

## CHAPTER VII

## PUBLIC UTILITIES

SECTION 700 - STORM WATER UTILITY

700.01. Storm water drainage utility: Establishment. Pursuant to Minnesota Statutes, section 444.075, the city of Kenyon has established a storm water drainage utility and authorized the imposition of just and reasonable charges for the use and availability of storm sewer facilities.

700.03. Findings and determinations. Subdivision 1. In the exercise of its governmental authority and in order to promote the public health, safety, convenience and general welfare, the city has constructed, operated and maintained a storm sewer system ("the system"). This section has been adopted in the further exercise of such authority and for the same purposes.

Subd. 2. The system, as constructed, has been financed and paid for through the imposition of special assessments and ad valorem taxes. It is now necessary and desirable to provide an alternative method of recovering some or all of the future costs of improving, maintaining and operating the system through the imposition of charges as provided in this section.

Subd. 3. In imposing charges, it is necessary to establish a methodology that undertakes to make them just and equitable. Taking into account the status of completion of the system, past methods of recovering system costs, the topography of the city and other relevant factors, it is determined that it would be just and equitable to assign responsibility for some or all of the future costs of operating, maintaining and improving the system, on the basis of the expected storm water runoff from the various parcels of land within the city during a standard rainfall event. For the purpose of this section, a standard rainfall event is defined as the 100-year storm of one-day durations. It is assumed that there is four times as much runoff from impervious land as land covered with vegetation for the standard rainfall event.

Subd. 4. Assigning costs and making charges based upon expected typical storm water runoff cannot be done with mathematical precision but can only be accomplished within reasonable and practical limits. The provisions of this section undertake to establish a reasonable and practical methodology for making such charges.

700.05. Rates and charges. Subdivision 1. Residential equivalent factor. Rates and charges for the use and availability of the system are determined through the use of a "Residential Equivalent Factor" ("REF"). For the purpose of this section, one REF is defined as the ratio of the average volume of surface water runoff coming from one acre of land and subjected to a particular use, to the average volume of runoff coming from one acre of land subjected to typical single-family residential use within the city during a standard rainfall event.

Subd. 2. Storm water drainage charges. In determining charges the city council will by resolution establish a basic system rate to be charged against one acre of land having an REF of one. The charge to be made against each parcel of land is then determined by multiplying the REF for the parcel's land use classification times the parcel's areas times the basic system rate. The REF's for the following land uses within the city and billing classifications for such land uses are as follows:

<u>CLASSIFICATION</u>	<u>LAND USES</u>	<u>REF</u>
1	Cemeteries, parks, golf courses and undeveloped land	0.70
2	Single family and duplex residential	1.00
3	Public and private schools and institutional uses	1.30
4	Multiple-family residential and churches	1.70
5	Commercial	2.00
6	Industrial - case by case evaluation	

For the purpose of calculating storm water drainage charges, all developed single-family and duplex parcels are considered to have one area of 9,000 square feet per unit, provided that any parcel in classifications 1 or 2 which is over 20,000 square feet in size must pay an additional charge per square foot, as determined by resolution of the city council. Double bungalows or duplexes are considered to be two units. Undeveloped land must be reclassified when it is developed.

Subd. 3. Outside district. Parcels of land lying outside the Kenyon storm drainage district as established by the city council must pay a flat fee as set by appendix I.

Subd. 4. Other land uses. Land uses not listed in the foregoing table are to be classified by the city engineer or city administrator by assigning those uses to classes most nearly like the listed uses, from the standpoint of runoff volume for the standard rainfall event. An appeal from the engineer's or administrator's determination of the property classification may be made to the city council.

700.07. Adjustment of charges. The city council may by resolution adopt policies providing for the adjustment of charges for parcels or groups of parcels, based upon land use data supplied by affected property owners, which data demonstrates a runoff volume for the standard rainfall event substantially different from the REF being used for the parcel or parcels. The adjustment will be made only upon recommendation of the city engineer and may not be made effective retroactively.

700.09. Special assessment credits. Credit for amounts paid by special assessment property owners or persons responsible for paying special assessments for storm sewer improvements levied prior to the enactment of this section will receive a credit against the charges imposed hereby for amount actually paid on the principal of the special assessments. The amount of such credit for any particular billing period will be determined by resolution of the city council based upon financial needs of the system.

700.11. Public hearing and notice. The city must hold a hearing prior to determining whether to build, construct, enlarge or improve storm sewer facilities financed in whole or in part by the imposition of storm water drainage charges. Notice of the hearing must be published in the official city newspaper at least ten days prior to the date of hearing. Owners of property adjoining a proposed improvement must be mailed or served notice at least ten days in advance of the hearing. Failure to give mailed notice or any defects in the notice do not invalidate the proceedings.

700.13. Exemptions. Public street rights-of-way are exempt from storm water drainage charges.

700.15. Payment of charge. Storm water drainage bills will be mailed to the property owner or other persons responsible for payment and specify the charges. Payments are due and payable in full upon receipt of the bill.

700.17. Establishment of tax lien. A storm water drainage fee in excess of 90 days past due on October 1 of any year may be certified to the county auditor for collection with real estate taxes in the following year pursuant to Minnesota Statutes, section 444.075. In addition, the city may bring a civil action or pursue other legal remedies to collect unpaid charges.

700.19. Recalculation of charges. If a property owner or person responsible for paying the storm water drainage charge questions the correctness of such a charge, the determination of the charge may be recomputed by written request to the city administrator. The request must be made within 30 days of the mailing of the billing in question.

700.21. Area of district. The area within the city to be included within the Kenyon storm water drainage district is as set forth in the map in the appendix to this code. (Added, Ord. No. 4, Third Series)

SECTION 705 - WASTEWATER TREATMENT

705.01. Definitions. Subdivision 1. The terms defined in this subsection have the meanings given them.

Subd. 2. "Act" - The Federal Water Pollution Control Act, also referred to as the Clean Water Act, as amended, 33. U.S.C. 1251, et seq.

Subd. 3. "Administration cost" - Those fixed costs attributable to administration of the wastewater treatment works (i.e., billing and associated bookkeeping and accounting costs).

Subd. 4. "ASTM" - American Society for Testing and Materials.

Subd. 5. "Atomic pollutant" - The concentration of any pollutant or combination of pollutants which upon exposure to or assimilation into any organism will cause adverse effects, as defined in standards issued pursuant to section 307(a) of the act.

Subd. 6. "Authority" - The city of Kenyon, Minnesota.

Subd. 7. "Biochemical oxygen demand" or "BOD<sub>5</sub>" - The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 208 degrees Centigrade (C), expressed in terms of milligrams per liter (mg/l).

Subd. 8. "Building drain" - That part of the lowest horizontal piping of a drainage system which receives the discharge from waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning three feet outside the building wall.

Subd. 9. "Building sewer" - The extension from the building drain to the public sewer or other place of disposal, also referred to as a house connection or service connection.

Subd. 10. "Chemical oxygen demand (COD)" - The quantity of oxygen utilized in the chemical oxidation of organic matter as determined by standard laboratory procedures, expressed in terms of milligrams per liter (mg/l).

Subd. 11. "City" - The area within the corporate boundaries of the city of Kenyon as presently established or extended in accordance with law. The term "city", when used herein, may also be used to refer to the city council and its authorized representative.

Subd. 12. "Commercial user" - Users that are business enterprises discharging normal domestic strength wastewater.

Subd. 13. "Compatible pollutant" - Biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, plus additional pollutants identified in the NPDES/SDS permit if the treatment facilities are designed to treat such pollutants to a degree which complies with effluent concentration limits imposed by the permit.

Subd. 14. "Control manhole" - A structure specially constructed for the purpose of measuring flow or sampling of wastes or both.

Subd. 15. "Debt service charge" - A charge levied on users of the wastewater treatment works for the cost of repaying money bonded to construct the facilities.

Subd. 16. "Easement" - An acquired legal right for the specific use of land owned by others.

Subd. 17. "Estate disposal system (EDS) permit" - Any permit (including any terms, conditions and requirements thereof) issued by the MPCA pursuant to Minnesota Statutes, chapter 115 for the wastewater treatment works.

Subd. 18. "Extra strength wastewater" - Wastewater having a BOD or TSS concentration greater than normal domestic strength wastewater as defined in article I, section 35 and not otherwise classified as an incompatible pollutant.

Subd. 19. "Fecal coliform" - Organisms common to the intestinal tract of man and animals whose presence in water is an indicator of pollution.

