

ORDINANCE NO. 2020-18

AN ORDINANCE AMENDING PART II, CHAPTER 28, ARTICLE II OF THE BLACKWELL MUNICIPAL CODE 2019 ENTITLED "SEWERS AND SEWAGE DISPOSAL"; PROVIDING FOR SECTION 28-21 ENTITLED "PREAMBLE-DECLARATION OF PUBLIC UTILITY"; PROVIDING FOR SECTION 28-22 ENTITLED "DEFINITIONS"; PROVIDING FOR SECTION 28-23 ENTITLED "ABBREVIATIONS"; PROVIDING FOR SECTION 28-24 ENTITLED "CHARGES AND FEES"; PROVIDING FOR SECTION 28-25 ENTITLED "SEWER CONNECTION REQUIRED"; PROVIDING FOR SECTION 28-26 ENTITLED "SANITARY SEWERS, ALTERNATE DISPOSAL"; PROVIDING FOR SECTION 28-27 ENTITLED "DISCHARGE OF SEWAGE AND POLLUTED WATER TO NATURAL OUTLET"; PROVIDING FOR SECTION 28-28 ENTITLED "DISCHARGE OF STORM WATER AND GROUND WATER"; PROVIDING FOR SECTION 28-29 ENTITLED "DISCHARGE OF CERTAIN WATER OR WASTES TO SANITARY SEWER"; PROVIDING FOR SECTION 28-30 ENTITLED "GREASE, OIL AND SAND TRAPS AND INTERCEPTORS"; PROVIDING FOR SECTION 28-31 ENTITLED "CONTROL MANHOLES AND METERS"; PROVIDING FOR SECTION 28-32 ENTITLED "ACCIDENTAL DISCHARGES, SLUG LOAD OR UPSET"; PROVIDING FOR SECTION 28-33 ENTITLED "TRUCKED OR HAULED WASTEWATER"; PROVIDING FOR SECTION 28-34 ENTITLED "SPECIFIC LOCAL LIMITS"; PROVIDING FOR SECTION 28-35 ENTITLED "STATE REQUIREMENTS; CITY RIGHT TO REVISE"; PROVIDING FOR SECTION 28-36 ENTITLED "PRETREATMENT STANDARDS ADOPTED SOLELY BY CITY; HEARING"; PROVIDING FOR SECTION 28-37 ENTITLED "EXCESSIVE DISCHARGE"; PROVIDING FOR SECTION 28-38 ENTITLED "MAINTENANCE OF PRETREATMENT FACILITIES"; PROVIDING FOR SECTION 28-39 ENTITLED "MONITORING FACILITIES"; PROVIDING FOR SECTION 28-40 ENTITLED "PENALTIES"; PROVIDING THAT THE CURRENT SECTION 28-27 IS RENUMBERED TO SECTION 28-41 AND THAT SECTIONS 28-42 TO SECTION 28-55 ARE RESERVED; SAVINGS; SEVERABILITY; REPEALER; CODIFICATION; PENALTY; DECLARING AND EMERGENCY.

EMERGENCY ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLACKWELL, OKLAHOMA:

Section I: Chapter 28, Article II of the Blackwell Municipal Code 2019 is hereby amended to read as follows:

ARTICLE II

SEWERS AND SEWAGE DISPOSAL

SECTION 28-21 PREAMBLE; DECLARATION OF PUBLIC UTILITY.

This Article sets forth uniform requirements for users of the wastewater collection and publicly owned treatment works (POTW) for the City of Blackwell, Oklahoma (hereinafter

“City”)and enable the City to comply with all applicable state and federal laws including the clean water act (33 USC 1251 et seq.), and the general pretreatment regulations (40 CFR part 403). The objectives of this article are:

A. To prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW.

B. To prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the POTW.

C. To ensure that the quality of the wastewater treatment plant sludge is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations.

D. To protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public.

E. To improve the opportunity to recycle and reclaim wastewater and sludge from the POTW.

F. To enable the City to comply with its NPDES permit conditions, sludge use and disposal requirements and any other federal or state laws to which the POTW is subject; and

G. To provide for equitable distribution of the cost of operation, maintenance, and improvement of the POTW.

The sanitary sewerage system of the city is hereby declared to be a public utility and a proper source of revenue for the upkeep and maintenance of the system and for other purposes.

SECTION 28-22 DEFINITIONS.

Terms and words not specifically defined but used herein shall have their usual and ordinary meanings unless otherwise specifically defined in ordinances of the City. As used in this chapter, unless the context specifically indicates otherwise, the following terms and phrases shall have the meanings hereinafter designated:

ACCESS: Entry into or upon any real estate or structure, including any part thereof.

ACT OR THE ACT: The federal water pollution control act, also known as the clean water act, as amended, 33 USC 1251 et seq.

