

CHAPTER 95

SANITARY SEWER SYSTEM

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95.01 PURPOSE. The purpose of the chapters of this Code of Ordinances pertaining to Sanitary Sewers is to establish rules and regulations governing the treatment and disposal of sanitary sewage within the City in order to protect the public health, safety and welfare.

95.02 DEFINITIONS. For use in these chapters, unless the context specifically indicates otherwise, the following terms are defined:

1. “B.O.D.” (denoting Biochemical Oxygen Demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees C., expressed in milligrams per liter or parts per million.
2. “Building drain” means that part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
3. “Building sewer” means that part of the horizontal piping from the building wall to its connection with the main sewer or the primary treatment portion of an on-site wastewater treatment and disposal system conveying the drainage of one building site.
4. “Combined sewer” means a sewer receiving both surface run-off and sewage.
5. “Customer” means any person responsible for the production of domestic, commercial or industrial waste which is directly or indirectly discharged into the public sewer system.
6. “Garbage” means solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.
7. “Industrial wastes” means the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
8. “Inspector” means the person duly authorized by the Council to inspect and approve the installation of building sewers and their connections to the public sewer system; and to inspect such sewage as may be discharged therefrom.

9. “Natural outlet” means any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
10. “On-site wastewater treatment and disposal system” means all equipment and devices necessary for proper conduction, collection, storage, treatment, and disposal of wastewater from four or fewer dwelling units or other facilities serving the equivalent of fifteen persons (1500 gpd) or less.
11. “pH” means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
12. “Public sewer” means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
13. “Sanitary sewage” means sewage discharging from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories or institutions, and free from storm, surface water, and industrial waste.
14. “Sanitary sewer” means a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.
15. “Sewage” means a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.
16. “Sewage treatment plant” means any arrangement of devices and structures used for treating sewage.
17. “Sewage works” or “sewage system” means all facilities for collecting, pumping, treating, and disposing of sewage.
18. “Sewer” means a pipe or conduit for carrying sewage.
19. “Sewer service charges” means any and all charges, rates or fees levied against and payable by customers, as consideration for the servicing of said customers by said sewer system.
20. “Slug” means any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.
21. “Storm drain” or “storm sewer” means a sewer which carries storm and surface waters and drainage but excludes sewage and industrial wastes, other than unpolluted cooling water.

22. “Superintendent” means the Superintendent of sewage works and/or of water pollution control of the City or any authorized deputy, agent, or representative.

23. “Suspended solids” means solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

24. “Watercourse” means a channel in which a flow of water occurs, either continuously or intermittently.

95.03 SUPERINTENDENT. The Superintendent shall exercise the following powers and duties:

(Code of Iowa, Sec. 372.13[4])

1. Operation and Maintenance. Operate and maintain the City sewage system.
2. Inspection and Tests. Conduct necessary inspections and tests to assure compliance with the provisions of these Sanitary Sewer chapters.
3. Records. Maintain a complete and accurate record of all sewers, sewage connections and manholes constructed showing the location and grades thereof.

95.04 PROHIBITED ACTS. No person shall do, or allow, any of the following:

1. Damage Sewer System. Maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewer system.

(Code of Iowa, Sec. 716.1)

2. Surface Run-off or Groundwater. Connect a roof downspout, sump pump, exterior foundation drain, areaway drain, or other source of surface run-off or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
3. Manholes. Open or enter any manhole of the sewer system, except by authority of the Superintendent.
4. Objectionable Wastes. Place or deposit in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage, or other objectionable waste.
5. Septic Tanks. Construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage except as provided in these chapters.

(Code of Iowa, Sec. 364.12[3f])

6. Untreated Discharge. Discharge to any natural outlet within the City, or in any area under its jurisdiction, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of these chapters.

(Code of Iowa, Sec. 364.12[3f])

95.05 SEWER CONNECTION REQUIRED. The owners of any houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley or right-of-way in which there is now located, or may in the future be located, a public sanitary or combined sewer, are hereby required to install, at such owner's expense, suitable toilet facilities therein and a building sewer connecting such facilities directly with the proper public sewer, and to maintain the same all in accordance with the provisions of these Sanitary Sewer chapters, such compliance to be completed within ninety (90) days after date of official notice from the City to do so provided that said public sewer is located within three hundred (300) feet of the property line of such owner and is of such design as to receive and convey by gravity such sewage as may be conveyed to it. Billing for sanitary sewer service will begin the date of official notice to connect to the public sewer.

(Code of Iowa, Sec. 364.12 [3f])

(IAC, 567-69.1[3])

95.06 SERVICE OUTSIDE THE CITY. The owners of property outside the corporate limits of the City so situated that it may be served by the City sewer system may apply to the Council for permission to connect to the public sewer upon the terms and conditions stipulated by resolution of the Council.

(Code of Iowa, Sec. 364.4 [2 & 3])

95.07 RIGHT OF ENTRY. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of these Sanitary Sewer chapters. The Superintendent or representatives shall have authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries that may have a bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

95.08 USE OF EASEMENTS. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to 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 sewage works lying within said easement. All entry and subsequent work, if any,

on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

95.09 SPECIAL PENALTIES. The following special penalty provisions shall apply to violations of these Sanitary Sewer chapters:

1. Notice of Violation. Any person found to be violating any provision of these chapters except subsections 1, 3 and 4 of Section 95.04, shall 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 shall, within the period of time stated in such notice, permanently cease all violations.
2. Continuing Violations. Any person who shall continue any violation beyond the time limit provided for in subsection 1 hereof shall be in violation of this Code of Ordinances. Each day in which any such violation shall continue shall be deemed a separate offense.
3. Liability Imposed. Any person violating any of the provisions of these chapters shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation.

CHAPTER 96

BUILDING SEWERS AND CONNECTIONS

96.01 Application for Service	96.05 Sewer Tap
96.02 Connection Charge	96.06 Inspection Required
96.03 Plumber Required	96.07 Property Owner's Responsibility
96.04 Connection Requirements	96.08 Abatement of Violations

96.01 APPLICATION FOR SERVICE. No unauthorized person shall make any connection to the public sewer system without first making an application for service to the City. The application for service shall set forth the location and description of the property to be connected with the sewer system and the purpose for which the sewer is to be used, and shall be supplemented by any plans, specifications or other information considered pertinent. The property owner shall complete construction and connection of the building sewer to the public sewer within sixty (60) days after the application for service, except that when a property owner makes sufficient showing that due to conditions beyond the owner's control or peculiar hardship, such time period is inequitable or unfair, an extension of time within which to comply with the provisions herein may be granted.

96.02 CONNECTION CHARGE. The person who makes the application for service shall pay to the City Administrator a connection fee in accordance with the fee schedule established by resolution of the Council.

96.03 PLUMBER REQUIRED. All installations of building sewers and connections to the public sewer shall be made by a licensed plumber, and a plumber's license may be suspended or revoked for violation of any of the provisions of these Sanitary Sewer chapters. The plumber shall provide a maintenance bond, in an amount determined by the City Administrator, covering the connection of the building sewer to the sewer main for a period of four (4) years.

96.04 CONNECTION REQUIREMENTS. The installation of the building sewer and its connection to the public sewer shall conform to the requirements of the Uniform Plumbing Code, the laws of the State and other applicable rules and regulations of the City.

96.05 SEWER TAP. Connection of the building sewer into the public sewer shall be made at the "Y" branch, if such branch is available at a suitable location. If no properly located "Y" branch is available, a saddle "Y" shall be installed at the location specified by the Superintendent. The public sewer shall be tapped with a tapping machine and a saddle appropriate to the type of public sewer shall be glued or attached with a gasket and stainless steel clamps to the sewer. At no time shall a building sewer be constructed so as to enter a

manhole unless special written permission is received from the Superintendent, and in accordance with the Superintendent's direction if such connection is approved.

96.06 INSPECTION REQUIRED. No building sewer shall be covered, concealed or put into use until it has been tested, inspected and accepted as prescribed in the Uniform Plumbing Code.

96.07 PROPERTY OWNER'S RESPONSIBILITY. All costs and expenses incident to the installation, connection and maintenance of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

96.08 ABATEMENT OF VIOLATIONS. Building sewers, whether located upon the private property of any owner or in the public right-of-way, which are constructed or maintained in violation of any of the requirements of this chapter shall be deemed a nuisance and the same shall be abated by the City in the manner provided for the abatement of nuisances.

(Code of Iowa, Sec. 364.12[3])

CHAPTER 97

USE OF PUBLIC SEWERS

97.01 Storm Water	97.05 Restricted Discharges - Powers
97.02 Surface Waters Exception	97.06 Special Facilities
97.03 Prohibited Discharges	97.07 Control Manholes
97.04 Restricted Discharges	97.08 Testing of Wastes

97.01 STORM WATER. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof run-off, sub-surface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet.

97.02 SURFACE WATERS EXCEPTION. Special permits for discharging surface waters to a public sanitary sewer may be issued by the Council upon recommendation of the Superintendent where such discharge is deemed necessary or advisable for purposes of flushing, but any permit so issued shall be subject to revocation at any time when deemed to the best interests of the sewer system.

97.03 PROHIBITED DISCHARGES. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

1. **Flammable or Explosive Material.** Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
2. **Toxic or Poisonous Materials.** Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) milligrams per liter as CN in the wastes as discharged to the public sewer.
3. **Corrosive Wastes.** Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
4. **Solid or Viscous Substances.** Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper

operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, un-ground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

5. Excessive B.O.D., Solids or Flow. Any waters or wastes having (a) a five (5) day biochemical oxygen demand greater than three hundred (300) parts per million by weight, or (b) containing more than three hundred fifty (350) parts per million by weight of suspended solids, or (c) having an average daily flow greater than two percent (2%) of the average sewage flow of the City, shall be subject to the review of the Superintendent. Where necessary in the opinion of the Superintendent, the owner shall provide, at the owner's expense, such preliminary treatment as may be necessary to (a) reduce the biochemical oxygen demand to three hundred (300) parts per million by weight, or (b) reduce the suspended solids to three hundred fifty (350) parts per million by weight, or (c) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and no construction of such facilities shall be commenced until said approvals are obtained in writing.

97.04 RESTRICTED DISCHARGES. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances restricted are:

1. High Temperature. Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees F (65 degrees C).
2. Fat, Oil, Grease. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) milligrams per liter or six hundred (600) milligrams per liter of dispersed or other soluble matter.
3. Viscous Substances. Water or wastes containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F (0 and 65 degrees C).
4. Garbage. Any garbage that has not been properly shredded, that is, 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 one-half ($\frac{1}{2}$) inch in any dimension.

5. Acids. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solution whether neutralized or not.
6. Toxic or Objectionable Wastes. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
7. Odor or Taste. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
8. Radioactive Wastes. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
9. Excess Alkalinity. Any waters or wastes having a pH in excess of 9.5.
10. Unusual Wastes. Materials which exert or cause:
 - A. Unusual concentrations of 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).
 - B. Excessive discoloration (such as, but not limited to dye wastes and vegetable tanning solutions).
 - C. Unusual B.O.D., chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - D. Unusual volume of flow or concentration of wastes constituting “slugs” as defined herein.
11. Noxious or Malodorous Gases. Any noxious or malodorous gas or other substance which either singly or by interaction with other wastes is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.
12. Damaging Substances. Any waters, wastes, materials or substances which react with water or wastes in the sewer system to release noxious gases, develop color of undesirable intensity, form suspended solids in objectionable concentration or create any other condition deleterious to structures and treatment processes.

13. Untreatable Wastes. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

97.05 RESTRICTED DISCHARGES - POWERS. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 97.04 and which, in the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

1. Rejection. Reject the wastes by requiring disconnection from the public sewage system;
2. Pretreatment. Require pretreatment to an acceptable condition for discharge to the public sewers;
3. Controls Imposed. Require control over the quantities and rates of discharge; and/or
4. Special Charges. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Chapter 99.

97.06 SPECIAL FACILITIES. If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, ordinances, and laws. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

97.07 CONTROL MANHOLES. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at the owner's expense, and shall be maintained by the owner so as to be safe and accessible at all times.

97.08 TESTING OF WASTES. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall 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, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be

the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken.

Normally, but not always, B.O.D. and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls whereas pH's are determined from periodic grab samples).

CHAPTER 98

ON-SITE WASTEWATER SYSTEMS

98.01 When Prohibited	98.06 Maintenance of System
98.02 When Required	98.07 Systems Abandoned
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98.04 Permit Required	98.09 Minimum Lot Area
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98.01 WHEN PROHIBITED. Except as otherwise provided in this chapter, it is unlawful to construct or maintain any on-site wastewater treatment and disposal system or other facility intended or used for the disposal of sewage.

(Code of Iowa, Sec. 364.12[3f])

98.02 WHEN REQUIRED. When a public sanitary sewer is not available under the provisions of Section 95.05, every building wherein persons reside, congregate or are employed shall be provided with an approved on-site wastewater treatment and disposal system complying with the provisions of this chapter.

(IAC, 567-69.1[3])

98.03 COMPLIANCE WITH REGULATIONS. The type, capacity, location and layout of a private on-site wastewater treatment and disposal system shall comply with the specifications and requirements set forth by the Iowa Administrative Code 567, Chapter 69, and with such additional requirements as are prescribed by the regulations of the County Board of Health.

(IAC, 567-69.1[3 & 4])

98.04 PERMIT REQUIRED. No person shall install or alter an on-site wastewater treatment and disposal system without first obtaining a permit from the County Board of Health.

98.05 DISCHARGE RESTRICTIONS. It is unlawful to discharge any wastewater from an on-site wastewater treatment and disposal system (except under an NPDES permit) to any ditch, stream, pond, lake, natural or artificial waterway, drain tile or to the surface of the ground.

(IAC, 567-69.1[3])

98.06 MAINTENANCE OF SYSTEM. The owner of an on-site wastewater treatment and disposal system shall operate and maintain the system in a sanitary manner at all times and at no expense to the City.

98.07 SYSTEMS ABANDONED. At such time as a public sewer becomes available to a property served by an on-site wastewater treatment and disposal system, as provided in Section 95.05, a direct connection shall be made to the public sewer in compliance with these Sanitary Sewer chapters and the on-site wastewater treatment and disposal system shall be abandoned and filled with suitable material.

(Code of Iowa, Sec. 364.12[3f])

98.08 DISPOSAL OF SEPTAGE. No person shall dispose of septage from an on-site treatment system at any location except an approved disposal site.

98.09 MINIMUM LOT AREA. No permit shall be issued for any on-site wastewater treatment and disposal system employing sub-surface soil absorption facilities where the area of the lot is less than 20,000 square feet.

CHAPTER 99

SEWER SERVICE CHARGES

99.01 Sewer Service Charges Required	99.05 Payment of Bills
99.02 Rate	99.06 Lien for Nonpayment
99.03 Special Rates	99.07 Special Agreements Permitted
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99.01 SEWER SERVICE CHARGES REQUIRED. Every customer shall pay to the City sewer service fees as hereinafter provided.

(Code of Iowa, Sec. 384.84)

99.02 RATE. Each customer shall pay sewer service charges for the use of and for the service supplied by the municipal sanitary sewer system based upon the amount of water consumed as follows:

1. First 1,300 gallons or lesser amount per month @ \$11.03 (minimum bill);
2. All over 1,300 gallons per month @ \$11.67 per 1,000 gallons.

(Ordinance No. 04-204)

(Ordinance No. 07-212)

(Ordinance No. 08-203)

(Ordinance No. 09-216)

(Ordinance No. 10-203)

(Ordinance No. 11-200)

(Ordinance No. 16-205)

99.03 SPECIAL RATES. Where, in the judgment of the City Administrator and the Council, special conditions exist to the extent that the application of the sewer charges provided in Section 99.02 would be inequitable or unfair to either the City or the customer, a special rate shall be proposed by the City Administrator and submitted to the Council for approval by resolution.

(Code of Iowa, Sec. 384.84)

99.04 PRIVATE WATER SYSTEMS. Customers whose premises are served by a private water system shall pay sewer charges based upon the water used as determined by the City either by an estimate agreed to by the customer or by metering the water system at the customer's expense. Any negotiated, or agreed upon sales or charges shall be subject to approval of the Council.

(Code of Iowa, Sec. 384.84)

99.05 PAYMENT OF BILLS. All sewer service charges are due and payable under the same terms and conditions provided for payment of a combined service account as contained in Section 92.04 of this Code of Ordinances. Sewer service may be discontinued in accordance with the provisions contained in Section 92.05 if the combined service account becomes delinquent, and the provisions contained in Section 92.08 relating to lien notices shall also apply in the event of a delinquent account.

99.06 LIEN FOR NONPAYMENT. The owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for sewer service charges to the premises. Sewer service charges remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the City Administrator to the County Treasurer for collection in the same manner as property taxes.

(Code of Iowa, Sec. 384.84)

99.07 SPECIAL AGREEMENTS PERMITTED. No statement in these chapters shall be construed as preventing a special agreement, arrangement or contract between the Council, and any industrial concern whereby an industrial waste of unusual strength or character may be accepted subject to special conditions, rate and cost as established by the Council.

CHAPTER 100

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Sec. 100.194. Rejection of waste loads.

Sec. 100.195. Treatment fees for hauled wastes.

Sec. 100.196. Enforcement.

Sec. 100.197. Notice of violation--administrative penalties--corrective action order.

Sec. 100.198. Penalties.