Subd. 20. "Floatable oil" - Oil, fat, or grease in a physical state, such that it will separate by gravity from wastewater.

Subd. 21. "Garbage" - Animal and vegetable waste resulting from the handling, preparation, cooking, and serving of food.

Subd. 22. "Governmental user" - Users that are units, agencies or instrumentalities of federal, state, or local government discharging normal domestic strength wastewater.

Subd. 23. "Incompatible pollutant" - Waste that either singly or by interaction with other wastes interferes with the wastewater treatment works, constitutes a hazard to humans or animals, creates a public nuisance, or creates a hazard in the receiving waters of the wastewater treatment works.

Subd. 24. "Industrial waste" - The gaseous, liquid, and solid wastes resulting from industrial or manufacturing processes, trade or business, or from the development, recovery, and processing of natural resources, including, but not limited to, all standard industrial classification manual divisions A, B, D, E, and I manufacturers, as distinct from normal domestic strength wastewater.

Subd. 25. "Industrial user" or "industry":

- a) A user that discharges liquid wastes resulting from industrial or manufacturing processes, or from the development of any natural resources, into a publicly owned wastewater treatment works. These are identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented under one of the following divisions:

- Division A. agriculture, forestry and fishing
- Division B. mining
- Division D. manufacturing
- Division E. transportation, communications, electric, gas, and sanitary sewers
- Division I. services

- b) A user of a publicly owned treatment works that discharges wastewater to the treatment works containing toxic pollutants or poisonous solids, liquids, or gases in sufficient quantity either singly or by interaction with other wastes, to contaminate the sludge of any municipal systems, or to injure or to interfere with a wastewater treatment process, or which constitutes a hazard to humans or animals, or creates any hazard in or has an adverse effect on the waters receiving any discharge from the treatment works, creates a public nuisance.

Subd. 26. "Infiltration" - Water entering the sewer system (including building drains and pipes) from the ground through such means as defective pipes, pipe joints, connections, and manhole walls.

Subd. 27. "Infiltration/inflow (I/I)" - The total quantity of water from both infiltration and inflow.

Subd. 28. "Inflow" - Water other than wastewater that enters a sewer system (including building drains) from sources such as, but not limited to, roof leaders, cellar drains, yard and area drains, foundation drains, drains from springs and swampy areas, manhole covers, cross-connections from storm sewers, catch basins, surface runoff, street wash waters or drainage.

Subd. 29. "Institutional user" - Users other than commercial, governmental, industrial or residential users, discharging primarily normal domestic strength wastewater (e.g. non-profit organizations).

Subd. 30. "Interference" - The inhibition or disruption of the city's wastewater treatment works processes or operations which causes or significantly contributes to a violation of any requirement of the city's NPDES and/or SDS permit. The term includes the inhibition or disruption of sewage sludge use or disposal by the city in accordance with published regulations providing guidelines under section 405 of the act or any regulations developed pursuant to the solid waste disposal act, the clean air act, the toxic substances control act, or more stringent state criteria applicable to the method of disposal or use employed by the city.

Subd. 31. "MPCA" - the Minnesota Pollution Control Agency.

Subd. 32. "National categorical pretreatment standards" - Federal regulations establishing pretreatment standards for introduction of pollutants in publicly-owned wastewater treatment works which are determined to be not susceptible to treatment by such facilities or would interfere with the operation of such facilities, pursuant to section 307(b) of the act.

Subd. 33. "National pollutant discharge elimination system (NPDES) permit" - A permit issued by the MPCA, setting limits on pollutants that a permittee may legally discharge into waters of the United States pursuant to sections 402 and 405 of the act.

Subd. 34. "Natural outlet" - Any outlet, including storm sewers and combined sewers, which overflow into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

Subd. 35. "Nitrification" - The biochemical oxidation of unoxidized nitrogen ( $\text{NH}_3\text{-N}$  and organic nitrogen) to oxidized nitrogen (usually nitrate).

Subd. 36. "Nitrogen or N" - A nutrient that is present in wastewater as ammonia, nitrate, nitrite, and organic nitrogen. The concentrations of each form and the sum, total nitrogen, are expressed as milligrams per liter (mg/l) elemental nitrogen.

- a) "Ammonia-nitrogen or  $\text{NH}_3\text{-N}$ " - The quantity of elemental nitrogen present in the form of ammonia ( $\text{NH}_3$ ); inorganic nitrogen.
- b) "Available nitrogen" - The nitrogen that is present in the inorganic forms ( $\text{NH}_3\text{-N}$ ; nitrate) that are available for plant growth.
- c) "Organic nitrogen" - The nitrogen present in a sample that is combined in organic matter and is released by decay of the organics.
- d) "Total Kjeldahl Nitrogen or TKN" - A measure of the total nitrogen present in a sample. Organic nitrogen plus ammonia-nitrogen equals TON.

Subd. 37. "Non-contact cooling water" - The water discharged from any use such as air conditioning, cooling, or refrigeration, or during which the only pollutant added is heat.

Subd. 38. "Normal domestic strength wastewater or NDSW" - Wastewater that is primarily introduced by residential users with a  $\text{BOD}_5$  concentration not greater than 275 mg/l, and a suspended solids (TSS) concentration not greater than (OM&R) 250 mg/l.

Subd. 39. "Operation and maintenance" - Activities required to provide for the dependable and economical functioning of the treatment works, throughout the design or useful life of the treatment works, whichever is longer, and at the level of performance for which the treatment works were constructed. Operation and maintenance includes replacement.

Subd. 40. "Operation and maintenance costs" - Expenditures for operation and maintenance, including replacement.

Subd. 41. "pH" - The logarithm of the reciprocal of the concentration of hydrogen ions in terms of grams per liter of solution.

Subd. 42. "Phosphorus or P" - A nutrient that is often present in wastewater as organic phosphorus compounds, polyphosphates, and orthophosphates. The concentrations of each form and the sum, total phosphorus, are expressed as milligrams per liter (mg/l) elemental phosphorus.

- a) "Organic phosphorus" - The phosphorus present in a sample that is combined in organic matter and is released by decay of the organics.
- b) "Orthophosphate" - A salt that contains phosphorus as  $\text{PO}_4$ . The product of hydrolysis of polyphosphates. The product of the biochemical oxidation of organic phosphorus.

Subd. 43. "Phosphorus removal" - The precipitation of soluble and insoluble phosphorus by chemical coagulation and subsequent flocculation and sedimentation.

Subd. 44. "Pretreatment" - The treatment of wastewater from industrial sources prior to the introduction of the waste effluent into a publicly-owned treatment works.

Subd. 45. "Properly shredded garbage" - The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than 1/2 inch (1.27 cm) in any dimension.

Subd. 46. "Public wastewater collection system" - A system of sanitary sewers owned, maintained, operated and controlled by the city.

Subd. 47. "Replacement" - Obtaining and installing of equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works, to maintain the capacity and performance for which such works were designed and constructed.

Subd. 48. "Replacement costs" - Expenditures for replacement.

Subd. 49. "Residential user" - A user of the wastewater treatment works whose premises or building is used primarily as a residence for one or more persons, including dwelling units such as detached and semi-detached housing, apartments, and mobile homes, and that discharges primarily normal domestic strength wastewater.

Subd. 50. "Sanitary sewer" - A sewer intended to carry only liquid and water carried wastes from residences, commercial buildings, industrial plants, and institutions, together with minor quantities of ground, storm, and surface waters which are not admitted intentionally.

Subd. 51. "Sewage" - The spent water of a community; the term includes "wastewater."

Subd. 52. "Sewer" - A pipe or conduit that carries wastewater or drainage water.

- a) "Collection sewer" - A sewer whose primary purpose is to collect wastewaters from individual point source discharges and connections.
- b) "Combined sewer" - A sewer intended to serve as a sanitary sewer and a storm sewer.
- c) "Force main" - A pipe in which wastewater is carried under pressure.
- d) "Interceptor sewer" - A sewer whose primary purpose is to transport wastewater from collection sewers to a treatment facility.
- e) "Private sewer" - A sewer that is not owned and maintained by a public authority.

- f) "Public sewer" - A sewer owned, maintained and controlled by a public authority.
- g) "Sanitary sewer" - A sewer intended to carry only liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters which are not admitted intentionally.
- h) "Storm sewer or storm drain" - A drain or sewer intended to carry stormwaters, surface runoff, groundwater, sub-surface water, street wash water, drainage, and unpolluted water from any source.