APPROVAL AUTHORITY: The director in an NPDES state with an approved state pretreatment program.

AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER: An authorized representative of an industrial user may be: a) a principal executive officer of at least the level of vice president, if the industrial user is a corporation; b) a general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; c) a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

BOD₅ (DENOTING BIOCHEMICAL OXYGEN DEMAND): The quantity of oxygen utilized in the biochemical oxidations of organic matter under standard laboratory procedure in five (5) days at twenty degrees (20°) Celsius, expressed in milligrams per liter.

BUILDING DRAIN: That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (5') (1.5 m) outside the inner face of the building wall.

BUILDING SEWER: A sewer conveying wastewater from the premises of a user to the public sewer.

BYPASS: The intentional diversion of waste streams from any portion of any industrial user's treatment facility.

CATEGORICAL STANDARDS: Federal categorical pretreatment standards or pretreatment standards.

CITY: The administrative head of the City ("City Manager") and/or his/her delegated representative or the City Council.

CITY'S ENGINEER: The City Engineer or his duly authorized representative designated by the City Manager to administer, implement, and enforce the provisions of this Article.

COMBINED SEWER: A sewer receiving both surface runoff and sewage.

COMPOSITE SAMPLE: The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

CONTROL AUTHORITY: Shall refer to the "approval authority", defined hereinabove; or the director if the City has an approved pretreatment program under the provisions of 40 CFR

403.11.

COOLING WATER: The water discharged from any use such as air conditioning, cooling, or refrigeration.

DIRECT DISCHARGE: The discharge of treated or untreated wastewater directly to the waters of the state.

DIRECTOR OF ENGINEERING SERVICES: The City Engineer or his duly authorized representative.

ENVIRONMENTAL ENFORCEMENT BOARD: The five (5) member board that hears appeals from the decisions made at administrative hearings.

ENVIRONMENTAL PROTECTION AGENCY, OR EPA: The U.S. environmental protection agency or, where appropriate, the term may also be used as a designation for the administrator or other duly authorized official.

EXISTING SOURCE: Any source of discharge, the construction or operation of which commenced prior to the publication of proposed categorical pretreatment standards which will be applicable to such source if the standard is thereafter promulgated in accordance with section 307 of the act.

FEDERAL CATEGORICAL PRETREATMENT STANDARDS OR PRETREATMENT STANDARDS: A regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the act (33 USC 1347) which applies to a specific category of industrial users. This term includes prohibited discharge limits established pursuant to section 403.5 of title 40 CFR.

GRAB SAMPLE: An individual sample which is taken from a waste stream on a one time basis with no regard to the flow in the waste stream and collected over a period of time, not to exceed fifteen (15) minutes in duration.

HOLDING TANK WASTE: Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.

INDIRECT DISCHARGE: The discharge or the introduction of nondomestic pollutants from any source regulated under section 307(b), (c) or (d) of the act (33 USC 1317), into the POTW (including holding tank waste discharged into the system).

INDUSTRIAL USER: A source of indirect discharge.

INFILTRATION: "Water", as herein defined, entering the sanitary sewer system, including private sewer service connections, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections, perimeter drains, or manhole walls. "Infiltration" does not include, and is distinguished from, "inflow".

INFILTRATION/INFLOW: A combination of infiltration and inflow waters entering the sanitary sewer lines, with no way of distinguishing the basic source, and which tends to cause an overloading of the capacities of the sanitary sewer system.

INFLOW: Water discharged into the sanitary sewer system, including service connection from means such as, but not limited to, roof downspout or leaders, cellar, yard, driveway and area drains, sump pumps, open foundations and/or perimeter drains, drains from springs and swampy areas, manhole covers, cross connections from storm sewers, surface runoff, street wastewater, or drainage. "Inflow" does not include, and is distinguished from, "infiltration".

INSTANTANEOUS MAXIMUM ALLOWABLE DISCHARGE LIMIT: The maximum concentration (or loading) of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected independent of the industrial flow rate and the duration of the sampling event.

INTERFERENCE: A discharge which alone or in conjunction with a discharge or discharges from other sources: a) inhibits or disrupts the POTW treatment processes or operations or its sludge processes, use or disposal; and b) therefore, contributes to a violation of any requirement of the City's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal by the POTW in accordance with any of the following statutory/regulatory provisions or permits issued thereunder (or more stringent state or local regulations): section 405 of the clean water act (33 USC 1345); or any criteria, guidelines, or regulations developed pursuant to the solid waste disposal act (SWDA), including title II commonly referred to as the resource conservation and recovery act (RCRA); or more stringent state criteria contained in any sludge management plan prepared pursuant to subtitle D, of the SWDA; the clean air act; the toxic substance control act; and the marine protection, research and sanctuaries act.

