sampling.

(E) A user who monitors any pollutant more frequently than required by the WRA or who self-monitors in addition to WRA monitoring, using Environmental Protection Agency methods or standard methods, shall report the monitoring results to the WRA Director in accordance with divisions (A), (C) and (D) above.

#### **§ 100.033 CERTIFICATION AND SIGNATORY REQUIREMENTS.**

(A) All applications or reports submitted by a user pursuant to this chapter shall 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.”

(B) All applications and reports shall be signed by an authorized representative of the user as defined in § 100.001. A user shall maintain a current and accurate authorization on file with the WRA Director.

#### **§ 100.034 MONITORING FACILITIES.**

(A) When required by the WRA Director pursuant to this chapter, each permitted user shall at its expense provide and operate monitoring facilities to allow inspection, sampling and flow measurement of the building sewer or internal drainage systems. The WRA Director may require the placement of the monitoring facilities at the end of each process where pollutants are used, produced or treated. The monitoring facility should normally be situated on the user's premises and located so that it will not be obstructed by landscaping or parked vehicles.

(B) When required by the wastewater discharge permit and within 90 days of written notification, a user shall install a sampling chamber for each separate discharge of the building sewer in accordance with plans and specification approved by the WRA Director. A user shall provide ample room in or near the sampling chamber to allow



accurate sampling and preparation of samples for analysis. Each user shall at its expense maintain all sampling and measuring equipment in a safe and proper operating condition at all times, which equipment shall be safely, easily and independently accessible to authorized representatives of the WRA. Users shall certify all flow measuring devices to be in proper working condition at a frequency specified in the permit or in writing by the WRA Director, using a qualified technician acceptable to the WRA Director. Sampling shall be in accordance with the following.

(1) Each sampling chamber shall contain a flume unless another device is approved by the WRA Director, with a recording and totalizing device for measurement of the liquid quantity.

(2) At the discretion of the WRA Director, metered water supply to a user may be used as the volume quantity where it is substantiated that the metered water supply and waste quantities are approximately the same, or where a measurable adjustment agreed to by the Director is made in the metered water supply to determine the liquid waste quantity. Separate meters may be used to subtract water, which is not discharged to the POTW or is discharged to a sewer other than the sampled location.

(3) Samples shall be taken at a frequency and volume determined by the WRA Director and shall be properly refrigerated and preserved in accordance with Environmental Protection Agency approved methods. The sample shall be composited in proportion to the flow for a representative 24-hour sample. A time proportioned 24-hour sample may be used if flow proportioned sampling is determined by the WRA Director to be impractical. Grab samples shall be used where appropriate.

(C) A user must inform the WRA Director prior to breaking a sampler seal, used by the WRA to detect sample tampering, unless necessary to prevent loss of life, personal injury or severe property damage. A user shall not place additional seals or locks upon a sampler, which may be used by the WRA without first obtaining approval from the WRA Director.

#### **§ 100.035 INSPECTION, SAMPLING AND RECORD KEEPING AUTHORITY.**

Under this division, users shall be deemed to have given the following authorities to the WRA and its operating contractor:

- (1) Users shall permit authorized representatives or agents of the WRA to enter upon all properties and all parts of the premises, or upon properties of users with wastewater discharge permits, for the purposes of inspection, sampling, records examination, records copying, or the performance of any of their duties. This shall include the right to set up, on the user's property, such devices as are necessary to conduct sampling, inspection, compliance monitoring, or metering operations as may be required in pursuance of the implementation and enforcement of this article.
- (2) Where a user has security measures in force which would require proper identification and clearance before entry into the premises, the user shall make necessary arrangements in the security measures so that, upon presentation of suitable identification, WRA or operating contractor personnel will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

- (3) All users subject to any of the reporting requirements of this article shall maintain copies of reports and records of all information as required in 40 CFR 403.12(o) resulting from any monitoring activities required by this article for a minimum of three years and shall make such records available for inspection and copying by the WRA and its operating contractor. This period of retention shall be extended until the completion of any unresolved negotiation, hearing, or litigation involving a purported violation.

**§ 100.036 CONFIDENTIAL INFORMATION.**

(A) Except as provided in this section, documents, data and information obtained from user reports, questionnaires, permit applications and inspections pursuant to this chapter shall be made available to the public or other governmental agencies without restriction. If the user specifically requests and is able to demonstrate that the release of the information would divulge information concerning processes or methods of production entitled to protection under law as trade secrets of the user or would give advantage to competitors and serve no public purpose, the WRA Director may determine that the information should be kept confidential and not made available for public examination, but the information shall be available to the United States Environmental Protection Agency or the State Department of Natural Resources.

(B) Decisions by the WRA Director to deny confidential status for information may be appealed using the procedures in § 100.037. In determining whether information is confidential, the provisions of Iowa Code Chapter 22 shall prevail.

(C) Effluent data and enforcement actions by the WRA or its operating contractor will not be considered confidential records or information.

**§ 100.037 APPEAL OF DENIAL OF CONFIDENTIAL STATUS.**

(A) Any person aggrieved by the WRA Director's decision to release information or data obtained as provided in § 100.036(A) and who can demonstrate a direct and substantial interest in the information or data sought to be kept confidential may appeal the WRA Director's decision. A request for appeal shall be filed in writing with the WRA Director not less than five days after the WRA Director's decision to deny confidential status to the information or data. The appeal request shall include a statement of the basis upon which the request for confidential status is made, as well as the appealing party's interest in the information or data sought to be kept confidential. The WRA Director may request additional information from the appealing party.

(B) Based upon the information provided by the appealing party, the WRA Director shall make a determination with respect to the confidentiality of the information or data at issue. The WRA Director shall notify the parties, in writing, of the WRA Director's decision within seven days after receipt of the appeal.

(C) If still aggrieved by the WRA Director's determination on appeal, a party may file an action in Polk County District Court, seeking a declaratory ruling with respect to the confidentiality of the documents, data and information, or seeking an injunction to prevent the disclosure of the same.

(D) During the pendency of an appeal to the WRA Director, the documents, data or information at issue shall be kept confidential. However, if during the pendency of the appeal, a request for examination or copying of the documents, data or information is

made of the WRA or its operating contractor pursuant to Iowa Code Chapter 22, the WRA or its operating contractor will notify the appealing party of the request for disclosure and will keep confidential the requested documents, data or information, pending action by the appealing party to defend its confidentiality request. In the notification, the appealing party requesting confidentiality will be given not more than five calendar days within which to file suit in Polk County District Court seeking the entry of a declaratory order and/or injunction to protect and keep confidential the documents, data or information. If the appealing party fails to initiate suit within the time requested, the WRA Director shall release the documents, data or informational issue for public examination.

(E) If during the pendency of the appeal, a lawsuit is initialed pursuant to Iowa Code Chapter 22 seeking the release of the documents, data or information, the appealing party shall take action to defend its confidentiality request in the lawsuit. If the appealing party fails to defend its confidentiality request in the suit, the WRA Director shall release the documents, data or information at issue for public examination.

**§ 100.038 PUBLIC NOTIFICATION OF SIGNIFICANT NONCOMPLIANCE.**

The WRA will annually publish, in the largest daily newspaper published in the WRA community, a list of users who at any time during the previous 12 months were in significant noncompliance as defined in § 100.039.

**§ 100.039 SIGNIFICANT NONCOMPLIANCE.**

(A) Any violation of pretreatment requirements under this subchapter (i.e., including, but not limited to, those relating to limits, sampling, analysis, reporting, meeting compliance schedules and regulatory deadlines) is an instance of noncompliance for which the user is liable for enforcement, including penalties and injunctive relief. Instances of significant noncompliance are user violations, which meet one or more of the following criteria:

(1) Violations of wastewater discharge limits as follows:

(a) *Chronic violations.* Sixty-six percent or more of the measurements exceed the same daily maximum limit or the same average limit in a six-month period (any magnitude of exceedance);

(b) *Technical review criteria (TRC) violations.* Thirty-three percent or more of the measurements exceed the same daily maximum limit or the same average limit by more than the TRC in a six-month period, (e.g., limit x TRC = the point at which a violation becomes a TRC violation). There are two groups of TRCs as follow:

Group I for conventional pollutants (BOD, TSS, FOG)	TRC = 1.4
Group II for all other pollutants	TRC = 1.2

(c) *Wastewater discharge permit limit.* Any other violation of a wastewater discharge permit limit (average or daily maximum) that the WRA Director believes has caused, alone or in combination with other discharges, interference, including slug loads or pass through or which endangers the health of city, sanitary sewer district, WRA or operating contractor personnel or the public; and

(d) *Discharge of a pollutant.* Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment and has resulted in the WRA's exercise of its emergency authority to halt or prevent a discharge.