Subd. 53. "Sewer service" - The use of and benefit from the wastewater treatment works.

Subd. 54. "Sewer service charge" - The aggregate of all charges, including charges for operation, maintenance, replacement, debt service, administrative costs, and other sewer related charges that are billed periodically to users of the city's wastewater treatment works.

Subd. 55. "Sewer service fund" - A fund into which income from sewer service charges is deposited along with other income. Expenditures of the sewer service fund will be for operation, maintenance and replacement costs and to retire debt incurred through capital expenditure for the wastewater treatment works.

Subd. 56. "Significant industrial user" - Any industrial user of the wastewater treatment works which has a discharge flow (i) in excess of 25,000 gallons per average work day, or (ii) has exceeded five percent of the total flow received at the treatment facility, or (iii) whose waste contains a pollutant in toxic amounts pursuant to section 307(a) of the act, or (iv) whose discharge has a significant effect, either singly or in combination with other contributing industries, on the wastewater disposal system, the quality of sludge, the system's effluent quality, or emissions generated by the treatment system.

Subd. 57. "Slug" - A discharge of water or wastewater which, in concentration of any given constituent, or in quantity of flow, exceeds for any period of duration longer than 15 minutes, more than five times the average 24-hour concentration, or quantity of flow, during normal operation, and adversely affects the performance of the wastewater treatment works.

Subd. 58. "Standard industrial classification manual" - Office of Management and Budget, 1972.

Subd. 59. "Superintendent" - The city administrator.

Subd. 60. "Suspended solids (SS) or total suspended solids (TSS)" - The total suspended matter that either floats on the surface of, or is in suspension in water, wastewater or other liquids, and is removable by laboratory filtering as prescribed in Standard Methods for the Examination of Water and Wastewater, latest edition, and referred to as non-filterable residue.

Subd. 61. "Unpolluted water" - Water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards, and would not be benefitted by discharge to the wastewater treatment works.

Subd. 62. "User" - A person who discharges, or causes or permits the discharge of, wastewater into the city's wastewater treatment works.

Subd. 63. "User charge" - A charge levied on users of the wastewater treatment works for the user's proportionate share of the cost of operation and maintenance, including replacement.

Subd. 64. "Wastewater" - The spent water of a community, sometimes referred to as sewage. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water and stormwater that may be present.

Subd. 65. "Wastewater treatment works or treatment works" - An arrangement of devices, facilities, structures, equipment, or processes owned or used by the city for the purpose of the transmission, storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage or industrial wastewater, or structures necessary to recycle or reuse water including interceptor sewers, outfall sewers, collection sewers, pumping, power, and other equipment and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled water supply such as standby treatment units and clear well facilities; and any works including land that is an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

Subd. 66. "Watercourse" - A natural or artificial channel for the passage of water, either continuously or intermittently.

Subd. 67. "Waters of the state" - Streams, lakes, ponds, marshes, 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.

Subd. 68. "WPCF" - The water pollution control federation.

705.03 Supervision and control. Subdivision 1. The administrator has control and general supervision of all public sewers and service connections in the city, and is responsible for administering the provisions of this section to the end that a proper and efficient public sewer is maintained.

Subd. 2. The administrator or other duly authorized employees of the city, bearing proper credentials and identification, may enter all properties for the purpose of inspection, observations, measurement, sampling, and testing pertinent to the discharges to the city's sewer system in accordance with the provisions of this section. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user will make necessary arrangements with any security guards so that upon presentation of suitable identification, the city, MPCA and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

Subd. 3. The administrator or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the type and source of discharge to the wastewater collection system. An industry may withhold information considered confidential; however, the industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

Subd. 4 While performing necessary work on private properties, the administrator must observe all safety rules applicable to the premises established by the company, and the company will be held harmless for injury or death to the city employees, and the city will indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except damage caused by negligence or failure of the company to maintain safe conditions.

Subd. 5. The administrator may enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater treatment works lying within said easement. All entry and subsequent work, if any, on said easement will be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

705.05. Waste disposal. Subdivision 1. It is unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the city, or in any area under jurisdiction of the city, any human or animal excrement, garbage or objectionable waste.

Subd. 2. It is unlawful to discharge to any natural outlet any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this section and the city's NPDES/SDS permit.

Subd. 3. Except as provided hereinafter, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

Subd. 4. The owners of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes from which wastewater is discharged, and which is situated within the city and adjacent to any street, alley, or right-of-way in which there is now located, or may in the future be located, a public sanitary sewer of the city, must at the owners expense install a suitable service connection to the public sewer in accordance with provisions of this code, within ten days of the date said public sewer is operational, provided said public sewer is within 150 feet of the structure generating the wastewater. Future buildings constructed on property adjacent to the public sewer must immediately connect to the public sewer. If sewer connections are not made pursuant to this section, an official 30 days' notice must be served instructing the affected property owner to make the connection.

Subd. 5. If an owner fails to connect to a public sewer in compliance with a notice given under this section, the city will have the connection made and assess the cost thereof against the benefitted property. The assessment, when levied, bears interest at the rate determined by the city council and must be certified to the auditor of Goodhue county, Minnesota for collection and remitted to the city in the same manner as assessments for local improvements. The rights of the city are in addition to any remedial or enforcement provisions of this section and law.

705.07 Private wastewater disposal. Subdivision 1. Where a public sewer is not available, the building sewer must be connected to a private wastewater disposal system complying with the provisions of this section.

Subd. 2. Prior to commencement of construction of a private wastewater disposal system, the owner of the system must first obtain a written permit signed by the administrator. The application for the permit is made on a form furnished by the administrator, which the applicant must supplement by any plans, specifications, and other information as are deemed necessary by the administrator.

Subd. 3. A permit for a private wastewater disposal system is not effective until the installation is completed to the satisfaction of the administrator. The administrator must be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit must notify the administrator when work is ready for final inspection, and before any underground portions are covered. The inspection must be made within four hours of the receipt of notice.

Subd. 4. The type, capacities, location, and layout of a private wastewater disposal system must comply with all requirements of 6 MCAR 4.8040, entitled, "Individual Sewage Treatment System Standards." A septic tank or cesspool may not discharge to any natural outlet.

Subd. 5. At such time as a public sewer becomes available to a property serviced by a private wastewater disposal system, a direct connection must be made to the public sewer within ten days in compliance with this section, and, within 30 days, any septic tanks, cesspools, and similar private wastewater disposal systems must be cleaned of sludge. The bottom must be broken to permit drainage, and the tank pit filled with suitable material.

Subd. 6. The owner must operate and maintain the private wastewater disposal facilities in a sanitary manner at all times at no expense to the city.

Subd. 7. No statement contained in this subsection is to be construed to interfere with any additional requirements that may be imposed by the MPCA or the Department of Health of the state of Minnesota.

705.09. Building sewers and connections. Subdivision 1. New connections to the sanitary sewer system are prohibited unless sufficient capacity is available in all downstream facilities including, but not limited to, capacity for flow, BOD<sub>5</sub>, and TSS, as determined by the superintendent.

Subd. 2. It is unlawful to uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the administrator.

Subd. 3. Applications for permits are submitted by the owner or authorized agent and the party employed to do the work, and must state the location, name of owner, street number of the building to be connected, and how occupied. It is unlawful to extend private building drain beyond the limits of the building or property for which the service connection permit has been given.

Subd. 4. There are two classes of building sewer permits: (i) for residential and commercial service, and (ii) for service to establishments producing industrial wastes. In either case, the application must be supplemented by any plans, specifications, or any other information considered pertinent in the judgment of the administrator. The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics, and type of activity.

Subd. 5. Costs and expenses incidental to the installation and connection of the building sewer are to be borne by the owner. The owner must indemnify the city from any loss or damage that may be directly or indirectly occasioned by the installation of the building sewer.

Subd. 6. A separate and independent building sewer must be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. The building sewer from the front building may be extended to the rear building and the whole considered one building sewer. The city assumes no obligation or responsibility for damage caused by or resulting from any such connection aforementioned.

Subd. 7. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the administrator, to meet all requirements of this section.

Subd. 8. The size, slopes, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling of the trench, must conform to the requirements of the state of Minnesota building and plumbing code or other applicable rules and regulations of the city. In the absence of code provisions or in the amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and VPCF manual of practice no. 9, apply.

Subd. 9. Whenever possible, the building sewer must be brought to the building at an elevation below the basement floor. In buildings in which a building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain must be lifted by an approved means and discharged to the building sewer.