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REGULATION OF INDUSTRIAL WASTEWATER, COMMERCIAL WASTEWATER AND HAULED WASTE

DIVISION 1. GENERAL PROVISIONS REGARDING INDUSTRIAL WASTE

Sec. 100.01. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Act or Clean Water Act means the 1972 Federal Water Pollution Control Act, the 1977 Clean Water Act, and the 1987 Water Quality Act, as amended.

Approval authority means the Iowa Department of Natural Resources.

Authorized representative means:

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

Baseline monitoring report means the report required by 40 CFR 403.12(b)(1-7).

Biochemical oxygen demand (BOD) means the analysis of BOD as described in Environmental Protection Agency methods.

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

Building sewer or lateral sewer means the sewer extending from the building drain to the connection with the POTW.

Bypass means the intentional diversion of waste streams from any portion of an industrial user's pretreatment facility.

Carbonaceous Biochemical Oxygen Demand (CBOD) means the analysis of BOD as described in Environmental Protection Agency methods while inhibiting the nitrogenous oxygen demand.

Categorical user means a user subject to National Categorical Pretreatment Standards.

Chemical oxygen demand (COD) means the measurement of the susceptibility of a sample to oxidation by a strong chemical oxidant expressed in mg/l and using Environmental Protection Agency methods.

City means the political subdivision known as the City of Bondurant, Iowa, and also means the territory within the corporate boundaries of the City of Bondurant.

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

Combined waste stream formula means the formula as found in 40 CFR 403.6(e).

Composite sample means a representative sample using a minimum of three grab sample aliquots obtained over a period of time and mixed, using either a flow proportional or time proportional method.

Conventional pollutant means BOD, COD, O&G, suspended solids, pH, ammonia nitrogen, total Kjeldahl nitrogen and fecal coliform bacteria.

County means the political subdivision known as Polk County, and also means the territory within the boundaries of Polk County.

County sanitary sewer system or sanitary sewer system means the local outfall sewers, trunk sewers, pumping stations, force mains, and wastewater equalization basins, and all other structures, devices and appliances appurtenant thereto, which are used for collecting, conveying or storing wastewater and which serve and are owned, operated and maintained by the county or by a sanitary district serving the county.

Discharge or indirect discharge means the introduction of treated or untreated wastewater into the POTW.

Dissolved solids means the concentration of residue left in an evaporating dish after evaporation and drying at defined temperatures using Environmental Protection Agency methods or standard methods.

Domestic wastewater means all household-type waste discharged from places of human habitation, including toilet, bath, kitchen and laundry wastewater. *Domestic wastewater* is further defined as waste which does not exceed daily maximum limits of 300 mg/l COD, 200 mg/l BOD, 250 mg/l suspended solids, 100 mg/l oil & grease, 30 mg/l TKN, and 15 mg/l NH₃-N at a discharge rate of 100 gallons per capita per day. This loading is equal to 0.25 pound of COD, 0.17 pound of BOD, 0.20 pound of suspended solids, 0.083 pound of oil & grease, 0.025 pound of TKN and 0.013 pound of NH₃-N per capita per day.

Domestic user means a person discharging only domestic wastewater to the POTW, which wastewater is discharged from any building or parts of a building designed for or occupied by one or more persons as a single housekeeping unit, including such units within multifamily dwellings and apartment buildings, which building or premises is a source of wastewater discharge into a POTW.

Environmental Protection Agency or *EPA* means the U.S. Environmental Protection Agency

Environmental Protection Agency methods means standard procedures for wastewater analysis approved by the U.S. Environmental Protection Agency and prescribed in 40 CFR 136, and includes alternate methods approved by the approval authority.

E. Coli or *Escherichia coli* means bacteria that are a member of the fecal coliform group and whose presence indicates fecal contamination in water.

Fecal coliform means bacteria common to the intestinal tracts of humans and animals whose presence in water is an indication of pollution.

Fat, oil, and grease or *oil and grease* or *FOG* means those substances, which are detectable and measurable using analytical test procedures established in 40 CFR 136, as may be amended from time to time. All are sometimes referred to herein as “grease” or “greases”.

Garbage means solid waste from the domestic and commercial preparation, cooking and dispensing of food, and from the commercial handling, storage and sale of produce.

Grab sample means a single aliquot sample collected either directly or by means of a mechanical device.

Headworks means the main wet well at the WRF prior to any treatment process.

Industrial user means a person whose property, building or premises is a source of wastewater discharge into the POTW, other than a domestic user.

Industrial waste means the liquid waste from industrial users as distinct from domestic sewage.

Interference means a discharge which, alone or in conjunction with a discharge or discharges from other sources, which both:

- (1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal, and
- (2) Causes a violation of any requirement of the WRA's National Pollutant Discharge Elimination System permit (including an increase in the magnitude or duration of a violation) or prevents sewage sludge use or disposal in compliance with any federal, state or local regulations or permits.

Limit means the maximum allowable discharge of a given pollutant as in the following definitions:

- (1) Daily maximum limit or daily instantaneous maximum limit means the maximum allowable discharge of pollutant as measured at any time during a calendar day, expressed as either a concentration limit or a daily mass limit. It is a violation if the concentration limit on any single sample taken exceeds the discharge limits in the discharge permit for the user, or the discharge limits set forth in section 100.38.
- (2) Monthly average limit means the maximum allowable value for the average of all measurements of a pollutant obtained during one calendar month.

National Categorical Pretreatment Standards (NCPS) or *categorical standards* means any limitations on pollutant discharges to POTW promulgated by the U.S. Environmental Protection Agency that apply to specified process wastewater of particular industrial categories.

National Pollutant Discharge Elimination System (NPDES) permit means a permit issued pursuant to the Act.

New source means a source as defined by 40 CFR 403.3(k).

Nonconventional pollutants means all pollutants which are not included in the definition of conventional pollutants.

Non-Significant Categorical Industrial User (NSCIU) is a Categorical user which never discharges more than 100 gallons per day of total categorical wastewater, as defined in 40 CFR 403.3(v)(2).

NH₃-N means the ammonia nitrogen concentration in mg/l as determined using Environmental Protection Agency methods.-+

Pass through means a discharge which exits the POTW into water of the state in quantities or concentrations which, alone or in conjunction with a discharge from other sources, is a cause of a violation of any requirement of the WRA's National Pollutant Discharge Elimination System permit, including an increase in the magnitude or duration of a violation, or other permit issued to the WRA by the Iowa Department of Natural Resources or the U.S. Environmental Protection Agency.

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

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

Pollution means the alteration of chemical, physical, biological, or radiological integrity of water as a result of human activity or enterprise.

POTW treatment plant means that portion of the publicly owned treatment works, which is designed to provide treatment, including recycling and reclamation, of municipal sewage and industrial waste.

Pretreatment means the reduction, elimination, or alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into the POTW.

Pretreatment facility means the equipment used to accomplish pretreatment.

Pretreatment requirements means any substantive or procedural requirement related to pretreatment standards, imposed on an industrial user.

Pretreatment standards means, for any specified pollutant, the prohibitive discharge standards as set forth in section 100.37 of this article, the specific limitations on discharge as set forth in section 100.38 of this article, the state pretreatment standards or the National Categorical Pretreatment Standards, whichever standard is most stringent.

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

Publicly owned treatment works or *POTW* means and includes "POTW" treatment works as defined by section 212 of the Act, and which is owned by the Des Moines Metropolitan Wastewater Reclamation Authority or any of Participating Communities that make up the WRA. This definition includes any devices and systems used in the storage, treatment, recycling and

reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances if they convey wastewater to a POTW Treatment Plant.

Sampling chamber or *sampling maintenance hole* means a device or structure suitable and appropriate to permit sampling and flow measurement of a wastewater stream to determine compliance with this article.

Sanitary district means the Bondurant Sanitary district incorporated pursuant to I.C. chapter 358 and serving the City of Bondurant.

Severe property damage means substantial physical damage to property, damage to a pretreatment facility causing it to become inoperable, or substantial and permanent loss of natural resources, which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

Sewage means and includes wastewater as herein defined.

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

Significant user means:

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

Sludge means the solids separated from the liquids during the wastewater treatment process.

Slug or *slug load* means any discharge of water or wastewater, which in concentration of any pollutant measured, using a grab or composite sample, is more than five times the allowable concentration as set forth in sections 100.37 and 100.38 of this article or in a user's most recent wastewater discharge permit or which exceeds a slug concentration level specified in a wastewater discharge permit. A discharge with pH outside the allowable range by more than one standard unit (S.U.) or a flow rate in excess of two times the maximum flow limit established in a wastewater discharge permit shall also be considered a slug.

Standard industrial classification (SIC) means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, most recent edition.

Standard Methods means the laboratory procedures set forth in the latest USEPA approved edition of Standard Methods for the Examination of Wastewater prepared and published jointly by the American Public Health Association, the American Water Works Association, and the Water Environment Federation.

Storm sewer means a sewer which carries stormwater, surface water and drainage but excludes sewage and industrial waste other than unpolluted cooling water.

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

TKN means the Total Kjeldahl Nitrogen concentration expressed in mg/l as determined using Environmental Protection Agency Methods or Standard Methods.

Total metal means the sum total of the suspended and dissolved concentrations of a metal specified in a wastewater discharge permit or as specified in section 100.38 hereof.

Total suspended solids (TSS) means the portion of total solids retained by a filter using Environmental Protection Agency Methods or Standard Methods.

Total Toxic Organics (TTO) means the summation of all quantified values greater than 0.01 milligram per liter for the toxic organics as specified in the applicable regulation.

Toxic Pollutant means any pollutant or combination of pollutants listed in 40 CFR 403, appendix B.

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

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

User means a person discharging anything other than domestic wastewater into the POTW, and includes categorical users as herein defined.

Waste generator means any person which hauls or has hauled on its behalf wastewater it generates to the WRF.

Waste hauler means a private contractor licensed by the WRA to deliver wastewater to the WRF or other locations approved by the WRA director, and includes all persons required to have a license under section 100.187 of this chapter.

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

Wastewater discharge permit means the document issued to a user by the WRA in accordance with the terms of this article, which permits such user to discharge wastewater to the POTW.

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

WRA or *Wastewater Reclamation Authority* means the Des Moines Metropolitan Wastewater Reclamation Authority, an entity organized and existing under Chapters 28E and 28F of the Iowa Code, and established pursuant to the WRA Agreement. The term "WRA" means and includes the representatives of the Participating Communities on the WRA Board, and the officers and employees of the WRA.

WRA agreement means the Amended and Restated Agreement for the Des Moines Metropolitan Wastewater Reclamation Authority, approved and executed by the WRA and its Participating Communities and effective as of July 1, 2004.

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

WRA operating contractor or *operating contractor* means the City of Des Moines, pursuant to the Initial Operating Contractor executed by the City of Des Moines and the WRA Board on and as of July 1, 2004, or such successor operating contractor as the WRA shall contract with to provide operation and management services to the WRA.

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

WRA wastewater collection and conveyance system or *WCCS* means the WRA sanitary sewer interceptors and extensions to same, detention basins, equalization basins, storage facilities, pumping stations, force mains and all related property and improvements.

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

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

Sec. 100.02. Abbreviations.

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

BETX	Benzene, ethylbenzene, toluene, and xylenes(total)
BOD	Biochemical oxygen demand
BMR	Baseline monitoring report
C	Celsius
CFR	Code of Federal Regulations
COD	Chemical oxygen demand
EPA	Environmental Protection Agency
F	Fahrenheit
GPD	Gallons per day
IDNR	Iowa Department of Natural Resources
lb/day	Pounds per day
mgd	Million gallons per day
mg/l	Milligrams per liter
NCPS	National Categorical Pretreatment Standards or Categorical Standards
NH3-N	Ammonia nitrogen
NPDES	National Pollution Discharge Elimination

	System
O&G	Oil and grease
POTW	Publicly owned treatment works
SCP	Spill control plan
SIC	Standard industrial classification
SNC	Significant noncompliance
RCRA	Resource Conservation and Recovery Act
TCLP	Toxicity characteristic leaching procedure
TFE	Trichlorotrifluoroethane
TKN	Total Kjeldahl nitrogen
TOH	Total organic hydrocarbons
TPH	Total purgeable hydrocarbons
TRC	Technical review criteria
TSS	Total suspended solids
TTO	Total toxic organics
USC	United States Code
U.S. EPA	United States Environmental Protection Agency

Sec. 100.03. General adoption.

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

Sec. 100.04. Intent and construction.

This article seeks to implement provisions of the Act, the general pretreatment regulations found at 40 CFR, Part 403, and the Iowa Administrative Code, chapter 567, sections 62.4 and 62.8. This article is to be construed and applied in accordance with the Clean Water Act amendments, the general pretreatment regulations, the Iowa Administrative Code and the purpose and policy provision set forth in section 100.05 of this division.

Sec. 100.05. Purpose and policy.

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

(b) The objectives of this article are to:

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

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

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

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

Sec. 100.06. Jurisdiction.

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

Sec. 100.07. Severability.

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

Sec. 100.08. Interpretation.

This article shall be construed and interpreted to conform with 40 CFR I, and it is the intent of this article that it complies with the federal regulations.

Secs. 100.09—100.35. Reserved.

DIVISION 2. WASTEWATER TREATMENT AND PRETREATMENT

Sec. 100.36. User requirements.

- (a) The following requirements shall apply to all users of the POTW:
 - (1) All users shall promptly notify the WRA director in advance of any substantial change in the volume or character of pollutants in their discharge.
 - (2) New or increased contributions of pollutants or changes in the nature of pollutant discharged to the POTW shall require prior approval by the WRA director.
 - (3) Industrial users shall notify the WRA director, the Environmental Protection Agency Regional Waste Management Division Director, and state hazardous waste authorities in writing of any discharge into the POTW of a substance, which if otherwise disposed of, would be a hazardous waste under 40 CFR 261. The notification shall comply with the requirements set forth in 40 CFR 403.12(p).
 - (4) Discharge of any pollutants without the notice and approval required by this section is prohibited. Upon the receipt of notice required by this section, the WRA director shall within 180 days or less approve the discharge if he or she finds the proposed discharge meets applicable pretreatment standards and requirements and would not cause the WRA to violate its National Pollutant Discharge Elimination System permit. The WRA director shall deny permission for the discharge if he or she finds applicable pretreatment standards and requirements are not met or the discharge would cause a violation of the National Pollutant Discharge Elimination System permit for the WRF. In lieu of denial of permission for discharge, the WRA director may allow such discharge or contribution upon conditions, which would not violate applicable pretreatment standards or requirements and would not cause a violation of the National Pollutant Discharge Elimination System permit for the WRF.
 - (5) Food Service Establishments shall be regulated first under Division 5 of this ordinance but may be required to obtain a wastewater discharge permit and be subject to the requirements of Divisions 1-4 if the WRA Director determines that additional pretreatment is required in order to comply with Fat, Oil, & Grease discharge limits.
- (b) Any part of this section notwithstanding, upon receipt of the notice required by this section, the WRA director may require, in addition to the requirements of this section, that an industrial user obtain a permit under this article.
- (c) Users who are determined to be industrial users as herein defined and who refuse to apply for or obtain a wastewater discharge permit shall be subject to termination of sewer services as provided in section 100.127 hereof.

Sec. 100.37. Discharge prohibitions.

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

- (1) Pollutants creating a fire or explosion hazard in the POTW, including but not limited to waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Celsius) using test methods referenced in 40 CFR 261.21. Waste streams shall not be ignitable at ambient temperatures. At no time shall two successive readings on a meter capable of reading L.E.L. (lower explosive limit) at the nearest accessible point to the POTW, at the point of discharge into the POTW or at any point in the POTW, be more than five percent nor any single reading greater than ten percent.
- (2) Any substance, which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0 or greater than 12.0.
- (3) Solid or viscous pollutants which will cause obstruction to the flow in the POTW resulting in interference. Such pollutants include but are not limited to grease, garbage with particles greater than one-half inch any dimension, animal tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood, plastics, tar, asphalt residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing waste, or tumbling and de-burring stones, and wastewater containing fat, wax, O&G, or other substances, which may solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit (0 and 65 degrees Celsius).
- (4) Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate or pollutant concentration, which will cause interference or pass through at the WRF or which constitutes a slug load as defined in this article.
- (5) Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case wastewater or vapor having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius) at the point of introduction into the POTW, and in no case wastewater or vapor, which alone or in concert with other discharges produces a temperature at the WRF greater than 104 degrees Fahrenheit (40 degrees Celsius).
- (6) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.
- (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems or a public nuisance.

- (8) Any trucked or hauled pollutants, except at discharge points designated by the WRA.
- (9) Any radioactive material as defined in the Atomic Energy Act of 1954, as amended, and as defined in I.C. §136C.1, except materials which meet conditions of disposal by release into sanitary sewerage pursuant to 10 CFR 20.2003. .
- (10) Any wastewater containing concentrations of inert suspended solids, such as but not limited to fuller's earth, lime slurries, and lime residues, or of dissolved solids, such as but not limited to, sodium chloride and sodium sulfate, which exceed 3,000 mg/l nonvolatile or 3,000 mg/l total dissolved solids unless approved by the WRA director.
- (11) Pollutants causing excessive discoloration, such as but not limited to dye waste and vegetable tanning solutions.
- (12) Hazardous Waste Pharmaceuticals for human or animal use as defined in 40 CFR 266.500.0

Sec. 100.38. Local limits for specific pollutants.

(a) Generally. Local limits for specific pollutants discharged pursuant to this article shall be as follows:

(1) Dilution. Dilution of the discharge from a pretreatment facility or from a regulated process is prohibited as a method for treatment of wastes in order to meet the limits set forth in this article.