(2) Violations of compliance schedule milestones, contained in a wastewater discharge permit or enforcement order, for starting construction, completing construction or attaining final compliance by 90 days or more after the schedule date;

(3) Failure to provide reports for compliance schedules, self-monitoring data or any other report required by the WRA within 45 days from the due date;

(4) Failure to accurately report noncompliance; and

(5) Any other violation or group of violations, which may include a violation of best management practices that the WRA Director considers to be significant.

(B) When a user is in significant noncompliance, the WRA Director is directed to:

(1) Report the information to the State Department of Natural Resources as part of the annual pretreatment performance summary of permitted user noncompliance;

(2) Include the user in the annual public notification according to § 100.038; and

(3) Address significant noncompliance through appropriate enforcement actions or document in a timely manner the reasons for withholding enforcement.

#### **§ 100.040 ADMINISTRATIVE ACTIONS.**

(A) The WRA Director may issue a written notice to the user giving the specific nature of violations which shall include the frequency, magnitude and impact of the violation upon the POTW. The notice may also include the following:

(1) An order requiring a plan of action for preventing reoccurrence of the violation;

(2) An order requiring specific action for accomplishing remediation; and

(3) An order requiring the user to respond in writing within 30 days.

(B) The WRA Director is empowered to enter into consent orders, assurances of voluntary compliance or other similar documents establishing an agreement with the user responsible for any noncompliance. These orders will include specific action to be taken by the user to correct noncompliance within a time period specified by the order.

(C) The WRA Director may issue enforceable orders or schedules to require compliance with pretreatment standards including appropriate interim limits. These orders and schedules may be incorporated as a revision to an existing wastewater discharge permit and shall not require the consent of the user.

#### **§ 100.041 ACTIONS AUTHORIZED.**

(A) Where there has been noncompliance with any section of this chapter, the WRA Director may request the WRA operating contractor's attorney, or the attorney retained by the WRA for that purpose, to bring an action in equity or at law to seek the issuance of a preliminary or permanent injunction, or both, or other relief as may be appropriate, to compel the user's compliance with this subchapter.

(B) In addition to other remedies provided under this section or other sections of this chapter, in any action brought at the request of the WRA Director to enforce this chapter, the WRA operating contractor's attorney or the attorney retained by the WRA is authorized to seek to recover all actual damages suffered by the city, sanitary district or the WRA, including all actual damages and losses related to costs of repair and remediation of the POTW, costs of investigation and administration reasonably related to any particular violation and attorneys' fees.

#### **§ 100.042 PERFORMANCE AND PAYMENT BONDS.**

- (A) The WRA director may decline to reissue a permit to any user who has failed to comply with this article or any order or previous permit issued under this article unless such user first files a satisfactory bond payable to the WRA in a sum not to exceed the value determined by the WRA director to be necessary to achieve compliance giving due consideration to the number and magnitude of previous violations, potential need for remediation and stating the reasons which support the amount of bond in a written order directed to the user, but in no case shall the bond be required to be greater than \$100,000.00. The user shall use a bond form prescribed by the WRA.
- (B) The WRA director may require any user, including any permitted or non-permitted waste generator which sends its wastewater by truck to the WRF, to obtain a bond payable to the WRA with reasonable surety in a penal sum which will adequately cover treatment costs, surcharges, fees, or any other charges associated with discharge of wastewater to the POTW in the amount as listed in section 100.092. The user shall use a bond form prescribed by the WRA.

**§ 100.043 REVOCATION OF DISCHARGE PERMIT; TERMINATION OF SEWER SERVICES.**

- (a) *Grounds for revocation of discharge permit and/or for termination of sewer service.* Any user who violates this article, any condition of its wastewater discharge permit, or any of the following is subject to having its discharge permit revoked and/or its sewer service terminated in accordance with the procedures of this section:
- (1) Failure to accurately report the wastewater constituents and characteristics of its discharge.
  - (2) Failure of the user to report substantial changes in process activity or in volume or character of pollutants being discharged into the POTW at least 90 days prior to such change.
  - (3) Tampering with monitoring equipment.
  - (4) Refusal to allow reasonable access by WRA or operating contractor personnel to the user's premises for the purpose of inspection, monitoring, or sampling.
  - (5) Violation of permit conditions.
  - (6) Failure to report an upset, failure, or bypass of the user's pretreatment facilities.
  - (7) Failure to pay fines, fees, surcharges, or sewer service charges.
  - (8) Failure to follow enforcement orders or compliance schedules.
  - (9) Failure to correct a condition that impedes or alters the WRA's ability to monitor the user's discharge or has the potential to cause interference or pass through.
  - (10) Failure to obtain a wastewater discharge permit as required by this article after notification by the WRA director that such permit is required.
  - (11) Failure to pay actual costs for negligent damage, or actual costs and penalties charged for grossly negligent or intentional damage, to the POTW not addressed elsewhere in this article.

- (b) *Procedure for revocation of discharge permit and for termination of sewer service.*  
The procedure for revocation of a discharge permit and termination of sewer service shall be as follows:

- (1) Any permit issued to a user pursuant to this article may be revoked, and sewer service terminated, by written order of the WRA director, specifying the grounds for such revocation and termination as outlined in subsection (a) of this section, which order shall not take effect until hearing thereon as hereafter provided. Upon determining that grounds exist for an order to revoke a user's discharge permit and terminate sewer service, the WRA director shall cause a notice of hearing to be prepared, specifying the violations of subsection (a) of this section which are deemed to have occurred, and the time, date and place that such hearing will be held. The notice shall be sent to the user by regular mail addressed to the user's address listed on the wastewater discharge permit a minimum of ten days prior to the date set for hearing, and shall be deemed delivered when placed in the mail.
- (2) Sewer service may be terminated by written order of the WRA director, specifying the grounds for such revocation and termination as outlined in subsection (a)(10) of this section, which order shall not take effect until hearing thereon as hereafter provided. Upon determining that grounds exist for an order to terminate sewer service, the WRA director shall cause a notice of hearing to be prepared, specifying the violation of subsection (a)(10) of this section which is deemed to have occurred, and the time, date and place that such hearing will be held. The notice shall be sent to the user by regular mail addressed to the user's address a minimum of ten days prior to the date set for hearing, and shall be deemed delivered when placed in the mail.
- (3) If after such a hearing the WRA director makes a finding based on substantial evidence that violations under subsection (a) of this section have occurred as alleged, the director may issue an order immediately revoking the permit, if a permit had previously been issued, and terminating sewer service to the user's premises. The determination to revoke such permit and terminate service, shall be in the discretion of WRA director and shall be dependent upon the circumstances surrounding the user's violations of subsection (a) of this section and the severity of those violations. If the user does not appear for the hearing, the WRA director shall issue the order revoking the discharge permit and/or terminating sewer service, which shall take effect immediately.
- (4) The decision and order of the WRA director to revoke the permit of a user may be appealed to the WRA appeal committee. Such appeal request shall be in writing, shall include the grounds for appeal including any factual findings which are disputed, and shall be delivered to WRA not less than 10 days after the director's entry of the order of revocation of permit and/or termination of sewer service. Such appeal request shall be considered delivered when placed in the mail, return receipt requested, addressed to:

WRA Appeal Committee  
%Des Moines Metropolitan Wastewater Reclamation Authority  
3000 Vandalia Road  
Des Moines, Iowa 50317

The chair of the appeal committee shall schedule the appeal and shall cause notice of the time, date and place of the hearing to be mailed to the appealing user. Such appeal shall be decided by majority vote of the appeal committee. If the appeal committee affirms the order of the WRA director revoking the permit and/or terminating sewer service, the appeal committee shall so state and order in its written decision.