Subd. 10. It is unlawful to make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or indirectly to the wastewater disposal system.

Subd. 11. The connection of the building sewer into the public sewer must conform to the requirements of the state of Minnesota building and plumbing code or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the ASTM and the WPCF manual of practice no. 9. The connections must be made gastight and watertight, and verified by proper testing to prevent the inclusion of infiltration and inflow. Any deviation from the prescribed procedures and materials must be approved by the administrator prior to installation.

Subd. 12. The applicant for the building sewer permit must notify the administrator when the building sewer is ready for inspection and connection to the public sewer. The connection and inspection must be made under the supervision of the administrator.

Subd. 13. Excavations for building sewer installation must be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work must be restored in a manner satisfactory to the administrator.

Subd. 14. It is unlawful to make a service connection with any public sewer unless the person making the connection is licensed under this section to perform the work. A permit will not be granted to any person not so licensed.

Subd. 15. A person desiring a license to make a service connection with public sewers, must apply in writing to the city council with satisfactory evidence that the applicant or employer is trained or skilled in the business and qualified to receive a license. Applications must be referred to the administrator for recommendations to the council. If approved by the council, the license will be issued by the administrator upon the filing of a bond as hereinafter provided.

Subd. 16. The licensee must provide a \$1,000 bond to the city, approved by the council, and filed with the city administrator conditioned that the licensee will indemnify and save harmless the city from all suits, accidents, and damage that may arise by reason of any opening in any street, alley, or public ground, made by the licensee or by those in the licensee's employment for any purpose whatever, and that the licensee will replace and restore the street and alley over such opening to the condition existing prior to installation, adequately guard with barricades and lights and will keep and maintain the same to the satisfaction of the administrator, and conform in all respects to the rules and regulations of the city relative thereto, and pay all fines that may be imposed on the licensee by law.

Subd. 17. The license fee for making service connections is set by appendix I. Licenses expire on December 31 of the license year unless the license is suspended or revoked by the council.

Subd. 18. The council may suspend or revoke a license for any of the following causes:

- a) Giving false information in connection with the application for a license.
- b) Incompetence of the licensee.
- c) Willful violation of any provisions of this article or any rule or regulation pertaining to the making of service connections.

705.11. Use of wastewater treatment works. Subdivision 1. It is unlawful to discharge, or cause to be discharged, any unpolluted water such as stormwater, groundwater, roof runoff, surface drainage, or non-contact cooling water to a sanitary sewer.

Subd. 2. Stormwater and all other unpolluted drainage must be discharged to sewers specifically designed as storm sewers or to a natural outlet approved by the city and other regulatory agencies. Industrial cooling water or unpolluted waters may be discharged to a storm sewer or natural outlet on approval of the city and upon approval and the issuance of a discharge permit by the MPCA.

Subd. 3. It is unlawful to discharge, or cause to be discharged, any of the following described waters or wastes to any public sewers;

- a) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the wastewater treatment works or to the operation of the system. 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.

- b) Solid or viscous substances which will cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to, grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or flashings, 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, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.
- c) Wastewater having a pH of less than 5.0 or greater than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater treatment works.
- d) Wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to inhibit or disrupt any wastewater treatment process, constitute a hazard to humans or animals, or create a toxic effect in the receiving waters of the wastewater treatment works. A toxic pollutant includes but is not limited to any pollutant identified pursuant to section 307(a) of the act.
- e) Sludges, floats, or skimmings generated by an industrial or commercial pretreatment system. Sludges, floats, or skimmings must be contained, transported, and disposed of in accordance with all federal, state, and local regulations.

Subd. 4. The following described substances, materials, water, or wastes are limited in discharges to municipal systems to concentrations or quantities which will not harm either sewers, the wastewater treatment works treatment process or equipment, will not have an adverse effect on the receiving stream or soil, vegetation and groundwater, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The administrator may set limitations lower than limitations established in the regulations below if much more severe limitations are necessary to meet the above objectives. In forming an opinion as to the acceptability of wastes, the administrator will give consideration to much factors as the quantity of subject waste in reaction to flows and velocities in the sewers, materials of construction of the sewers, nature of the wastewater treatment process, the city's NPDES and/or SDS permit, capacity of the treatment plant, degree of treatability of wastes in the treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer may not be violated without approval of the administrator and are as follows:

- a) A wastewater having a temperature greater than 150°F (65.6°C), or causing, individually or in combination with other wastewater, the influent at the wastewater treatment plant to have a temperature exceeding 104°F (40°C), or having heat in amounts that will inhibit biological activity in the wastewater treatment works resulting in interference therein.

- b) Wastewater containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/1 or containing substances which may solidify or become viscous at temperatures between 32°F and 150°F (0°C and 65.6°C); and any wastewater containing oil and grease concentrations of mineral origin of greater than 100 mg/1, whether emulsified or not.
- c) Quantities of flow, concentrations, or both which constitute a slug as defined herein. (See article I, section 56).
- d) Garbage not properly shredded: garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food on the premises or when served by caterers.
- e) Noxious or malodorous liquids, gases, or solids that either alone or by interaction with other wastes are capable of creating a public nuisance or hazard to life, or are sufficient to prevent entry into the sewers for their maintenance and repair.
- f) Wastewater with objectionable color not removed in the treatment process, such as, but not limited to dye wastes and vegetable tanning solutions.
- g) Non-contact cooling water or unpolluted storm water, storm drainage, or groundwater.
- h) Wastewater containing inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate) in such quantities that would cause disruption of the wastewater treatment works.
- i) Radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the administrator in compliance with applicable state or federal regulations.
- j) Waters or wastes containing the following substances to such degree that any such material received in the composite wastewater at the wastewater treatment works will cause it to be in excess of limitations set by the administrator for such materials:

- arsenic
- cadmium
- copper
- cyanide
- lead
- mercury
- nickel
- silver

total chromium

zinc

phenolic compounds which cannot be removed by city's wastewater treatment system.

- k) Wastewater that creates conditions at or near the wastewater treatment works that violates any statute, rule, regulation, or ordinance of any regulatory agency, or state or federal regulatory body.
- l) Waters or wastes containing BOD<sub>5</sub> or TSS of such character and quantity that unusual attention or expense is required to handle such materials at the wastewater treatment works, except as may be permitted by specific written agreement between the operator and the city.

Subd. 5. If waters or wastes are discharged or are proposed to be discharged to the public sewers that contain substances or possess the characteristics enumerated in subdivision 4, which in the judgment of the administrator may have a deleterious effect upon the wastewater treatment works, processes, or equipment, receiving waters or soil, vegetation, and groundwater, or which otherwise create a hazard to life or constitute a public nuisance, the city may:

- a) reject the wastes,
- b) require pretreatment to an acceptable condition for discharge to the public sewers, pursuant to section 307(b) of the act and all addendums thereto,
- c) require control over the quantities and rates of discharge, or,
- d) require payment to cover the added costs of handling, treating, and disposing of wastes not covered by existing taxes or sewer service charges.

If the city permits the pretreatment or equalization of waste flows, the design, installation, and maintenance of the facilities and equipment must be made at the owners' expense, and will be subject to the review and approval of the city pursuant to the requirements of the MPCA.

Subd. 6. An owner may not increase the use of process water or, in any manner, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in subdivisions 3 and 4 or contained in the national categorical pretreatment standards, or any state requirements.

Subd. 7. Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they must be maintained continuously in satisfactory and effective operation at the expense of the owner.

Subd. 8. Grease, oil, and sand interceptors must be provided when, in the opinion of the administrator, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, any flammable wastes, sand or other harmful ingredients; except that such interceptors are not required for private living quarters or dwelling units. Interceptors must be of the type to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner is responsible for the proper removal and disposal of the captured materials by appropriate means, and will maintain a record of dates and means of disposal which are subject to review by the administrator. Removal and hauling of the collected materials not performed by the owner's personnel must be performed by a currently licensed waste disposal firm.

Subd. 9. Where required by the administrator, the owner of any property serviced by a building sewer carrying industrial wastes must install a suitable structure, or control manhole, with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of wastes. The structure must be accessible and safely located, and must be constructed in accordance with plans approved by the administrator. The structure must be installed by the owner at the owner's expense and maintained by the owner to be safe and accessible at all times.