(2) Sample location. Measurement of pollutant concentrations to determine compliance shall be made at the point immediately following the pretreatment facility and before mixture with other waters, unless another point is designated by the WRA director. If necessary, the concentrations so measured shall be recomputed to exclude the effect of any dilution that is improper using the combined waste stream formula.

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

	30-Day Average Allowable Pounds/Day	
Pollutant	Total	Industrial

BOD	195,600	135,153
TSS	300,400	208,463
NH3	13,000	6,959
TKN	27,760	16,950
	Maximum Allowable Headworks Loading Pounds/Day	Maximum Allowable Industrial Loading Pounds/Day
Pollutant	Total	Industrial
Arsenic-T	4.24	3.87
Cadmium-T	2.71	2.54
Chromium-T	170.12	159.92
Copper-T	83.03	60.85
Cyanide-T	20.80	18.77
Lead-T	15.74	13.59
Mercury-T	0.63	0.59
Nickel-T	48.47	45.80
Silver-T	32.51	30.38
Zinc-T	201.54	158.34

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

(1) The discharge into the POTW of any materials, water or waste having a pollutant concentration greater than the limits in subsections (c)(3), (4), and (5) of this section or containing pollutants not listed in this subsection shall be subject to the review and approval of the WRA director. After review of the proposed discharges, the WRA director may:

- (a) Reject the waste for reasons consistent with section 100.05 of this article.
- (b) Require pretreatment to an acceptable pollutant concentration for discharge to the POTW.
- (c) Require control of the quantities and rates of discharge of the water or waste.
- (d) Require payment to cover the added cost of handling and treatment of water and waste or any combination thereof.
- (e) Reduce the maximum or average mass loading of present and prospective individual users on any reasonable prorated basis to meet headworks loading limits at the WRF.
- (f) Require the user to obtain a wastewater discharge permit and be subject to any of the rules and regulations contained therein.

- (g) Require the user to meet local limits when local limits are more restrictive than National Categorical Pretreatment Standards, provided that headworks loading limits are met.
- (h) Initiate enforcement action in response to any noncompliance with this article using the enforcement procedures outlined in this article.
- (i) Take any combination of the steps in subsections (c)(1)a through (c)(1)g, as appropriate.
- (2) Users discharging wastewater to the whose pollutant concentrations or flows are greater than the following shall be considered industrial users for purposes of sewer charges and may be regulated or permitted by the WRA director as appropriate:

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

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

Pollutant	Daily Maximum (mg/l)	Monthly Average (mg/l)
Arsenic-T	0.39	0.26
Cadmium-T	0.15	0.10
Chromium-T	13.33	8.89

Copper-T	3.44	2.29
Cyanide-T	1.25	0.83
Lead-T	0.61	0.41
Mercury-T	0.03	0.02
Nickel-T	4.20	2.80
O&G-T	400.0	
O&G-Mineral	100.0	
Silver-T	3.04	2.03
TPH	10.0	
Zinc-T	5.99	3.99

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

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

(4) Daily maximum pollutant limits for waste haulers. Wastes delivered to the WRF by truck or rail shall not exceed the following maximum concentrations in any load:

Pollutant	mg/l
COD	100,000
O&G-T	50,000
Arsenic-T	0.04
Cadmium-T	2.70
Chromium-T	72.0
Copper-T	69.0
Cyanide-T	0.75
Lead-T	19.5
Mercury-T	0.35
Nickel-T	10.8
Zinc-T	255.0
TPH	10.0

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

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

Pollutant	mg/l
Benzene	0.050

BETX	0.750
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(d) No subsection of this section shall be construed to provide lesser discharge standards, than are or that may be imposed and required by U.S. Environmental Protection Agency or the Iowa department of natural resources, nor to allow the average allowable total loading for any pollutant at the headworks of the WRF to be exceeded.

Sec. 100.39. National Categorical Pretreatment Standards.

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

Sec. 100.40. State requirements.

State of Iowa requirements and limitations on discharges pursuant to this article shall apply when they are more stringent than U.S. Environmental Protection Agency WRA requirements and limitations unless allowed by the Iowa department of natural resources.

Sec. 100.41. City's right of revision.

The city acting at the direction of the WRA, reserves the right to establish more stringent limitations or requirements on discharges to the POTW than those contained in this article if deemed necessary to comply with the purpose and policy objectives presented in section 100.05 of this article.

Sec. 100.42. Pretreatment.

(a) A user discharging or with potential to discharge any waste into the POTW as set forth in section 100.37, 100.38 or 100.39 of this division shall be required by the WRA director to construct, install and operate, at the user's sole expense, such pretreatment facilities as may be required in order to:

- (1) Reduce the objectionable characteristics or constituents of wastewater to within the maximum limits provided for in sections 100.37, 100.38, 100.39 and 100.40 of this article.
- (2) Control the quantities and rates of discharge of such wastewater.
- (3) Reduce the pollutants to such concentration and flows as may be contained in the user's wastewater discharge permit.

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

(b) All plans, specifications, technical operating data and other information pertinent to the proposed operation and maintenance of pretreatment facilities shall be reviewed and approved by the WRA director prior to construction. Design and installation of such facilities shall be subject to the requirements of all applicable codes, chapters and laws, including local zoning regulations. The review and approval of such plans and operating procedures shall, in no way, relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the WRA director under this article. Any subsequent changes in the pretreatment facilities or method of operations shall be reported to and be acceptable to the WRA director prior to the user's initiations of the changes.

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

(d) No section contained in this article shall be construed to prevent or prohibit a separate or special agreement between the WRA and any user whereby wastewater containing waste of unusual strength, character or composition may be accepted for treatment, subject to additional payment by such user; provided, however, that such agreement shall have the prior approval of the WRA Board, shall not conflict with the Iowa department of natural resources and U.S. Environmental Protection Agency requirements, and shall be consistent with subsection 100.38(b) and sections 100.39 and 100.40 of this article, and subsection (f) of this section.

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

(f) Users shall obtain the specific approval of the WRA director prior to discharging any waste resulting from a pretreatment facility to the POTW. The WRA director may develop a documentation system to track the transportation and final disposition of any pretreatment waste. Pretreatment waste regulated by this subsection shall include waste generated as a result of pretreatment processes used to comply with National Pollutant Discharge Elimination System permits, air pollution permits, wastewater discharge permits, soil/groundwater reclamation processes, and pollutants resulting from a spill of any liquid or solid material or the cleanup of any such spill. Pretreatment waste is prohibited from disposal to the water of the state except as specifically permitted by the Iowa department of natural resources.

Sec. 100.43. Dilution prohibited.

Users shall not increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate pretreatment to achieve compliance with the limitations contained in the National Categorical Pretreatment Standards, or with any other pollutant-specific limitation developed by the WRA or its Operating Contractor.

Sec. 100.44. Spill containment.

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

(b) Users meeting the criteria in subsection (a) of this section shall develop a spill containment plan. The plan shall require the approval of the WRA director and shall contain the following:

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

(2) A description of stored chemicals.

(3) Procedures for immediately notifying the WRA of slug discharges, including any that would violate the discharge prohibitions in section 100.37 of this division. Notification procedures shall comply with subsections (c) and (d) of this section.

(4) A description of procedures and structures necessary to prevent adverse impacts upon the POTW from accidental spills including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants including solvents, and/or measures and equipment for emergency response.

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

(c) Users shall immediately telephone and notify the WRA of any accidental or deliberate discharge of pollutants which violates section 100.37 of this division or which is a slug load. Any discharge into the POTW of a substance which is a listed or characteristic waste under section 3001 of RCRA must be immediately reported to the U.S. Environmental Protection Agency Regional Director, the Iowa department of natural resources, and the WRA. Notifications required in this subsection shall include the name of caller, location and time of discharge, pollutant concentration, volume and the corrective actions taken.

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

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

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

Sec. 100.45. Treatment upsets.

Users shall inform the WRA director within one hour of becoming aware of an upset in operations that places it in a temporary state of noncompliance with the pollutant limits in this article. Users shall provide a follow-up written report to the WRA director within five days. The report must demonstrate that the pretreatment facility was being operated in a prudent and appropriate manner and shall contain:

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

Sec. 100.46. Treatment bypass.

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

- (b) The user may allow a bypass to occur which does not cause a violation of pretreatment standards, but only if it is for essential maintenance to ensure efficient operation.
- (c) Notification of bypass shall be submitted in accordance with the following:
 - (1) Anticipated bypass. If the user knows in advance of the need for a bypass, it shall submit prior written notice, at least ten days before the date of the bypass, to the WRA director.
 - (2) Unanticipated bypass. The user shall immediately notify the WRA director and submit a written report to the WRA within five days. This report shall specify the following:
 - (a) A description of the bypass, its cause, and the duration.
 - (b) Whether the bypass has been corrected.
 - (c) The steps being taken or to be taken to reduce, eliminate and prevent a reoccurrence of the bypass.
 - (d) Proper notification shall not relieve the user of liability for treatment costs and fees or other remedies as provided for in section 100.42 of this division.

Sec. 100.47. Fees.

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

- (1) All users shall be subject to the following fees and charges:
 - (a) The one-time wastewater discharge permit application fee shall be \$200.00 for a class A permit and \$100 for a class B permit. The wastewater discharge permit application fee shall be \$200.00 for a class A permit, \$100 for a class B permit, and \$100 for a soil/groundwater remediation permit.
 - (b) The annual fee for a class A wastewater discharge permit, including annual inspection of permitted users, shall be \$1,500.00 .
 - (c) The annual fee for a class B wastewater discharge permit, including annual inspection of permitted users if completed or applicable, shall be \$750.00.
 - (d) The fee paid by each industrial user when an accidental discharge or slug load occurs shall be the total costs incurred by the WRA as a result of said discharge or load. Said fee may be charged by the WRA separately from and in addition to a civil penalty of up to \$1,000.00 charged to the user under section 100.125 of this article related to said discharge or load.

(e) The trip charge for sampling or inspecting a user's discharge shall be \$50.00 per event. An equipment fee of \$50.00 per event shall also apply when using a WRA-owned automatic sampler. When a sampling or inspection event must be rescheduled due to failure of the user's sampling equipment, a sampler seal (used to detect sample tampering) being broken, monitoring facilities not being readily accessible or operational, or any other reason beyond the control of the WRA, a trip charge of \$50.00 shall be assessed. (f) Laboratory analysis fees for those analyses performed by the WRA shall be as follows:

LABORATORY ANALYSIS FEES

Test		Cost/Sample
BOD		\$ 20.00
COD		20.00
Total Organic Carbon (TOC)		20.00
TSS		10.00
pH		5.00
Oil and grease		
	Total	35.00
	Mineral/non-mineral	35.00
Nitrogen, ammonia		15.00
Nitrogen, nitrate		15.00
TKN		30.00
Phosphorous, total		25.00
Potassium		12.00
Calcium carbonate equivalent		15.00
Soil analysis, each pollutant		20.00
Phenols		28.00
Cyanide		30.00
Metals:		
	Arsenic	20.00
	Selenium	20.00
	Mercury	25.00
	Other metals (per parameter)	15.00
	BETX (OA-1)	40.00
	TPH (OA-1)	40.00
	BETX & TPH (OA-1)	45.00
USEPA Tests:		
	608 Organochlorine Pesticides & PCBs	70.00
	624 Volatile Organic Compounds	140.00
	625 Base/Neutral Organic	290.00

	Compounds and/or	
	625 Acid/Organic Compounds	290.00

(g) Fees for analysis performed by laboratories other than the WRA laboratory shall be the full cost of each analysis.

(h) Fees for rescheduling a scheduled inspection with WRA personnel, with less than 24 hours' notice or if appropriate facility managers are unavailable at the scheduled time of inspection, shall be \$100.00 per rescheduled inspection.

(i) Fees for copying and mailing documents shall be \$1.00 for the initial page and \$0.25 for each additional page plus postage. No charges shall be assessed for requests for copies received from individuals or agencies served by the WRA, provided the number of pages requested does not exceed ten.

(j) Fees for past due reminders sent each 30 days that a balance remains unpaid shall be \$5.00.

(k) Prohibitive waste charges for each pollutant discharged in excess of permit or ordinance limits shall be \$50.00 per violation for class B permit holders and \$100.00 per violation for class A permit holders. Charges shall double if discharges exceed slug threshold values. Payment of fees does not preclude other enforcement action and may not be paid in lieu of compliance with discharge limitations.

(l) At the WRA's discretion, administrative cost recovery fees may be assessed separately to a user or added to a user's disposal fee for actions or occurrences subject to division 6 of this article which result in the need for additional labor, equipment, and/or materials from the WRA or its contractors, including but not limited to cleanup of spills, infrastructure maintenance, improper scale transactions, improper disposal, and waste source verification. Fees shall be assessed based on the actual costs incurred by the WRA, or on the estimated costs incurred by the WRA rounded down to the nearest multiple of twenty based on actual rates for labor, materials, and equipment with a minimum fee of not less than \$20.00. Fees under this section (l) will be charged in addition to charges, fines, fees, or other costs associated with rejected, unapproved, or atypical wastes under sections 100.194 and 100.195 of this chapter.

(2) All users contributing wastewater in excess of the following concentrations shall be assessed a surcharge, which shall be in addition to the rates and charges ordinarily billed to such users for sewer use. Commencing October 1, 2022, until June 20, 2025, surcharges shall be assessed in accordance with the following rate schedule:

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

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

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

Ammonia nitrogen (NH₃-N) in excess of 15 mg/l may be used at the discretion of the WRA director in lieu of TKN by multiplying the excess NH₃-N concentration times two to establish an equivalent TKN concentration.

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

Secs. 100.48—100.75. Reserved.

DIVISION 3. INDUSTRIAL WASTEWATER DISCHARGE PERMITS AND REPORTING REQUIREMENTS

Sec. 100.76. Classes of permits.

Discharge permit classifications shall be as follows:

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

Sec. 100.77. Permit requirements.

- (a) All new industrial users shall notify the WRA director of the nature and characteristics of their proposed discharge 180 days prior to commencing discharge. A notification form prescribed by the WRA shall be used for this purpose
- (b) Significant users shall discharge wastewater, either directly or indirectly, into the POTW only after obtaining a wastewater discharge permit from the WRA director. Obtaining a wastewater discharge permit does not relieve a user of the obligation to obtain other permits required by federal, state, or local law.
- (c) Other users, including waste haulers, shall obtain permits as required by the WRA director.

Sec. 100.78. Permit applications; baseline monitoring reports; compliance schedules.

Users applying for a wastewater discharge permit or categorical users submitting a baseline monitoring report shall submit the following information as required by 40 CFR 403.12 or by the WRA director:

- (1) Users applying for a wastewater discharge permit must submit an application form prescribed by the WRA and accompanied by the application fee. All new significant users must submit such application 180 days prior to the date of any wastewater discharge.
- (2) Existing users subject to new National Categorical Pretreatment Standards must, within 180 days after the effective date of the standard, submit a baseline monitoring report prescribed by the WRA. New users subject to National Categorical Pretreatment Standards must submit a baseline monitoring report prescribed by the WRA at least 90 days prior to commencement of discharge to the POTW. A baseline monitoring report shall include:
 - (a) Name, address, and location of the facility, if different from the mailing address.

- (b) Name of the operator and owners of the facility.
- (c) A list of all environmental control permits held by or for the facility. (d) A description of the operations including the average rate of production, applicable Standard Industrial Classification (SIC) codes, schematic process diagrams, and points of discharge to the POTW from regulated processes.
- (e) Daily average and daily maximum flow measurements for regulated process waste streams and nonregulated waste streams where necessary.
- (f) The categorical user shall identify the pretreatment standards applicable to each regulated process and shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required) of pollutants contained therein which are limited by the applicable pretreatment from each regulated process.
- (g) The user shall take a minimum of one representative sample immediately downstream of any pretreatment facility or immediately downstream of each regulated process if no pretreatment exists and prior to mixing with other waste to compile that data necessary to comply with this requirement. If non-regulated wastewater is mixed with regulated wastewater prior to pretreatment, the user must measure the flows and concentrations necessary to allow use of the combined waste stream formula of 40 CFR 403.6€ in order to evaluate compliance with pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6€, this adjusted limit along with supporting data shall be submitted to the WRA director. Sampling and analysis shall be performed in accordance with 40 CFR 136 or other verified method approved by the WRA director.
- (h) The time, date, and place of sampling methods of analysis, and certification that such sampling and analysis is representative of normal work cycles and cycles and expected pollutant discharges to the POTW.
- (i) Historical data may be allowed by the WRA director so long as the data provides information sufficient to determine the need for industrial pretreatment measures.
- (j) Certification by an authorized representative of the user as reference in section 100.88 and certified to by a qualified professional indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance or additional pretreatment is required for ht user to meet pretreatment standards and requirements.
- (k) If additional pretreatment or O&M will be required to meet pretreatment standards, requirements, discharge limits as set forth in section 100.37, 100.38, 100.39 of this article, or any other limit set by the WRA director, the user shall supply a compliance schedule indicating the shortest time schedule necessary to accomplish installation or adoption of such additional pretreatment or O&M. The completion date in this schedule shall not be later than the

compliance date established for the applicable pretreatment standard. The following conditions apply to this schedule:

i. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards. Such schedule shall include, where applicable, but shall not be limited to dates for the hiring of an engineer, completing preliminary plans, executing contracts for major components, commencing construction, beginning operation, and conducting routine operations.

ii. No increment referred to in subsection (2)k.i of this section shall exceed nine months, nor shall the total compliance period exceed 18 months.

iii. No later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the WRA director, including, at a minimum, whether or not it complied with the increment of progress, the reason for any delay, and the steps being taken by the user to return to the established schedule. In no event shall more than nine months elapse between such progress reports to the WRA director.