- (5) A user whose permit has been revoked shall not be eligible for another permit until 30 days after the violating conditions have been corrected to the satisfaction of the WRA director.
- (6) Upon determination by the WRA director that the user's sewer service connection to the POTW be terminated, the director's written order shall be sent to the city public works department, city building official and sanitary sewer district who shall cause the user's connection to the sewer to be severed or plugged. The manner of severance and procedure for disconnection shall be determined by the city public works department or the sanitary sewer district. Upon completion of the disconnection, the city public works department or the sanitary sewer district shall certify to the WRA director the city's or sanitary sewer district's cost to disconnect the user's sewer service. Upon receipt of such certification of costs, the WRA director shall forward to the user whose service was disconnected by registered mail return receipt requested, certified mail, or personal service a bill for the cost of making the disconnection, including all costs for labor and materials, and a service charge of \$500.00 for WRA supervision.
- (7) Any building at which sewer service is disconnected as herein provided shall be inspected by the city building official and if appropriate shall be red-tagged as unfit for human occupancy.

**§ 100.044 REINSTATEMENT OF SERVICE.**

If service is severed pursuant to this subchapter, the service may be reinstated in the following manner:

(A) Upon payment to the WRA of any delinquency in full, the WRA supervision fee of \$500.00, and an inspection by the WRA Director to determine whether the original cause for termination has been corrected, the WRA will issue a permit for reconnection of the building service line to the POTW. The reconnection costs, plus inspection fees for the city or sanitary district in accordance with this code, shall be at the sole expense of the user; and

(B) Upon reconnection and payment of all costs described in division (A) above, the city or sanitary district, through its agents, shall remove the red tag from the building, and the building shall, so far as the city or sanitary district is concerned, be fit for human occupancy.

**§ 100.045 EMERGENCY DISCONNECTION OF SERVICE.**

(A) *Conditions for immediate disconnection of service.* The WRA Director may, after informal notice, suspend the wastewater discharge permit of, and sewer service to, a user whenever the suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health or welfare of persons, the POTW or the environment.

(B) *Procedure for immediate disconnection.* The procedure for immediate disconnection shall be as follows:

(1) When the WRA Director determines that a discharge as described in division (A) above exists, an oral order shall be issued, followed immediately by a written order, to the user stating the problem and requiring immediate cessation of the discharge. A user orally notified of a suspension of its wastewater permit or sewer service shall immediately stop or eliminate all discharges. If a user fails to immediately and voluntarily comply with the suspension order, the WRA Director shall take immediate action to eliminate the discharge, including disconnection from the POTW. Methods of informal notice to a user shall include, but not be limited to, any of the following: personal conversations between user and personnel or the WRA or its operating contractor; telephone calls; letters; hand-delivered messages; or notices posted at the user's premises or point of discharge; and

(2) A user responsible, in whole or in part, for imminent endangerment shall submit to the WRA Director, prior to the hearing described in § 100.043(B), a detailed written report describing the causes of the endangerment and the measures taken to prevent any future occurrence.

**§ 100.046 ELIMINATION OF DISCHARGE; REINSTATEMENT OF PERMIT.**

A user notified by the WRA Director of revocation of its discharge permit and/or disconnection of its sewer service under §§ 100.043 or 100.045 shall immediately cease discharging wastewater to the POTW. If the user fails to comply voluntarily with the revocation and/or disconnection order, the city or sanitary district shall take those steps as are deemed necessary by the WRA, including immediate severance of the sewer connection. The WRA Director shall reinstate the wastewater discharge permit or the sewer service upon proof of the elimination of the noncomplying discharge.

**§ 100.047 ADDITIONAL REMEDIES.**

(A) In addition to remedies available to the WRA set forth elsewhere in this subchapter, if the WRA is fined by the State Department of Natural Resources or the United States Environmental Protection Agency for violations of the national pollutant discharge elimination system permit for the WRF, or for violations of water quality standards as the result of a discharge of pollutants by an identifiable user, the fine, and all legal, sampling, analytical testing costs and any other related costs, shall be charged to the responsible user. This charge shall be in addition to any other remedies the WRA may have under this subchapter at law or in equity.

(B) If the discharge from any user results in a deposit, obstruction, damage or other impairment to the POTW, the user shall become liable to the city or sanitary district and/or the WRA for any expense, loss or damage caused by the violations or discharge. The WRA may add to the user's charges and fees the costs incurred by the WRA and by



the city or sanitary district for any cleaning, repair or replacement work caused by the violations or discharge.

(C) The remedies provided in this subchapter shall not be exclusive, and the WRA may seek whatever other remedies are authorized by statute, at law or in equity against any persons violating this subchapter.

(D) In addition to any other remedies provided in this subchapter, the city or sanitary district and/or the WRA may initiate an action, either in law or in equity, to obtain an injunction against further violations of this subchapter and for judgment for all costs incurred by the city or sanitary district and/or the WRA occasioned by the user's violation of any requirements of this subchapter.

**§ 100.048 NOTICES TO THE WRA, THE WTA BOARD, THE WRA DIRECTOR OR THE WRA STEERING COMMITTEE.**

Notices which are required to be given or which may be given to the WRA, the WRA board, the WRA director or the WRA appeal committee, as provided in this article, shall be mailed to such entity, body or person at the following address:

Des Moines Metropolitan Wastewater Reclamation Authority  
Des Moines Wastewater Reclamation Facility  
3000 Vandalia Road  
Des Moines, Iowa 50317

**REGULATION OF FAT, OIL AND GREASE DISCHARGE BY FOOD SERVICE ESTABLISHMENTS**

**§ 100.060 PURPOSE.**

The purpose of this division shall be to aid in the prevention of sanitary sewer blockages and obstructions from contribution and accumulation of fat, oil, and grease (FOG) into the POTW. Such discharges from commercial kitchens, restaurants, food processing facilities and all other establishments, where fat, oil, and grease of vegetable or animal origin are discharged directly or indirectly into the POTW, can contribute to line blockages and/or spills in violation of Title 40, Code of Federal Regulations 40 CFR, Part 403.

**§ 100.061 DEFINITIONS.**

The definitions found in section 100-001 shall apply to the provisions of this division, provided however that the following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**BEST MANAGEMENT PRACTICES** or **BMPs**. Means and includes schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. For purposes of this division, *best management practices* include procedures and practices that reduce the discharge of FOG to the building sewer, to the city sanitary sewer system and to the POTW.

**DESIGN LIQUID DEPTH**. The maximum depth of liquid when the tank is filled with water.

**EFFECTIVE DATE.** Means the date set forth in section 100.062 upon which the regulatory provisions of this division take effect.

**FOOD SERVICE ESTABLISHMENT or FSE.** Means an operation or enterprise that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption. Such facilities may include, but are not limited to, those that process meat or other food ingredients as an intermediate step or for final human consumption, food service operations in a summer camp, residential substance abuse treatment facility, halfway house, correctional facility, school, restaurant, commercial kitchen, caterer, church, hotel, bars, hospital, prison, care institution or similar facility.

**GREASE INTERCEPTOR.** Means a tank that serves one or more fixtures and is remotely located. Grease interceptors include, but are not limited to, tanks that capture wastewater from dishwashers, garbage disposals, floor drains, pot and pan sinks and trenches as allowed by local plumbing codes. For purposes of this ordinance, a grease interceptor is a multi-compartment tank located underground outside of a building that reduces the amount of FOG in wastewater prior to its discharge into the POTW.

**GREASE TRAP.** Means a device designed to retain grease from one to a maximum of four fixtures. Not all grease traps are approved by the manufacturer for use on heated water (e.g., dishwasher) or in-line to a waste disposal unit (e.g., garbage disposal and grinders). For purposes of this ordinance, a grease trap is a small device located within a building.

**MINIMUM DESIGN CAPABILITY.** Means the design features of a grease interceptor and its ability or volume required to effectively intercept and retain greases from grease-laden wastewaters discharged to the POTW.

**NON-ROUTINE INSPECTION.** Means an impromptu, unscheduled inspection of an FSE made without prior notification or arrangement.

**ROUTINE INSPECTION.** Means an inspection of an FSE which is scheduled in advance or according to a pre-arranged schedule.

**USER.** As used in this division has the same meaning as the definition in section 100.001, but also includes persons who discharge wastewater to the POTW from mobile sources, such as mobile food vendors.

#### **§ 100.062 EFFECTIVE DATE OF FOG REGULATIONS.**

The provisions of this chapter shall be effective on and after October 1, 2022.