Subd. 10. The owner of any property serviced by a building sewer carrying industrial wastes may be required by the administrator to provide laboratory measurements, tests, or analyses of waters or wastes to illustrate compliance with this section and any special condition for discharge established by the city or regulatory agencies having jurisdiction over the discharge. The number, type, and frequency of sampling and laboratory analyses to be performed by the owner will be as stipulated by the city. The industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with federal, state, and local standards are being met. The owner must report the results of measurements and laboratory analyses to the administrator at such times and in such manner as prescribed by the administrator. The owner must bear the expense of all measurements, analyses, and reporting required by the administrator. The city may take measurements and samples for analysis by an independent laboratory.

Subd. 11. Measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this section must be determined in accordance with the latest edition of standard methods for the examination of water and wastewater, published by the American Public Health Association. Sampling methods, location, times, duration and frequencies are to be determined on an individual basis subject to approval by the administrator.

Subd. 12. Where required by the administrator, the owner of any property serviced by a sanitary sewer must provide protection from an accidental discharge of prohibited materials or other substances regulated by this section. Where necessary, facilities to prevent accidental discharges of prohibited materials must be provided and maintained at the owner's expense. Detailed plans showing facilities and operating procedures to provide this protection will be submitted to the administrator for review and approval prior to construction of the facility. Review and approval of such plans and operating procedures does not relieve any user from the responsibility to modify the user's facility as necessary to meet the requirements of this section. Users must notify the administrator immediately upon having a slug or accidental discharge of substances of wastewater in violation of this section to enable countermeasures to be taken by the administrator to minimize damage to the wastewater treatment works. Such notification will not relieve any user of any liability for any expense, loss or damage to the wastewater treatment system or treatment process, or for any fines imposed on the city on account thereof under any state and federal law. Employers must ensure that all employees who may cause or discover such a discharge are advised of the emergency notification procedure.

Subd. 13. A person, having charge of any building or other premises which drains into the public sewer, may not permit any substance or matter which may form a deposit or obstruction to flow or pass into the public sewer. Within 30 days after receipt of written notice from the administrator, the owner must install a suitable and sufficient catch basin or waste trap, or if one already exists, must clean out, repair or alter the same, and perform such other work as the administrator may deem necessary. Upon the owner's refusal or neglect to install a catch basin or waste trap or to clean out, repair, or alter the same after the period of 60 days, the administrator may cause such work to be completed at the expense of the owner.

Subd. 14. If a service connection becomes clogged, obstructed, broken or out of order, or detrimental to the use of the public sewer, or unfit for the purpose of drainage, the owner must repair or cause such work to be done as the administrator may direct. Each day after three days that a person neglects or fails to so act constitutes a separate violation of this section. The administrator may then cause the work to be done and recover from the owner or agent any expense thereof by an action in the name of the city.

Subd. 15. The owner or operator of a motor vehicle washing or servicing facility must provide and maintain in serviceable condition, at all times, a catch basin or waste trap in the building drain system to prevent grease, oil, dirt or mineral deposits from entering the public sewer system.

Subd. 16. In addition to penalties that may be imposed for violation of any provision of this section, the city may assess against any person the cost of repairing or restoring sewers or associated facilities damaged as a result of the discharge of prohibited wastes by such person, and may collect such assessment as an additional charge for the use of the public sewer system or in any other manner deemed appropriate by the city.

Subd. 17. National categorical pretreatment standards. National categorical pretreatment standards promulgated by the U.S. Environmental Protection Agency (EPA) pursuant to the act will be met by all users which are subject to such standards in any instance where they are more stringent than the limitations in this section unless the city has applied for and obtained from the state approval to modify the specific limits in the national categorical pretreatment standards. When requested, an application for modification of the national categorical pretreatment standards will be considered for submittal by the city when the wastewater treatment system achieves consistent removal of the pollutants. Consistent removals are defined as in 40 CFR 403 of the "General Pretreatment Regulations for Existing and New Sources of Pollution." Conditional revisions of national categorical pretreatment standards may be made by the city in accordance with 40 CFR 403 of the General Pretreatment Regulations for Existing and New Sources of Pollution if requested by an industry in accordance with requirements of 40 CFR 403.

Subd. 18. State requirements. State requirements and limitations on discharges must be met by all users which are subject to such standards in any instance in which they are more stringent than federal requirements and limitations or those in this section or any other applicable provision of this code.

Subd. 19. City's right of revision. The city may establish more stringent limitations or requirements on discharges to the wastewater treatment system if deemed necessary to comply with the objectives of this section.

Subd. 20. No statement contained in this section is to be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefore by the industrial concern, providing that national categorical pretreatment standards and the city's NPDES or state disposal system permit limitations are not violated.

705.13. Vandalism. It is unlawful to maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment that is part of the wastewater facilities.

705.15. Establishment of a sewer service charge system. Subdivision 1. The city has established a sewer service charge system (SSCS) whereby revenue collected from users of the wastewater treatment facilities will be used to pay expenditures incurred for annual operation, maintenance, administration, and replacement and for debt service on capital expenditures incurred in constructing the wastewater treatment works.

Subd. 2. Each user must pay its proportionate share of operation, maintenance and replacement costs of the treatment works, based on the user's proportionate contribution to the total wastewater loading from all users.

Subd. 3. Each user must pay debt service charges to retire local capital costs as determined by the city council.

Subd. 4. Sewer service rates and charges to users of the wastewater treatment works will be determined and fixed in the SSCS developed according to the provisions of this section. The SSCS is adopted by council resolution. Subsequent changes in sewer service rates and charges may be adopted by council resolution. The rates and charges are contained in appendix I.

Subd. 5. Revenues collected for sewer service are to be deposited in a separate fund known as "the sewer service fund." Income from revenues collected will be expended to offset the cost of operation, maintenance and equipment replacement for the facility and to retire the debt for capital expenditures.

Subd. 6. Sewer service charges and the sewer service fund will be administered in accordance with the provisions of subdivision 705.17.

705.17. Determination of sewer services charges. Subdivision 1. Users of the wastewater treatment works are identified as belonging to one of the following user classes:

- a) Residential
- b) Commercial
- c) Industrial
- d) Institutional
- e) Governmental

The allocation of users to these categories for the purpose of assessing user charges and debt service charges is the responsibility of the administrator. Allocation of users to user classes will be based on the substantive intent of the definitions of these classes.

Subd. 2. The user must pay operation, maintenance, and replacement costs in proportion to the user's proportionate contribution of wastewater flows and loadings to the treatment plant, with the minimum rate for loadings of BOD and TSS, being the rate established for concentrations of 275 mg/l BOD, and 250 mg/l TSS (i.e., normal domestic strength wastewater).

Subd. 3. Unit costs for treatment of fixed service, flow, BOD and TSS. Unit costs for fixed service and treatment of flow, BOD and TSS, are to be determined and fixed annually in the SSCS according to the following procedure:

- a) Determine the annual OM&R budget.
- b) Allocate total annual OM&R costs to fixed service, flow, BOD and TSS proportionately; according to the costs of administration and collection, and of the specific treatment processes required to affect or reduce flow, BOD and TSS.
- c) Divide the OM&R costs attributable to fixed service, flow, BOD and TSS, respectively, by the total annual billable connections, volume and loadings of flow, BOD and TSS, to arrive at unit costs.

- d) Determine the wastewater volume charge in accordance with the methodology developed in the sewer service charge system report.

For purposes of determining user charges, the following definitions of unit costs apply:

- $U_{FS}$  = Unit cost for fixed service in \$/billing period  
 $V_{UC}$  = Wastewater volume charge in \$/1,000 gals.  
 $U_F$  = Unit cost for treatment of flow in \$/1,000 gals.  
 $U_{BOD}$  = Unit cost for treatment of BOD in \$/lb.  
 $U_{TSS}$  = Unit cost for treatment of TSS in \$/lb.

Subd. 4. User charges for users contributing normal domestic strength wastewater.

a) Calculating billable flows and loadings

The billable amount of flow will be calculated from the volume of metered water usage. For residential users, the quarterly billable flow is equal to quarterly metered water usage determined for the quarterly billing period. For non-residential users discharging NDSW, billable flow is equal to quarterly water usage measured throughout the year.

For users discharging NDSW, but not connected to the city water system, the billable amount of flow will be calculated from the volume of metered water usage or, at the discretion of the city, from the measurement of effluent flow at the user's point of discharge. Measurements are to be made according to a regular program prescribed by the administrator.

