

TITLE IV – HEALTH REGULATIONS

CHAPTER 34

INDUSTRIAL WASTE PRETREATMENT

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34.01 GENERAL ADOPTION. The provisions of this chapter are enacted to aid in the enforcement of the pretreatment regulations set forth herein and may be placed in a separate portion of the municipal code of any ICA constituent community which adopts these provisions. Each ICA constituent community by enacting this chapter designates the city of Des Moines as ICA Operating Agency as the enforcement agency under this chapter. Employees, agents and officers of the city of Des Moines while acting to enforce the provisions of this chapter for the ICA Operating Agency are empowered to make such inspections, issue such orders or permits and take such actions within the corporate boundaries of Warren County as are authorized by this chapter. The ICA Operating Agency is also authorized to impose and collect all

Fees or penalties authorized by this chapter and the ICA Operating Agency is authorized to directly bill and collect from contributors penalties, fees charges and surcharges. The failure to pay any fee, charge, penalty or surcharge is a county infraction and shall also be grounds to discontinue sewer service. The enforcement of this chapter in Warren County is not dependent upon passage of this or a similar ordinance by other cities or ICA constituent communities.

34.02 INTENT AND CONSTRUCTION. This chapter seeks to implement provisions of the Act, the General Pretreatment Regulations, and the Iowa Administrative Code, Chapter 567, Sections 62.4 and 62.8. 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 Section 34.03 herein.

34.03 PURPOSE AND POLICY. This chapter regulates the use of sewers, private wastewater disposal, the installation and connection of building sewers, the discharge of water and waste into the sewers and drains of the ICA system, the discharge of water and waste into the sewers and drains of the Des Moines Sewage System systems, and the discharge Des Moines ICA POTW. This chapter sets forth uniform requirements for dischargers into the wastewater collection and treatment systems of Des Moines and the ICA. The objectives of this chapter are:

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. To 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. To protect workers' safety and health and to protect against damage to the POTW;
4. To provide for equitable distribution of treatment and industrial pretreatment costs resulting from pollutants introduced into the POTW.

34.04 ABBREVIATIONS. The following abbreviations shall have the designated meanings:

BETX	Benzene, Ethylbenzene, Toluene, and Xylene
BOD	Biochemical Oxygen Demand
BMR	Baseline Monitoring Report
C	Celsius
CRF	Code of Federal Regulations

COD	Chemical Oxygen Demand
EPA	Environmental Protection Agency
F	Fahrenheit
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
NH3-N	Ammonia Nitrogen
NPDES	National Pollution Discharge Elimination System
O & G	Oil and Grease
POTW	Publicly Owned Treatment Works
SCP	Spill Control Plan
SIC	Standard Industrial Classification
SNC	Significant Non-compliance
RCRA	Resource Conservation & Recovery Act
TCLP	Toxicity Characteristic Leaching Procedure
TFE	Trichlorotrifluoroethane
TKN	Total Kjeldahl Nitrogen
TOH	Total Organic Hydrocarbons
TPH	Total Purgeable Hydrocarbons
TRC	Technical Review Criteria
TSS	Total Suspended Solids
TTO	Total Toxic Organics
USC	United States Code
USEPA	United States Environmental Protection Agency

34.05 INTERPRETATION. This chapter shall be construed and interpreted to conform with 40 CFR Chapter I and it is the intent of this chapter that it comply with said federal regulations.

34.06 DEFINITIONS.

1. "Act" or "Clean Water Act" means the 1972 Federal Water Pollution Control Act, the 1977 Clean Water Act, and the 1987 Water Quality Act, as amended.
2. "Administrator" means the administrator of the Des Moines Wastewater Division or his or her authorized deputy, agent, or representative.
3. "Approval Authority" means the Iowa Department of Natural Resources.
4. "Authorized Representative" means:
 - A. an executive officer of a corporation;

- B. a general partner of a partnership;
 - C. the proprietor of a proprietorship;
 - D. 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;
 - E. any other authorized representative of A, B, C, or D, above 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 administrator.
 - F. any other person authorized by law to act on behalf of any entity.
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- 5. “Baseline Monitoring Report: means the report required by 40 CFR Part 403.12 (b) (1-7).
 - 6. “Biochemical Oxygen Demand (BOD)” means the analysis of BOD as described in EPA Methods.
 - 7. “Building Drain” means that 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 (3) feet outside the building wall.
 - 8. “Building Sewer” or “Lateral Sewer” means the sewer extending from the building drain to the connection with the POTW.
 - 9. “Bypass” means the intentional diversion of wastestreams from any portion of an industrial user’s pretreatment facility.
 - 10. “Categorical User” means a user subject to NCPS.
 - 11. “Chemical Oxygen Demand (COD)” means the measurement of the susceptibility of a sample to oxidation by a strong chemical oxidant expressed in mg/l and using EPA Methods.

12. "City" means the city of Des Moines as operating agency and enforcement agency of the ICA both within its own corporate boundaries and within all territory encompassed by the ICA.
13. "City Council" means the Des Moines city council.
14. "City Manager" means the Des Moines city manager.
15. "Combined Waste Stream Formula" means the formula as found in 40 CFR Part 403.6(e).
16. "Composite Sample" means 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.
17. "Conventional Pollutant" means BOD, COD, O&G, suspended solids, pH, ammonia nitrogen, total kjeldahl nitrogen and fecal coliform bacteria.
18. "Corporation Counsel" means the attorney appointed by the Des Moines city council as corporation counsel for the City of Des Moines.
19. "Discharge" or "Indirect Discharge" means the introduction of treated or untreated wastewater into the POTW.
20. "Dissolved solids" means the concentration of residue left in an evaporating dish after evaporation and drying at defined temperatures using EPA methods or standard methods.
21. "Domestic sewage" shall mean all household-type waste discharged from places of human habitation including sanitary convenience, kitchen and laundry waste. Domestic sewage is further defined as waste which does not exceed daily maximum limits of 300 mg/1 COD, 200 mg/1 BOD, 250 mg/1 suspended solids, 100 mg/1 oil and grease, 30 mg/1 TKN, and 15 mg/1 NH₃-N at a discharge rate of 100 gallons per capita per day. This loading is equal to 0.25 pounds of COD, 0.17 pounds of BOD, 0.20 pounds of suspended solids, 0.083 pounds of oil and grease, 0.025 pounds of TKN and 0.013 pounds of NH₃-N per capita per day.
22. "Domestic user" means all users discharging only domestic sewage from premises consisting of any building or parts of building designed for or occupied by one or more persons as a single housekeeping unit, including such units within multifamily dwellings, flats and apartment buildings.