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

(3) New significant users not subject to categorical standards shall submit analysis of wastewater representative of the effluent discharged to the POTW as required in subsections (2)g-i of this section for all parameters deemed necessary by the WRA director.

(4) New or existing industrial users not subject to categorical pretreatment standards who fail to meet local, state, or federal pretreatment standards or other permit requirements on a consistent basis shall be subject to compliance schedules for additional pretreatment or O&M as outlined in subsection (2)k of this section.

(5) All applications and reports must contain the certification statement and be signed in accordance with section 100.88 of this division.

(C79, § 16-91.11; O.10,361; C85, § 16-91.11; O.11,490; C91, § 21-97; O.11,716)

Sec. 100.79. Report on compliance by categorical users.

Users subject to National Categorical Pretreatment Standards shall submit a report to the WRA director containing the information described in sections 100.78(2) within 90 days following the date for final compliance with applicable National Categorical Pretreatment Standards or, if a new source, following commencement of discharge. Users subject to equivalent mass or concentration limits shall provide a reasonable measure of the user's long-term production rate. For all other users subject to National Categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production or other measure of operation, this report shall include the user's actual production during the appropriate sampling period. All reports must contain the certification statement and be signed in accordance with section 100.88 of this division.

Sec. 100.80. Permit contents.

Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the WRA director to prevent pass through or interference; protect the quality of the water body receiving effluent from the POTW; protect worker health and safety; facilitate the WRA's sludge management and disposal program; and protect against damage to the POTW. The WRA director may include the following items in the permit, and such additional items as the director determines necessary or prudent:

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

(9) Requirements for submission of technical reports or discharge reports and which may include production data.

(10) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the WRA director and affording the director or the director's representatives' access thereto.

(11) Requirements for the notification of any substantial change in the manufacturing processes, pretreatment processes, quantity or quality of waste discharged to the POTW 90 days prior to such change. The WRA director shall approve, deny or condition a changed discharge prior to a change occurring in accordance with subsection 100.36(a)(4) of this article.

(12) Requirements for notification of excessive, accidental, or slug discharges.

(13) Other conditions as deemed appropriate by the WRA director to ensure compliance with this article, and state and federal laws, rules, and regulations.

(14) A statement that compliance with the permit does not relieve the permittee of responsibility for compliance with all applicable federal pretreatment standards, including those which become effective during the term of the permit.

Sec. 100.81. Permit duration and renewal.

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

Sec. 100.82. Continuation of expired permits.

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

Sec. 100.83. Permit modifications.

(a) The WRA director may modify the permit issued pursuant to this division for good cause, including but not limited to the following:

(1) To incorporate any new or revised federal, state, or local pretreatment standard or requirement. After becoming aware of more stringent standards or requirements, the WRA will, as necessary, update permits within 90 days;

(2) To make material or substantial alterations or additions to the discharger's operation processes, or discharge volume or character which were not considered in drafting the effective permit;

- (3) To make a change in any condition in either the industrial user or the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
 - (4) Upon receipt of information indicating that the permitted discharge poses a threat to the POTW, to Bondurant, WRA or operating contractor personnel, or to the receiving water;
 - (5) Upon occurrence of a violation of any terms or conditions of the permit;
 - (6) Misrepresentation of, or grant of variance from, such categorical standards pursuant to 40 CFR 403.13;
 - (7) To correct typographical or other errors in the permit;
 - (8) To reflect transfer of ownership or operation of the permitted facility to a new owner or operator; or
 - (9) Upon request of the permittee, provided such request does not create a violation of any applicable requirements, standards, laws, or rules and regulations.
- (b) The filing of a request by the permittee for permit modification, revocation and reissuance, termination, or a notification of planned changes or anticipated noncompliance shall not have the effect of staying or delaying the implementation or effective date of any permit condition.

Sec. 100.84. Permit transfer.

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

Sec. 100.85. Denial of permit.

The WRA director may deny a wastewater discharge permit to any user whose discharge of material to the POTW, whether shown upon application, including test results submitted by the applicant, or determined after inspection or testing conducted by the WRA or its operating contractor, is not in conformity with this article or whose application is incomplete or does not comply with the requirements of section 100.78 of this division.

Sec. 100.86. Permit violations.

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

Sec. 100.87. Periodic compliance reports.

Under this division, periodic compliance reports are required as follows:

- (1) Significant users shall submit to the WRA director, during the months of January and July, a report indicating the nature, concentration, and flow of pollutants in the effluent which are limited by permit or pretreatment standards for the preceding six-month period. This report shall include a record of the monthly average flows and the daily flow for each analysis date during the reporting period. At the discretion of the WRA director and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the WRA director may agree to alter the months during which the reports are to be submitted. More frequent reports may be required by the WRA director.
- (2) The WRA director may impose mass limitations on users. In such cases, the report required by subsection (1) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. All analyses shall be performed using Environmental Protection Agency approved methods using sampling techniques approved by the Iowa Department of Natural Resources.
- (3) Users shall meet the certification and signatory requirements in section 100.88 of this division for each report submitted under this section. Where the WRA itself collects all the information required for the report, including flow data, the industrial user will not be required to submit a periodic compliance report.
- (4) A user must notify the WRA director of all violations identified as a result of self-monitoring to the POTW by telephone, during normal business hours, within 24 hours of the time the user becomes aware of such violation. The user must also submit the results of repeat analyses to the WRA within 30 days after becoming aware of the violation, together with a complete report on all steps taken to resolve the violation. The user need not repeat the analyses if:
 - (a) The WRA performs sampling of the industrial user at a frequency of at least once per month; or
 - (b) The WRA performs sampling of the user between the time when the user performs its initial sampling and the time when the user receives the results of this sampling.
- (5) A user who monitors any pollutant more frequently than required by the WRA or who self-monitors in addition to WRA monitoring, using Environmental Protection Agency methods or standard methods, shall report the monitoring results to the WRA director in accordance with subsections (1), (3) and (4) of this section.

Sec. 100.88. Certification and signatory requirements.

- (a) All applications or reports submitted by a user pursuant to this division shall contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(b) All applications and reports shall be signed by an authorized representative of the user as defined in section 100.01 of this article. A user shall maintain a current and accurate authorization on file with the WRA director.

Sec. 100.89. Monitoring facilities.

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

(b) When required by the wastewater discharge permit and within 90 days of written notification, a user shall install a sampling chamber for each separate discharge of the building sewer in accordance with plans and specification approved by the WRA director. A user shall provide ample room in or near such sampling chamber to allow accurate sampling and preparation of samples for analysis. Each user shall at its expense maintain all sampling and measuring equipment in a safe and proper operating condition at all times, which equipment shall be safely, easily and independently accessible to authorized representatives of the WRA. Users shall certify all flow measuring devices to be in proper working condition at a frequency specified in the permit or in writing by the WRA director, using a qualified technician acceptable to the WRA director. Sampling shall be in accordance with the following:

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

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

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

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

Sec. 100.90. Inspection, sampling and recordkeeping authority.

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

(1) Users shall permit authorized representatives or agents of the WRA to enter upon all properties and all parts of the premises, or upon properties of users with wastewater discharge permits, for the purposes of inspection, sampling, records examination, records copying, or the performance of any of their duties. This shall include the right to set up, on the user's property, such devices as are necessary to conduct sampling, inspection, compliance monitoring, or metering operations as may be required in pursuance of the implementation and enforcement of this article.

(2) Where a user has security measures in force which would require proper identification and clearance before entry into the premises, the user shall make necessary arrangements in the security measures so that, upon presentation of suitable identification, WRA or operating contractor personnel will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

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

Sec. 100.91. Confidential documents, data and information.

(a) Except as provided in this section, documents, data and information obtained from user reports, questionnaires, permit applications and inspections pursuant to this division shall be made available to the public or other governmental agencies without restriction. If the user

specifically requests and is able to demonstrate that the release of such information would divulge information concerning processes or methods of production entitled to protection under law as trade secrets of the user or would give advantage to competitors and serve no public purpose, the WRA director may determine that such information should be kept confidential and not made available for public examination, but such information shall be available to the U.S. Environmental Protection Agency or the Iowa department of natural resources.

(b) Decisions by the WRA director to deny confidential status for information may be appealed using the procedures in section 100.92 of this division. In determining whether information is confidential, the provisions of I.C. ch. 22 shall prevail.

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

Sec. 100.92. Appeal of denial of confidential status.

(a) Any person aggrieved by the WRA director's decision to release information or data obtained as provided in subsection 100.91(a) of this division and who can demonstrate a direct and substantial interest in the information or data sought to be kept confidential may appeal the WRA director's decision. A request for appeal shall be filed in writing with the WRA director not less than five days after the WRA director's decision to deny confidential status to such information or data. The appeal request shall include a statement of the basis upon which the request for confidential status is made, as well as the appealing party's interest in the information or data sought to be kept confidential. The WRA director may request additional information from the appealing party.

(b) Based upon the information provided by the appealing party, the WRA director shall make a determination with respect to the confidentiality of the information or data at issue. The WRA director shall notify the parties, in writing, of the WRA director's decision within 7 days after receipt of the appeal.

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

(d) During the pendency of an appeal to the WRA director, the documents, data or information at issue shall be kept confidential. However, if during the pendency of such appeal, a request for examination or copying of such documents, data or information is made of the WRA or its operating contractor pursuant to I.C. ch. 22, the WRA or its operating contractor will notify the appealing party of such request for disclosure and will keep confidential the requested documents, data or information, pending action by the appealing party to defend its confidentiality request. In that notification, the appealing party requesting confidentiality will be

given not more than 5 calendar days within which to file suit in Polk County district court seeking the entry of a declaratory order and/or injunction to protect and keep confidential such documents, data or information. If the appealing party fails to initiate suit within the time requested, the WRA director shall release the documents, data or information at issue for public examination.

(e) If during the pendency of such appeal, a lawsuit is initiated pursuant to I.C. ch. 22 seeking the release of such documents, data or information, the appealing party shall take action to defend its confidentiality request in said lawsuit. If the appealing party fails to defend its confidentiality request in said suit, the WRA director shall release the documents, data or information at issue for public examination.

Secs. 100.93—100.120. Reserved.

DIVISION 4. ENFORCEMENT OF INDUSTRIAL WASTEWATER REGULATIONS

Sec. 100.121. Public notification of significant noncompliance.

The WRA will annually publish, in the largest daily newspaper published in the WRA community, a list of users who at any time during the previous 12 months were in significant noncompliance as defined in section 100.122 of this division.

Sec. 100.122. Significant noncompliance.

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

(1) Violations of wastewater discharge limits as follows:

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

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

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

- (c) Any other violation of a wastewater discharge permit limit (average or daily maximum) that the WRA director believes has caused, alone or in combination with other discharges, interference, including slug loads, or pass through or which endangers the health of Bondurant, WRA or operating contractor personnel or the public.
- (d) Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment and has resulted in the WRA's exercise of its emergency authority to halt or prevent such a discharge.
- (2) Violations of compliance schedule milestones, contained in a wastewater discharge permit or enforcement order, for starting construction, completing construction, or attaining final compliance by 90 days or more after the schedule date.
- (3) Failure to provide reports for compliance schedules, self-monitoring data, or any other report required by the WRA within 45 days from the due date.
- (4) Failure to accurately report noncompliance.
- (5) Any other violation or group of violations, which may include a violation of Best Management Practices, that the WRA director considers to be significant.
- (b) When a user is in significant noncompliance, the WRA director is directed to:
 - (1) Report the information to the Iowa Department of Natural Resources as part of the annual pretreatment performance summary of permitted user noncompliance.
 - (2) Include the user in the annual public notification according to section 100.121 of this division.
 - (3) Address significant noncompliance through appropriate enforcement actions or document in a timely manner the reasons for withholding enforcement.

Sec. 100.123. Administrative actions.

- (a) The WRA director may issue a written notice to the user giving the specific nature of violations which shall include the frequency, magnitude and impact of the violation upon the POTW. The notice may also include the following:
 - (1) An order requiring a plan of action for preventing reoccurrence of the violation.
 - (2) An order requiring specific action for accomplishing remediation.
 - (3) An order requiring the user to respond in writing within 30 days.
- (b) The WRA director is empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the user responsible for

any noncompliance. Such orders will include specific action to be taken by the user to correct noncompliance within a time period specified by the order.

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

Sec. 100.124. Actions authorized.

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

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

Sec. 100.125. Civil penalties.

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

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

(c) Any person who fails to perform an act required by the provisions of this article, or who commits an act prohibited by the provisions of this article, commits an environmental violation and shall be guilty of a municipal infraction, punishable by a civil. Violation of a pretreatment standard or requirement referred to in 40 CFR 403.8 is an environmental violation punishable by a civil penalty as provided in subsection (d) hereof.

(d) Whenever in this division any act is prohibited and is declared to be a municipal infraction or whenever in this division the doing of any act is required and the failure to do that

act is declared to be a municipal infraction, the violation of any such provision shall be punishable by a civil penalty of not more than \$500.00 for each violation or, if the infraction is a repeat offense, by a civil penalty of not more than \$750.00 for each repeat offense. However, a municipal infraction which is classified as an environmental violation or which arises from noncompliance with a pretreatment standard or requirement, referred to in 40 CFR 403.8, by an industrial user may be punishable by a civil penalty of not more than \$1,000.00 for each day a violation exists or continues. Each day a violation of a provision of this division continues shall be considered a separate municipal infraction.

Sec. 100.126. Performance and payment bonds.

- (a) The WRA director may decline to reissue a permit to any user who has failed to comply with this article or any order or previous permit issued under this article unless such user first files a satisfactory bond payable to the WRA in a sum not to exceed the value determined by the WRA director to be necessary to achieve compliance giving due consideration to the number and magnitude of previous violations, potential need for remediation and stating the reasons which support the amount of bond in a written order directed to the user, but in no case shall the bond be required to be greater than \$100,000.00. The user shall use a bond form prescribed by the WRA.
- (b) The WRA director may require any user, including any permitted or non-permitted waste generator which sends its wastewater by truck to the WRF, to obtain a bond payable to the WRA with reasonable surety in a penal sum which will adequately cover treatment costs, surcharges, fees, or any other charges associated with discharge of wastewater to the POTW in the amount as listed in section 100.188. The user shall use a bond form prescribed by the WRA.

Sec. 100.127. Revocation of discharge permit; termination of sewer service.

- (a) Grounds for revocation of discharge permit and/or for termination of sewer service. Any user who violates this article, any condition of its wastewater discharge permit, or any of the following is subject to having its discharge permit revoked and/or its sewer service terminated in accordance with the procedures of this section:
 - (1) Failure to accurately report the wastewater constituents and characteristics of its discharge.
 - (2) Failure of the user to report substantial changes in process activity or in volume or character of pollutants being discharged into the POTW at least 90 days prior to such change.
 - (3) Tampering with monitoring equipment.
 - (4) Refusal to allow reasonable access by WRA or operating contractor personnel to the user's premises for the purpose of inspection, monitoring, or sampling.
 - (5) Violation of permit conditions.

- (6) Failure to report an upset, failure, or bypass of the user's pretreatment facilities.
 - (7) Failure to pay fines, fees, surcharges, or sewer service charges.
 - (8) Failure to follow enforcement orders or compliance schedules.
 - (9) Failure to correct a condition that impedes or alters the WRA's ability to monitor the user's discharge or has the potential to cause interference or pass through.
 - (10) Failure to obtain a wastewater discharge permit as required by this article after notification by the WRA director that such permit is required.
 - (11) Failure to pay actual costs for negligent damage, or actual costs and penalties charged for grossly negligent or intentional damage, to the POTW not addressed elsewhere in this article.
- (b) Procedure for revocation of discharge permit and for termination of sewer service. The procedure for revocation of a discharge permit and termination of sewer service shall be as follows:
- (1) Any permit issued to a user pursuant to this article may be revoked, and sewer service terminated, by written order of the WRA director, specifying the grounds for such revocation and termination as outlined in subsection (a) of this section, which order shall not take effect until hearing thereon as hereafter provided. Upon determining that grounds exist for an order to revoke a user's discharge permit and terminate sewer service, the WRA director shall cause a notice of hearing to be prepared, specifying the violations of subsection (a) of this section which are deemed to have occurred, and the time, date and place that such hearing will be held. The notice shall be sent to the user by regular mail addressed to the user's address listed on the wastewater discharge permit a minimum of ten days prior to the date set for hearing, and shall be deemed delivered when placed in the mail.
 - (2) Sewer service may be terminated by written order of the WRA director, specifying the grounds for such revocation and termination as outlined in subsection (a)(10) of this section, which order shall not take effect until hearing thereon as hereafter provided. Upon determining that grounds exist for an order to terminate sewer service, the WRA director shall cause a notice of hearing to be prepared, specifying the violation of subsection (a)(10) of this section which is deemed to have occurred, and the time, date and place that such hearing will be held. The notice shall be sent to the user by regular mail addressed to the user's address a minimum of ten days prior to the date set for hearing, and shall be deemed delivered when placed in the mail.
 - (3) If after such a hearing the WRA director makes a finding based on substantial evidence that violations under subsection (a) of this section have occurred as alleged, the director may issue an order immediately revoking the permit, if a permit had previously been issued, and terminating sewer service to the user's premises. The determination to revoke such permit and terminate service, shall be in the discretion of WRA director and shall be dependent upon the

circumstances surrounding the user's violations of subsection (a) of this section and the severity of those violations. If the user does not appear for the hearing, the WRA director shall issue the order revoking the discharge permit and/or terminating sewer service, which shall take effect immediately.