Determination of loadings from metered water usage:

The billable amounts of BOD and TSS, will be calculated from the volume of metered water usage, as determined above, where the billable quantities will be those attributable to a wastewater concentration of 275 mg/l BOD, and 250 mg/l TSS (i.e., normal domestic strength wastewater.).

b) Calculating user charges

$$U_{C(NDS)} = U_{FS} + (V_{UC} \times F)$$

Where:  $U_{C(NDS)}$  = User charge for treatment of normal domestic strength wastewater

$U_{FS}$  = Unit cost for fixed service in \$/billing period

$V_{UC}$  = Volume charge for treatment of 1,000 gals. of normal domestic strength wastewater in \$/1,000 gals.

$F$  = Billable flow in 1,000 gals.

Subd. 5. User charges for users contributing wastes greater than normal domestic strength.

a) Calculating billable flows and loadings

The billable amount of flow will be calculated from the volume of metered water usage, or at the discretion of the city, from the measurement of effluent flow at user's point of discharge. Measurements are to be made according to a regular program prescribed by the administrator.

The billable amounts of BOD and TSS, will be calculated by the measurement of these wastes according to a program prescribed by the city in keeping with the latest edition of Standard Methods for the Examination of Water and Wastewater and in accordance with other provisions of this section.

b) Calculating user charges

$$U_{C(GNDS)} = U_{FS} + (V_{UC} \times F) + (U_{BOD} \times Q_{BOD}) + (M_{TSS} \times Q_{TSS})$$

Where:  $U_{C(GNDS)}$  = User charge for treatment of wastewater that is greater than normal domestic strength

$U_{FS}$  = Unit cost for fixed service in \$/billing period

$V_{UC}$  = Unit cost for treatment of flow in \$/1,000 gals.

$F$  = Billable flow in 1,000 gals.

$U_{BOD}$  = Unit cost for treatment of BOD in \$/lb.

$Q_{BOD}$  = Quantity of BOD in excess of 275 mg/l, in lbs.

$U_{TSS}$  = Unit cost for treatment of TSS in \$/lb.

$Q_{TSS}$  = Quantity of TSS in excess of 250 mg/l, in lbs.

$Q_{BOD}$  is calculated as follows:

$$Q_{BOD} = F \times 0.00834 \times (C_{BOD} - 275)$$

Where:  $C_{BOD}$  = Concentration of BOD, in mg/l.

$Q_{TSS}$  is calculated as follows:

$$Q_{TSS} = F \times 0.00834 \times (C_{TSS} - 250)$$

Where:  $C_{TSS}$  = Concentration of TSS, in mg/l

Subd. 6. The city may require non-residential users to install wastewater flow meters or such additional water meters as may be necessary to determine wastewater volume. The city may require residential connections to install water meters for the purpose of determining wastewater volume. The meters will be of a type approved by the administrator equipped with remote registering recorders, and located at an accessible site on the owner's property.

Subd. 7. Sewer service charge for recovery of local construction costs. Local construction costs for the wastewater treatment works will be recovered from users in proportion to their contributions of wastewater flow and loadings or the plant capacity allocated to each user, whichever is greater, into the treatment works as follows:

- a) Unit costs for debt service of capital expenditures attributable to fixed service, flow, BOD and TSS will be calculated according to the SSCS as provided in tables 5 and 6. For purposes of determining debt service charges, the following definitions apply:

$D_{FS}$  = Unit cost for debt service of capital expenditures attributable to fixed service in \$/billing period

$V_{DC}$  = Wastewater volume charge for debt service in \$/1,000 gals.

$D_F$  = Unit cost for debt service of capital expenditures attributable to flow, in \$/1,000 gals.

$D_{BOD}$  = Unit cost for debt service of capital expenditures attributable to BOD, in \$/lb.

$D_{TSS}$  = Unit cost for debt service of capital expenditures attributable to TSS, in \$/lb.

- b) Calculating billable flows and loadings.

The calculation of flows and loadings for the debt service charge will be the same as described in article IX, sections 4 and 5.

- c) Calculating debt service charges

- (i) For normal domestic strength users

$$D_{C(NDS)} = D_{FS} + (V_{DC} \times F)$$

- (ii) For users contributing wastes greater than normal domestic strength.

$$D_{C(NDS)} = D_{FS} + (V_{DC} \times F) + (D_{BOD} \times Q_{BOD}) + (D_{TSS} \times Q_{TSS})$$

Where:  $D_{C(NDS)}$  = Debt service charge to normal domestic strength users.

$D_{C(GNDS)}$  = Debt service charge to users contributing wastewater that is greater than normal domestic strength.

$D_{FS}$  = Unit cost for fixed service in \$/billing period attributable to flow in \$/1,000 gals.

$V_{DC}$  = Volume charge for treatment of 1,000 gals. of normal domestic strength wastewater, in \$/1,000 gals.

$F$  = Billable flow in 1,000 gals.

$D_{BOD}$  = Unit cost for debt service of capital expenditures attributable to BOD in \$/lb.

$Q_{BOD}$  = Quantity of BOD in excess of 275 mg/l, in lbs.

$D_{TSS}$  = Unit cost for debt service of capital expenditures attributable to TSS, in \$/lb.

$Q_{TSS}$  = Quantity of TSS in excess of 250 mg/l, in lbs.

$Q_{BOD}$  is calculated as follows:

$$Q_{BOD} = F \times 0.00834 \times (C_{BOD} - 275)$$

Where:  $C_{BOD}$  = Concentration of BOD in mg/l.

$Q_{TSS}$  is calculated as follows:

$$Q_{TSS} = F \times 0.00834 \times (C_{TSS} - 250)$$

Where:  $C_{TSS}$  = Concentration of TSS, in mg/l

Subd. 8. Total sewer service charge The total sewer service charge per billing period is calculated as follows:

$$SSC = U_C + D_C$$

Where:  $SSC$  = Sewer Service Charge

$U_C$  = User Charge

$D_C$  = Debt Service Charge

Subd. 9. Charges and fees. The council may adopt by resolution charges and fees which may include: (i) fees for monitoring, inspection, and surveillance procedures; (ii) fees for permit applications; (iii) appeal fees; and (iv) other fees as may be deemed necessary to carry out the requirements of this section. The charges and fees are contained in appendix I.

705.19. Sewer service fund. Subdivision 1. The city has established a sewer service fund as an income fund to receive all revenues generated by the SSCS, and all other income dedicated to the operation, maintenance, replacement and construction of the wastewater treatment works, including taxes, special charges, fees, and assessments intended to retire construction debt. The city has established the following accounts as income and expenditure accounts within the sewer service fund:

- a) Operation and maintenance account
- b) Equipment replacement account
- c) Debt retirement account

Subd. 2. Revenue generated by the SSCS, and other income pertinent to the treatment system, including taxes and special assessments dedicated to retire construction debt, are to be held by the administrator separate and apart from all other funds of the city. Funds received by the sewer service fund will be transferred to the "operation and maintenance account," "equipment replacement account," or "debt retirement account," in accordance with state and federal regulations and the provisions of this section.

Subd. 3. Revenue generated by the SSCS sufficient to ensure adequate replacement throughout the useful life of the wastewater facility, must be held separate and apart in the "equipment replacement account" and dedicated to affecting replacement costs. Interest income generated by the "equipment replacement account" must remain in the "equipment replacement account."

Subd. 4. Revenue generated by the SSCS sufficient for operation and maintenance must be held separate and apart in the "operation and maintenance account."

Subd. 5. Revenue generated by the SSCS sufficient for payment of debt service stemming from the wastewater facility must be held separate and apart in the "debt service account."

705.21 Administration. Subdivision 1. The administrator must maintain a proper system of accounts suitable for determining the operation and maintenance, equipment replacement and debt retirement costs of the treatment works and furnish the city council with a report of such costs annually in October.

Subd. 2. The city council must annually determine whether or not sufficient revenue is being generated for the effective operation, maintenance, replacement and management of the treatment works, and whether sufficient revenue is being generated for debt retirement. The council will also determine whether the user charges are distributed proportionately to each user in accordance with this section and section 204(b)(2) of the Federal Water Pollution Control Act, as amended.

Subd. 3. The city must thereafter, but not later than the end of the year review, and as necessary revise the sewer service charge system then in use to ensure the proportionality of the user charges and to insure the sufficiency of funds to maintain the capacity and performance to which the facilities were constructed, and to retire the construction debt.

Subd. 4. In accordance with federal and state requirements each user will be notified annually, in conjunction with a regular billing, of that portion of the sewer service charge attributable to operation, maintenance and replacement.

Subd. 5. In accordance with federal and state requirements, the administrator is responsible for maintaining records necessary to document compliance with the sewer service charge system adopted.