23. "EPA Methods" means the USEPA approved standard procedures for wastewater analysis as prescribed in 40 CFR Part 136 and shall include alternate methods approved by the approval authority.
24. "Fecal coliform" means bacteria common to the intestinal tracts of humans and animals whose presence in water is an indication of pollution.
25. "Garbage" means solid waste from the domestic and commercial preparation, cooking and dispensing of food, and from the commercial handling, storage and sale of produce.
26. "Grab Sample" means a single aliquot sample collected either directly or by means of a mechanical device.
27. "Headworks" means the main wet well at the POTW treatment plant prior to any treatment process.
28. "ICA" or "Integrated Community Area" means the Des Moines Integrated Community Area consisting of the ICA constituent communities who are by joint government action, as defined in the ICA agreements as from time to time amended, are committed to utilize the wastewater treatment plant (POTW) and certain out fall and interception sewers of the wastewater treatment system and to support the operating and capital costs thereof through payments to the ICA Operating Agency.
29. "Industrial User" see "User".
30. "Industrial Waste" means the liquid waste from industrial users as distinct from domestic sewage.
31. "Interference" means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:
 - A. Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
 - B. Causes a violation of any requirement of the POTW's NPDES 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.
32. "Limit" means the maximum allowable discharge of a given pollutant as in the following definitions:

- A. “Daily Maximum Limit” means the maximum allowable discharge of pollutant during a calendar day. Where daily maximum limitations are expressed in units of mass the daily discharge is the total mass discharged over the course of the day. Where daily maximum limitations are expressed in terms of concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.
 - B. “Monthly Average Limit” means the maximum allowable value for the average of all measurements of a pollutant obtained during one calendar month.
- 33. “National Categorical Pretreatment Standards (NCPS)” or “Categorical Standards” means any limitations on pollutant discharges to POTWs promulgated by USEPA that apply to specified process wastewater of particular industrial categories.
 - 34. “National Pollution Discharge Elimination System (NPDES) Permit” means a permit issued pursuant to the Act.
 - 35. “New source” shall be as defined by 40 CFR 403.3(K).
 - 36. “Nonconventional Pollutants” means all pollutants which are not included in the definition of conventional pollutants.
 - 37. “NH₃-N” means the ammonia nitrogen concentration in mg/l as determined using EPA methods.
 - 38. “Oil and Grease (O & G)” means any material recovered as a substance that is soluble in TFE and which may further be divided into a mineral and non-mineral fraction using EPA approved methods or standard methods.
 - 39. “Pass Through” means a discharge which exits the POTW into water of the state in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW’s NPDES permit (including an increase in the magnitude or duration of a violation) or other permit issued to the POTW by IDNR or USEPA.
 - 40. “pH” means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
 - 41. “Pollution” means the alteration of chemical, physical, biological, or radiological integrity of water as a result of human activity or enterprise.

42. "POTW Treatment Plant" means that portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.
43. "Pretreatment" means the reduction, elimination, or alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into the POTW.
44. "Pretreatment Facility" means the equipment used to accomplish pretreatment.
45. "Pretreatment Requirements" means any substantive or procedural requirement related to pretreatment standards, imposed on an industrial user.
46. "Pretreatment Standards" means for any specified pollutant, the city of Des Moines' prohibitive discharge standards as set forth in Section 34.08, the city's specific limitations on discharge as set forth in Section 34.09 of this chapter, the State of Iowa pretreatment standards or the NCPS, whichever standard is most stringent.
47. "Properly Shredded Garbage" means the waste from the preparation, cooking and dispensing of food that have been shredded to such 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.
48. "Publicly Owned Treatment Works (POTW)" means a treatment works as defined by Section 212 of the Act, and shall include the POTW owned by the Des Moines ICA and operated by the city of Des Moines as operating agency pursuant to the ICA Agreement, and shall include all waste water treatment facilities of the city of Des Moines and of the ICA constituent communities. This definition includes any devices and systems used in the storage, treatment, conveying, recycling and reclamation of municipal sewage or industrial waste of a liquid nature or that convey wastewater to a POTW, regardless of ownership.
49. "Sampling Chamber" or "Sampling Maintenance Hole" means a device or structure suitable and appropriate to permit sampling and flow measurement of a wastewater stream to determine compliance with this ordinance.
50. "Severe Property Damage" means 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.

51. "Sewage" means and includes wastewater.
52. "Sewage System" means 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.
53. "Significant User" means:
 - A. All categorical users;
 - B. All industrial users that:
 - (1) Discharge 25,000 gallons per day or more of process, wastewater (excludes sanitary, non-contact cooling, and boiler blowdown wastewater);
 - (2) Contribute a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - (3) Contribute a Discharge that has a reasonable potential, in the opinion of the administrator, to adversely affect the POTW treatment plant by causing interference or pass through.
54. "Sludge" means the solids separated from the liquids during the wastewater treatment process.
55. "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 (5.0) times the allowable concentration as set forth in Sections 34.08 and 34.09 of this chapter or in a user's most recent wastewater discharge permit. A discharge with pH outside the allowable range by more than one standard unit (S.U.) or a flow rate in excess of two (2.0) times the maximum flow limit established in a wastewater discharge permit shall also be a slug.
56. "Standard Industrial Classification (SIC)" means 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.
57. "Standard Methods" means the laboratory procedures set forth in the latest 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 Pollution Control Federation.
 58. "Storm Sever" means a sewer which carries stormwater, surface water and drainage but excludes sewage and industrial waste other than unpolluted cooling water.
 59. "T" when used as a portion of a chemical name, shall designate "total" such as in "cyanide-T" where "T" means "total" cyanide.
 60. "TKN" shall mean the total kjeldahl nitrogen concentration expressed in mg/l as determined using EPA methods or standard methods.
 61. "Total Metals" means the sum of the concentration of metals specified in a wastewater discharge permit.
 62. "Total Suspended Solids (TSS)" shall mean the portion of total solids retained by a filter using EPA methods or standard methods.
 63. "Total Toxic Organics" means the summation of all quantified values greater than 0.01 milligrams per liter for the toxic organics as specified in the applicable regulation.
 64. "Toxic Pollutant" means any pollutant or combination of pollutants listed in 40 CFR Part 403 Appendix B.
 65. "Unpolluted Water" shall mean 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. Such water shall not contain more than 25 mg/l of suspended solids, and not more than 25 mg/l of BOD.
 66. "Upset" shall mean 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.
67. “User” or “Industrial User” shall mean a source of discharge into a POTW from any source other than a domestic user.
 68. “Waste hauler” means a private contractor licensed by the city to deliver wastewater to the POTW and shall include all persons required to have a license under section 21-23 of the Des Moines Municipal Code.
 69. “Wastewater”, also termed “Sewage”, means 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.
 70. “Wastewater Discharge Permit” means the document or documents issued to a user by the city in accordance with the terms of this chapter.
 71. “Wastewater Division” means the division within Des Moines city government duly assigned the task of operating the Des Moines ICA Wastewater Treatment Plant.
 72. “Water of the State” shall mean all streams, lakes, ponds, marshes, water courses, 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 of Iowa or any portion thereof.

34.07 USER REQUIREMENTS. The following requirements shall apply to all users of the POTW:

1. All users shall promptly notify the POTW 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 administrator.
3. Industrial users shall notify they POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities in writing of any discharge into the POTW of a

substance, which if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. The notification shall comply with the requirements set forth in 40 CFR 403.12(p)

4. Introduction or contribution of any pollutants without the notice and approval required by this section is prohibited. Upon the receipt of notice required by this section the administrator shall within 180 days or less approve the discharge if he finds the proposed discharge meets applicable pretreatment standards and requirements and would not cause the POTW to violate its NPDES permit. The administrator shall deny permission for the discharge if he finds applicable pretreatment standards and requirements are not met or the discharge would cause the POTW to violate its NPDES permit. In lieu of denial of permission the administrator may allow such contribution or discharge upon conditions which would not violate applicable pretreatment standards or requirements and would not cause the POTW to violate its NPDES permit.