(4) The decision and order of the WRA director to revoke the permit of a user may be appealed to the WRA appeal committee. Such appeal request shall be in writing, shall include the grounds for appeal including any factual findings which are disputed, and shall be delivered to WRA not less than 10 days after the director's entry of the order of revocation of permit and/or termination of sewer service. Such appeal request shall be considered delivered when placed in the mail, return receipt requested, addressed to:

WRA Appeal Committee
%Des Moines Metropolitan Wastewater Reclamation Authority
3000 Vandalia Road
Des Moines, Iowa 50326

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

(5) A user whose permit has been revoked shall not be eligible for another permit until 30 days after the violating conditions have been corrected to the satisfaction of the WRA director.

(6) Upon determination by the WRA director that the user's sewer service connection to the POTW be terminated, the director's written order shall be sent to the Bondurant public works department who shall cause the user's connection to the sewer to be severed or plugged. The manner of severance and procedure for disconnection shall be determined by the Bondurant public works department. Upon completion of the disconnection, the Bondurant public works department shall certify to the WRA director the city's cost to disconnect the user's sewer service. Upon receipt of such certification of costs, the WRA director shall forward to the user whose service was disconnected by registered mail return receipt requested, certified mail, or personal service a bill for the cost of making the disconnection, including all costs for labor and materials, and a service charge of \$500.00 for WRA supervision.

(7) Any building at which sewer service is disconnected as herein provided shall be inspected by the city's building official and if appropriate shall be red-tagged as unfit for human occupancy.

Sec. 100.128. Reserved.

Sec. 100.129. Reinstatement of service.

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

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

(2) Upon reconnection and payment of all costs described in subsection (1) of this section, the city, through its agents, shall remove the red tag from the building, and the building shall, so far as the city is concerned, be fit for human occupancy.

Sec. 100.130. Emergency disconnection of service.

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

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

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

(2) A user responsible, in whole or in part, for imminent endangerment shall submit to the WRA director, prior to the hearing described in subsection 100.127(b) of this division, a detailed written report describing the causes of the endangerment and the measures taken to prevent any future occurrence.

Sec. 100.131. Elimination of discharge; reinstatement of permit.

A user notified by the WRA director of revocation of its discharge permit and/or disconnection of its sewer service under section 100.127 or 100.130 of this division shall immediately cease discharging wastewater to the POTW. If the user fails to comply voluntarily with the revocation and/or disconnection order, the city shall take such steps as are deemed necessary by the WRA, including immediate severance of the sewer connection. The WRA director shall reinstate the wastewater discharge permit or the sewer service upon proof of the elimination of the non-complying discharge.

Sec. 100.132. Additional remedies.

(a) In addition to remedies available to the WRA set forth elsewhere in this article, if the WRA is fined by the Iowa department of natural resources or the U.S. Environmental Protection Agency for violations of the National Pollutant Discharge Elimination System permit for the WRF, or for violations of water quality standards as the result of a discharge of pollutants by an identifiable user, the fine, and all legal, sampling, analytical testing costs and any other related costs, shall be charged to the responsible user. Such charge shall be in addition to any other remedies the WRA may have under this article at law or in equity.

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

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

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

Sec. 100.133. Notices to the WRA, the WRA board, the WRA director or the WRA steering committee.

Notices which are required to be given or which may be given to the WRA, the WRA board, the WRA director or the WRA appeal committee, as provided in divisions 2 through 4 of this article, shall be mailed to such entity, body or person at the following address:

Des Moines Metropolitan Wastewater Reclamation Authority
Des Moines Wastewater Reclamation Facility
3000 Vandalia Road

Secs. 100.134—100.160. Reserved.

DIVISION 5. REGULATION OF FAT, OIL AND GREASE DISCHARGE BY FOOD SERVICE ESTABLISHMENTS.

Sec. 100.161. Purpose.

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

Sec 100.162. Definitions.

The definitions found in section 100.01 shall apply to the provisions of this division, provided however that the following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Best management practices or *BMPs* means and includes schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. For purposes of this division, best management practices include procedures and practices that reduce the discharge of fat, oil and grease (FOG) to the building sewer, to the city sanitary sewer system and to the POTW.

Design liquid depth means the maximum depth of liquid when the tank is filled with water.

Effective date means the date set forth in section 100.163 upon which the regulatory provisions of this division take effect.

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

Grease interceptor means a tank that serves one or more fixtures and is remotely located. Grease interceptors include, but are not limited to, tanks that capture wastewater from dishwashers, garbage disposals, floor drains, pot and pan sinks and trenches as allowed by local

plumbing codes. For purposes of this ordinance, a grease interceptor is a multi-compartment tank located underground outside of a building that reduces the amount of FOG in wastewater prior to its discharge into the POTW.

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

Minimum design capability means the design features of a grease interceptor and its ability or volume required to effectively intercept and retain greases from grease-laden wastewaters discharged to the POTW.

Non-routine inspection means an impromptu, unscheduled inspection of an FSE made without prior notification or arrangement.

Routine inspection means an inspection of an FSE which is scheduled in advance or according to a pre-arranged schedule.

User as used in this division has the same meaning as the definition in section 100.01, but also includes persons who discharge wastewater to the POTW from mobile sources, such as mobile food vendors.

Sec. 100.163. Effective date of FOG regulations.

The provisions of this division shall be effective on and after July 3, 2006.

Sec. 100.164. Grease interceptor installation required after effective date.

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

Sec. 100.165. Exemption from grease interceptor installation requirement for existing facilities.

The requirements of Section 100.164 shall not apply to that portion of a building or facility within which an FSE is in existence on the effective date if:

- (a) The FSE has an existing grease interceptor or grease trap in place as of the effective date and provided that (1) the owner or occupant of the FSE continues to use the interceptor or trap, (2) the interceptor or trap is of sufficient capacity and design, and (3) the interceptor or trap is operated and maintained so as to comply with FOG discharge limits; and

(b) Any repair, remodeling or renovation of the wastewater plumbing system in the existing FSE involves only (1) the repair of leaks or the clearing of stoppages in drains, soil, waste or vent piping, or (2) the removal and reinstallation of a sink, toilet or hot water heater; provided that such work does not involve replacement, rearrangement or moving of wastewater pipes, floor sinks, drainage fixtures or grease traps; and

(c) None of the following conditions are present:

(1) A building or facility exists on the effective date and is thereafter expanded or renovated, or a portion thereof, to include an FSE where such FSE did not previously exist; or

(2) Any repair, remodeling or renovation of the wastewater plumbing system in the existing FSE involves only (1) the repair of leaks or the clearing of stoppages in drains, soil, waste or vent piping, or (2) the removal and reinstallation of a sink, toilet or hot water heater; provided that such work does not involve replacement, rearrangement or moving of wastewater pipes, floor sinks, drainage fixtures or grease traps; and

(3) A building or facility, or portion thereof, that contained an FSE on the effective date but in which an FSE ceases to operate for one year or more, as determined by Iowa Department of Inspections & Appeals, Food and Consumer Safety Bureau records.

Sec 100.166. Compliance procedures.

(a) After the effective date, any permitted construction under Section 100.164 shall be deemed compliant upon issuance of a certificate of compliance or certificate of occupancy for such construction by the city building official or designee.

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

(1) The FSE is found to contribute FOG in quantities above FOG discharge limits; or

(2) The FSE discharges necessitate increased maintenance on the publicly owned treatment works (POTW) in order to keep stoppages from occurring therein; or

(3) The FSE's discharge to the POTW is at any time determined to exceed four hundred (400) mg/l total FOG.

(c) An order directing an existing FSE or the owner or operator of the FSE or the owner of the building or facility in which the FSE is located to install a grease interceptor shall be in writing from the WRA Director in the form of a notice of violation including a corrective action order, as provided in section 100.173 of this division.

(d) FSEs or owners of buildings of facilities within which an FSE is located, which are unable to install or replace a grease interceptor due to exceptional physical constraints or economic hardship may appeal to the WRA director for approval of an alternative grease control technology by requesting a hearing in accordance with the provisions of this division. Such requests shall be submitted in writing and shall include detailed descriptions of the FSE's physical or financial constraints and the alternative grease control technology which it proposes to install and utilize.

(1) In order to demonstrate exceptional economic hardship, the owner or operator of the FSE shall submit to the WRA director balance sheets and profit and loss statements for FSE for the preceding three (3) years. A new FSE shall submit profit/loss projections or a detailed business plan with projections for twenty-four (24) months. Each request shall be evaluated on a case-by-case basis.

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

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

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

Sec. 100.167. Installation of grease interceptors and grease traps.

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

(1) Grease interceptors and grease traps shall be installed at the expense of the owner or operator of the FSE or owner of the building or facility in which the FSE is located which is contributing wastewater to the POTW.

(2) All wastewater streams containing FOG or reasonably likely to contain FOG within FSEs or other FOG generating operations, shall be directed into one or more appropriately sized grease interceptor before discharge to the POTW. Grease interceptors shall be either sized by adding

the peak design flow rates for all fixtures leading to the grease interceptor and allowing a minimum retention time of thirty (30) minutes or as follows:

Grease Interceptor Sizing									
1. Peak meals per hour									
a. Seating capacity of FSE									
b. Occupancy of FSE									
c. Seating or occupancy x meal factor of 1.3 (45 minute meal) = Peak meals per hour									
* Church: include all area(s) used for meal service									
* Assisted Living / nursing facility: equal to maximum number of residents (per State license)									
2. Waste flow rate, gallons of flow									
a. Commercial, equipped kitchen with dishwasher & one garbage disposal*									
								7	
b. Commercial, equipped kitchen with no dishwasher, no garbage disposal									
								6	
c. Commercial, equipped kitchen with no dishwasher, one garbage disposal*									
								6	
d. Commercial, equipped kitchen with no dishwasher, no garbage disposal									
								5	
e. Single service kitchen**									
								2	
* Each additional garbage disposal, add one (1) gallon									
** Single service kitchen = no garbage disposal, no dishwasher and service is single use									
3. Retention time, hours									
a. Commercial kitchen									
								2.5	
b. Single service kitchen									
								1.5	
4. Storage factor									
a. Commercial kitchen up to 8 hours of operation									
								1	
b. Commercial kitchen up to 16 hours of operation									
								2	
c. Commercial kitchen up to 24 hours of operation									
								3	
d. Single service kitchen									
								1.5	
Peak Meals		Waste Flow		Retention		Storage		Calculated	
Per Hour	X	Rate	X	Time	X	Factor	=	Interceptor Size	

(3) Concrete grease interceptors whether precast or poured in place, shall be designed and manufactured in accordance with ASTM C 1613-08 Standard Specification for Precast Concrete Grease Interceptor Tanks or IAPMO/ANSI Z1001 Grease Interceptors and shall be installed in accordance with the codes adopted by the jurisdiction in which the FSE is located. Where no code is adopted, the construction and installation shall be in accordance with the Iowa State Plumbing Code and this division. Grease interceptors using materials other than concrete require approval by the director, and shall comply with the conditions of such approval, if any.

(4) The building official or other designated official of the governmental subdivision within which the FSE is located shall inspect each grease interceptor installation made pursuant to this division, shall review all relevant information regarding the rated performance of the grease interceptor, and the building plan and facility site plan for the building and site where the grease interceptor has been installed, and shall approve such grease interceptor installation upon determination that the grease interceptor meets all applicable standards and requirements.

(5) Grease interceptors shall have a minimum capacity of one thousand (1000) gallons and shall not exceed five thousand (5000) gallons for a single unit. Where a capacity greater than

five thousand (5000) gallons is required, several smaller units shall be installed in series, however the capacity shall not exceed ten thousand (10,000) gallons for any single series of interceptors without approval of the director.

(6) Grease interceptors shall be installed outside the building housing the FSE and below surface grade, and shall have access manholes, with a minimum diameter of twenty-four (24) inches, over each chamber and sanitary tee. Access manholes shall extend from the grease interceptor to at least the finished surface grade and be designed and maintained to prevent storm or surface water inflow and groundwater infiltration. The manholes shall also have readily removable covers to facilitate inspection and grease removal.

(7) Sewer lines which are not grease laden, which are not likely to contain FOG, or which contain sanitary wastes shall not be connected to a grease interceptor.

(8) Grease interceptors shall be equipped with an accessible discharge sampling port with a minimum six (6) inch diameter, which shall extend from the grease interceptor to at least the finished surface grade.

(9) Where grease interceptors are shared by more than one FSE, the building owner shall be the responsible party for record keeping and cleaning of the interceptor.

Sec. 100.168. Operation, maintenance, and cleaning of grease interceptors and grease traps and grease hauler certification.

(a) The owner or operator of an FSE which is required to pass wastewater through a grease interceptor shall operate and maintain the grease interceptor so that wastewater exiting the grease interceptor shall not exceed four hundred (400) milligrams per liter of FOG.

(b) The owner or operator of the FSE shall cause the grease interceptor or trap to be cleaned as hereinafter required when FOG and solids reach 25 percent of the design liquid level of the grease interceptor or trap, or sooner if necessary to prevent carry over of FOG from the grease interceptor or trap into the city sanitary sewer system. Interceptors and traps shall be cleaned at three (3) month intervals or less. A longer cleaning interval must be approved by the WRA Director. The owner or operator of the FSE shall employ a waste hauler licensed by the WRA pursuant to division 6 of this article III of this chapter to clean the grease interceptor or trap, provided that the waste hauler personnel performing the cleaning has a current grease hauler certification from the WRA indicating satisfactory completion of the course of training offered by the WRA on the cleaning of grease interceptors and traps.

(c) Any person who cleans a grease interceptor or trap shall do so in accordance with the following procedures and requirements. The person cleaning the grease interceptor or trap shall:

(1) Completely empty and remove the contents (liquids and sludge) of all vaults of the grease interceptor or trap and remove the grease mat and scrapings from the interior walls. As part of

each cleaning of a grease interceptor or trap the licensed waste hauler employed by the FSE owner or operator shall perform the following maintenance activities:

(2) Not deposit waste and wastewater removed from a grease interceptor/trap back into the grease interceptor/trap from which the waste or wastewater was removed, or into any other grease interceptor/trap or drainage fixture connected to the sanitary sewer, for the purpose of reducing the volume of waste and wastewater to be disposed of.

(3) Not introduce enzymes, emulsifying chemicals, hot water or other agents into a grease interceptor to dissolve or emulsify grease or as a grease abatement method. Introduction of bacteria as a grease degradation agent is permitted with prior written approval by the WRA director.

(4) Dispose of waste and wastewater removed from a grease interceptor at the WRF or at a facility approved for disposal of such waste by the WRA director. Waste and wastewater removed from a grease interceptor shall not be discharged to any private sanitary or storm sewer or to the city sanitary or storm sewer system.

(5) Not use an automatic grease removal system to clean a grease interceptor without prior written approval of the WRA director, and if, the use of an automatic grease removal system is approved, shall operate same in a manner that the grease wastewater discharge limit, as measured from the system's outlet, is consistently achieved.

(d) If grease interceptor cleaning is performed by a licensed waste hauler, the owner or operator of the FSE shall witness all cleaning/maintenance activities to verify that the grease interceptor is being fully cleaned and properly maintained according to the requirements of this section or Section 100.168. The waste hauler shall provide a copy of the disposal receipt for all waste and wastewater removed from a grease interceptor to the owner or operator of the FSE.

(e) The WRA director may issue a grease hauler certification upon satisfactory completion of the course of training offered by the WRA on the proper maintenance and cleaning of grease interceptors and traps, disposal procedures, and record keeping. Such certification shall be for a period of 5 years and shall be in effect for the person receiving such training. Grease haulers certified by the WRA personnel, not less than once every two years, for purposes of the hauler demonstrating its compliance with requirements in this section. Such inspections shall be scheduled at a time which coincides with normal working hours for WRA personnel, shall involve all individuals employed by the same company who have been issued a grease hauler certification by the WRA, and shall be conducted at an FSE within the WRA service area. Failure to follow WRA's cleanout procedures or other requirements of this section may result in fines, additional scheduled cleanout inspections, and loss of grease hauler certification status, individually or company-wide, with the WRA.

- (1) Check that the sanitary “tees” on the inlet and outlet sides of the grease interceptor are not obstructed, loose, or missing.
- (2) Verify that the baffle is secure and in place.
- (3) Inspect the grease interceptor for any cracks or other defects.
- (4) Check that lids are securely and properly seated after completion of cleaning.
- (f) The WRA director may make exceptions to the above requirements or may approve alternative operational requirements or cleaning and maintenance methods, provided that such exceptions or approvals shall be made in writing by the WRA director.

Sec. 100.169. Records and record keeping.

(a) **Required Records.** The owner or operator of an FSE which is required to pass wastewater through a grease interceptor or trap shall maintain a written record of grease interceptor or trap maintenance, including a log showing the dates upon which the grease interceptor or trap was inspected and the estimated amount of FOG present in the grease interceptor or trap at each inspection, the date upon which waste and wastewater was removed from the grease interceptor or trap and disposed of, and the location and means of such disposal of waste and wastewater, and the name and employer or the person or persons performing each of said tasks. The log shall further include a record of the placement of any approved or unapproved additive into the grease interceptor, grease trap or building sewer on a constant, regular or scheduled basis, including the type and amount of additive placed on each such occasion. Only additives approved by the WRA director pursuant to section 118-428(c)(3) may be used in a grease interceptor.