Subd. 6. Bills for sewer service charges are rendered on a monthly basis succeeding the period for which the service was rendered and are due 30 days from the date of rendering. Any bill not paid in full 30 days after the due date will be considered delinquent. At that time, notification will be provided to the delinquent owner and occupant in writing regarding the delinquent bill and subsequent penalty. The penalty is computed at a rate of up to 8% per annum for every monthly period the bill is outstanding. (Amended, Ord. No. 9, Third Series)

Subd. 7. The owner of the premises is liable to pay for the service to such premises, and the service is furnished to the premises by the city only upon the condition that the owner of the premises is liable therefor to the city.

Subd. 8. Additional costs caused by discharges to the treatment works of toxic or other incompatible pollutants, including the cost of restoring wastewater treatment services, clean up and restoration of the receiving waters and environs, and sludge disposal, is to be borne by the discharger of the wastes at no expense to the city.

Subd. 9. General user reports. The city may require that any person discharging wastewater to the wastewater treatment system file a periodic discharge report. The discharge report may include, but not be limited to, nature of process, rates of flow, mass discharge rate, raw material and production quantities, hours of operation, number and classification of employees, compliance status with any state or federal pretreatment standards, or other information which relates to the generation of waste, including wastewater constituents and concentrations in the wastewater discharge. The reports may also include sludge disposal practices and the chemical constituents and quantity of liquid or gaseous materials stored on site, even though they may not normally be discharged. At a minimum, a summary of such data indicating each industrial user's compliance

with this section must be prepared quarterly and submitted to the administrator. In addition to discharge reports, the administrator may require information in the form of wastewater discharge permit applications, self-monitoring reports and compliance schedules.

Subd. 10. Wastewater discharge permits. Industries proposing to connect or to commence a new discharge to the wastewater treatment system must obtain a wastewater discharge permit before connecting to or discharging into the wastewater treatment system if the discharge would result in the industry being classified as a significant industrial user. Significant industrial users or industrial users subject to national categorical pretreatment standards under section 307 (b) and (c) of the act connected to or discharging into the wastewater treatment system must obtain a wastewater discharge permit.

Subd. 11. Permit application. Users required to obtain a wastewater discharge permit must complete and file with the administrator an application in the form prescribed by the administrator. In support of the application, the user must submit, in units and terms appropriate for evaluation, the following information:

- a) Name, address, and location (if different from the address);
- b) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
- c) Wastewater constituents and characteristics, including, but not limited to those governed by this section as determined by a reliable analytical laboratory sampling, and analysis must be performed in accordance with procedures approved by the administrator;
- d) Time and duration of discharge;
- e) Average daily and peak hour wastewater flow rates, including daily, monthly and seasonal variations, if any;
- f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections and appurtenances by the size, location and elevation;
- g) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged, including sludges, floats, skimmings, etc.;
- h) Where known, the nature and concentration of any pollutants in the discharge which are limited by any city, state or national categorical pretreatment standards;
- i) Each product by type, amount and rate of production;
- j) Type and amount of raw materials processed (average and maximum per day);

- k) Number of full and part-time employees and hours of work; and,
- l) Any other information as may be deemed by the administrator to be necessary to evaluate the permit application.

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

Subd. 12. Permit conditions. Wastewater discharge permits are subject to the provisions of this section and other applicable regulations, user charges and fees established by the city. Permits may contain the following:

- a) The unit charge or schedule of user charges and fees for the wastewater to be discharged to the wastewater treatment system;
- b) Limits on the average and maximum wastewater constituents and characteristics;
- c) Limits on average and maximum flow rate and time of discharge or requirements for flow regulation and equalization;
- d) Requirements for installation and access to inspection and sampling facilities;
- e) Requirements for installation, operation and maintenance of pretreatment facilities;
- f) Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, number, types and standards for tests and reporting schedule;
- g) Compliance schedules;
- h) Requirements for submission of technical reports or discharge reports;
- i) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the city, but in no case less than three years, and affording city access thereto;
- j) Requirements for notification to and acceptance by the city of any new introduction of wastewater constituents or of any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
- k) Requirements for notification of slug or accidental discharges and reporting of permit violations;
- l) Requirements for disposal of sludges, floats, skimmings, etc.; and,

- m) Other conditions as deemed appropriate by the city to ensure compliance with this section.

Subd. 13. Permit duration. Permits are issued for a specified time period, not to exceed five years. The user must apply for permit reissuance a minimum of 90 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the city during the term of the permit as limitations or requirements as identified in subsection 705.11 are modified or other just cause exists. The user must be informed of any proposed changes in the permit at least 30 days prior to the effective date of change. Changes or new conditions in the permit must include a reasonable time schedule for compliance.

Subd. 14. Permit modifications. Within nine months after the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of users subject to that standard must be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a national categorical pretreatment standard, has not previously submitted an application for a wastewater discharge permit, the user must apply for a wastewater discharge permit within 180 days after the promulgation of the applicable national categorical pretreatment standard. In addition, the user with an existing wastewater discharge permit must submit to the administrator within 180 days after the promulgation of an applicable national categorical pretreatment standard the information required by this subsection. If the information previously submitted in an application is still current and adequate, only a letter from the user certifying that fact is required.

Subd. 15. Permit transfer. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit may not be reassigned or transferred or sold to a new owner, new user, different premises or a new or changed operation without the approval of the city. Any succeeding owner or user must also comply with the terms and conditions of the existing permit if the city approves the transfer of the existing permit.

Subd. 16. Pretreatment.

- a) Users must provide necessary wastewater treatment as required to comply with this section and will achieve compliance with all national categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations or within time limitations as specified within the wastewater discharge permit, whichever is sooner.
- b) Facilities required to pretreat wastewater must be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures must be submitted to the administrator for review, and must be acceptable to the administrator before construction of the facility. The review of such plans and operating procedures does not relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this section. Any subsequent changes in the pretreatment facilities or method of operation must be reported to and be acceptable to the city prior to the user's initiation of the changes.

- c) Records relating to compliance with pretreatment standards must be made available by the city to officials of the EPA or MPCA upon request.
- d) A user subject to a national categorical pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of the commencement of a new discharge to the wastewater treatment system, must submit to the administrator during the months of June and December, unless required more frequently in the pretreatment standard or by the city, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report must include a record of all daily flows that during the reporting period exceeded the average daily flow reported pursuant to this section. The administrator may agree to alter the months during which the above reports are to be submitted.

Subd. 17. Enforcement. Subdivision 1. Slug or accidental discharges.

- a) The city may suspend the wastewater treatment service of a user or a wastewater discharge permit or both (after informal notice to the discharger) when such suspension is necessary, in the opinion of the administrator, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment or to the wastewater treatment system, or would cause the city to violate any condition of its NPDES or state disposal system permit.
- b) A user notified of a suspension of the wastewater treatment service, the wastewater discharge permit, or both, must immediately stop the discharge. In the event of a failure of the user to comply voluntarily with the suspension order, the city must take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the wastewater treatment system or endangerment to any individuals. The city will reinstate the wastewater discharge permit or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement by the user describing the causes of the slug or accidental discharge and the measures taken to prevent any future occurrence must be submitted to the administrator within 15 days of the date of occurrence.

Subd. 18. Revocation of permit. The city may revoke the permit of any user that (i) fails to factually report the wastewater constituents and characteristics of its discharge; (ii) fails to report significant changes in wastewater constituents or characteristics; or (iii) refuses reasonable access to the user's premises for the purpose of inspection or monitoring or for violation of conditions of its permit, this section, or applicable state and federal regulations.

Subd. 19. Show cause hearing.

- a) Notice of hearing. If the violation is not corrected by timely compliance, the administrator may order any user which causes or allows an unauthorized discharge, to show cause before the council why proposed enforcement action should not be taken. A notice must be served on the user specifying the time and place of a hearing to be held by the council regarding the violation, the reason why the action is to be taken, the proposed enforcement action and directing the user to show cause before the council why the proposed enforcement action should not be taken. The notice of the hearing must be served personally or by registered or certified mail (return receipt requested) at least ten days before the hearing. Service may be made on any agent or officer of a corporation.
- b) Hearing officials. The council may itself conduct the hearing and take evidence, or may designate any of its members or any officer or employee to:
  - (i) issue in the name of the council notices of hearings requesting the attendance and testimony of witnesses and the protection of evidence relevant to any matter involved in such hearings;
  - (ii) take the evidence; and
  - (iii) transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the council for action thereon.
- c) Transcripts. At the hearing held, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges therefor.
- d) Issuance of orders. After the council has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances will have been installed or existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

Subd. 20. Legal action. If a person discharges wastewater, industrial wastes or other wastes into the wastewater treatment system contrary to the provisions of this section, federal or state pretreatment requirements or any order of the city, the city attorney may commence an action for appropriate legal or equitable relief, or both.