Any part of this section notwithstanding, upon receipt of the notice required by this section, the administrator may require, in addition to the requirements of this section, that an industrial user obtain a permit under this chapter.

34.08 DISCHARGE PROHIBITIONS. The following general prohibitions shall apply to all users of the POTW unless the user is subject to a more restrictive NCPS, IDNR, or wastewater discharge permit limit. The following substances are prohibited from discharge to the POTW:

1. Pollutants create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 F (60° C) using test methods referenced in 40 CFR 261.21. 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 (5%) nor any single reading greater than ten percent (10%);
2. Which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0 or greater than 10.5;
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 (1/2) inch in 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, spent grains, spent hops, waste paper, 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°F (0 and 65°C);

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 Des Moines POTW treatment plant or which constitutes a slug load as defined in this chapter;
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° F (65°C) 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 POTW treatment plant greater than 104°F (40°C);
6. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems or a public nuisance;
8. Any trucked or hauled pollutants, except at discharge points designated by the POTW;
9. Radioactive wastes unless they comply with Atomic Energy Commission Act of 1954 (68 Stat. 919 as amended and part 20, Sub-Part D – Waste Disposal, Section 20.303 of the Regulations issued by the Atomic Energy Commission, or amendments thereto);
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 3000 mg/1 non-volatile or 3000 mg/1 total dissolved solids unless approved by the administrator;

1. Pollutants causing excessive discoloration (such as, but not limited to, dye waste and vegetable tanning solutions).

34.09 LOCAL LIMITS FOR SPECIFIC POLLUTANTS.

1. General Provisions

A. 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 chapter.

B. 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 administrator. If necessary, the concentrations so measured shall be recomputed to exclude the effect of any dilution that is improper using the combined wastestream formula.

2. Headworks Limits – Average Mass. The average composite loading of all users contributing the following specific pollutants to the POTW shall not exceed the allowable total pounds. The allocation of pollutants between industrial and non-industrial sources may be adjusted by the administrator provided that the average allowable total loading for any pollutant at the headworks of the POTW treatment plant is not exceeded.

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

Pollutant	Daily Average Allowable Pounds/Day	
	TOTAL	INDUSTRIAL
Arsenic – T	1.0	0.3
Barium – T	444.0	227.0
Cadmium – T	13.2	8.8
Chromium – T	336.0	220.0
Chromium – Hex	151.0	143.0
Copper – T	33.0	6.1
Cyanide – T	10.8	7.2

Pollutant	Daily Average Allowable Pounds/Day	
	TOTAL	INDUSTRIAL
Fluoride – T	1,141.0	487.0
Lead – T	69.5	39.1
Maganese – T	269.0	233.0
Mercury – T	12.7	12.2
Nickel – T	64.2	46.8
Phenols – T	303.0	287.0
Selenium – T	22.7	21.7
Silver – T	28.4	24.8
Zinc – T	138.0	18.2

3. Discharge Concentration Limits and Review Criteria.

A. The admission into the POTW of any materials, water or waste having a pollutant concentration greater than the limits in paragraphs (3), (4), and (5) below, or containing pollutants not listed herein, shall be subject to the review and approval of the administrator. After review of the proposed discharges, the administrator may:

- (1)Reject the waste for reasons consistent with Section 34.03.
- (2)Require pre-treatment to an acceptable pollutant concentration for discharge to the POTW.
- (3)Require control of the quantities and rates of discharge of water or waste to prevent slug loads, provided that Warren County shall retain control over the use of its local sewers for purposes of capacity allocation and surcharge prevention.
- (4)Require payment to cover the added cost of handling and treatment of water and waste or any combination thereof.
- (5)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 POTW treatment plant.
- (6)Require the user to obtain a wastewater discharge permit and be subject to any of the rules and regulations contained therein.

- (7) Require the user to meet local limits or NCPS in cases where local limits are more restrictive than NCPS provided that headworks loading limits are met.
- (8) Initiate enforcement action in response to any noncompliance with this chapter using the enforcement procedures outlined in this chapter.
- (9) Take any combination of steps a. through g. as appropriate.

B. Users discharging wastewater to the POTW having pollutant concentrations or flows greater than the following shall be considered non-domestic for purposes of sewer charges and may be regulated or permitted by the administrator as appropriate:

Pollutant	Daily Maximum (mg/l)
(1) BOD	200
(2) TSS	250
(3) COD	300
(4) O & G – T	100
(5) TKN	30
(6) NH3-N	15
(7) An average daily flow greater than 5,000 gallons or having an unusual concentration of flow constituting a Slug Load as defined herein.	

C. Pollutant Limits. Average and maximum concentration limits for users without an NCPS for these pollutants shall be:

Pollutant	Monthly Average (mg/l)	Daily Maximum (mg/l)
Arsenic – T	0.0046	0.0069
Barium – T	4.12	6.18
Cadmium – T	0.16	0.24
Chromium – T	4.00	6.00
Chromium – Hex	2.60	3.90
Copper – T	0.50	0.75
Cyanide – T	0.13	0.20
Fluoride – T	7.58	11.37
Lead – T	0.71	1.07
Maganese – T	4.24	6.36
Mercury – T	0.23	0.35
Nickel – T	0.85	1.28

Pollutant	Monthly Average (mg/1)	Daily Maximum (mg/1)
O&G – T	-----	400.00
O&G – Mineral	-----	100.00
Phenols – T	5.21	7.82
Selenium – T	0.39	0.59
Silver – T	0.45	0.68
TPH	-----	10.00
Zinc – T	1.00	1.50

pH Range – Not lower than 5.0 or greater than 10.5.

Temperature (liquids or vapors) – Not greater than 150°F at point of entry into POTW.

D. Waste Hauler Pollutant Limits – Daily maximum.

Wasted delivered to the POTW by truck or rail shall not exceed the following maximum concentrations in any load:

Pollutant	mg/1
(1) COD	100,000
(2) O&G – T	50,000
(3) Arsenic – T	0.04
(4) Cadmium – T	2.70
(5) Chromium – T	72.00
(6) Copper – T	69.00
(7) Cyanide – T	0.75
(8) Lead – T	19.50
(9) Mercury – T	0.35
(10) Nickel – T	10.80
(11) Zinc – T	255.00
(12) Selenium – T	0.68
(13) TOH	10.00
(14) pH Range – Not lower than 5.0 or greater than 12.0.	

E. Gasoline Clean-up Projects – Daily Maximum Limit. Discharge of

Wastewater from sites where gasoline is being removed from soil or groundwater shall meet the following limits prior to discharge to the POTW:

Pollutant	mg/1
Benzene	0.050
BETX	0.750

4. No provision of this section shall be construed to provide lesser discharge standards than are presently or may hereafter be imposed and required by USEPA or IDNR, nor to allow the average allowable total loading for any pollutant at the headworks of the POTW treatment plant to be exceeded.