#### **§ 100.063 GREASE INTERCEPTOR INSTALLATION REQUIRED AFTER EFFECTIVE DATE.**

The owner of a building or facility in which an FSE is located, and the owner or operator of an FSE shall be required to install an approved grease interceptor, and to thereafter operate and maintain the same as provided in this chapter.

#### **§ 100.064 EXEMPTION FROM GREASE INTERCEPTOR INSTALLATION REQUIREMENT FOR EXISTING FACILITIES.**

The requirements of § 100.063 shall not apply to that portion of a building or facility within which an FSE is in existence on July 15, 2006:

(A) The FSE has an existing grease interceptor or grease trap in place as of the effective date and provided that:

(1) The owner or occupant of the FSE continues to use the interceptor or trap;

- (2) The interceptor or trap is of sufficient capacity and design; and
- (3) The interceptor or trap is operated and maintained so as to comply with FOG discharge limits.

(B) Any repair, remodeling or renovation of the wastewater plumbing system in the existing FSE involves only:

- (1) The repair of leaks or the clearing of stoppages in drains, soil, waste or vent piping; or
- (2) The removal and reinstallation of a sink, toilet or hot water heater; provided that the work does not involve replacement, rearrangement or moving of wastewater pipes, floor sinks, drainage fixtures or grease traps.

(C) None of the following conditions are present:

- (1) A building or facility exists on the effective date and is thereafter expanded or renovated, or a portion thereof, to include an FSE where the FSE did not previously exist;
- (2) An FSE exists on the effective date within a building or facility, or portion of a building or facility, and application is thereafter made for a building permit(s) for the building or facility with valuation of \$50,000 or more within a 12-month period; or
- (3) A building or facility, or portion thereof, that contained an FSE on the effective date but in which an FSE ceases to operate for one year or more, as determined by State Department of Inspections and Appeals, Food and Consumer Safety Bureau records.

#### **§ 100.065 COMPLIANCE PROCEDURES.**

(A) After the effective date, any permitted construction under § 100.063 shall be deemed compliant upon issuance of a certificate of compliance or certificate of occupancy for that construction by the City Building Official or designee.

(B) An FSE shall be deemed compliant, unless the WRA director or local building official or designee determines that an existing grease trap or grease interceptor is incapable of adequately retaining FOG. In these cases, the director may order the FSE to install an adequate grease interceptor within a specified time period if:

- (1) The FSE is found to contribute FOG in quantities above FOG discharge limits;
- (2) The FSE discharges necessitate increased maintenance on the publicly-owned treatment works (POTW) in order to keep stoppages from occurring therein; or
- (3) The FSE's discharge to the POTW is at any time determined to exceed 400 mg/l total FOG.

(C) An order directing an existing FSE or the owner or operator of the FSE or the owner of the building or facility in which the FSE is located to install a grease interceptor shall be in writing from the WRA Director in the form of a notice of violation including a corrective action order, as provided in § 100.072.

(D) (1) FSEs or owners of buildings of facilities within which an FSE is located which are unable to install or replace a grease interceptor due to exceptional physical constraints or economic hardship may appeal to the WRA Director for approval of an alternative grease control technology by requesting a hearing in accordance with the provisions of this section.

(2) These requests shall be submitted in writing and shall include detailed descriptions of the FSE's physical or financial constraints and the alternative grease control technology which it proposes to install and utilize.

(3) In order to demonstrate exceptional economic hardship, the owner or operator of

the FSE shall submit to the WRA Director balance sheets and profit and loss statements for FSE for the preceding three years. A new FSE shall submit profit/loss projections or a detailed business plan with projections for 24 months. Each request shall be evaluated on a case-by-case basis.

(4) Notwithstanding approval of alternative grease control technology, when the WRA Director determines that the alternative is not performing adequately, the FSE or owner of the building or facility in which the FSE is located shall be required to take additional grease control measures, which may include the installation of a grease interceptor.

(3) In order to demonstrate exceptional physical site constraints preventing the installation of a grease interceptor, the owner or operator of the FSE or owner of the building or facility in which the FSE is located shall submit to the WRA Director documentation and plats showing the location of sanitary sewer and any private easements in relation to the building sewer for the building housing the FSE, and showing available space inside or outside the building and drawings of existing plumbing at or in a site that uses common plumbing for all services at that site.

(4) An FSE that is given an exemption from installing a properly sized grease interceptor is prohibited from installing or using a dishwasher or garbage disposal without approval of the Director and must comply with the conditions of the approval, if any.

#### **§ 100.066 INSTALLATION OF GREASE INTERCEPTORS AND RELATED SEWER AND EQUIPMENT.**

Grease interceptors and grease traps, when required, shall be installed as follows:

- (1) Grease interceptors and grease traps shall be installed at the expense of the owner or operator of the FSE or owner of the building or facility in which the FSE is located which is contributing wastewater to the POTW.
- (2) All wastewater streams containing FOG or reasonably likely to contain FOG within FSEs or other FOG generating operations shall be directed into one or more appropriately sized grease interceptor before discharge to the POTW. Grease interceptors shall be either sized by adding the peak design flow rates for all fixtures leading to the grease interceptor and allowing a minimum retention time of thirty (30) minutes or as follows:

##### **Grease Interceptor Sizing**

1. Peak meals per hour
  - a. Seating capacity of FSE \_\_\_\_\_
  - b. Occupancy of FSE \_\_\_\_\_
  - c.  $\frac{\text{Seating or occupancy} \times \text{meal factor of 1.3 (45 minute meal) or 1.0 (intermittent-use FSEs)}}{\text{}} = \text{Peak meals per hour}$
- \* Church: include all area(s) used for meal service
- \* Assisted Living / nursing facility: equal to maximum number of residents (per State license)
2. Waste flow rate, gallons of flow
  - a. Commercial, equipped kitchen with dishwasher & one garbage disposal\* 7

b.	Commercial, equipped kitchen with dishwasher, no garbage disposal	6						
c.	Commercial, equipped kitchen with no dishwasher, one garbage disposal*	6						
d.	Commercial, equipped kitchen with no dishwasher, no garbage disposal	5						
e.	Single service kitchen**	2						
* Each additional garbage disposal, add one (1) gallon								
** Single service kitchen = no garbage disposal, no dishwasher and all service is single use								
3.	Retention time, hours							
a.	Commercial kitchen	2.5						
b.	Single service kitchen	1.5						
4.	Storage factor							
a.	Commercial Kitchen up to 8 hours of operation	1						
b.	Commercial kitchen up to 12 hours of operation	1.5						
c.	Commercial kitchen up to 16 hours of operation	2						
d.	Commercial kitchen up to 20 hours of operation	2.5						
e.	Commercial kitchen up to 24 hours of operation	3						
f.	Single service kitchen	1.5						
Peak Meals per Hour	X	Waste Flow Rate	X	Retention Time	X	Storage Factor	X	Calculated =
Interceptor Size								

- (3) Concrete grease interceptors whether precast or poured in place, shall be designed and manufactured in accordance with ASTM C 1613-08 Standard Specification for Precast Concrete Grease Interceptor Tanks or IAPMO/ANSI Z1001 Grease Interceptors and shall be installed in accordance with the codes adopted by the jurisdiction in which the FSE is located. Where no code is adopted, the construction and installation shall be in accordance with the Iowa State Plumbing Code and this division. Grease interceptors using materials other than concrete require approval by the director, and shall comply with the conditions of such approval, if any.
- (4) The building official or other designated official of the governmental subdivision within which the FSE is located shall inspect each grease interceptor installation made pursuant to this division, shall review all relevant information regarding the rated performance of the grease interceptor, and the building plan and facility site plan for the building and

site where the grease interceptor has been installed, and shall approve such grease interceptor installation upon determination that the grease interceptor meets all applicable standards and requirements.