(b) **Record Keeping.** The log shall at all times be kept and maintained on a day-to-day basis, so as to show a record of waste and wastewater removal, waste and wastewater disposal and approved additive placement for a continuous period of three (3) years. All such records shall be kept secure at the premises of the FSE for a continuous period of three years and shall be made available for non-routine inspection by the city, the WRA and its operating contractor, or the employees and agents of any of them at any time during normal business hours.

Sec. 100.170. Inspection of grease interceptors and related sewers and equipment.

The owner or operator of an FSE shall:

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

preparation of samples for analysis. The monitoring facilities shall be maintained such that the device(s) is readily and immediately accessible for inspections and cleanouts being free of coverings, building materials, pavements, or any other obstructions.

(2) Allow personnel authorized by the WRA director or by the city building official or designee, bearing proper credentials and identification, to enter upon or into any building, facility or property housing an FSE at any reasonable time and without prior notification, for the purpose of inspection, observation, measurement, sampling, testing or record review, in accordance with this division.

(3) Upon request by the WRA director's authorized representative, open any grease interceptor or grease trap for the purpose of confirming that maintenance frequency is appropriate, that all necessary parts of the installation are in place including, but not limited to, baffles, effluent tees, and that all grease interceptors, traps, and related equipment and piping is maintained in efficient operating condition.

(4) Accommodate compliance inspections and sampling events by the authorized representatives of the WRA director or of the city building official. Staff may conduct routine inspections and sampling events of any food service establishment. Non-routine inspection and sampling events shall occur more frequently when there is a history of non-compliance with this division and when blockages occur in the city's sanitary sewer system downstream of the FSE.

Sec. 100.171. Trip Charges.

The fees for inspection of an FSE shall be as provided in section 100.47 and shall be paid within thirty (30) days of the date of the invoice for such fees. A trip charge of \$50.00, as referenced in section 100.47(1)(e), shall be assessed in conjunction with the violation of any requirement of section 100.170 which results in the need for WRA personnel to reschedule such inspection of grease interceptor/trap or food service establishment, and shall be paid within 30 days of the date of the invoice for such charge.

Sec. 100.172. Enforcement.

The WRA director is authorized to enforce this division as hereinafter provided. The city building official or designee, or such other governmental official hereafter designated by the WRA, is also authorized to enforce this division.

Sec. 100.173. Notice of violation - administrative penalties – corrective action order.

(a) The director, or such other designated officers or officials with enforcement authority as provided in section 100.172, are authorized to issue a notice of violation imposing an administrative penalty upon any person who fails to perform an act required by this division or who commits an act prohibited by this division. Such notice may include a corrective action

order requiring the user to take one or more of the following corrective actions within thirty (30) days:

- (1) Conform to best management practices;
 - (2) Submit copies of the grease interceptor maintenance log;
 - (3) Develop, submit and implement a FOG compliance plan to be approved by the director or designated enforcement official; or
 - (4) Install a compliant grease interceptor.
- (b) The administrative penalty for such violations shall be as provided in the schedule of administrative penalties adopted by the city council by resolution.
- (c) Notice of violation, with the applicable penalty for such violation noted thereon, shall be issued to and served upon the violator. Service of the notice may be by regular mail or by delivery in person.
- (d) Penalties assessed pursuant to notice of violation shall be paid by the violator in full as directed in the notice within thirty (30) days of its issuance.
- (e) The administrative penalties set out in the schedule of administrative penalties shall be charged in lieu of the fines and penalties provided for in section 100.174, unless the violator refuses to correct the violation and pay the scheduled administrative penalty, or the WRA director determines that immediate enforcement action by misdemeanor or municipal infraction prosecution is, in view of the particular circumstances of the case, necessary to achieve compliance with the requirements of this article. A record of all violations, administrative penalties charged or other enforcement actions taken shall be maintained by the WRA for a period of three years.

Sec. 100.174. Penalties.

- (a) Any person who fails to perform an act required by this division or who commits an act prohibited by this division shall be guilty of a misdemeanor punishable by fine or imprisonment or shall be guilty of a municipal infraction punishable by a civil penalty.
- (b) Any person who fails to comply with a pretreatment standard applicable to an FSE shall be guilty of a municipal infraction punishable by a civil penalty of not more than one thousand dollars for each day the violation exists or continues, as provided by section 364.22 or 331.307 of the Iowa Code.
- (c) When enforcement is sought through a municipal infraction proceeding, the director, or such other designated officers or officials with enforcement authority as provided in section 100.172, may enter into consent orders, assurances of voluntary compliance or other similar

documents establishing an agreement with the user responsible for noncompliance. Such orders will include specific action to be taken by the user to correct the noncompliance within a time period specified by the order.

Sec. 100.175. Order to cease operation of FSE.

(a) Where a violation of this division has not been timely corrected, and results in or threatens interference or pass through as herein defined, the WRA director, or such other designated officers or officials with enforcement authority as provided in section 100.172, shall have the authority to issue an order in writing to the owner or operator of the FSE, ordering such person or persons to cease and desist from further operation of the FSE and from further discharge of wastewater to the sanitary sewer system. The order shall be delivered by personal service unless the owner or operator cannot be found within the city, in which event notice shall be by ordinary mail addressed to the owner's or operator's last known address and by posting a copy of the notice in a conspicuous place upon the premises of the FSE.

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

(c) The applicant may make a written request to the director for a reconsideration and hearing on the cease and desist order within ten (10) days from the issuance of the order, provided, however, that operation of the FSE shall cease pending the outcome of the hearing.

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

(e) The hearing shall be scheduled to be held as soon as practicable and no later than fourteen (14) days after the request for hearing was filed with the WRA director. The person requesting the hearing shall be notified in writing or by telephone of the date and place of such hearing at least three (3) days in advance thereof. At such hearing the director and the person requesting the hearing may be represented by counsel, examine witnesses, and present evidence as necessary.

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

Sec 100.176. Appeal of corrective action order or cease and desist order.

(a) Any person aggrieved by a corrective action order or a cease and desist order issued by the WRA director or by such other designated officers or officials with enforcement authority as provided in section 100.172, may, file an appeal and request a ruling that such order be modified or rescinded.

(b) Such appeal request shall be in writing, shall include the grounds for appeal including any factual findings which are disputed, and shall be delivered to the WRA within ten (10) days after the WRA director's issuance of the order. Such appeal request shall be considered delivered when placed in the mail, return receipt requested, addressed to:

WRA Appeal Committee
%Des Moines Metropolitan Wastewater Reclamation Authority
3000 Vandalia Road
Des Moines, Iowa 50326

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

Sec. 100.177. Additional remedies.

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

Secs. 100.178 – 100.185. Reserved.

DIVISION 6. REGULATION OF HAULED WASTE

Sec. 100.186. Definitions.

The definitions found in sections 100.01 and 100.162 shall apply to the provisions of this division, provided however that the following words, terms and phrases, when used in this

division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Vehicle means a device equipped with a tank and used to remove or transport waste.

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

Sec. 100.187. License.

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

- (1) WRA participating communities that operate vehicles to remove waste from their sewer systems.
- (2) Waste haulers hired by WRA participating communities to remove waste from their sewer systems and which bring no other wastes to the WRF.
- (3) Waste haulers utilized by industrial users issued a wastewater discharge permit by the WRA.
- (4) Waste haulers granted temporary authorization by the WRA director in order to deal with an emergency.

Sec. 100.188. Issuance of license; payment bond requirements.

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

- (1) *Inspection.* The WRA director, upon application, shall inspect the trucks, hoses, valves, and associated equipment of the applicant for a waste hauler's license and determine if they meet the minimum qualifications for complying with the conditions of this division.
- (2) *License fee and bond.* An application shall require the payment of a fee of \$60.00 for each vehicle used by the applicant and the posting of a bond with reasonable surety in the penal sum which shall cover no less than two months of average or estimated treatment fees at the WRF for the faithful compliance with this division, including prompt payment of treatment costs, surcharges, fees, and fines. Bond amounts shall be up to \$100,000.00 but not less than \$20,000.00 and structured as follows or as required by the WRA director:

Total Monthly Treatment Fees	Surety Bond Amount
------------------------------	--------------------

< \$10,000	\$20,000
\$10,0001 - \$20,000	\$40,000
\$20,000 - \$40,000	\$60,000
> \$40,001	\$100,000.00

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

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

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

Sec. 100.189. Standards for vehicles and equipment.

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

- (1) Prevent waste and wastewater from leaking, spilling, or discharging onto roads or rights-of-way.
- (2) Ensure proper construction and repair of the equipment to allow cleaning.
- (3) Maintain vehicles and equipment in an essentially rust-free and sanitary condition and appearance.
- (4) Display the business name as it appears on the waste hauler license in three-inch or larger letters on the left and right sides of the vehicle.

Sec. 100.190. Disposal.

Hauled waste shall only be disposed at the WRF at the designated disposal station or as authorized by the Iowa Department of Natural Resources for land application. Waste haulers shall maintain the WRF designated disposal location in a clean and orderly condition to avoid noxious odors and unsanitary conditions. Hours of operation at the WRF disposal station shall be set by the WRA director. In the event of emergency situations, special arrangements between the waste hauler and the WRA director regarding disposal at an alternative disposal site shall be allowed to permit response to such emergency. Any violation of an Iowa Department of Natural Resources rule or regulation for land disposal of hauled wastes by a waste hauler shall be grounds for rejection of a hauled waste load in section 100.194 by such waste hauler or

shall be grounds for denial, suspension and revocation of such waste hauler's license in section 100.199.

Sec. 100.191. Identification of source and wasteload approval.

- (a) Waste haulers must document the nature and origin of wastes collected and the site and method of disposal for wastes that are removed from any locations or are delivered to the WRF. Such information shall be provided on a manifest form provided by the WRA and shall also include: (i) the name and address of the waste generator(s), (ii) the type of waste collected, (iii) any other information consistent with identification and tracking of wastes. The WRA director or his or her designee shall have the right to verify all information required by this section, including the right to measure, sample and analyze any waste regulated by this division.
- (b) The waste hauler or waste generator shall obtain approval from the WRA director or his or her designee prior to loading wastes originating from an industrial/commercial source unless prior approval is on record with the WRA. A hauled waste profile form prescribed by the WRA director or his or her designee for consideration for waste load disposal at the WRF. Such profile form shall include information regarding the waste generator's name, address, phone number, authorized representative, waste description and product information, process waste characteristics including pollutant concentrations, declarations, certifications, and signature of authorized official.

Sec. 100.192. Mixing wastes.

- (a) For the purposes of this division, wastes from residential and nonresidential sources shall not be mixed. Wastes from an industrial/commercial source shall not be mixed with wastes of any type from another location. Portable toilet and FSE grease trap wastes may be mixed with similar wastes from different locations. Residential wastes from several sources may be mixed as long as each source is identified.
- (b) Any tanks used for hauling waste to the WRF or equipment that comes in contact with waste shall not be used for hauling hazardous wastes or hazardous substances, as defined in I.C. § 567.1 et seq., chapter 131 of the Iowa Administrative Code and in 40 CFR 261, or other wastes detrimental to the POTW, the receiving waters, or the health of WRF employees, private contractors, or the public.

Sec. 100.193. Standards of disposal at WRF.

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

- (1) Prohibited by section 100.37 or exceed the limits found in subsection 100.38(c)(4), sections 100.39 and 100.40 of this chapter.
 - (2) Hazardous wastes or hazardous substances as defined in 40 CFR Part 261 or 567 I.A.C., Chapter 131.
 - (3) Originate from mineral oil unless first treated to remove the oil and grease.
 - (4) Not completely identified or are from industrial/ commercial sources that are not approved by the WRA director as required in section 100.191.
 - (5) Mixed in a manner prohibited in section 100.192.
 - (6) Wastes other than residential from outside the WRA, except through requests to the WRA director.
- (b) All disposal transactions at the WRF shall consist of waste haulers scaling in and scaling out on the WRF scales system. Prior to discharging any contents from their vehicle, a waste hauler shall:
- (1) Collect onsite at the WRF a sufficient sample of the waste material onboard.
 - (2) Test and record the pH and immediately report any results that do not meet disposal limits as listed in 100.37(2).
 - (3) Document on the WRF manifest all contents of the waste load including waste type, source information, and any other information consistent with identification and tracking of wastes as required in section 100.191.
 - (4) Request and obtain approval from WRF Operations to begin unloading at the WRF digesters.

Sec. 100.194. Rejection of waste loads.

- (a) The WRA director may reject any hauled waste load that violates or is suspected of violating the requirements of this division or that fails to meet any other guidelines established by the WRA director to protect personnel, equipment, and the WRF. Waste haulers must:
- (1) Remove rejected waste from the WRF.
 - (2) Immediately remove any additional wastes contaminated by the rejected waste while contained at the WRF prior to introduction into the sewer.
 - (3) Properly dispose of all rejected wastes in accordance with state and federal law.

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

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

Sec. 100.195. Treatment fees for hauled wastes.

(a) A treatment fee shall be charged per pound of hauled waste disposed of at the WRF and assessed based on the waste type, pollutant loading, approved disposal location, and location of the source material. The fee for treatment shall include electrical, chemical, labor, equipment, fuel, maintenance, and any capital costs associated with the treatment processes utilized. The treatment fee shall reflect a total cost per gallon or per pound of hauled waste equaling the sum of the total cost of pollutants per gallon or per pound plus, if applicable, total cost of flow per gallon, based on: (1) the parameters of chemical oxygen demand (COD), estimated biochemical oxygen demand (BOD), total suspended solids (TSS) and/or total solids (TS), volatile solids (VS), total Kjeldahl nitrogen (TKN), oil and grease (O&G), and, if applicable, total phosphorus (TP) contained in trucked waste to the WRF; (w) net weight of the wasteload in pounds; and (3) the treatment surcharge component rate per pound of pollutant as found in section 118-352 of this division. Wasteloads disposed of at an unapproved location at the WRF or containing pollutant concentrations different from typical pollutant concentrations or from original disclosures made during the wasteload approval process, may be subject to the following additional costs: treatment fees, charges, or fines may also be applied pursuant to section 100.47(1)(1).

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

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

(d) Waste haulers and waste generators may elect to have their routine waste streams tested for actual concentration at their expense as set out in section 100.47 and as approved by the WRA director. When a waste hauler or waste generator has elected to test for actual

concentration, the treatment fee will be based on the actual concentration whether it be higher or lower than the average concentration treatment fee. Said testing will be done at least semi-annually or as often as required by the WRA director.

Sec. 100.196. Enforcement.

The WRA director, the city building official, or such other governmental official hereafter designated by the WRA, shall be authorized to enforce this division as hereinafter provided.

Sec. 100.197. Notice of violation - administrative penalties – corrective action order.

(a) The director, or such other designated officers or officials with enforcement authority as provided in section 100.196, are authorized to issue a notice of violation imposing an administrative penalty upon any person who fails to perform an act required by this division or who commits an act prohibited by this division.

(b) The administrative penalty for such violations shall be as provided in the schedule of administrative penalties adopted by the city council by resolution.

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

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

(e) The administrative penalties set out in the schedule of administrative penalties shall be charged in lieu of the fines and penalties provided for in section 100.198, unless the violator refuses to correct the violation and pay the scheduled administrative penalty, or the WRA director determines that immediate enforcement action by misdemeanor or municipal infraction prosecution is, in view of the particular circumstances of the case, necessary to achieve compliance with the requirements of this article. The WRA shall maintain a record of all violations, administrative penalties charged or other enforcement actions taken.

Sec. 100.198. Penalties.

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

(b) Any person who violates a discharge prohibition set forth in section 100.37, or discharges in excess of local limits as set forth in section 100.38, shall be guilty of an environmental violation punishable as provided by section (364.22) of the Iowa Code.

Sec. 100.199. Denial, suspension and revocation of license.

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

(1) Violation of any term, condition or requirement of this division, the license, or applicable state of Iowa or federal laws or regulations.

(2) Obtaining a license by misrepresentation.

(3) Falsification of, failure to complete or failure to fully disclose all relevant facts in a license application.

(4) Failure to pay fees, administrative penalties or fines.

(5) Failure to report a spill to the WRA.

(6) Using wash down water or otherwise diluting the permitted waste for the purpose of meeting discharge limitations or requirements.

(7) Falsification of, failure to complete or failure to fully disclose all relevant facts in any report, manifest information or record required by the license or this division.

(8) Tampering with samples or sampling equipment intended to accurately reflect the contents of each hauled waste load.

(9) Refusing to allow WRA personnel timely access to the wastehauler's facility premises, vehicles, or records.

(10) Failure to perform as required under a corrective action order or compliance schedule issued by the WRA director.

(11) Failure to correct any violation of this division within 30 days after notice by the WRA Director.

(12) Failure to immediately correct any violation of this division if the condition constituting the violation is declared a threat to public health, safety or welfare by the WRA director and the director orders immediate correction.

(b) Procedure for denial, suspension or revocation of wastehauler's license. The procedure for denial, suspension or revocation of a wastehauler's license shall be as follows:

(1) Any license issued to a wastehauler pursuant to this division may be denied, suspended or revoked by written order of the WRA director specifying the grounds for such action as outlined in subsection (a) of this section, which order shall not take effect until hearing thereon as hereafter provided. Upon determining that grounds exist for an order to deny, suspend or revoke

a wastehauler's license, the WRA director shall cause a notice of hearing to be prepared, specifying the violations of subsection (a) of this section which are deemed to have occurred, and the time, date and place that such hearing will be held. The notice shall be sent to the wastehauler by regular mail addressed to the wastehauler's address listed on the wastehauler's license a minimum of ten days prior to the date set for hearing, and shall be deemed delivered when placed in the mail.