34.10 NATIONAL CATEGORICAL PRETREATMENT STANDARDS. Users subject to National Categorical Pretreatment Standards (NCPS) as contained in 40 CFR Chapter I, Subchapter N, Part 405-471 shall comply with the standards and applicable reporting requirements under 40 CFR 403.12. New sources of categorical discharge shall meet NCPS in the shortest feasible time but in no case longer than 90 days from the commencement of discharge. Failure to comply shall be a violation of this ordinance and subject the user to enforcement action. The POTW shall notify all known affected categorical users of the applicable reporting requirements under 40 CFR 403.12. Failure of the POTW to notify the User shall not relieve the user of the duty, if any, to comply with NCPS.

34.11 STATE REQUIREMENTS. State requirements and limitations on discharges shall apply in any case where they are more stringent than USEPA or city requirements and limitations unless allowed by the state.

34.12 CITY'S RIGHT OF REVISION. The city reserves the right to establish more stringent limitations or requirements on discharges to the POTW than those contained in this chapter if deemed necessary to comply with the purpose and policy objectives presented in Section 34.03.

34.13 PRETREATMENT.

1. A user discharging, or with potential to discharge, any waste into the POTW as set forth in Sections 34.08, 34.09 or 34.10 shall be required by the administrator to construct, install and operate, at the user's sole expense, such pretreatment facilities as may be required in order to:
 - A. Reduce the objectionable characteristics or constituents to within the maximum limits provided for in Sections 34.08 and 34.09, 34.10, 34.11;
 - B. Control the quantities and rates of discharge of such wastewater;
 - C. Reduce the pollutants to such concentration and flows as may be contained in the user's wastewater discharge permit;
 - D. Prevent the discharge of liquid waste containing O&G, 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 POTW treatment plant unless specifically approved by the administrator.

2. 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 administrator prior to construction. Design and installation of such facilities shall be subject to the requirements of all applicable codes, subchapters and laws, including local zoning regulations. The review and approval of such 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 administrator under the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operations shall be reported to and be acceptable to the administrator prior to the user's initiations of the changes.
3. Users shall continuously maintain all pretreatment facilities required by this chapter in satisfactory and effective operating condition at the sole expense of such user.
4. No provision contained in this chapter shall be construed to prevent or prohibit a separate or special agreement between the city and any user whereby wastewater containing waste of unusual strength, character or composition may be accepted by the city for treatment, subject to additional payment by such user: provided, however, that such agreement shall have the prior approval of the Des Moines city council, shall not conflict with IDNR and USEPA requirements, and shall be consistent with Sections 34.09(2), 34.10, 34.11, and 34.13(6) of this chapter.
5. The administrator may reject any waste which, in the opinion of the administrator, may cause interference or pass through.
6. Users shall obtain the specific approval of the administrator prior to discharging any waste resulting from a pretreatment facility to the POTW. The administrator may develop a documentation system to track the transportation and final disposition of any pretreatment waste. Pretreatment waste regulated by this paragraph shall include waste generated as a result of pretreatment processes used to comply with NPDES 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 clean-up of any such spill. Pretreatment waste is prohibited from disposal to the water of the state except as specifically permitted by IDNR.

34.14 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 NCPS, or with any other pollutant-specific limitation developed by the city.

34.15 SPILL CONTAINMENT.

1. Users having the ability to cause interference or pass through at the POTW or to discharge a slug shall provide protection from accidental discharge to the POTW of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be at the user's cost and expense.
2. Spill Containment Plan (SCP). Users meeting the criteria in subsection 1 thereof shall develop a SCP. The plan shall require the approval of the administrator and shall contain the following:
 - A. A description of discharge practices, including non-routine batch discharges;
 - B. A description of stored chemicals;
 - C. Procedures for immediately notifying the POTW of slug discharges, including any that would violate the discharge prohibitions in Section 34.08 of this chapter. Notification procedures shall comply with paragraphs 3 and 4 of this section;
 - D. A description of procedures and structures necessary to prevent adverse POTW impact from accidental spills including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

- E. 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 such 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 chapter.
3. Users shall immediately telephone and notify the POTW in the case of an accidental or deliberate discharge of pollutants which violates Section 34.08 of this chapter or is a slug load. Any discharge into the POTW of a substance which is a listed or characteristic waste under Section 3001 of RCRA must be immediately reported to the USEPA Regional Director, IDNR, and the POTW. Notifications required in this paragraph shall include the name of the caller, location and time of discharge, pollutant concentration, volume and the corrective actions taken.
2. Users shall submit a written report to the administrator within five (5) days following such 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 administrator. Such report, or reports, shall not relieve the User of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such report relieve the user of any fines, civil penalties, or other liability which may be imposed by this chapter or otherwise. Failure to report accidental or deliberate discharges may, in addition to any other remedies available to the city, result in the revocation of the discharger's wastewater discharge permit.
3. 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.
4. Users required to have a SCP 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 should a prohibited discharge occur.

Users shall insure that all employees who are in a position to cause, discover, or observe such an accidental discharge are advised of the emergency notification procedures.

34.16 TREATMENT UPSETS. Users shall inform the administrator within one (1) hour of becoming aware of an upset in operations that places it in a temporary state of noncompliance with the pollutant limits in this ordinance. Users shall provide a follow-up written report to the administrator within five (5) days. 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(s), 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;
3. All steps taken or planned to reduce, eliminate, and prevent recurrence of such an upset.

34.17 TREATMENT BYPASS.

1. 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.
2. 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 assure efficient operation.
3. Notification of Bypass:
 - A. Anticipated Bypass. If the user knows in advance of the need for a bypass, it shall submit prior written notice, at least ten (10) days before the date of the bypass, to the administrator.
 - B. Unanticipated Bypass. The user shall immediately notify the administrator and submit a written notice to the POTW within five (5) days. This report shall specify:
 - (1) A description of the bypass, its cause, and the duration;

- (2) Whether the bypass has been corrected;
 - (3) The steps being taken or to be taken to reduce, eliminate and prevent a reoccurrence of the bypass.
4. Proper notification shall not relieve the user of liability for treatment costs and fees or other remedies as provided for in Section 34.13.