- (5) Grease interceptors shall have a minimum capacity of one thousand (1000) gallons and shall not exceed five thousand (5000) gallons for a single unit. Where a capacity greater than five thousand (5000) gallons is required, several smaller units shall be installed in series, however the capacity shall not exceed ten thousand (10,000) gallons for any single series of interceptors without approval of the director.
- (6) Grease interceptors shall be installed outside the building housing the FSE and below surface grade, and shall have access manholes, with a minimum diameter of twenty-four (24) inches, over each chamber and sanitary tee. Access manholes shall extend from the grease interceptor to at least the finished surface grade and be designed and maintained to prevent storm or surface water inflow and groundwater infiltration. The manholes shall also have readily removable covers to facilitate inspection and grease removal.
- (7) Sewer lines which are not grease laden, which are not likely to contain FOG, or which contain sanitary wastes shall not be connected to a grease interceptor.
- (8) Grease interceptors shall be equipped with an accessible discharge sampling port with a minimum six (6) inch diameter, which shall extend from the grease interceptor to at least the finished surface grade.
- (9) Where grease interceptors are shared by more than one FSE, the building owner shall be the responsible party for record keeping and cleaning of the interceptor.

**§ 100.067 OPERATION, MAINTENANCE AND CLEANING OF GREASE INTERCEPTORS.**

- (a) The owner or operator of an FSE which is required to pass wastewater through a grease interceptor or trap shall operate and maintain the grease interceptor or trap so that wastewater exiting the grease interceptor or trap shall not exceed four hundred (400) milligrams per liter of FOG.
- (b) The owner or operator of the FSE shall cause the grease interceptor or trap to be cleaned as hereinafter required when FOG and solids reach 25 percent of the design liquid level of the grease interceptor or trap, or sooner if necessary to prevent carry over of FOG from the grease interceptor or trap into the city sanitary sewer system. Interceptors and traps shall be cleaned at three (3) month intervals or less. A longer cleaning interval must be approved by the WRA director. The owner or operator of an FSE shall employ a waste hauler licensed by the WRA pursuant to this chapter to clean the grease interceptor or trap, provided that the waste hauler personnel performing the cleaning has a current grease hauler certification from the WRA indicating satisfactory completion of the course of training offered by the WRA on the cleaning of grease interceptors and traps.

- (c) Any person who cleans a grease interceptor or trap shall do so in accordance with the following procedures and requirements. The person cleaning the grease interceptor or trap shall:
  - (1) Completely empty and remove the contents (liquids and sludge) of all vaults of the grease interceptor or trap, and remove the grease mat and scrapings from the interior walls. As part of each cleaning of a grease interceptor or trap, the licensed waste hauler employed by the FSE owner or operator, shall perform the following maintenance activities:
    - a. Check that the sanitary “tees” on the inlet and outlet sides of the grease interceptor are not obstructed, loose, or missing.
    - b. Verify that the baffle is secure and in place.
    - c. Inspect the grease interceptor or trap for any cracks or other defects.
    - d. Check that lids are securely and properly seated after completion of cleaning.
  - (2) Not deposit waste and wastewater removed from a grease interceptor or trap back into the grease interceptor or trap from which the waste or wastewater was removed, or into any other grease interceptor or trap or drainage fixture connected to the sanitary sewer, for the purpose of reducing the volume of waste and wastewater to be disposed of.
  - (3) Not introduce enzymes, emulsifying chemicals, hot water or other agents into a grease interceptor or trap to dissolve or emulsify grease or as a grease abatement method. Introduction of bacteria as a grease degradation agent is permitted with prior written approval by the WRA director.
  - (4) Dispose of waste and wastewater removed from a grease interceptor or trap at the WRF or at a facility approved for disposal of such waste by the WRA director. Waste and wastewater removed from a grease interceptor or trap shall not be discharged to any private sanitary or storm sewer or to the city sanitary or storm sewer system. The waste hauler shall provide a copy of the disposal receipt for all waste and wastewater removed from a grease interceptor or trap to the owner or operator of the FSE.
  - (5) Not use an automatic grease removal system to clean a grease interceptor without prior written approval of the WRA director, and if, the use of an automatic grease removal system is approved, shall operate same in a manner that the grease wastewater discharge limit, as measured from the system’s outlet, is consistently achieved.
- (d) The WRA director may make exceptions to the above requirements, or may approve alternative operational requirements or cleaning and maintenance methods, provided that such exceptions or approvals shall be made in writing by the WRA director.
- (e) The WRA director may issue a grease hauler certification upon satisfactory completion of the course of training offered by the WRA on the proper maintenance and cleaning of grease interceptors and traps, disposal procedures and record keeping. Such certification shall be for a period of 5 years and shall be in effect for the person receiving such training. Grease haulers certified by the WRA shall be subject to a grease interceptor cleanout inspection by WRA

personnel, not less than once every two years, for purposes of the hauler demonstrating its compliance with requirements in this section. Such inspections shall be scheduled at a time which coincides with normal working hours for WRA personnel, shall involve all individuals employed by the same company who have been issued a grease hauler certification by the WRA, and shall be conducted at an FSE within the WRA service area. Failure to follow WRA's cleanout procedures or other requirements of this section may result in fines, additional scheduled cleanout inspections, and loss of grease hauler certification status, individually or company-wide, with the WRA.

#### **§ 100.068 RECORDS AND RECORD KEEPING.**

(A) *Required records.* The owner or operator of an FSE which is required to pass wastewater through a grease interceptor or trap shall maintain a written record of grease interceptor or trap maintenance, including a log showing the dates upon which the grease interceptor or trap was inspected and the estimated amount of FOG present in the grease interceptor or trap at each inspection, the date upon which waste and wastewater was removed from the grease interceptor or trap and disposed of, the location and means of the disposal of waste and wastewater, and the name and employer or the person or persons performing each of the tasks. The log shall further include a record of the placement of any approved or unapproved additive into the grease interceptor, grease trap or building sewer on a constant, regular or scheduled basis, including the type and amount of additive placed on each occasion. Only additives approved by the WRA Director pursuant to § 100.067(C)(3) may be used in a grease interceptor.

(B) *Record keeping.* The log shall at all times be kept and maintained on a day-to-day basis, so as to show a record of waste and wastewater removal, waste and wastewater disposal and approved additive placement for a continuous period of three years. All records shall be kept secure at the premises of the FSE for a continuous period of three years and shall be made available for non-routine inspection by the city and the sanitary sewer district, the WRA and its operating contractor, or the employees and agents of any of them at any time during normal business hours.

#### **§ 100.069 INSPECTION OF GREASE INTERCEPTORS AND RELATED SEWER AND EQUIPMENT.**

The owner or operator of an FSE shall:

- (1) Provide, operate and maintain, at its expense, safe and accessible monitoring facilities (such as a suitable manhole), and shall make such monitoring facilities available for inspection, for routine cleanouts by the owner or operator's licensed grease hauler, and for sampling and flow measurement of the building sewer or internal drainage systems. There shall be ample room in or near such monitoring facilities to allow for proper inspection, accurate sampling and preparation of samples for analysis. The monitoring facilities shall be maintained such that the device(s) is readily and immediately accessible for inspections and



- cleanouts being free of coverings, building materials, pavements, or any other obstructions.
- (2) Allow personnel authorized by the WRA director or by the city building official or designee, bearing proper credentials and identification, to enter upon or into any building, facility or property housing an FSE at any reasonable time and without prior notification, for the purpose of inspection, observation, measurement, sampling, testing or record review, in accordance with this division.
  - (3) Upon request by the WRA director's authorized representative, open any grease interceptor or grease trap for the purpose of confirming that maintenance frequency is appropriate, that all necessary parts of the installation are in place including, but not limited to, baffles, and effluent tees, and that all grease interceptors, traps, and related equipment and piping is maintained in efficient operating condition.
  - (4) Accommodate compliance inspections and sampling events by the authorized representatives of the WRA director or of the city building official. Staff may conduct routine inspections and sampling events of any food service establishment. Non-routine inspection and sampling events shall occur more frequently when there is a history of non-compliance with this division and when blockages occur in the city's sanitary sewer system downstream of the FSE.

**§ 100.070 TRIP CHARGES.**

The fees for inspection of an FSE shall be as provided in § 100.020 and shall be paid within 30 days of the date of the invoice for those fees. A trip charge of \$50.00, as referenced in section 100.020(1)(e), shall be assessed in conjunction with the violation of any requirement of section 100.069 which results in the need for WRA personnel to reschedule such inspection of grease interceptor/trap or food service establishment, and shall be paid within 30 days of the date of the invoice for such charge.