Subd. 21. Annual publication. A list of the users that have significantly violated applicable pretreatment requirements or national categorical pretreatment standards during the 12 previous months may be annually published by the city in the official newspaper of the city. The notification must also summarize any enforcement actions taken against the user during the same 12 months. For the purpose of this provision, significant violations are those violations that (i) remain uncorrected 45 days after notification of noncompliance, (ii) are part of a pattern of noncompliance over a 12-month period, or (iii) involve a failure to accurately report noncompliance.

Subd. 22. Appeal to the council.

- a) An interested party may request in writing an interpretation or ruling on any matter covered by this section and is entitled to a written reply from the city.
- b) A decision of the city in the enforcement of this section may be appealed to the council by filing a written petition with the administrator within 30 days of the city's ruling. The petition must specify in detail the matter or matters involved and every ground or basis on which objections are made. The petition must show the names, addresses and telephone numbers of all objectors and their attorney at law or spokesperson. The filing of a petition in accordance with the requirements herein stays all proceedings unless the city files within 72 hours after the filing of a petition, a certificate stating that a stay would cause peril to life or property or specifying other good reason. The council must fix a reasonable time for hearing of the petition or appeal and give due notice of the time and place of the hearing to parties named in the petition and their attorney or spokesperson. The hearing is open to the public. Petitioners must be given full opportunity to present evidence in support of their petition after which the city may present evidence in support of its decision.
- c) The council must decide the appeal within a reasonable time and notify the attorney or spokesperson. The minutes of the council constitute the official record of the petition, hearing and decision. A party desiring a transcript of the proceedings must furnish a qualified court reporter at their own expense.

705.23. Penalties. Subdivision 1. A person found to be violating any provision of this section will be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender must, within the period of time stated in such notice, permanently cease all violations.

Subd. 2. A person who continues any violation beyond the time limit provided for in this subsection is guilty of a misdemeanor. Each day on which a violation occurs is a separate offense.

Subd. 3. A person violating any of the provisions of this section is liable to the city for any expense, loss, or damage occasioned by the city by reason of the violation.

Subd. 4. A sewer service charge levied by and pursuant to this section is made a lien upon the lot or premises served, and all such charges which are on September 30 of each year past due and delinquent, may be certified to the county auditor as taxes or assessments on the real estate. Nothing in this section is to be construed as affecting the right of the city to levy as taxes or assessments against any premises affected any delinquent or past due sewer service charges.

Subd. 5. As an alternative to levying a lien, the city may file suit in a civil action to collect such amounts as are delinquent and due against the occupant, owner, or user of the real estate, and must collect as well all attorneys' fees incurred by the city in filing the civil action.

Subd. 6. In addition to all penalties and costs attributable and chargeable to recording notices of the lien or filing a civil action, the owner or user of the real estate being serviced by the treatment works is liable for interest upon all unpaid balances at the rate of 12% per annum.

Subd. 7. Falsifying information. It is unlawful to make any false statements, representations or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this section or wastewater discharge permit, or to falsify, tamper with, or knowingly render inaccurate any monitoring device or method required under this section.

705.25. Clear water discharge. Subdivision 1. No water from any roof, surface, groundwater sump pump, footing tile, swimming pool or other natural precipitation will be discharged into the sanitary sewer system. Dwellings and other buildings and structures which require, because of the infiltration of water into basements, crawl spaces and the like, a sump pump discharge system, will have a permanently installed discharge line which will not at any time discharge water into the sanitary sewer system, except as provided herein. A permanent installation must be one which provides for year round discharge capability to either the outside of the dwelling, building or structure, or is connected to the city storm sewer or discharges through the curb and gutter to the street. It must consist of a rigid discharge line, without valving or quick connections for altering the path of discharge, and if connected to the city storm sewer line, include a check valve and an air gap located in a small diameter structure.

Subd. 2. Disconnection. On or before January 1, 1999, any roof, surface, groundwater sump pump, footing tile or swimming pool connected to the sanitary sewer system must be disconnected by the property owner or lessee. The site of the disconnection or any other opening into the sanitary sewer must be closed or repaired in an effective, workmanlike manner, as approved by the city maintenance and wastewater treatment staff or designated agent.

Subd. 3. Inspection. All improved real estate that discharges into the city's sanitary sewer system must be inspected to determine whether there are prohibited connections to the sanitary sewer. Inspections will be by city employees or contractors, or the property owner may submit a certificate from a licensed plumber that no prohibited connections exist on the property.

In addition to any other penalties provided in this code, if access by city inspectors to the premises to conduct the inspection is denied, and the property owner fails to furnish a plumber's certificate within 14 days of notice from the inspector, the water account for the premises will be surcharged as hereinafter provided. Any connections in violation of this section will be corrected, and proof of the corrections will be provided to the city within 14 days of written notice from the inspector to disconnect.

Subd. 4. Future inspections. If the city has reason to suspect that an illegal connection may exist on a premise, the owner, by written notice, will comply with the provision of subdivision 3 above.

Subd. 5. Waivers. The city council, or its appointed representative, will have the authority of hearing and deciding requests for waivers from the applicability of the provision of this section where strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration or cause a safety problem. For purposes of this section, where the total costs to affect compliance with this section is not in excess of three percent of the assessed property value of the improved real estate that discharges into the city's sanitary sewer system, such cost will be presumed to be reasonable and will not constitute a hardship under this section. Such presumption of reasonableness can be rebutted by the presentation of information to the city council, pursuant to the waiver process described herein.

Applications for waivers pursuant to this section will be addressed in writing to the city administrator. The applications must identify the property for which the waiver is being applied, the name of the property owner/applicant, and describe in detail what characteristics of the subject property create an undue hardship. The council, in its discretion, may restrict the length of time for which a waiver is granted, taking into consideration the nature of the hardship and other relevant factors. Within 60 days the city council, or its approved representative, will make a decision on the matter and serve a copy of such order upon the applicant by mail. An additional fee of \$10 per month for the additional sewer service will be added to the monthly sewer charge for properties for which a waiver is granted. Upon the expiration of a waiver, the holder of the waiver will employ a licensed plumber to certify that the prohibited use or connection has been discontinued or removed.

Subd. 6. Penalty. In addition to any other penalties provided in this code, a surcharge of \$100 per month will be added to each sewer billing for properties not in compliance with this section. The surcharge will be added each and every month to the sewer billing until the property is in compliance.

SECTION 710 – WATERWORKS SYSTEMS, SANITARY  
AND STORM SEWER SYSTEMS, SEWAGE  
DISPOSAL SYSTEMS AND PLANTS  
(Added, Ord. No. 35, Third Series)

710.01. Authorization. Pursuant to Minnesota Statutes, section 444.075, the city or its public utility commission, authorized by city code section 310.15, may build, construct, reconstruct, repair, enlarge, improve, or in any other manner obtain facilities as follows:

- a) waterworks systems, including mains, valves, hydrants, service connections, wells, pumps, reservoirs, tanks, treatment plants, and other appurtenances of a waterworks system,
- b) sewer systems, sewage treatment works, disposal systems, and other facilities for disposing of sewage, industrial waste, or other wastes, and
- c) storm sewer systems, including mains, holding areas and ponds, and other appurtenances and related facilities for the collection and disposal of storm water, all hereinafter called facilities, and maintain and operate the facilities inside or outside the city limits, and acquire by gift, purchase, lease, condemnation, or otherwise any and all land and easements required for that purpose.

The authority hereby created is in addition to all other powers otherwise granted by the laws of Minnesota and elsewhere in this city code with reference to the facilities set forth herein.

710.03. Charges, rates and fees. Pursuant to Minnesota Statutes, section 444.075, in order to pay for the construction, reconstruction, repair, enlargement, improvement, or other obtainment and the maintenance, operation and use of the facilities described in this section, the city or its public utility commission may impose just and equitable charges for the use and for the availability of the facilities and for connections with them and make contracts for the charges as provided in this code. The city council or its public utility commission may adopt by resolution such charges, rates and fees as may be deemed necessary to carry out or facilitate the authority provided in this section. The charges and fees are contained in appendix I.