34.18 FEES. To provide for the recovery of costs from users of the city POTW and for the implementation of the pretreatment program established by this chapter, the following fees shall be applicable to discharges by all users:

1. All users shall be subject to the following:
 - A. The wastewater discharge permit application fee shall be \$100.00 for any permit except soil/groundwater remediation permits which shall be \$25.00.
 - B. The annual fee for a Class A wastewater discharge permit shall be \$800.00.
 - C. The annual fee for a Class B wastewater discharge permit shall be \$300.00.
 - D. The fee paid by each industrial User when an accidental discharge or slug load occurs shall be up to \$1,000.00. Said fee shall reimburse the city for any costs incurred as a result of the discharge.
 - E. The fee for sampling a User's Discharge shall be \$50.00/day when using a 24-hour automatic sampler. The fee for subsequent consecutive days and for collecting grab samples shall be \$25.00/day. When a sampling event must be rescheduled due to failure of the user's sampling equipment or due to a sampler seal (used to detect sample tampering) being broken, a trip charge of \$25.00 and a rescheduling fee of \$50.00 shall be assessed. The trip charge fee may be waived if the User informs the POTW of sampling equipment failure prior to 8 a.m. of a scheduled sampling day.
 - F. Laboratory analysis fees for those analysis performed by the city shall be:

LABORATORY ANALYSIS FEES:

TEST	COST/SAMPLE
BOD	\$20.00
COD	20.00
TSS	10.00
pH	5.00
Oil and Grease, Total	35.00
Oil and Grease, Mineral/Non-mineral	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
Cyanide	30.00
Metals	
Arsenic	20.00
Selenium	20.00
Mercury	25.00
Other metals (per parameter)	15.00
Hydrocarbon/BETX	125.00
Priority Pollutants	560.00
TCLP	1,500.00
Pesticide Screen – Endrin, Lindane, Toxaphene, Methoxychlor	90.00
Herbicide	
2, 4-D	90.00
2,4,5-TP	90.00
USEPA Tests:	
624	330.00
625	330.00
Fatty Acids, Free & Total	185.00

- G. Fees for analysis performed by laboratories other than the POTW laboratory shall be the full cost of each analysis.
- H. Fees for annual or biannual inspections of permitted users shall be \$100.00 for those holding a Class A permit and \$50.00 for those holding a Class B permit.
- I. Fees for copying and mailing documents shall be \$1.00 for the initial page and \$0.25 for each additional page. No charges shall be assessed for

requests for copies received from individuals or agencies served by the Des Moines POTW provided the number of pages requested does not exceed ten.

- J. Fees for past due reminders sent each thirty (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 \$25.00/day for Class B permit holders and \$50.00/day for Class A permit holders. High strength charges shall double if discharges are slug loads. Payment of fees does not preclude other enforcement action and may not be paid in lieu of compliance with discharge limitations.
2. All users contributing wastewater in excess of the concentrations hereafter listed shall be assessed a surcharge, which shall be in addition to the rates and charges ordinarily billed to such users for sewer use:

POLLUTANT	SURCHARGE
Suspended solids in excess of 250 mg/1	\$0.14/lb
BOD in excess of 200 mg/1	\$0.10/lb
TKN in excess of 30 mg/1	\$0.54/lb
Oil & Grease in excess of 100 mg/1	\$0.06/lb

Chemical Oxygen Demand (COD) in excess of 300 mg/1 may be used at the discretion of the administrator in lieu of BOD. In such case the excess COD concentration shall be multiplied by the known BOD/COD ratio or by a ratio of two-thirds (2/3) to establish an equivalent BOD concentration.

Ammonia Nitrogen (NH₃-N) in excess of 15 mg/1 may be used at the discretion of the administrator in lieu of TKN by multiplying the excess NH₃-N concentration times two (2) to establish an equivalent TKN concentration.

34.19 CLASSES OF PERMIT. Permit classifications shall be as follows:

- 1. Class A Permit – Issued to users discharging 50,000 gallons per day or more of process wastewater (excludes sanitary, non-contact cooling, and boiler blowdown).
- 2. Class B Permit – Issued to users discharging less than 50,000 gpd of process wastewater.

34.20 PERMIT REQUIREMENTS.

- 1. All new industrial users shall notify the administrator of the nature and characteristics of their proposed discharge 180 days prior to commencing discharge. A notification form prescribed by the city shall be used for this purpose.

2. Significant users shall discharge wastewater, either directly or indirectly, into the POTW only after obtaining a wastewater discharge permit from the administrator. Obtaining a wastewater discharge permit does not relieve a User of the obligation to obtain other permits required by federal, state, or local law.
3. Other Users, including waste hauler, shall obtain permits as required by the administrator.

34.21 PERMIT APPLICATIONS – BASELINE MONITORING REPORTS. Users applying for a wastewater discharge permit or submitting a baseline monitoring report shall submit the following information as required by 40 CFR 403.12 or by the administrator:

1. Users applying for a wastewater discharge permit must submit an application form prescribed by the city and accompanied by the application fee. All new significant users must submit such application 180 days prior to the date of any wastewater discharge. Existing users subject to new NCPS must, within 180 days after the effective date of the standard, submit such an application. The following information is required:
 - A. Name, address, and location of facility (if different from the mailing address);
 - B. Name of a person or agent authorized to accept legal service of process;
 - C. Standard Industrial Classification (SIC) code of both the industry as a whole and any processes for which NCPS have been promulgated and a list of any environmental control permits held by or for the facility;
 - D. Wastewater constituents and characteristics including any pollutants in the discharge which are limited by any federal state, or local standards with sampling and analysis performed in accordance with EPA approved methods, and meeting the following requirements:
 - (1) The user shall identify the pretreatment standards applicable to each regulated process if the user is a categorical user.
 - (2) All samples shall be representative of daily operations.

- (3) A minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organics. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The administrator may waive flow proportional composite sampling for any user that 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 (4) grab samples where the User demonstrates that such sampling will provide a representative sample of the effluent being discharged.
- (4) Where the flow of the stream being sampled is less than or equal to 250,000 gpd, the User must analyze three samples within a two-week period. Where the flow of the stream being sampled is greater than 250,000 gpd, the user must analyze six samples within a two-week period.
- (5) Samples must be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists and prior to mixing with other waste. If nonregulated wastewater is mixed with regulated wastewater prior to pretreatment, the user must measure the flows and concentrations necessary to allow use of the combined wastestream formula of 40 CFR 403.6(e) in order to evaluate compliance with pretreatment standards. Where an alternate concentrations 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 administrator. Users not subject to categorical standards shall submit analysis of wastewater representative of the effluent discharged to the POTW.
- (6) The administrator may allow the submission of an application which utilizes only historical data so long as the data provides information sufficient to determine the need for pretreatment.
- (7) A statement indicating the time, date and place of sampling, methods of analysis, and certifying that such sampling and analysis is representative of normal work cycles and expected

Pollutant discharges to the POTW shall accompany each Application/Baseline Monitoring Report unless such sampling and analysis was performed by the city.

- E. Time and duration of all discharges;
- F. Daily maximum, daily average, and monthly average wastewater flow rates, including daily, monthly, and seasonal variations, if any;
- G. Description of activities, facilities, and plant processes at the site, including a list of all raw materials and chemicals used at the facility which are or could accidentally or intentionally be discharged to the POTW;
- H. The site plans, floor plans and mechanical and plumbing plans and details to show all sewers, floor drains, and appurtenances by size, location and elevation. The plans shall include a schematic process diagram which indicates all points of discharge to the POTW. All plans must be certified for accuracy by a professional engineer registered in the state of Iowa;
- I. Each product produced by type, amount, process or processes and rate of production;
- J. Type and amount of raw materials processed (average and maximum per day);
- K. Number and type of employees, and hours of operation, and proposed or actual hours of operation of the pretreatment facility;
- L. A statement, reviewed by an authorized representative of the user (as defined in Section 34.06 and certified to by a professional engineer registered in the state of Iowa, indicating whether pretreatment standards are being met on a consistent basis and if not whether additional operation and maintenance (O&M) or additional pretreatment is required for the user to meet pretreatment standards and requirements;
- M. If additional pretreatment or O&M will be required to meet pretreatment standards or requirements, then 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 longer than the compliance date established for the applicable pretreatment standard. The following conditions apply to this schedule:

- (1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such schedule shall include, where applicable, but not limited to, dates for the hiring of an engineer, completing preliminary plans, executing contracts for major components, commencing construction, beginning operation, and conducting routine operation);
- (2) No increment referred to in paragraph (1) above, shall exceed nine (9) months, nor shall the total compliance period exceed eighteen (18) months;
- (3) No later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report whether or not it complied with the increment of progress, the reason for any delay, and if appropriate, the steps being taken by the user to return to the established schedule. In no event shall more than nine (9) months elapse between such progress reports to the administrator.