**§ 100.071 ENFORCEMENT.**

The WRA Director is authorized to enforce this chapter as hereinafter provided. The City Building Official or designee, or other governmental official hereafter designated by the WRA, is also authorized to enforce this subchapter.

**§ 100.072 NOTICE OF VIOLATION; CORRECTIVE ACTION ORDER.**

- (a) The director, or such other designated officers or officials with enforcement authority as provided in section 100.071, are authorized to issue a notice of violation imposing an administrative penalty upon any person who fails to perform an act required by this division or who commits an act prohibited by this division. Such notice may include a corrective action order requiring the user to take one or more of the following corrective actions within thirty (30) days:
  - (1) Conform to best management practices;
  - (2) Submit copies of the grease interceptor or trap maintenance log;
  - (3) Develop, submit and implement a FOG compliance plan to be approved by the director or designated enforcement official; or
  - (4) Install a compliant grease interceptor.

- (b) The administrative penalty for such violations shall be as provided in the schedule of administrative penalties adopted by the city council by resolution.
- (c) Notice of violation, with the applicable penalty for such violation noted thereon, shall be issued to and served upon the violator. Service of the notice may be by regular mail or by delivery in person.
- (d) Penalties assessed pursuant to notice of violation shall be paid by the violator in full as directed in the notice within thirty (30) days of its issuance.
- (e) *The administrative penalties set out in the schedule of administrative penalties shall be charged in lieu of the fines and penalties provided for in section 100.099, unless the violator refuses to correct the violation and pay the scheduled administrative penalty, or the WRA director determines that immediate enforcement action by misdemeanor or municipal infraction prosecution is, in view of the particular circumstances of the case, necessary to achieve compliance with the requirements of this article. A record of all violations, administrative penalties charged or other enforcement actions taken shall be maintained by the WRA for a period of three years.*

**§ 100.073 ORDER TO CEASE OPERATION OF FSE.**

(A) Where a violation of this chapter has not been timely corrected, and results in or threatens interference or pass through as herein defined, the WRA Director, or other designated officers or officials with enforcement authority as provided in § 100.071, shall have the authority to issue an order in writing to the owner or operator of the FSE, ordering the person or persons to cease and desist from further operation of the FSE and from further discharge of wastewater to the sanitary sewer system. The order shall be delivered by personal service unless the owner or operator cannot be found within the city, in which event notice shall be by ordinary mail addressed to the owner's or operator's last known address and by posting a copy of the notice in a conspicuous place upon the premises of the FSE.

(B) Operation of the FSE shall cease on the date stated in the order and shall not recommence without the prior written approval of the WRA Director.

(C) The applicant may make a written request to the Director for a reconsideration and hearing on the cease and desist order within ten days from the issuance of the order; provided, however, that operation of the FSE shall cease pending the outcome of the hearing.

(D) The owner's or operator's request for hearing shall identify the appealing party, include the address of the person requesting the hearing and to which all further notices shall be mailed or served, and shall state the basis for the appeal.

(E) The hearing shall be scheduled to be held as soon as practicable and no later than 14 days after the request for hearing was filed with the WRA Director. The person requesting the hearing shall be notified in writing or by telephone of the date and place of the hearing at least three days in advance thereof. At the hearing, the Director and the person requesting the hearing may be represented by counsel, examine witnesses and present evidence as necessary.

(F) The determination by the Director or by that the violation occurred shall be considered a final administrative decision, unless appealed to the WRA.

**§ 100.074 APPEAL OF CORRECTIVE ACTION ORDER OR CEASE AND**

### **DESIST ORDER.**

- (a) Any person aggrieved by a corrective action order or a cease and desist order issued by the WRA director or by such other designated officers or officials with enforcement authority as provided in § 100.071, may, file an appeal and request a ruling that such order be modified or rescinded.
- (b) Such appeal request shall be in writing, shall include the grounds for appeal including any factual findings which are disputed, and shall be delivered to the WRA within ten (10) days after the WRA director's issuance of the order. Such appeal request shall be considered delivered when placed in the mail, return receipt requested, addressed to:

WRA Appeal Committee  
Des Moines Metropolitan Wastewater Reclamation Authority  
3000 Vandalia Road  
Des Moines, Iowa 50317

- (c) The chair of the appeal committee shall schedule the appeal and shall cause notice of the time, date and place of the hearing to be mailed to the appealing party. Such appeal shall be decided by majority vote of the appeal committee. The appeal committee may affirm, modify or rescind the order of the director and shall so state and order in its written decision.

### **§ 100.075 ADDITIONAL REMEDIES.**

The WRA or the city is not precluded from seeking alternative relief from the court, including an order for abatement or injunctive relief or for recovery of investigational or remedial costs resulting from a noncomplying discharge, in the event that the WRA or the city files a misdemeanor citation, notice of administrative penalty and/or files a municipal infraction for the same violation of this subchapter.

## **REJECTION OF HAULED WASTES**

### **§ 100.090 DEFINITIONS.**

The definitions found in § 100.002 and § 100.061 shall apply to the provisions of this subchapter, provided however that the following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**VEHICLE.** Means a commercial device equipped with a tank and used to remove or transport waste.

**WASTE.** Means human excreta, water, scum, sludge, septage, FOG, food waste or grease solids, and non-hazardous industrial wastewaters and solids removed from public and private wastewater disposal systems, holding tanks, impervious vaults, portable or chemical toilets, or from devices used to trap grease resulting from food preparation. Waste also means liquid wastes resulting from spill clean-up.

### **§ 100.091 LICENSE.**

No waste hauler shall remove waste from within the corporate limits of the city or shall dispose of waste, whether from a source inside or outside the corporate limits, into the POTW without first obtaining a waste hauler license from the WRA, with the following exceptions:

- (A) WRA participating communities that operate vehicles to remove waste from municipal sewer systems;
- (B) Waste haulers hired by WRA participating communities to remove waste from municipal sewer systems and which bring no other wastes to the WRF;
- (C) Waste haulers utilized by industrial users issued a wastewater discharge permit by the WRA; and
- (D) Waste haulers granted temporary authorization by the WRA Director in order to deal with an emergency.

**§ 100.092 ISSUANCE OF LICENSE; PAYMENT BOND REQUIREMENTS.**

The waste hauler's license shall be issued by the WRA director upon written application that shall consist of the following minimum requirements.

(A) *Inspection.* The WRA director, upon application, shall inspect the trucks, hoses, valves and associated equipment of the applicant for a waste hauler's license and determine if they meet the minimum qualifications for complying with the conditions of this subchapter.

(B) *License fee and bond.* An application shall require the payment of a fee, as established by the WRA, for each vehicle used by the applicant and the posting of a bond with reasonable surety as established by the WRA which shall cover no less than two months of average or estimated treatment fees of the WRF for the faithful compliance with this chapter, including prompt payment of treatment costs, surcharges, fees, and fines. Bond amounts shall be up to \$100,000.00 but not less than \$20,000.00 and structured as follows or as required by the WRA director:

Total Monthly Treatment Fees	Surety Bond Amount
< \$10,000	\$20,000.00
\$10,001 - \$20,000	\$40,000.00
\$20,001 - \$40,000	\$60,000.00
> \$40,001	\$100,000.00

WRA participating communities that contract with waste haulers in order to clean and rehabilitate storm and sanitary sewers owned by the community or that own and operate waste hauling vehicles may provide proof of self-insurance or provide a letter guaranteeing payment of up to \$20,000.00 in lieu of providing a surety bond.

(C) *Renewal.* A waste hauler license shall expire on June 30 next after its issuance. The renewal application must be made in the same manner as the initial application and must be received by the Director 30 days prior to expiration. Failure to apply 30 days prior to expiration may result in an interruption in the license and the privileges of the license.

(D) *Transferability.* Waste hauler licenses are not transferable.

**§ 100.093 STANDARDS FOR VEHICLES AND EQUIPMENT.**

As to all vehicles and equipment used by a waste hauler, the licensee shall:

- (A) Prevent waste and wastewater from leaking, spilling or discharging onto roads or rights-of-way;
- (B) Ensure proper construction and repair of the equipment to allow cleaning;

(C) Maintain vehicles and equipment in an essentially rust-free and sanitary condition and appearance; and

(D) Display the business name as it appears on the waste hauler license in three-inch or larger letters on the left and right sides of the vehicle.