MEDICAL WASTE: Isolation wastes, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM OR NPDES PERMIT: A permit issued pursuant to section 402 of the act (33 USC 1342).

NATIONAL PRETREATMENT STANDARD, PRETREATMENT STANDARD, OR STANDARD: Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with

sections 307(b) and (c) of the act, which applies to industrial users. This term includes prohibitive discharge limits established pursuant to 40 CFR Section 403.5.

NATURAL OUTLET: Any outlet into a watercourse, pond, ditch, lake, or other body of surface water or ground water.

NEW SOURCE: A. Any source from which there is or may be a discharge of pollutants, the construction of which is commenced after the publication of proposed pretreatment standards of the act which will be applicable to such source, if such standard is thereafter promulgated in accordance with that section; provided, that: 1) construction is at a site where no other source is located; 2) process or production equipment causing discharge is totally replaced due to construction; or 3) the production of the waste stream of the facility is substantially independent of existing sources at the same site. B. Construction of a new source has commenced, if the owner or operator has: 1) begun installation/assembly of facilities or equipment; 2) begun significant site preparation for installation/assembly; or 3) entered into binding nonstructural obligation for the purchase of facility equipment which is intended to be used in the operation within a reasonable time.

NONCONTACT COOLING WATER: Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product and to which the only pollutant added is heat.

NOTICE: If the structure and/or real property to be inspected is occupied, the representative shall first present proper credentials and request entry. If the structure and/or real property is unoccupied, he shall first make a reasonable effort to locate the owner or other person(s) having charge or control of the structure and/or real property and request entry.

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY OR ODEQ: The approval authority agency for the State of Oklahoma.

pH: The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution and measured in standard units (su).

POTW TREATMENT PLANT: This portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

PASS THROUGH: A discharge which exits the POTW into the waters of the U.S. 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).

PERSON: Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents, heirs, successors or assigns. This definition includes all federal, state, or local governmental entities.

POLLUTANT: Any dredge spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

POLLUTION: The manmade or man induced alteration of the chemical, physical, biological, and radiological integrity of water.

PRETREATMENT OR TREATMENT: The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical, or biological processes, process changes or by other means, except as prohibited by section 403.6(d) of title 40 CFR. Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with subsection 403.6(e) of title 40 CFR.

PRETREATMENT REQUIREMENTS: Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user.

PUBLIC SEWER: A sewer in which all owners of abutting properties have equal rights and is controlled, operated, and maintained by the City ; the same being an integral part of the POTW.

PUBLIC UTILITIES DIRECTOR: The public utilities director is the Water/Wastewater Superintendent or his duly authorized representative who is charged with certain duties and responsibilities by the provisions of this article.

PUBLICLY OWNED TREATMENT WORKS (POTW): A treatment works as defined by section 212 of the act, which is owned by a state or municipality (as defined by section 502(4) of the act). This definition includes any devices and systems used in the collection, pumping, storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipe, and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the "municipality" as defined in

section 502(4) of the act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

SANITARY SEWAGE: The liquid waste which may or may not contain solids, originating in the sanitary conveniences for personnel of a dwelling, business building, factory, industrial facility, institution, or other place.

SANITARY SEWER: A sewer, which carries wastewater and to which storm, surface and ground waters are not intentionally admitted.

SEARCH WARRANTS: If, after proper request, entry or access is refused, or otherwise permission to inspect the property is not granted, the representative shall make application to a court of competent jurisdiction for a search warrant to permit such inspection.

SERVICE LINE OR HOUSE SERVICE LINE: That portion of a sewer, located on the premises of the user, extending from the building drain to the public sewer, and the operation and maintenance of such portion of the sewer shall be the responsibility of the user; further, the terms "service line" or "house service line" shall be synonymous with the term "building sewer" hereinabove set forth.

SEVERE PROPERTY DAMAGE: Substantial physical damage to property, damage to the treatment facilities which causes the facilities to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.

SEWER: A pipe or conduit for carrying wastewater or storm water.

SHALL/MAY: "Shall" is mandatory; "may" is permissive or discretionary.

SIGNIFICANT INDUSTRIAL USER (SIU): Any industrial user of the City's wastewater disposal system who: a) is subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; b) any other non-categorical industrial user that: 1) has a discharge flow of twenty five thousand (25,000) gallons or more per average work day of process wastewater ("process wastewater" excludes sanitary, noncontact cooling, and boiler blow down wastewaters); 2) has a process waste stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic (BOD₅, TSS, etc.) capacity of the POTW treatment plant; 3) the wastewater toxic pollutants as defined pursuant to section 307, of the act or state statutes or rules; or 4) is found by the City, the state or the U.S. environmental protection agency (EPA) to have a reasonable potential for adversely affecting the POTW treatment plant (inhibition, pass through of pollutants, sludge contamination, endangerment of POTW workers, or air emissions generated by the system), or for violating any pretreatment standard or requirement, either singly or in combination with other contributing industries.