N. If additional pretreatment and/or operation and maintenance will be required to meet the limits on discharge into the POTW set forth in Sections 34.08, 34.09, 34.10, or any other limits set by the administrator, a plan shall be provided by the user giving the shortest schedule by which the user will provide the needed equipment, operation, or maintenance changes and additions to meet such limits. The completion date in this schedule shall not be later than the compliance date established for the NCPS. In the case of a compliance schedule for meeting NCPS the following condition shall apply:

- (1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required to meet the applicable NCPS (such schedule shall include, where applicable, but

not be limited to, dates for the hiring of an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction and completing construction).

(2) No time increment in the schedule may exceed nine (9) months.

(3) No later than fourteen (14) days after each date in the schedule and the final date for compliance, the user shall submit a progress report to the POTW stating whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return to the schedule established. In no case shall more than nine (9) months elapse between such progress reports to the POTW.

O. Any additional information required by the administrator to evaluate a permit application.

2. All applications and reports must contain the certification statement and be signed in accordance with Section 34.31.

34.22 CATEGORICAL INDUSTRIES – REPORT ON COMPLIANCE. Users subject to NCPS shall submit a report to the city containing the information described in Section 34.21 subsections A, C, D, E and K within 90 days following the date for final compliance with applicable NCPS or, in the case of 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 NCPS 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 Section 34.31 of this chapter.

34.23 PERMIT CONTENTS. Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the administrator to prevent pass through or interference, protect the quality of the water body receiving the POTW's effluent, management and disposal, protect ambient air quality, and protect against damage to the POTW collection system or plant. The administrator may include, but need not be limited to, the following:

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, etc., 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 administrator and affording the administrator or the administrator'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 such change. The administrator shall approve, deny or condition a changed discharge prior to a change occurring in accordance with the provisions of Section 34.07(4) of this chapter;
12. Requirements for notification of excessive, accidental, or slug discharges;

13. Other conditions as deemed appropriate by the administrator to ensure compliance with this chapter, and state and federal laws, rules, and regulations;
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.

34.24 PERMIT DURATION AND RENEWAL. Permits shall be issued for a specified period, not to exceed five (5) years. Permit fees shall be due annually to the city regardless of the term of permit. Permitted users shall apply for new permit by submitting a completed permit application a minimum of ninety (90) days prior to the expiration of the user's existing permit.

34.25 CONTINUATION OF EXPIRED PERMITS. Expired permits shall remain effective and enforceable until the permit is reissued unless the user is notified of permit termination by the city.

34.26 PERMIT MODIFICATIONS. The administrator may modify the permit 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 POTW will update permits within 90 days);
2. Material or substantial alterations or additions to the dischargers' operation processes, or discharge volume or character which were not considered in drafting the effective permit;
3. 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. Information indicating that the permitted discharge poses a threat to the POTW, POTW personnel or the receiving water;
5. Violation of any terms or conditions of the permit;
6. Misrepresentation of or grant of variance from such categorical standards pursuant to 40 CFR 4.3.13; or
7. To correct typographical or other errors in the permit;
8. To reflect transfer of the facility ownership or operation to a new owner/operator;

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

The filing of a request by the permittee for permit modification, revocation and re-issuance, termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

34.27 PERMIT TRANSFER. Users shall not reassign or transfer a wastewater discharge permit to a new owner. New owners must apply for a new wastewater discharge permit 60 days prior to a change in ownership.

34.28 DENIAL OF PERMIT. The administrator may deny a permit to any user whose discharge of material to POTW, whether shown upon application or determined after inspection and testing conducted by the city, is not in conformity with this chapter or whose application is incomplete or does not comply with the requirements of Section 34.21.

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

34.30 PERIODIC COMPLIANCE REPORTS. Periodic compliance reports are required as follows:

1. Significant users shall submit to the administrator 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 administrator and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the administrator may agree to alter the months during which the above reports are to be submitted. More frequent reports may be required by the administrator.

2. The administrator may impose mass limitations on users. In such cases, the report required by the above paragraph shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. All analysis shall be performed using EPA approved methods using sampling techniques approved by IDNR.

3. Users shall meet the certification and signatory requirements in Section 34.31 for each report submitted under this section. Where the city 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.

4. Users must notify the POTW 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 such violation. The user must also submit the results of repeat analyses to the POTW within thirty (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:

- A. The POTW performs sampling of the industrial user at a frequency of at least once per month, or
- B. The POTW 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.

5. Users who monitor any pollutant more frequently than required by the city or who self-monitor in addition to city monitoring, using EPA methods or standard methods, shall report the monitoring results to the POTW in accordance with this section.

34.31 CERTIFICATION AND SIGNATORY REQUIREMENTS.

1. All applications or reports submitted by a user 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 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”

2. All applications and reports shall be signed by an authorized representative of the user as defined in Section 34.06. Users shall maintain a current and accurate authorization on file with the administrator.

34.32 MONITORING FACILITIES.

1. Permitted Users, when required by the administrator, shall provide and operate monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer, or internal drainage systems at their own expense. The administrator may require the placement of such 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.
2. When required by permit and within 90 days of written notification, Users shall install a sampling chamber for each separate discharge of the building sewer in accordance with plans and specifications approved by the city. Users shall provide ample room in or near such sampling chamber to allow accurate sampling and preparation of samples for analysis. Users shall maintain all sampling and measuring equipment in a safe and proper operating condition at all times and at the expense of the user which shall be safely, easily and independently accessible to authorized representatives of the city. Users shall certify all flow measuring devices to be in proper working condition once per year using a qualified technician acceptable to the administrator.
 - A. Each sampling chamber shall contain a flume unless another device is approved by the city, with a recording and totalizing device for measurement of the liquid quantity.
 - B. At the discretion of the administrator, 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 Administrator 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.
 - C. Samples shall be taken at a frequency and volume determined by the administrator, and shall be properly refrigerated and preserved in accordance with EPA

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 city to be impractical. Grab samples shall be used where appropriate.

3. Users must inform the administrator prior to breaking a sampler seal, used by the city to detect sample tampering, unless necessary to prevent loss of life, personal injury, or severe property damage. Users must not place additional seals or locks upon a sampler which may be used by the city without first obtaining approval from the administrator.