**§ 100.094 DISPOSAL.**

Hauled waste shall only be disposed at the WRF at the designated disposal station or as authorized by the State Department of Natural Resources for land application. Waste haulers shall maintain the WRF designated disposal location in a clean and orderly condition to avoid noxious odors and unsanitary conditions. Hours of operation at the WRF disposal station shall be set by the WRA Director. In the event of emergency situations, special arrangements between the waste hauler and the WRA Director regarding disposal at an alternative disposal site shall be allowed to permit response to the emergency. Any violation of a State Department of Natural Resources rule or regulation for land disposal of hauled wastes by a waste hauler shall be grounds for rejection of a hauled waste load in § 100.098 by the waste hauler or shall be grounds for denial, suspension and revocation of the waste hauler's license in § 100.102.

**§ 100.095 IDENTIFICATION OF SOURCE AND WASTELOAD APPROVAL.**

(A) Waste haulers must document the nature and origin of wastes collected and the site and method of disposal for wastes that are removed from city locations or are delivered to the WRF. Such information shall be provided on a manifest form provided by the WRA director and shall also include:

- (1) The name and address of the waste generator(s);
- (2) The type of waste collected;
- (3) Any other information consistent with identification and tracking of wastes.

The WRA director or his or her designee shall have the right to verify all information required by this section, including the right to measure, sample and analyze any waste regulated by this subchapter.

(B) The waste hauler or waste generator shall obtain approval from the WRA Director or his or her designee prior to loading wastes originating from an industrial/commercial source unless prior approval is on record with the WRA. A hauled waste profile form prescribed by the WRA must be completed by the waste generator and submitted to the WRA director or his or her designee for consideration for waste load disposal at the WRF. Such profile form shall include information regarding the waste generator's name, address, phone number, authorized representative, waste description and product information, anticipated volume and frequency of disposals, waste transporter information, process waste characteristics including pollutant concentrations, declarations, certifications, and signature of authorized official.

**§ 100.096 MIXING WASTE.**

(A) For the purposes of this subchapter, wastes from residential and nonresidential sources shall not be mixed. Wastes from an industrial/commercial source shall not be mixed with wastes of any type from another location. Portable toilet and FSE grease trap wastes may be mixed with similar wastes from different locations. Residential wastes

from several sources may be mixed as long as each source is identified.

(B) Any tanks used for hauling waste to the WRF or equipment that comes in contact with waste shall not be used for hauling hazardous wastes or hazardous substances, as defined in 567 I.A.C. Chapter 131.1 and in 40 C.F.R. part 261 or other wastes which may be detrimental to the POTW, the receiving waters, or the health of WRF employees, private contractors, or the public.

**§ 100.097 STANDARDS OF DISPOSAL AT WRF.**

(A) Under this division, disposal of wastes at the WRF shall be carried out in accordance with pretreatment standards and requirements established by federal, state, county and city governments including categorical standards developed for the waste generator's industrial category. The WRA director may reject wastes from waste haulers who do not comply with this section or with any other section of this division. Waste haulers shall not deliver wastes to the WRF, or to any other disposal location approved by the WRA director which are:

- (1) Prohibited by § 100.010 or exceed the limits found in sub § 100.011 (c)(4), §§ 100.012 and 100.013 of this chapter.
- (2) Hazardous wastes or hazardous substances as defined in 40 CFR Part 261 or 567 I.A.C., Chapter 131.
- (3) Originate from mineral oil unless first treated to remove the oil and grease.
- (4) Not completely identified or are from industrial/ commercial sources that are not approved by the WRA director as required in § 100.095.
- (5) Mixed in a manner prohibited in § 100.096.
- (6) Wastes other than residential from outside the WRA, except through requests to the WRA director.

(B) All disposal transactions at the WRF shall consist of waste haulers scaling in and scaling out on the WRF scales system. Prior to discharging any contents from their vehicle, a waste hauler shall:

- (1) Collect onsite at the WRF a sufficient sample of the waste material onboard.
- (2) Test and record the pH and immediately report any results that do not meet disposal limits as listed in 100.010(2).
- (3) Document on the WRF manifest all contents of the waste load including waste type, source information, and any other information consistent with identification and tracking of wastes as required in section 100.095.
- (4) Request and obtain approval from WRF Operations to begin unloading at the WRF digesters.

**§ 100.098 REJECTION OF WASTE LOADS.**

(A) The WRA Director may reject any hauled waste load that violates or is suspected of violating the requirements of this chapter or that fails to meet any other guidelines established by the WRA Director to protect personnel, equipment and the WRF. Waste haulers must:

- (1) Remove rejected waste from the WRF;
  - (2) Immediately remove any additional wastes contaminated by the rejected waste while contained at the WRF prior to introduction into the sewer;
  - (3) Properly dispose of all rejected wastes in accordance with state and federal law;
- and

(4) Provide the WRA Director with a written statement, signed by the waste hauler license holder, stating the location, date and time the rejected load was disposed of. The statement is due within five calendar days after the waste is rejected.

(B) A vehicle used to haul rejected wastes shall not thereafter be allowed to dispose of additional wastes at the WRF until the statement required by this section is delivered to the WRA Director.

**§ 100.099 TREATMENT FEES FOR HAULED WASTES.**

(A) (1) A treatment fee shall be charged per pound of hauled waste disposed of at the WRF and assessed based on the waste type, pollutant loading, approved disposal location, and location of the source material. The fee for treatment shall include electrical, chemical, labor, equipment, fuel, maintenance, and any capital costs associated with the treatment processes utilized. The treatment fee shall reflect a total cost per gallon or per pound of hauled waste equaling the sum of the total cost of pollutants per gallon or per pound plus, if applicable, total cost of flow per gallon, based on: (1) the parameters of chemical oxygen demand (COD), estimated biochemical oxygen demand (BOD), total suspended solids (TSS) and/or total solids (TS), volatile solids (VS), total Kjeldahl nitrogen (TKN), oil and grease (O&G), and, if applicable, total phosphorus (TP) contained in trucked waste to the WRF; (2) net weight of the wasteload in pounds; and (3) the treatment surcharge component rate per pound of pollutant as found in section 100.020 of this division. Wasteloads disposed of at an unapproved location at the WRF, or containing pollutant concentrations different from typical pollutant concentrations or from original disclosures made during the wasteload approval process, may be subject to the following additional costs: treatment fees, charges, or fines may also be applied pursuant to section 100.020(1)(l).

(B) Treatment costs shall be reviewed and updated annually per the U.S. Bureau of Labor Statistics Consumer Price Index. The WRA shall provide 30 days' notice prior to assessing updated disposal rates with such notices posted, at a minimum, on the WRA website. The treatment fee for loads originating outside the corporate limits of the WRA participating communities shall be one and one-half times the fee for loads originating within the WRA participating communities unless otherwise approved by the WRA director.

(C) Wasteload disposal weights shall be computed and recorded at the WRF truck scales and the resulting treatment fees shall be paid by the waste hauler or waste generator, at the WRA's discretion, on the basis of monthly billings by the operating contractor. Limits of credit shall not exceed 60 days. Abuse of the credit shall be grounds for liability on the waste hauler or waste generator's bond and for refusal of disposal services to any waste hauler or waste generator under this chapter.

(D) Waste haulers and waste generators may elect to have their routine waste streams tested for actual concentration at their expense as set forth in § 100.020 and as approved by the WRA director. When a waste hauler or waste generator has elected to test for actual concentration, the treatment fee will be based on the actual concentration whether it be higher or lower than the average concentration treatment fee. Said testing will be done at least semi-annually or as required by the WRA Director.

**§ 100.100 ENFORCEMENT.**

The WRA Director, the City Public Works Director or other governmental official hereafter designated by the WRA shall be authorized to enforce this chapter as hereinafter provided.

**§ 100.101 NOTICE OF VIOLATIONS; CORRECTION ACTION ORDER.**

(A) The Director, or other designated officers or officials with enforcement authority as provided in § 100.100, are authorized to issue a notice of violation imposing an administrative penalty upon any person who fails to perform an act required by this subchapter or who commits an act prohibited by this subchapter.

(B) The administrative penalty for these violations shall be as provided in the schedule of administrative penalties adopted by the City Council by resolution.

(C) Notice of violation, with the applicable penalty for the violation noted thereon, shall be issued to and served upon the violator. Service of the notice may be by regular mail or by delivery in person.