SLUG: Any discharge of a non-routine episodic nature, including, but not limited to, an accidental spill or a non-customary batch discharge.

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, 1987.

STORM SEWER OR STORM DRAIN: A sewer pipe or manmade watercourse, which carries storm water and surface water and drainage, but excludes wastewater.

STORM WATER: Any flow occurring during or following any form of natural precipitation, and resulting therefrom, including snowmelt.

SUPERINTENDENT: The superintendent or supervisor of the water pollution control plant, or the individual designated by the City Manager to fill the position or assume the duties of the superintendent or supervisor of the water pollution control plant who is charged by the City Manager to implement the provisions of the NPDES permit.

SUSPENDED SOLIDS: Matter that either floats on the surface of, or is suspended in, water, wastewater, sewage, or other liquids, and which are removable by laboratory filtering.

TOXIC POLLUTANT: Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the environmental protection agency under the provision of CWA section 307(a) or other acts.

TREATMENT PLANT EFFLUENT: Any discharge from the POTW into waters of the state.

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

USE OR USER OF THE SANITARY SEWER: Any person who contributes, causes or permits the contribution of wastewater into the City's POTW; and further the terms "user" or "user of the sanitary sewage system" shall also mean any person receiving City water service and who has a connection with the City's sewage system, or, in the case where a private water supply is used, the proprietor of the location having the sewer connection.

WASTEWATER: The liquid and water carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any ground

water, surface water, and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW for treatment and disposal. "Sewage" may include chemicals, household waste, laundry waste, human excrement, animal or vegetable matter in suspension or solution, and other solids in suspension or solution.

WATERCOURSE: A channel in which a flow of water occurs, either continuously or intermittently.

WATERS 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.

SECTION 28-23 ABBREVIATIONS:

The following abbreviations shall have the designated meanings:

BOD₅ Biochemical oxygen demand

CFR Code of federal regulations

COD Chemical oxygen demand

EPA Environmental protection agency

l Liter

mg Milligrams

mg/l Milligrams per liter

NPDES National pollutant discharge elimination system

POTW Publicly owned treatment works

SIC Standard industrial classification

SWDA Solid waste disposal act, 42 USC 6901 et seq.

TSS Total suspended solids

USC United States Code

SECTION 28-24 CHARGES AND FEES

After the effective date of this Article, the City Council, for the purpose of defraying cost of implementing and operating the City's pretreatment program, shall have the power and authority, by the adoption of a duly enacted ordinance, to require the payment of the following:

- A. Fees for reimbursement of costs of setting up and operating the City's pretreatment program.
- B. Fees for monitoring, inspections² and surveillance procedures;
- C. Fees for reviewing accidental discharge procedures and construction.
- D. Fees for consistent removal by the City of pollutants otherwise subject to federal pretreatment standards.
- E. Fees for surcharges; and
- F. Any other fees as the City may deem necessary to carry out the requirements contained herein.

SECTION 28-25 SEWER CONNECTION REQUIRED.

- (a) The connection of any building service connection into the public sanitary sewer shall conform to the requirements of the International Plumbing Code and other applicable rules and regulations of the city.
- (b) All new sanitary sewage works shall be designed and constructed in accordance with the requirements of the state department of health regulations.
- (c) When a public sanitary sewer becomes available within 300 feet, the building sewer shall be connected to said sewer within 60 days.
- (d) Any new connection from an inflow source to the sanitary sewer system shall be prohibited.
- (e) Deposits of Garbage, Objectionable Wastes: No person shall place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage, or other objectionable waste.
- (f) Compliance Required: No person who owns, rents or is in control of a building or structure, which is required to be connected to a sanitary sewer, shall fail to connect to such sanitary sewer.

SECTION 28-26 SANITARY SEWERS, ALTERNATE DISPOSAL .

A. Except as hereinafter provided in this Section, it shall be unlawful for any person to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended to be used for the disposal of sewage within the corporate limits of the City.

B. Where a connection to a public sanitary sewer line is not required under the provisions of 28-25, a private septic tank or cesspool facility for sewage disposal may be constructed and maintained, provided it is constructed and maintained under the rules and regulations of the Health Officer and in compliance with the recommendations and requirements of the Oklahoma State Department of Health. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet.

C. In the event geographical, topical, or other terrain features prevent direct connecting into the public sewage disposal system, no private sewage disposal system will be authorized when a lift station will suffice.

D. Construction of a private sewage disposal system is prohibited unless and until authorization is granted by the Authority or until he proposed construction has been approved by the Oklahoma State Department of Health.