34.33 INSPECTION, SAMPLING, AND RECORD KEEPING AUTHORITY.

Users shall give the following authorities to the city:

1. Users shall permit authorized representative or agents of the city to enter upon all properties and all parts of the premises within the corporate limits of Warren County 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 necessary to conduct sampling, inspection, compliance monitoring, or metering operations as may be required in pursuance of the implementation and enforcement of this chapter.
2. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements in the security measures so that, upon presentation of suitable identification, personnel from the city 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 chapter 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 chapter for a minimum of three (3) years and shall make such records available for inspection and copying by the city. This period of retention shall be extended until the completion of any unresolved negotiation, hearing, or litigation involving a purported violation.

34.34 CONFIDENTIAL INFORMATION.

1. Except as herein provided, information and data obtained from user reports, questionnaires, permit applications and inspections, 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 such 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 administrator shall not make such information available to the public but such information shall be available to the USEPA or IDNR.
2. Decisions by the administrator to deny confidential status for information may be appealed using the procedures in Section 34.29. In determining whether information is confidential, the provision of Chapter 22 of the Code of Iowa shall prevail.
3. Effluent data and city enforcement actions will not be considered confidential records or information.

34.35 PUBLIC NOTIFICATION OF SIGNIFICANT NONCOMPLIANCE. The city shall annually publish, in the largest daily newspaper published in the ICA community, a list of users which at any time during the previous twelve months, were in significant noncompliance as defined in Section 34.36 of this chapter.

34.36 SIGNIFICANT NONCOMPLIANCE (SNC). Any violation of pretreatment requirements (i.e., but not limited 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 SNC are user violations which meet one or more of the following criteria:

1. Violations of wastewater discharge limits.
 - A. Chronic Violations. Sixty-six percent (66%) or more of the measurements exceed the same daily maximum limit or the same average limit in a 6-month period (any magnitude of exceedance).
 - B. Technical Review Criteria (TRC) violations. Thirty-three percent (33%) or more of the measurements exceed the same daily maximum limit or the same average limit by more than the TRC in a 6-month period. (e.g., limit X TRC = the point at which a violation becomes a TRC violation) There are two groups of TRCs;

Group I for conventional pollutants
(BOD, TSS, O&G) TRC = 1.4

Group II for all other
Pollutants TRC = 1.2

- C. Any other violation(s) of a wastewater discharge permit limit (average or daily maximum) that the administrator believes has caused, alone or in combination with other discharges, interference (including slug loads) or pass through; or endangered the health of city personnel or the public.
 - D. Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment and has resulted in the exercise of emergency authority to halt or prevent such a discharge.
2. Violations of compliance schedule milestones, contained in a wastewater discharge permit or enforcement order, for starting in construction, completing construction, and 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 POTW within 30 days from the due date.
 4. Failure to accurately report noncompliance.
 5. Any other violations or group of violations that the administrator considers to be significant.

When a user is in SNC, the administrator is directed to: (a) report the information to IDNR as part of the annual pretreatment performance summary of permitted user noncompliance; (b) include the user in the annual public notification according to Section 34.35; (c) address SNC through appropriate enforcement actions or document in a timely manner the reasons for withholding enforcement.

34.37 ADMINISTRATIVE ACTIONS.

1. The administrator may issue a written notice to the user giving specific nature of violation which shall include the frequency, magnitude and impact of the violation upon the POTW. The notice may also include the following:
 - A. An order requiring a plan of action for preventing reoccurrence of the violation;

- B. An order requiring specific action for accomplishing remediation;
 - C. An order requiring the User to respond in writing within 30 days.
2. The administrator is empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the user responsible for any non-compliance. Such orders will include specific action to be taken by the user to correct non-compliance within a time period specified by the order.
 3. The administrator may issue enforceable orders or schedules to require compliance with pretreatment standards including appropriate interim limits. Such orders and schedules may be incorporated into a revised wastewater discharge permit and shall not require the consent of the user.

34.38 ACTIONS AUTHORIZED. Where there has been noncompliance with any provision of this chapter the administrator may request, and corporation counsel (or any attorney representing the city) is authorized to bring an action in equity or at law to seek the issuance of a preliminary or permanent injunction or both or such other relief as may be appropriate to compel compliance by the user with this chapter. No other authorization from the city council for the bringing of such action shall be required.

In addition to other remedies provided under this or other provisions of this chapter, in any action brought to enforce the provisions of this chapter the city council authorizes and directs corporation counsel to seek to recover all actual damages suffered by the city including all actual damages and losses related to costs of repair and remediation of the POTW, costs of administration reasonably related to any particular violation and attorneys fees.

34.39 CIVIL PENALTIES.

1. Each violation of any provision 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 provision of this chapter continues and each day that a violation of 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 chapter commits a municipal infraction.

3. Violation of a pretreatment standard or requirement referred to in 40 CFR of Chapter 1, Section 403.8 is a municipal infraction and shall be punished by a civil penalty not to exceed \$1,000 for each day said violation exists or continues. All other municipal infractions shall be punishable by a civil penalty of \$100 for each initial separate violation and \$200 for each repeated violation. In addition to the penalties established in this section for municipal infractions, corporation counsel shall seek all other appropriate remedies allowed by law in regard to the abating correction or discontinuance of activities which constitute municipal infractions under this chapter.

34.40 CRIMINAL PENALTIES. Any violation of this chapter or of a permit issued pursuant to this chapter and any false statement, representation or certification made in any reports, plans, records or other documents filed or required to be maintained pursuant to this chapter or a wastewater discharge permit and any falsification, tampering or knowingly rendering inaccurate any monitoring device or method required under this chapter is a misdemeanor and shall be punished by a fine of \$100 or a jail sentence not exceeding 30 days.

34.41 PERFORMANCE BONDS. The administrator may decline to reissue a permit to any user who has failed to comply with the provision of this chapter or any order or previous permit issued hereunder unless such user first files a satisfactory bond payable to the city in a sum not to exceed the value determined by the administrator 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 said bond be required to be greater than \$25,000. The user shall use a bond form prescribed by the city.

34.42 REVOCATION OF PERMIT.

1. Conditions for Revocation. Any user who violates this chapter, any condition of its wastewater discharge permit, or any of the following, is subject to having its permit revoked in accordance with the procedures of this section:
 - A. Failure to accurately report the wastewater constituents and characteristics of its discharge;

- B. Failure of the user to report substantial changes in process activity or in volume or character of pollutants being introduced into the POTW at least 90 days prior to such change;
- C. Tampering with monitoring equipment;
- D. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling;
- E. Violation of permit conditions;
- F. Failure to report an upset, failure, or bypass of user's pretreatment facilities;
- G. Failure to pay fines, fees, or sewer user charges;
- H. Failure to follow enforcement orders or compliance schedules;
- I. Failure to correct a condition that impedes or alters the POTW's ability to monitor the user's discharge or has the potential to cause interference or pass through;

2. Procedures for Revocation.

A. Any permit issued to a user pursuant to this chapter may be revoked for any action which is subject to revocation under Section 34.42(1). No revocation shall issue except upon notice delivered to the user by mailing the notice in the regular mail addressed to the user at the address listed on the wastewater discharge

B. If, after such a hearing, the city manager or his or her designee makes a finding based on substantial evidence that actions subject to revocation under Section 34.42(1) have occurred as alleged, the city manager or his or her designee may continue suspension of or revoke the permit; the determination of whether to revoke such license shall be in the discretion of the city manager or his or her designee and shall be dependent upon the circumstances surrounding violations by the user of Section 34.42(1) and their severity.