(D) Penalties assessed pursuant to notice of violation shall be paid by the violator in full as directed in the notice within 30 days of its issuance.

(E) The administrative penalties set out in the schedule of administrative penalties shall be charged in lieu of the fines and penalties provided for in § 100.999, unless the violator refuses to correct the violation and pay the scheduled administrative penalty, or the WRA Director determines that immediate enforcement action by municipal infraction prosecution is, in view of the particular circumstances of the case, necessary to achieve compliance with the requirements of this subchapter. The WRA shall maintain a record of all violations, administrative penalties charged or other enforcement actions taken.

**§ 100.102 DENIAL, SUSPENSION AND REVOCATION OF LICENSE.**

(a) *Grounds for denial, suspension or revocation of waste haulers license.* The WRA director may deny, suspend or revoke the waste hauler license and/or grease hauler certification of any wastehauler who violates any provision of this division or any condition of its license, or who commits any of the following violations, or who does not meet the following requirements:

- (1) Violation of any term, condition or requirement of this division, the license, or applicable state of Iowa or federal laws or regulations.
- (2) Obtaining a license by misrepresentation.
- (3) Falsification of, failure to complete or failure to fully disclose all relevant facts in a license application.
- (4) Failure to pay fees, administrative penalties or fines.
- (5) Failure to report a spill to the WRA.
- (6) Using wash down water or otherwise diluting the permitted waste for the purpose of meeting discharge limitations or requirements.
- (7) Falsification of, failure to complete or failure to fully disclose all relevant facts in any report, manifest information or record required by the license or this division.
- (8) Tampering with samples or sampling equipment intended to accurately reflect the contents of each hauled waste load.
- (9) Refusing to allow WRA personnel timely access to the wastehauler's facility premises, vehicles, or records.



- (10) Failure to perform as required under a corrective action order or compliance schedule issued by the WRA director.
  - (11) Failure to correct any violation of this division within 30 days after notice by the WRA Director.
  - (12) Failure to immediately correct any violation of this division if the condition constituting the violation is declared a threat to public health, safety or welfare by the WRA director and the director orders immediate correction.
- (b) *Procedure for denial, suspension or revocation of wastehauler's license.* The procedure for denial, suspension or revocation of a wastehauler's license shall be as follows:
- (1) Any license issued to a wastehauler pursuant to this division may be denied, suspended or revoked by written order of the WRA director specifying the grounds for such action as outlined in subsection (a) of this section, which order shall not take effect until hearing thereon as hereafter provided. Upon determining that grounds exist for an order to deny, suspend or revoke a wastehauler's license, the WRA director shall cause a notice of hearing to be prepared, specifying the violations of subsection (a) of this section which are deemed to have occurred, and the time, date and place that such hearing will be held. The notice shall be sent to the wastehauler by regular mail addressed to the wastehauler's address listed on the wastehauler's license a minimum of ten days prior to the date set for hearing, and shall be deemed delivered when placed in the mail.
  - (2) If after such a hearing the WRA director makes a finding based on substantial evidence that one or more violations under subsection (a) of this section have occurred as alleged, the director may deny issuance of the license, suspend the license for a fixed period, or may issue an order immediately revoking the license and ordering the wastehauler to discontinue hauling waste to the WRF or any other disposal locations approved by the director. The determination whether to deny issuance of a license, to suspend a license, or to revoke a license, shall be in the discretion of the director and shall be dependent upon the circumstances surrounding the violations of subsection (a) of this section and the severity of those violations. If the wastehauler does not appear for the hearing, the director shall issue the order revoking the wastehauler's license and ordering the cessation of delivery of hauled waste at the WRF or any other disposal locations approved by the director, which order shall take effect immediately.
  - (3) The decision and order of the WRA director to deny issuance, to suspend or to revoke the license of a wastehauler may be appealed to the WRA appeal committee. Such appeal request shall be in writing, shall include the grounds for appeal including any factual findings which are disputed, and shall be delivered to WRA not less than 10 days after the director's entry of the order of denial, suspension or revocation. Such appeal request shall be considered delivered when placed in the mail, return receipt requested, addressed to:

WRA Appeal Committee  
Des Moines Metropolitan Wastewater  
Reclamation Authority  
3000 Vandalia Road  
Des Moines, Iowa 50317

The chair of the appeal committee shall schedule the appeal and shall cause notice of the time, date and place of the hearing to be mailed to the appealing waste hauler. Such appeal shall be decided by majority vote of the appeal committee. If the appeal committee affirms the order of the WRA director denying issuance, suspending or revoking the license and ordering the cessation of waste deliveries at the WRF or other approved locations, the appeal committee shall so state and order in its written decision.

- (4) A waste hauler whose license has been denied or revoked shall not be eligible for issuance or reinstatement of its license until 30 days after the violating conditions have been corrected to the satisfaction of the director.

**§ 100.103 ALTERNATIVE RELIEF.**

Neither the WRA nor the city is precluded from seeking alternative relief from the court, including an order for abatement or injunctive relief, in the event that the WRA or the city files a misdemeanor citation, notice of administrative penalty and/or files a municipal infraction for the same violation of this chapter, or in the event the WRA seeks to deny, suspend or revoke the waste hauler license.

**§ 100.999 PENALTY.**

(A) *Regulation of industrial wastewater, commercial wastewater; civil penalties.*

(1) Each violation of any section of this chapter or of a permit issued under this chapter is declared to be a municipal infraction. Each day that a violation of a section of this chapter continues, and each day that a violation of a permit issued under this chapter continues, shall be considered a separate municipal infraction.

(2) Any person who knowingly makes a false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter or a wastewater discharge permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this subchapter, commits a municipal infraction punishable by a civil penalty as hereafter provided in division (A)(4) below.

(3) Any person who fails to perform an act required by the provisions of this chapter, who commits an act prohibited by the provisions of this chapter, or commits an environmental violation and shall be guilty of a municipal infraction, punishable by a civil penalty as hereafter provided in division (A)(4) below. Violation of a pretreatment standard or requirement referred to in 40 C.F.R. § 403.8 is an environmental violation punishable by a civil penalty as hereafter provided in section (A)(4) below.

(4) Whenever in this chapter, any act is prohibited and is declared to be a municipal infraction or whenever in this chapter the doing of any act is required and the failure to do that act is declared to be a municipal infraction, the violation of any provision shall be

punishable by a civil penalty as set forth in Chapter 11. However, a municipal infraction which is classified as an environmental violation or which arises from noncompliance with a pretreatment standard or requirement, referred to in 40 C.F.R. § 403.8, by an industrial user may be punishable by a civil penalty, as set forth in Chapter 11, for each day a violation exists or continues. Each day a violation of a provision of this chapter continues shall be considered a separate municipal infraction.

(B) *Regulation of fat, oil and grease discharge by food service establishments.*

(1) Any person who fails to perform an act required by §§ 100.060 through 100.075 or who commits an act prohibited by §§ 100.060 through 100.075 shall be guilty of a misdemeanor punishable by fine or imprisonment or shall be guilty of a municipal infraction punishable by a civil penalty.

(2) Any person who fails to comply with a pretreatment standard applicable to an FSE shall be guilty of a municipal infraction punishable by a civil penalty, as set forth in Chapter 11, for each day the violation exists or continues, as provided by Iowa Code §§ 364.22 or 331.307.

(3) When enforcement is sought through a municipal infraction proceeding, the WRA Director, or other designated officers or officials with enforcement authority as provided in § 100.071, may enter into consent orders, assurances of voluntary compliance or other similar documents establishing an agreement with the user responsible for noncompliance. These orders will include specific action to be taken by the user to correct the noncompliance within a time period specified by the order.

(C) *Hauled wastes.*

(1) Any person who fails to perform an act required by §§ 100.090 through 100.103 or who commits an act prohibited by §§ 100.090 through 100.103 shall be guilty of a municipal infraction punishable by a civil penalty.

(2) Any person who violates a discharge prohibition set forth in § 100.010, or discharges in excess of local limits as set forth in § 100.011, shall be guilty of an environmental violation punishable as provided by Iowa Code § 364.22.

***Statutory reference:***

*Authority for enhanced penalties in pretreatment violations, see Iowa Code § 364.22*