E. The owner of private septic tanks or cesspools shall operate and maintain the same in a sanitary manner at all times, at no expense to the City, Authority, and no statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the State Health Officer.

F. At such times as a public sewer becomes available to a property served by a septic tank or cesspool, a direct connection shall be made to such public sewer in compliance with Section 28-25, and the septic tank or cesspool shall immediately be abandoned and filled with suitable material.

SECTION 28-27 DISCHARGE OF SEWAGE AND POLLUTED WATER TO NATURAL OUTLET.

No person shall discharge to any natural outlet, or waters of the state within the City, or in any area under the jurisdiction of the City, any wastewater, except where suitable treatment has been provided in accordance with the provisions of this article.

SECTION 28-28 DISCHARGE OF STORM WATER AND GROUND WATER.

A. Discharge to Sanitary Sewer Prohibited: No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff or subsurface drainage to any sanitary sewer.

B. Discharge to Storm Sewers: Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet. Noncontact cooling water or unpolluted process waters may be discharged, on approval of the state, to a storm sewer or natural outlet.

SECTION 28-29 DISCHARGE OF CERTAIN WATERS OR WASTES TO SANITARY SEWER.

A. General Prohibitions: No user shall contribute or cause to be contributed, directly or indirectly, into the POTW any pollutant or wastewater which will interfere with the operation or performance of or pass through the POTW. These general prohibitions apply to all such users of the POTW whether or not the user is subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. Furthermore, no user may contribute the following substances to the POTW:

1. Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or in interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. Pollutants which cause a fire or explosion hazard to the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than one hundred forty degrees Fahrenheit (140°F) or sixty degrees centigrade (60°C) using the test methods specified in 40 CFR 261.21. At no time shall two (2) successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to: gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the City, the state or EPA has notified the user is a fire hazard or a hazard to the system or as determined by the City Engineer.

2. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of or pass through the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half inch ($\frac{1}{2}$ ") in any dimension, animal guts or 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, plastic, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, petroleum

oil, non-biodegradable cutting oil, or products of mineral oil origins, mud, or glass grindings or polishing wastes.

3. Any wastewater having a pH less than 5.5, or having a pH greater than 11.0, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.

4. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitations set forth in a categorical pretreatment standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to section 307(a) of the act.

5. Any noxious, or malodorous or toxic liquids, gases, vapors, fumes, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient enough that may cause acute worker health and safety problems at the POTW or may prevent entry into the sewer system for maintenance and repair.

6. Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under section 405 of the act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the solid waste disposal act, the clean air act, the toxic substance control act, or state criteria applicable to the sludge management method being used.

7. Any substance which will cause the POTW to violate its NPDES permit or the state water quality standards.

8. Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

9. Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference; but in no case shall wastewater effluent be discharged from any users into the sewer system at temperatures which exceed one hundred fifty degrees Fahrenheit (150°F) (65 degrees centigrade) or in no case shall heat be discharged from any user in such quantities that the influent temperature at the City's POTW will exceed one hundred four degrees Fahrenheit (104°F) (40 degrees centigrade).

10. Any pollutants, including oxygen-demanding pollutants (BOD₅, etc.) released in a discharge rate and/or pollutant concentration which will cause interference to the POTW.

11. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the City's Engineer in compliance with applicable state and federal regulation.

12. Any wastewater which causes a hazard to human life or creates a public nuisance.

13. Any trucked or hauled waste unless authorized pursuant to this article.

B. Rulings of City's Engineer: When the City's Engineer determines that a user is contributing to the POTW, any of the above enumerated substances in such amounts as to interfere with the operation of the POTW, the City's Engineer shall:

1. Advise the user of the impact of the contribution of the POTW.
2. Require pretreatment to an acceptable condition for discharge to the sanitary sewer.
3. Develop effluent limitations for such user to correct the interference with the POTW.
4. Reject the waste; or
5. Require control over the quantities and rates of discharge.

C. Pretreatment Plans and Equipment: If the City permits the pretreatment or equalization of waste flows, the design and installation of the plans and equipment shall be subject to the review and approval of the City, and subject to the requirements of all applicable rules, ordinances, and laws.

D. City Right to Establish Stringent Limitations: The City reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the POTW system if deemed necessary to comply with the objectives of suitable treatment as defined in this article.

SECTION 28-30 GREASE, OIL AND SAND TRAPS AND INTERCEPTORS

Grease, oil and sand interceptors shall be provided when, in the opinion of the City, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity

approved by the City and shall be located as to be readily and easily accessible for cleaning and inspection. The frequency of cleaning required will be dependent upon loading, capacity of interceptors, and flow obstruction problems experienced at each facility historically. Therefore, the City shall have the authority to establish a minimum grease interceptor cleaning frequency as needed for each user. Materials removed from these interceptors shall be disposed of at designated approved locations.