(2) If after such a hearing the WRA director makes a finding based on substantial evidence that one or more violations under subsection (a) of this section have occurred as alleged, the director may deny issuance of the license, suspend the license for a fixed period, or may issue an order immediately revoking the license and ordering the wastehauler to discontinue hauling waste to the WRF or any other disposal locations approved by the director. The determination whether to deny issuance of a license, to suspend a license, or to revoke a license, shall be in the discretion of the director and shall be dependent upon the circumstances surrounding the violations of subsection (a) of this section and the severity of those violations. If the wastehauler does not appear for the hearing, the director shall issue the order revoking the wastehauler's license and ordering the cessation of delivery of hauled waste at the WRF or any other disposal locations approved by the director, which order shall take effect immediately.

(3) The decision and order of the WRA director to deny issuance, to suspend or to revoke the license of a wastehauler may be appealed to the WRA appeal committee. Such appeal request shall be in writing, shall include the grounds for appeal including any factual findings which are disputed, and shall be delivered to WRA not less than 10 days after the director's entry of the order of denial, suspension or revocation. Such appeal request shall be considered delivered when placed in the mail, return receipt requested, addressed to:

WRA Appeal Committee
%Des Moines Metropolitan Wastewater
Reclamation Authority
3000 Vandalia Road
Des Moines, Iowa 50326

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

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

Sec. 100.200 Alternative Relief.

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

(Ordinance No. 12-212)
(Ordinance No. 190107-201)
(Ordinance No. 220906-211)

CHAPTER 101

CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL

101.01 Findings	101.05 Monitoring procedures
101.02 Application Procedure	101.06 Enforcement
101.03 Inspection Procedures	101.07 Performance Bond
101.04 Stop Work Order	101.08 Appeal

101.01 FINDINGS.

1. The U.S. EPA's National Pollutant Discharge Elimination System ("NPDES") permit program (Program) administered by the Iowa Department of Natural Resources ("IDNR") requires that cities meeting certain demographic and environmental impact criteria obtain from the IDNR an NPDES permit for the discharge of storm water from a Municipal Separate Storm Sewer System (MS4) (MS4 Permit). The City of Bondurant (City) is subject to the Program and is required to obtain, and has obtained, an MS4 Permit; the City's MS4 Permit is on file at the office of the City Clerk and is available for public inspection during regular office hours.

2. The Program requires certain individuals engaged in construction activities (applicant or applicants) to submit an application to the IDNR for a State NPDES General Permit #2. Notwithstanding any provision of this chapter, every applicant bears final and complete responsibility for compliance with a State NPDES General Permit #2 and a City COSESCO Permit and any other requirement of State or Federal law or administrative rule.

3. As a condition of the City's MS4 Permit, the City is obliged to undertake responsibility for administration and enforcement of the Program by adopting a CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL (COSESCO) ordinance designed to achieve the following objectives:

A. Any person, firm, sole proprietorship, partnership, corporation, state agency or political subdivision ("applicant") required by law or administrative rule to apply to the IDNR for a State NPDES General Permit #2 shall also be required to obtain from the City a CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL permit (City COSESCO Permit) in addition to and not in lieu of the State NPDES General Permit #2

B. The City shall have responsibility for inspection, monitoring and enforcement procedures to promote applicants' compliance with State NPDES General Permits #2 and City COSESCO Permits

4. No State or Federal funds have been made available to assist the City in administering and enforcing the Program. Accordingly, the City shall fund its application, inspection,

monitoring and enforcement responsibilities entirely by fees imposed on the owners of properties which are made subject to the Program by virtue of State and Federal law, and/or other sources of funding established by a separate ordinance.

5. Terms used in this chapter shall have the meanings specified in the Program.

101.02 APPLICATION PROCEDURE.

1. All persons required by law or administrative rule to obtain a State NPDES General Permit #2 from the IDNR are required to obtain a City COSESCO Permit.

2. Applications for City COSESCO Permits shall be made on forms approved by the City that may be obtained from the Building Department.

3. An applicant for a City COSESCO Permit shall pay fees as follows:

A. A fee at the time of application in the amount of \$150 plus \$20 per acre for sites over one acre

B. For each inspection required by this chapter, the applicant shall pay an inspection fee in the amount of \$45 per hour

C. Failure of the applicant to pay an inspection fee within thirty (30) days of billing shall constitute a violation of this chapter

4. An applicant in possession of a State NPDES General Permit #2 issued by the IDNR shall immediately submit to the City three (3) full copies of the materials described below as a basis for the City to determine whether to issue a City COSESCO Permit:

A. Applicant's plans, specifications and supporting materials previously submitted to the IDNR in support of applicant's application for the State NPDES General Permit #2

B. Applicant's authorizations issued pursuant to applicant's State NPDES General Permit #2

C. A Storm Water Pollution Prevention Plan (SWPPP) prepared in accordance with this chapter

5. Every SWPPP submitted to the City in support of an application for a City COSESCO Permit:

A. Shall comply with all current minimum mandatory requirements for SWPPPs promulgated by the IDNR in connection with issuance of a State NPDES General Permit #2

B. Shall, if the applicant is required by law to file a Joint Application Form, PROTECTING IOWA WATERS, IOWA DEPARTMENT OF NATURAL RESOURCES AND U.S. ARMY CORPS OF ENGINEERS, comply with all mandatory minimum requirements pertaining to such applications

C. Shall comply with all other applicable State or Federal permit requirements in existence at the time of application

D. Shall be prepared by a professional engineer licensed in the State of Iowa or landscape architect or a professional in erosion and sediment control or a representative of the local Soil and Water Conservation District, credentialed in a manner acceptable to the City

E. Shall include within the SWPPP a signed and dated certification by the NPDES General Permit #2 permit holder that the SWPPP complies with all requirements of this chapter and the applicant's NPDES General Permit #2

6. Issuance by the City of a City COSESCO Permit shall be a condition precedent for the issuance of preliminary plat, site plan or City building permit approval.

7. For so long as a construction site is subject to a State NPDES General Permit #2 or a City COSESCO Permit, the applicant shall provide the City with current information as follows:

A. The name, address and telephone number of the person on site designated by the owner who is knowledgeable and experienced in erosion and sediment control and who will oversee compliance with the State NPDES General Permit #2 and the City COSESCO Permit

B. The name(s), address(es) and telephone number(s) of the contractor(s) and/or subcontractors(s) that will implement each erosion and sediment control measure identified in the SWPPP

C. Applicant's failure to provide current information shall constitute a violation of this chapter

8. Developers can transfer State NPDES General Permit #2 and the City COSESCO Permit responsibility to homebuilders, new lot owners, contractors and subcontractors. A copy of the transfer document shall be provided to the City. Absent such written confirmation of transfer of obligations, the developer remains responsible for compliance on any lot that has been sold.

9. Homebuilders, new lot owners, contractors and subcontractors which are co-permittees under an existing SWPPP shall provide written documentation indicating they are co-permittees including signatures by both the co-permittee and developer.

10. Upon receipt of an application for a City COSESCO Permit, the City shall either find that the application complies with this chapter and issue a City.

11. Prior to the issuance of the building permit, the lot owner shall provide written certification regarding their responsibility for sediment and erosion control on the property as outlined in General Permit #2 and the SWPPP.

101.03 INSPECTION PROCEDURES.

1. All inspections required under this chapter shall be conducted by the City Administrator or designee, hereinafter referred to as the “enforcement officer.” Inspections by the enforcement officer may be scheduled, or unannounced.

2. Any applicant that is subject to the terms of the COSESCO shall allow the City or an authorized representative of the City, upon the presentation of proper identification, to enter upon applicant’s private property for inspection purposes.

3. Applicant shall notify the City when all measures required by applicant’s SWPPP have been accomplished on-site, whereupon the City shall conduct an initial inspection for the purpose of determining compliance with this chapter, and shall within a reasonable time thereafter report to the applicant either that compliance appears to have been achieved, or that compliance has not been achieved, in which case the City shall provide a bill of particulars identifying the conditions of noncompliance. The applicant shall immediately commence corrective action and shall complete such corrective action within forty-eight (48) hours of receiving the City’s bill of particulars. For good cause shown, the City may extend the deadline for taking corrective action. Failure to take corrective action in a timely manner shall constitute a violation of this chapter.

4. Construction shall not occur on the site at any time when the City has identified conditions of noncompliance.

5. Construction activities undertaken by an applicant prior to resolution of all discrepancies specified in the bill of particulars shall constitute a violation of this chapter.

6. The City shall not be responsible for the direct or indirect consequences to the applicant or to third parties for noncompliant conditions undetected by inspection.

101.04 STOP WORK ORDER.

1. Authority. Whenever the enforcement officer finds any work regulated by this chapter being performed in a manner either contrary to the provisions of this chapter or dangerous or unsafe, the enforcement officer is authorized to issue a stop work order.

2. Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner’s agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

3. Unlawful Continuance. Any person who shall continue any work after having been served with a stop work order, except such work as the person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as stated in this chapter.

101.05 MONITORING PROCEDURES.

1. At a minimum, the enforcement officer will perform quarterly inspections. The quarterly inspections will be performed until the City receives a copy of the Notice of Discontinuation by the Iowa Department of Natural Resources for NPDES General Permit #2.

2. Any third party may also report to the City site conditions which the third party reasonably believes pose a risk of storm water discharge in a manner inconsistent with applicant's SWPPP, State NPDES General Permit #2 and/or City COSESCO Permit. Permit holders found in noncompliance will be charged at a rate of \$45 per hour for the additional inspection. If the permit holder is found in compliance, the inspection fee will be waived.

3. Upon receiving a report pursuant to the previous subsections, the enforcement officer shall conduct an inspection of the site as soon as reasonably possible and thereafter shall provide the applicant with a bill of particulars identifying the conditions of noncompliance. The applicant shall immediately commence corrective action and shall complete such corrective action within forty-eight (48) hours of receiving the City's bill of particulars. For good cause shown, the City may extend the deadline for completing corrective action. Failure to take corrective action in a timely manner shall constitute a violation of this chapter, whereupon the enforcement officer shall immediately commence enforcement actions specified in Section 148.06 below.

4. Unless a report is made to the enforcement officer pursuant to the previous subsections, the enforcement officer shall conduct at least one unannounced inspection during the course of construction to monitor compliance with the State NPDES General Permit #2 and the City COSESCO Permit. If the inspection discloses any significant noncompliance, the enforcement officer shall provide the applicant with a bill of particulars identifying the conditions of noncompliance. The applicant shall immediately commence corrective action and shall complete such corrective action within forty-eight (48) hours of receiving the City's bill of particulars. For good cause shown, the City may extend the deadline for completing corrective action. Failure to take corrective action in a timely manner shall constitute a violation of this chapter, whereupon the enforcement officer shall immediately commence enforcement actions specified in Section 148.06 below.

5. The City shall not be responsible for the direct or indirect consequences to the applicant or to third-parties for noncompliant conditions undetected by inspection.

101.06 ENFORCEMENT.

1. Violation of any provision of this chapter may be enforced by civil action including an action for injunctive relief. In any civil enforcement action, administrative or judicial, the City shall be entitled to recover its attorneys' fees and costs from a person who is determined by a court of competent jurisdiction to have violated this chapter.
2. Violation of any provision of this chapter may also be enforced as a municipal infraction within the meaning of §364.22, pursuant to the City's municipal infraction ordinance.
3. Enforcement pursuant to this section shall be undertaken by the enforcement officer upon the advice and consent of the City Attorney.

101.07 PERFORMANCE BOND.

1. In addition to the application for a City COSESCO Permit, the applicant may be required to post security for compliance with all requirements imposed by the State NPDES General Permit #2 and the City COSESCO Permit in such an amount as the City may deem necessary.
2. If the final plat is approved prior to the installation of public improvements, in accordance with Chapter 175.05.5A, a performance bond shall be required to cover the costs of the sediment and erosion control measures for the plat, if such protective measures are not already in place.
3. Acceptable forms of Performance Security include the following:
 - A. Performance Bonds and Surety Bonds.
 - B. Surety Bonds
4. The application form signed by the applicant for a City COSESCO Permit shall include the following commitment by the applicant: "In addition to the performance security posted with this application, the undersigned applicant hereby agrees to defend, indemnify and hold the City harmless from any and all claims, damages or suits arising directly or indirectly out of any act of commission or omission by the applicant, or any employee, agent, assign or contractor or subcontractor of the applicant, in connection with applicant's State NPDES General Permit #2 and/or City COSESCO Permit.
5. Upon filing and acknowledgement of the Notice of Discontinuation by the Iowa Department of Natural Resources for NDPEs General Permit #2 and a final inspection by the City, the bond or any remaining funds shall be returned.

101.08 APPEAL. Administrative decisions by City staff and enforcement actions of the enforcement officer, may be appealed by the applicant to the City Council pursuant to the following rules:

1. The appeal must be filed in writing with the City Clerk within twenty (20) business days of the decision or enforcement action.
2. The written appeal shall specify in detail the action appealed from, the errors allegedly made by the enforcement officer giving rise to the appeal, a written summary of all oral and written testimony the applicant intends to introduce at the hearing, including the names and addresses of all witnesses the applicant intends to call, copies of all documents the applicant intends to introduce at the hearing, and the relief requested.
3. The enforcement officer shall specify in writing the reasons for the enforcement action, a written summary of all oral and written testimony the enforcement officer intends to introduce at the hearing, including the names and addresses of all witnesses the enforcement officer intends to call, and copies of all documents the enforcement officer intends to introduce at the hearing.
4. The City Clerk shall notify the applicant and the enforcement officer by ordinary mail, and shall give public notice in accordance with Chapter 21, Iowa Code, of the date, time and place for the regular or special meeting of the City Council at which the hearing on the appeal shall occur. The hearing shall be scheduled for a date not less than four (4) or more than twenty (20) days after the filing of the appeal. The rules of evidence and procedure, and the standard of proof to be applied, shall be the same as provided by Chapter 17A, Code of Iowa. The applicant may be represented by counsel at the applicant's expense. The enforcement officer may be represented by the City Attorney or by an attorney designated by the City Council at City expense.

The decision of the City Council shall be rendered in writing and may be appealed to the Iowa District Court.

(Ordinance No. 07-214)

CHAPTER 102

POST-CONSTRUCTION STORMWATER MANAGEMENT

102.01 Purpose	102.04 Enforcement
102.02 Procedure for Post-Construction	102.05 Public Involvement and Participation
102.03 Maintenance and Repair of Stormwater Utilities	

102.01 PURPOSE.

1. The U.S. EPA's National Pollutant Discharge Elimination System ("NPDES") permit program ("Program") administered by the Iowa Department of Natural Resources ("IDNR") requires that cities meeting certain demographic and environmental impact criteria obtain from the IDNR and NPDES permit for the discharge of stormwater from a Municipal Separate Storm Sewer System (MS4). The City's MS4 Permit is on file at the office of the City Clerk and is available for public inspection during regular office hours.

2. As a condition of the City's MS4 Permit, the City is obliged to develop, implement, and enforce a program to address stormwater runoff from new construction and reconstruction projects for which State NPDES General Permit #2 stormwater permit coverage is required, by adopting a POST-CONSTRUCTION STORMWATER MANAGEMENT ORDINANCE designed:

- a) To require water quality and quantity components be considered in the design of new construction and implemented when practical;
 - b) To promote the use of stormwater detention and retention, grass swales, buffer strips, and proper operation and maintenance of these facilities;
 - c) To allow use of bio-retention swales and riparian buffers where practical and the soils and topography are suitable to ensure such measures will be effective in accomplishing the purpose of the Ordinance;
 - d) To prohibit construction activities from commencing until the plans for post-construction runoff controls have been submitted to the City;
 - e) To allow the City to have the ability to access private property for the purpose of enforcement procedures to promote compliance with the State NPDES General Permit #2, which require post-construction compliance by Applicants ("Applicants")
3. No state or federal funds have been made available to assist the City with inspections, monitoring and/or enforcing the Program.

4. Terms used in this Ordinance shall have the meanings specified as follows:
 - a) “Applicant” means any person, firm, or entity applying for a permit to develop, grade, or construct within the corporate limits of the City.
 - b) Terms used in this chapter shall have the meaning specified in the Program.

102.02 PROCEDURE FOR POST-CONSTRUCTION.

1. Each Applicant who is required to have coverage under General Permit No. 2 for a site, shall install post-construction stormwater management facilities as set forth herein and as approved by the City during site plan, platting, or construction plans.
2. Each Applicant or its successor person(s) or entity shall be responsible for maintaining all stormwater management facilities as approved by the City.
3. For sites equal to or greater than one acre, each Applicant must provide to the City as-built plans detailing dimensions and elevations as well as a certification that stormwater management facilities were built as part of the approved development that includes the site. For sites less than one acre that are part of a common plan of development and for which the Applicant establishes that stormwater management facilities were or will be built to address all properties (either collectively or individually) within the development, each Applicant must provide to the City a copy of the Notice of Discontinuation for General Permit No. 2 applicable to the property.
4. Each Applicant must include in their site design those stormwater management facilities that will convey drainage through the property to one or more detention and/or treatment areas such that no development shall cause downstream property owners, water courses, channels, or conduits to receive stormwater runoff from the proposed development site at a peak flow rate greater than that allowed by the policy or standard in effect at the time of approval of the development, unless such requirements are waived by the City. Nothing contained herein shall prohibit the City from changing the policies or standards in the future, nor from requiring the site to comply with the new requirements.
5. Each Applicant shall comply with all other applicable City, state or federal permit requirements as they apply to the City or to the property.
6. At the discretion of the City, the applicant may satisfy the post-construction stormwater management requirements by ensuring the conveyance of the stormwater discharge from the property to a regional detention facility. For purposes of this Ordinance, a “regional detention facility” shall be wet or dry detention basins, which are designed to accept stormwater runoff from two or more sites that are required to obtain a state NPDES General Permit No. 2 and that otherwise complies with all city, state, or federal permit requirements, as they apply to stormwater management requirements for those sites.