- C. The decision of the city manager or his or her designee to continue suspension or to revoke the permit of a user whose discharge occurs within the city of Des Moines may be appealed to the city council. The decision of the city manager or his or her designee to continue suspension or to revoke the permit of a user whose discharge occurs within another ICA constituent community may be appealed to the ICA appeal committee established in Section 34.42(2)(E). In order to appeal such decision, written notice of appeal must be filed with the city clerk within three days after receipt of the decision. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the decision of the city manager or his or her designee.
- D. The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the city clerk. An appeal hearing before the city council shall be scheduled at the next regular council meeting, if such notice is received by 5:00 p.m. on the Wednesday before the next regular council meeting. If notice is not received by the above designated time the hearing will be scheduled for the next following council meeting, if notice is received within three days after receipt of the decision by the city manager or his or her designee. An appeal hearing before the ICA appeal committee shall be scheduled to occur not less than 7 days and not more than 30 days after the city clerk's receipt of the appeal notice. The hearing may be continued for good cause. The hearing shall be confined to the record made before the city manager or his or her designee and the arguments of the parties or their representatives, but no additional evidence shall be taken. After such hearing, the city council or appeal committee, as the case may be, may affirm or reverse the order of the city manager or his or her designee. Such determination shall be contained in a written decision and shall be filed with the city clerk within three days after the hearing, or any continued session thereof.
- E. Final appeal for users located in Warren County will be heard by a three person ICA appeal committee composed of the ICA representative from the community where the discharge is or will occur, the chairperson of the ICA management agency, and an ICA representative from another constituent community to be appointed by the chairperson. In the event of the chairperson's conflict of interest or unavailability, the chairperson shall appoint an ICA representative from another

constituent community as a member of the appeal committee. The ICA representative for the city of Des Moines shall not be appointed to serve on the appeal committee. Final appeals shall be decided by majority vote of the city council or the appeal committee. If the appeal committee affirms the action of the city manager or his or her designee, continuing the suspension or revocation, the appeal committee shall so state and order in its written decision. The city clerk shall report in the official minutes the action taken by the city council.

- F. 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 administrator.

34.43 TERMINATION OF SERVICE.

- 1. When ordered by the city council or when fees and surcharges remain unpaid ninety (90) days after having been billed, the following notice shall be forwarded by registered mail, return receipt requested, certified mail, or personal service to the occupants at the address of the building being served by the city:

NOTICE OF INTENT TO TERMINATE SERVICE

You are hereby notified that due to (insert reason for termination) the wastewater service to the building located at (insert address) will be terminated within thirty (30) days hereafter unless you have corrected the above situation. Your service will be disconnected and your building will be red-tagged as unfit for human occupancy on the thirty-fifth (35th) day after date of this notice.

Dated _____ Wastewater Division of Des Moines
By _____
Administrator

- 2. Warren County hereby declares that it is against public policy for a building to be occupied by human inhabitants which has been red-tagged by the wastewater division after appropriate Notice has been given that the building is “a public nuisance and unfit for human occupancy.”

3. In the even that such user fails to correct the cause for the above notice, the following notice shall be forwarded by registered mail, return receipt requested, certified mail, or personal service to the occupants of the building and also affixed to the building or housing unit within a building;

NOTICE OF TERMINATION

You are hereby notified that there has been no response to the Notice of Intent to Terminate Service and the thirty (30) day period stated therein has lapsed. You are hereby notified that on (insert date 5 days after service of this notice) Warren County will physically disconnect the building sewer of your building from the sewerage system to which it is connected and will red-tag the building located at (here insert address) as “unfit for human occupancy.”

Dated _____ Wastewater Division of Des Moines

By _____
Administrator

4. The manner of severance and procedure for disconnection shall be determined by Warren County. Upon completion of said disconnection, the administrator shall forward to the occupant of the building 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 incurred by Warren County, and a one hundred dollar (\$100.00) service charge for supervision by the wastewater division.

34.44 REINSTATEMENT OF SERVICE. In the event of severance of service, the service may be reinstated in the following manner:

1. Upon payment to the city of any delinquency in full, plus penalties, plus the cost of the disconnection and the one hundred dollar (\$100.00) city supervision fee, and an inspection by the administrator to determine whether the original cause for termination has been corrected, the wastewater division will issue a permit for reconnection of the building service line to the POTW. Such reconnection costs for Warren County, plus inspection fees for the city of Des Moines in accordance with this chapter, shall be at the sole expense of the user.

2. Upon reconnection and payment of all costs described above, Warren County through its agents, shall remove the red-tag from the building and the building shall, so far as this chapter is concerned, be “fit for human occupancy.”

34.45 EMERGENCY DISCONNECTION OF SERVICE.

1. Conditions for Immediate Disconnection of Service: The administrator may, after informal notice, suspend the wastewater treatment service or wastewater permit of a user whenever such 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.
2. Procedures for Immediate Disconnection.
 - A. When the administrator determines that a discharge as described in Section 1 exists, a verbal order shall be issued (followed immediately by a written order) to the user stating the problem and requiring immediate cessation of the discharge. Users verbally notified of a suspension of the wastewater treatment service or the wastewater permit shall immediately stop or eliminate all discharges. In the event of a user’s failure to immediately comply voluntarily with the suspension order, the administrator 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 city personnel, telephone calls, letters, hand delivered messages or notices posted at the user’s premises or point of discharge.
 - B. Users responsible, in whole or in part, for imminent endangerment shall submit a detailed written report describing the causes of the endangerment and the measures taken to prevent any future occurrence to the administrator prior to the hearing described in Section 34.42(2).

34.46 ELIMINATION OF DISCHARGE/REINSTATEMENT. Users notified of a disconnection of wastewater treatment service under Sections 34.42, 34.43 or 34.45 shall immediately stop or eliminate the discharge. In the event of a failure of the user to comply voluntarily with the disconnection or revocation order, Warren County shall take such steps as are deemed necessary, including immediate severance of the sewer connection. The administrator shall reinstate the wastewater discharge permit or the wastewater treatment service upon proof of the elimination of the non-complying discharge.

34.47 ADDITIONAL REMEDIES.

1. In addition to remedies available to the city set forth elsewhere in this chapter, if the city is fined by IDNR or USEPA for violations of the city NPDES permit or violations of water quality standards as the result of a discharge of pollutants by identifiable user(s), then the fine, including all city legal, sampling, analytical testing costs and any other related costs shall be charged to the responsible user(s). Such charge shall be in addition to any other remedies the city may have under this chapter, at law or in equity.
2. 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 for any expense, loss or damage caused by the violations or discharge. The city may add to the user's charges and fees the costs assessed for any cleaning, repair, or replacement work caused by the violations or discharge.
3. The remedies provided in this chapter shall not be exclusive and the city may seek whatever other remedies are authorized by statute, at law or in equity against any persons violating the provisions of this chapter.
4. In addition to any other remedies provided in this chapter, the city may initiate an action, either in law or in equity, to obtain an injunction against further violations of this chapter, and for judgment for all costs incurred by the city occasioned by the user's violation of any requirements of this chapter.