A. Traps and Interceptors Required: Traps and interceptors for oil, grease, sand, and other substances harmful to the building drainage system, the public sewer or sewage treatment plant, or processes shall be provided as required in this section. Where food waste grinders connect to grease interceptors, the grease interceptor shall be sized and rated for the discharge of the food waste grinder.

B. Traps Not Required: A trap shall not be required for individual dwelling units or any private living quarters.

C. Size, Type and Location Approved: The size, type and location of each trap or interceptor shall be of a type and capacity as defined in the international plumbing code and shall be approved by the City. All interceptors shall be located so as to be readily and easily accessible for cleaning and inspection. Such interceptors shall be thoroughly inspected following construction by the City and shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

D. Grease Traps: Grease traps shall conform to the plumbing and drainage institute (PDI) G101 requirements and shall be installed in accordance with manufacturer's instructions. Refer to the international plumbing code; table 1003.3.4.1 "Capacity of Grease Traps".

E. Grease Interceptors: A grease interceptor shall be installed in the waste line leading from sinks, drains or other fixtures in the following establishments: restaurants, hotel kitchens, hospitals, school kitchens, factory kitchens, clubs, cafeterias, drive ins, food processing establishments, and in any bar, lounge, private club or fountain where food is prepared or served, or where dishes, glasses, pots, pans or other kitchen wares are washed, or any other establishment where grease can be introduced into the drainage system in quantities that can effect line stoppage or hinder sewage disposal. The City's Engineer shall have the authority to require installation of a trap or interceptor in any establishment when, in his opinion, one is required based on evidence that the establishment is contributing grease into the City's sewer mains in quantities that could affect line stoppage or hinder sewage disposal.

F. Oil Separators: An oil separator shall be installed in the drainage system of any establishment where, in the judgment of the City's Engineer, oils and other flammables can be introduced or admitted into the public sewer by accident or otherwise.

G. Separators Required: At repair garages; gasoline stations with grease racks, grease pits or work racks; and at factories where oily liquid wastes are produced, separators shall be installed into which all oil bearing or grease bearing wastes shall be discharged before emptying in the building drainage system or other point of disposal.

H. Separation of Liquids: A mixture of treated or untreated light and heavy liquids with various specific gravities shall be separated in an approved receptacle.

I. Garages and Service Stations: Where automobiles are serviced, greased, repaired, or washed or where gasoline is dispensed, separators shall be required. Parking garages in which servicing, repairing, or washing is not conducted, and in which gasoline is not dispensed, shall not require a separator. Areas of commercial garages utilized only for storage of automobiles are not required to be drained through a separator.

J. Sand Interceptors in Commercial Establishments: Sand and similar interceptors for heavy solids shall be designed and located so as to be provided with ready access for cleaning.

K. Laundries: Commercial laundries shall be equipped with an interceptor with a wire basket or similar device, removable for cleaning that prevents passage into the drainage system of solids one-half inch ($\frac{1}{2}$ " (12.7 mm) or larger in size, string, rags, buttons, or other materials detrimental to the public sewerage system.

L. Bottling Establishments: Bottling plants shall discharge process wastes into an interceptor that will provide for the separation of broken glass or other solids before discharging into the drainage system.

M. Slaughterhouses: Slaughtering room and dressing room drains shall be equipped with approved separators. The separator shall prevent the discharge into the drainage system of feathers, entrails and other materials that cause clogging.

N. Right of Entry: The City and its agents shall have the right of entry, during usual business hours, to conduct a random inspection of traps, interceptor, or separator.

O. Grease Traps for Businesses, Approval: Any grease traps or interceptors for new or remodeled businesses shall be approved by the City's engineer prior to construction.

P. Violation Suspected; Notice; Hearing:

1. When the City determines that there may be potential violation, a site visit will be conducted. Any user found to be in violation of this section should be served by the City with written notice stating the violation and providing five (5) days to respond to the violation. The offender shall, within the period of time stated in such notice, permanently cease all violations.

2. After the violator's response has been received, a follow up site visit will be conducted to determine if the violation has been corrected.

3. If the user fails to respond to the violation letter, an administrative hearing will be held, and the user will be subject to administrative penalties at that time.

4. In the event an establishment is cited with a second violation within six (6) months of the first, an administrative hearing will be held, and the user will be subject to administrative penalties at that time.

5. A third citation within six (6) months from the first violation will cause the City to immediately discontinue water service to the establishment for a period of not less than ten (10) days, during which time the offender shall correct the violation.

Q. Civil or Criminal Litigation: Any person who shall continue any violation beyond the time limit provided for in subsection P of this section shall be subject to specified civil or criminal litigation. Each day in which any such violation shall continue shall be deemed a separate offense.

SECTION 28-31 CONTROL MANHOLES AND METERS.

When required by the City, the owner of any property serviced by a building sewer carrying wastewater shall install a suitable control manhole together with such necessary meters and other appurtenances in the building to facilitate observation, sampling, and flow measurement. Such manholes, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the City. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

SECTION 28-32 ACCIDENTAL DISCHARGES, SLUG LOAD OR UPSET:

A. Procedure for Providing Protection: Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this article. Procedures to prevent adverse impact from accidental discharges include: inspection and maintenance of storage areas, handling and transferring of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic solvents, and/or measures and equipment for emergency response.

1. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense.

2. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City for review and shall be approved by the City before construction of the facility.

3. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

4. No user who contributes to the POTW shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the City. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this article.

B. Notify POTW of Incident; Reports: In the case of an accidental discharge or slug load or upset, it is the responsibility of the user to immediately telephone and notify the POTW of the incident including any discharge that violates a prohibited substance of the permit. The notification shall include location of the discharge, date and time thereof, the time within which compliance is expected to reoccur, type of pollutant, concentration and volume, and corrective actions to reduce, eliminate or prevent reoccurrence within twenty four (24) hours of being aware of the upset.

1. Within five (5) days following an accidental discharge, the user shall submit to the City's engineer a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

2. The City shall evaluate, at least once every two (2) years, whether each significant industrial user (SIU) needs a plan to control slug discharges. The evaluations will be documented in the SIU's file. If the City decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

- a. Description of discharge practices, including non-routine batch discharges; and
 - b. Description of stored chemicals.
 - c. Procedures for immediately notifying the POTW of any accidental or slug discharge.
- Such notification must also be given for any discharge which would violate any of the prohibited discharges in this article.

d. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

SECTION 28-33 TRUCKED OR HAULED WASTEWATER.

Trucked or hauled waste, including septic tank and industrial sewage are not accepted unless the City Manager determines that the waste does not violate any requirements established or adopted by the City (e.g., local limits, etc.).

SECTION 28-34 SPECIFIC LOCAL LIMITS.

- (a) The following pollutant limits are established to protect against pass through and interference at the POTW. In addition to all the aforementioned limitations contained in this article, all indirect discharges to the POTW shall not exceed the following limits at any time. These limits, unlike categorical limits, which apply at the end of the process stream, apply at the discharge point to the sewer. The limits represent total concentrations for all applicable pollutants.

	Average for 30 Consecutive Days (mg/l)	Maximum for Any One Day (mg/l)
Antimony	0.001	
Boron	1.0	
Cadmium	0.05	1.0
Chromium, hexavalent	1.0	
Chromium, total	5.0	
Copper	1.0	

Cyanide	1.0	
Lead	0.4	0.8
Mercury	0.002	
Silver	0.03	1.0
Vanadium	10.0	
Zinc	5.0	
Phenols	0.1	
Fluoride	1.5	
Nickel	1.8	3.6
Arsenic	0.1	

- (b) Limitations on elements or compounds not listed will be established, and/or limitations for elements or compounds listed will be lowered if necessary to ensure that the effluent of the wastewater treatment plant is in full compliance with legal requirements of county, state or federal regulatory agencies.

SECTION 28-35 STATE REQUIREMENTS; CITY RIGHT TO REVISE.

A. Application of State Requirements: State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this article.

B. City Right to Increase Restrictions: The City reserves the right to increase the restrictions on compounds covered by the federal categorical pretreatment standards, and to adopt more stringent limitations or requirements on discharges to the wastewater system, if the same are deemed necessary to comply with the objectives of suitable treatment as defined and set forth in this article.

SECTION 28-36 PRETREATMENT STANDARDS ADOPTED SOLELY BY CITY: HEARING.

The City is hereby granted the authority to establish pretreatment and effluent discharge standards on its own initiative. In the event new discharge standards, solely initiated and adopted by the City, or revisions to existing City standards are considered, a public hearing shall be held before the City Council prior to the adoption thereof. Notice of such hearing shall be published at least fifteen (15) days prior to the hearing, in a legal publication of general circulation within the City. In addition, all known users and other interested parties affected by the proposed standards shall be mailed written notice of the public hearing. Comments and suggestions received at the public hearing shall be considered during the preparation of the City's final effluent discharge standards.

SECTION 28-37 EXCESSIVE DISCHARGE.

No user shall attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the local limits or federal categorical pretreatment standards.

SECTION 28-38 MAINTENANCE OF PRETREATMENT FACILITIES.

A. Owner Responsibility: Where pretreatment or flow equalizing facilities are provided for any wastewater, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

B. Bypass of Treatment Facilities:

1. Bypass is prohibited unless it is unavoidable to prevent loss of life, personal injury or severe property damage, or no feasible alternatives exist.

2. The user may allow a bypass to occur which does not cause effluent limitations to be exceeded, but only if it is also for essential maintenance to ensure 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, if possible, at least ten (10) days before the date of the bypass, to the City.

b. Unanticipated Bypass: The user shall submit oral notice to the City within twenty- four (24) hours and submit a written notice within five (5) days. This report shall specify:

- (1) A description of the bypass and its cause, including its duration, exact time, and date; and
- (2) Whether the bypass has been corrected; and if the bypass is not corrected, the anticipated time it is expected to continue; and
- (3) The steps being taken or to be taken to reduce, eliminate and prevent a recurrence of the bypass.

SECTION 28-39 MONITORING FACILITIES.

A. Placement of Facilities: The City shall require to be provided and operated at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurements of the building sewer and/or internal drainage system. The monitoring facility should normally be situated in the user's premises, but the City may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles. The user shall be responsible for relocation of the facility, if necessary, for street improvements or public utility construction, maintenance, or repairs. The monitoring facility designed by the industrial user as the proper sampling site for regulated categorical or industrial processes will be approved by the City prior to the use of such facility.

B. Sampling Manhole: There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

C. Compliance with City Standards: Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the City's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the City.

D. Excessive Pollutants Detected: In the event an excessive or shock load of pollutants are detected anywhere in the POTW or received at the POTW treatment plant, the City may require demand monitoring procedures in order to discover the source of such discharge into the POTW. "Demand monitoring" means the use of all necessary measures and equipment for the purpose of determining the users who have created, or contributed to, the harmful discharge of problem pollutants. When the user or users have been identified, the City shall have the authority to assess the cost of demand monitoring against the offending user.

SECTION 28-40 PENALTIES.

A. It shall be unlawful for any person to break maliciously, willfully, or negligently, damage, destroy, uncover, deface, or tamper with any structure, appurtenances, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

B. Any person found to be violating any provision of this Article shall be served by the owner with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

C. Any person who shall continue any violation beyond the time limit provided for in this section shall be deemed guilty of a violation thereof, and upon conviction thereof shall be punished by a fine of not to exceed Five Hundred Dollars (\$500.00), plus court costs, fees and state assessments. Each day in which any such violation shall continue shall be deemed a separate offense.

D. Failure to pay monthly bills for water or sanitary sewer service when due or repeated discharge of prohibited waste to the sanitary sewer shall result in disconnection of any and all services to the water or sanitary sewer lines of the owner.

Section II. RENUMBERING AND RESERVATION. The current Section 28-27 is renumbered to Section 28-41 and Sections 28-42 to Section 28-55 are reserved.

Section III. REPEALER. The current Article II of this Chapter and all ordinances or parts thereof which are inconsistent with this ordinance are hereby repealed.

Section IV. SAVINGS CLAUSE. Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired or liability incurred nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired, or affected by this ordinance.

Section V. CODIFICATION. This ordinance shall be codified as provided herein in the Blackwell Municipal Code 2019.

Section VI. SEVERABILITY. If any one or more of the sections, sentences, clauses or parts of this ordinance, chapter or section shall for any reason be held invalid, the invalidity of such section, clause or part shall not affect or prejudice in any way the applicability and validity of any other provision of this ordinance. It is hereby declared to be the intention of the City Council of the City of Blackwell that this section of the Blackwell Municipal Code would have

been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section VII. PENALTY. Any person who shall violate the provisions of this ordinance, by act or omission, shall be deemed guilty of an offense against the City and upon conviction thereof shall be punishable by a fine of not to exceed Five Hundred Dollars (\$500.00), court costs, fees and statutory penalty assessments. Each day of violation may be deemed a separate offense.

Section VIII. EMERGENCY. WHEREAS, it being immediately necessary for the preservation of the peace, health, safety and public good of the City and the inhabitants thereof that the provisions of this Ordinance be put into full force and effect in order to establish regulations concerning discharges to the POTW; By reason whereof, this Ordinance shall take effect and be in full force and effect after its passage, as provided by law.

Approved and executed this 6th day of August 2020.



THE CITY OF BLACKWELL, OKLAHOMA


Glen Cox, Mayor

Approved as to Content:

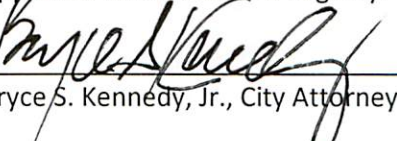

Janet Smith, City Manager

(Seal)

ATTEST:


Traci Hanebrink, City Clerk

Approved as to Form and Legality:


Bryce S. Kennedy, Jr., City Attorney