102.03 MAINTENANCE AND REPAIR OF STORMWATER UTILITIES.

1. Prior to the issuance of any permit that has a stormwater management facility as one of the requirements of the permit, the Applicant or owner of the site must execute a maintenance easement agreement that shall be binding on all subsequent owners of land served by the stormwater management facility. The agreement shall provide for access to the facility at reasonable times for periodic inspection by the City, or its contractor or agent, to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this Ordinance. The easement agreement shall be recorded by the City in the land records.

2. Maintenance of all stormwater management facilities shall be ensured through the creation of a formal maintenance covenant that must be approved by the City and recorded into the land record at the time of final plat approval. As part of the covenant, a schedule shall be developed for when and how often maintenance will occur to ensure proper function of the stormwater management facility. The covenant shall also include plans for periodic inspections by the Applicant, owner, or assigns to ensure proper performance of the facility.

3. The City shall be permitted to enter and inspect any property subject to regulation under this section as often as is necessary to document maintenance and repair needs and determine compliance with the requirements of this Ordinance. If a Responsible Party owning, controlling or possessing a property has security measures that require identification and clearance before entry to its property, such Responsible Party shall make the necessary arrangements to allow access by the City. By way of specification but not limitation:

a) A Responsible Party shall allow the City reading access to all parts of the property for purposes of inspection, examination, and copying of records related to compliance with this Ordinance.

b) Any temporary or permanent obstruction that obstructs the safe and easy access to property to be inspected and shall be promptly removed by the Responsible Party at the written or oral order of the City and shall not be replaced. The costs of clearing such access shall be borne by the Responsible Party.

c) An unreasonable delay in allowing the City to access to a property is a violation of this chapter.

4. Parties responsible for the operation and maintenance of a stormwater management facility, shall make records of the installation and of all maintenance and repairs, and shall retain said records. Copies of the as-built plans and records of all self inspections, maintenance, and repairs, shall be kept on-site and shall be made available to the City during inspection of the facility and at other reasonable times upon request.

5. In the event that a stormwater management facility is found by the City to be non-compliant with the plans as submitted and approved or is found to be in need of maintenance, the Responsible Party will be notified in writing of such deficiencies. Upon receipt of such notice, the responsible party shall have fifteen (15) days to correct such deficiencies. After proper notice and if the Responsible Party fails to make the repairs or perform the maintenance, the City may have such work performed and assess the owner(s) of the facility for the cost of repair work and any penalties; and the cost of the work shall be a lien on the property, or prorated against the beneficial users of the property, and may be placed on the tax bill and collected as ordinary taxes by the City. In addition, easements and covenants recorded upon the applicant's property, shall provide mechanisms for the establishment of a lien by the City for any and all costs incurred by the City pursuant to this chapter to aid in efficient and cost effective collection of sums so expended, including, but not limited to attorney's fees associated with collection.

102.04 ENFORCEMENT.

1. Violations of any provision of this chapter may be enforced by civil action including an action for injunctive relief. In any civil enforcement action, administrative or judicial, the City shall be entitled to recover its attorney fees and costs from a person who is determined by a court of competent jurisdiction to have violated this chapter.

2. Violation of any provision of this chapter may also be enforced as a municipal infraction with the meaning of Section 364.22 of the Iowa Code or Chapter 4 of the Bondurant City Code.

3. Enforcement pursuant to this section, shall be undertaken by the City Administrator upon the advice and consent of the City Attorney.

102.05 PUBLIC INVOLVEMENT AND PARTICIPATION. The permittee shall implement a public involvement and participation program that includes the following:

1. Establish Stormwater Advisory Committee – the permittee shall establish a stormwater advisory committee to participate in decision making, holding public hearings and working with volunteer groups. Businessmen, developers, homeowners, members of environmental groups and members of the public at large shall be allowed to participate, if interested. However, the permittee may place reasonable limits on the total number of individuals participating in the group. The scope of an existing committee may be expanded to include stormwater issues.

The group shall hold meetings at least once each calendar year for the duration of the permit.

(Ordinance No. 08-221)

(Ordinance No. 11-212)

CHAPTER 103

STORMWATER UTILITY

103.01 Purpose	103.05 Appeals Concerning Fees
103.02 Stormwater Utility Rates	103.06 Lien
103.03 Property Subject to Stormwater Utility Charge	103.07 Discontinuance of Service
104.04 Billing	

103.01 PURPOSE. The purpose of this chapter is to establish a Stormwater Utility to protect the public health, safety, and welfare of the residents of Bondurant from damage caused by stormwater runoff and floods by reduction, control, and prevention of the discharge of pollutants to the City’s stormwater utility system. The Stormwater Utility shall be responsible for the City’s stormwater infrastructure and management of the infrastructure and facilities. The Stormwater Utility shall be responsible for collecting revenue to directly support operation, maintenance, and construction of stormwater utility infrastructure.

Some specific stormwater management services that the Stormwater Utility is responsible for include:

- Planning, developing, administering, inspecting, and enforcing a federally mandated stormwater program that is required by USEPA’s Phase II of the National Pollutant Discharge Elimination System (NPDES) program.
- Preventing harmful pollutants from being washed into local streams and rivers by stormwater runoff as required by USEPA.
- Keeping public streets drained and cleared to make travel safe and minimize flood hazards.
- Making necessary repairs of or replacing aging Stormwater Utility infrastructure including stormwater inlets, pipes, manholes, culverts, and other structures to safely collect and convey stormwater through all parts of the City.
- Making repairs to public ditches and drainage ways to reduce erosion and loss of property.
- Conducting ongoing inspection and maintenance to mitigate existing and future problems.

The Stormwater Utility shall function as a self-supported “Enterprise Fund” in the City budget and accounting system, separate and apart from the City’s General Fund, for purpose of dedicating and protecting all funding applicable to the Stormwater Utility’s operation,

maintenance, and capital financing costs. No revenues generated by the stormwater utility user fee shall be used for any purpose other than stormwater management expenses.

103.02 STORMWATER UTILITY RATES. All property owners and residents in the City benefit from a stormwater management program. All property owners receive indirect benefits from a properly constructed, maintained, and operated stormwater management system for the entire City which is on public property.

Bondurant's public stormwater infrastructure conveys rain and snowmelt runoff from developed properties. The major contributing factor in water pollution and erosion is the amount of runoff. Impervious area on developed properties increases the amount of runoff, which in turn increases the necessary size of pipes, structures, basins, and other facilities.

An impervious surface is any constructed surface that inhibits the natural infiltration of stormwater into the soil. Common impervious areas include, but are not limited to, constructed surfaces, including pavement (asphalt, concrete, brick, gravel, etc.), sidewalks, rooftops, and non-wooden decks and patios, and other surfaces that prevent or impede the natural infiltration of stormwater runoff that existed prior to development.

The stormwater rate structure utilizes a property's impervious surface area for assessing the stormwater charge. A unit of impervious surface area on an average single-family, residential property, or "equivalent residential unit (ERU)," is the quantity used for assessing stormwater charges. One ERU equals two thousand, four hundred fifty (2,450) square feet of impervious area for the City of Bondurant.

Every owner of developed property within the corporate limits of the City of Bondurant shall pay a monthly Stormwater Utility charge that is calculated based on the following method:

- Urban Residential and Non-Secular: Single-family residential customers and duplexes, and Multi-family residential (3 units or more) as well as Churches, cathedrals, temples, and similar places of worship with gross property area less than or equal to two (2) acres will be assigned one Residential-class ERU and assessed a stormwater charge that is equivalent to one ERU unit rate per month. Urban Residential and Non-Secular properties, including Multi-family residential, greater than 2 acres will be assigned ERUs based on the property's individually measured impervious area (in square feet) divided by one ERU or 2,450 square feet, and rounding up to the nearest integer. The monthly stormwater charge assessed to each of these properties is the number of the ERUs times the Residential ERU unit rate.
- Agricultural Residential includes properties that are classified by the Polk County Assessor as "Agricultural" or "Residential on Ag". Agricultural Residential customers with gross property area less than or equal to two (2) acres will be assigned one Agricultural Residential-class ERU and assessed a stormwater charge that is equivalent to one ERU unit rate per month. Agricultural Residential properties greater than two (2) acres will be assigned ERUs based on the property's individually measured impervious area (in square feet) divided by one ERU or 2,450

square feet, and rounding up to the nearest integer. The monthly stormwater charge assessed to each of these properties is the number of the ERUs times the Agricultural ERU unit rate.

- Commercial and Institutional: All other developed properties (businesses, schools, government facilities) shall be assigned a number of ERUs based upon the property's individually measured impervious area (in square feet) divided by one ERU, or 2,450 square feet, and rounding up to the nearest integer. The monthly stormwater charge assessed to each of these properties is the number of ERUs times the ERU unit rate.
- Stormwater charges for new residential or non-secular customers with gross property area greater than two (2) acres or non-residential developments shall be based on field measurements of impervious areas.

Commencing on May 1, 2021, and continuing thereafter, the monthly unit rate shall be:

Urban Residential and Non-Secular:	\$6.59 per ERU per month; and
Commercial and Institutional:	\$3.25 per ERU per month; and
Agricultural Residential:	\$3.25 per ERU per month.

(Ordinance No. 12-206)
(Ordinance No. 13-200)
(Ordinance No. 190903-214)
(Ordinance No. 210201-201)
(Ordinance No. 210920-213)

103.03 PROPERTY SUBJECT TO STORMWATER UTILITY CHARGE. All developed property located within the City of Bondurant, whether publicly or privately owned and whether subject to or exempt from real property taxation, shall be subject to the stormwater utility charges established and set forth under this chapter, with the following exceptions:

- (1) Street, highway and railroad right-of-way;
- (2) Undeveloped property (i.e. no structures, pavement, or other impervious area on the lot of record).

103.04 BILLING. The billing for stormwater utility service charges shall be combined with the monthly billing for other City of Bondurant utility services. The basis for the billing shall be the Stormwater Rate Study dated May 2010, or future studies that update this study, as well as measured impervious areas as part of said study.

As part of the Building Permit process, property owners shall coordinate with the City's Building Inspection and Engineering Staff when impervious areas change on the owner's property due to

construction or demolition to ensure that the City Administrator can maintain up-to-date records of impervious areas for use by the Finance Department in determining proper Stormwater Utility billing.

103.05 APPEALS CONCERNING FEES. An owner or occupant of non-residential property aggrieved by an initial or any subsequent determination of the total impervious area of such property, calculation of the stormwater utility charge for such property, or allocation of such charge among occupants may appeal such calculations and/or allocation to the City Administrator. Such appeal shall be in writing and shall state the specific reason and basis for the appeal. In the case of utility charge appeals, the appeal must include a survey prepared by a licensed Iowa land surveyor or licensed professional engineer containing information on the total property area and impervious surface area before it will be considered. The City Administrator shall consider the appeal and make a written determination thereon, with such written determination provided to the property owner or occupant making or filing the appeal within sixty (60) days of receipt of the appeal. If the property owner or occupant is not satisfied with the written determination made by the City Administrator, the property owner or occupant may then request in writing that the property owner's or occupant's appeal be heard and decided by the City Council. Such written request for City Council review shall be filed with the City Clerk within ten (10) days of the property owner's or occupant's receipt of the written determination from the City Administrator. The decision of the City Council shall be final in such appeals. In case of a successful appeal by the property owner or occupant, said property owner or occupant shall be entitled to no more than one (1) year of refunds or recoveries of fees paid prior to the appeal.

(Ordinance No. 10-212)
(Ordinance No. 210201-201)

103.06 LIEN. The owner of the premises served shall be liable for stormwater service charges to the premises. Stormwater Utility charges remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the City Administrator to the County Treasurer for collection in the same manner as property taxes.

103.07 DISCONTINUANCE OF SERVICE. After giving reasonable notice, the City Administrator may discontinue water service to any customer who has failed to pay the amounts due and owing under this chapter and who has not contested the payment in good faith.

(Ordinance No. 10-206)

103.08 STORMWATER ACCOUNTS. Commencing January 1, 2016, all holders of Stormwater Accounts (as defined in 90.01(4) of this Code), "Stormwater Account" means an account held by any customer receiving stormwater service from the City, but does not require any other utility services, shall be obligated as follows:

1. Customer Deposit. There shall be required from every Stormwater account a one hundred dollar (\$100) deposit. Said deposit is intended to guarantee the payment of bills for service. Said deposit shall be used to pay the final bill with any remaining credit returned to the customer. The following are customers exempt from the deposit requirement:

- a. Institutional organizations defined as schools, Federal, State and Local Government-used properties; and
- b. Landlord accounts on rental properties.

All properties receiving services are required to have an account established for billing purposes. Property owners that rent or lease properties receiving single services or combined services will be referred to as Landlord accounts. Landlords are required to have an account on file for each above-described property whether or not they file a Lien Exemption form with the City for their tenant's consumption. When a Landlord has a property that has a tenant move out and will be vacant for any period of time, the Landlord must notify the City of the vacancy within seven (7) days of when the vacancy occurs. The services automatically revert to the Landlord account for the property immediately upon the tenant's departure of the property. Failure to notify the City within seven (7) days of the vacancy will result in a \$35 administrative fee being charged to the Landlord account to cover the cost associated researching the property owner and the residency status of the property and reverting and calculating back service charges to the Landlord account.

2. Billing for Stormwater Service. Rates for stormwater accounts shall be calculated as detailed in Chapter 103.02 of this Code. Furthermore, billing shall be delivered and subject to the following:

A. Bills Issued. The City Administrator shall prepare and issue bills for stormwater accounts on or before the first day of each month.

B. Bills Payable. Invoices for stormwater accounts shall be due and payable at City Hall by the fifteenth (15th) day following the issuance of said invoice, each month.

C. Late Payment Penalty. Invoices for Stormwater Accounts not timely paid when due shall be considered delinquent. A one-time late payment penalty of ten (10%) of the amount due shall be added to each delinquent bill.

D. Nothing contained in this Section shall waive any other remedy the City may have to enforce the delinquent payment of Stormwater accounts.

(Ordinance No. 210201-201)

103.09 DELINQUENT STORMWATER ACCOUNTS.

1. Notice. In the event a Stormwater account becomes delinquent, the City Administrator shall notify, in the form of a Delinquent Stormwater Account Notice, each delinquent customer that if payment is not received by the new date specified in the notice of delinquency, a service fee shall be charged in addition to the late payment penalty. Such notice shall be sent by ordinary mail to the account holder in whose name the delinquent rates or charges were incurred and shall inform the customer of the specifics of the delinquency and afford the customer the opportunity for a hearing prior to a certification of delinquency fee(s).
2. Hearing. If a hearing is requested by noon the day preceding the delinquency fee due date, the City Administrator shall conduct an informal hearing and shall make a determination as to whether the delinquency notice is justified. If the City Administrator finds that the delinquency fee is justified, then such fee shall be assessed unless payment has been received prior to. A service fee of \$50 shall be charged to the account of a delinquent customer, effective at 8:30 a.m., on the morning following the delinquency date on the above-referenced Delinquent Stormwater Account Notice, except in the event that full payment is received prior to 8:30 a.m. on the date stated in the Delinquency Notice.
3. Lien for Nonpayment. The owner of the premises served and any lessee or tenant thereof are jointly and severally liable for fees for delinquent or nonpayment on Stormwater account. Fees remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes. (Code of Iowa, Sec. 384.84)

(Ordinance No. 15-216)

CHAPTER 104

SANITARY SEWER CONNECTION FEE DISTRICT

104.1.1 Pleasant Street, Northeast, Connection Fee District	104.2. Urban Service Area Connection Fee District
104.1.2 Fee Schedule	104.2.1 Connection Fee District
104.1.3 Payment of the Connection Fee	104.2.2 Fee Schedule
104.1.4 Property Outside District	104.2.3 Payment of the Connection Fee
104.1.5 Maximum Number of Connections	104.2.4 Property Outside District

104.1.1 PLEASANT STREET, NORTHEAST, CONNECTION FEE DISTRICT. The Pleasant Street, Northeast, Connection Fee District is hereby established consisting of a tract of land located in Sections 29 and 30, Township 80 North, Range 22 West of the 5th Principal Meridian, Polk County, Iowa, more particularly described as follows:

Commencing at the point of intersection of the east line of Section 30, Township 80 North, Range 22 West and the northerly line of the vacated railroad right-of-way,

thence southwesterly along the northerly line of the vacated railroad right-of-way to the point of intersection with the west line of the east one-half of the southeast quarter of said Section 30,

thence north along the west line of the east one-half of the southeast quarter of said Section 30 to the northwest corner of east one-half of the southeast quarter of said Section 30,

thence north along the west line of the southeast quarter of the northeast quarter of said Section 30 to the northwest corner of the southeast quarter of the northeast quart of said Section 30,

thence east along the north line of the southeast quarter of the northeast quarter of said Section 30 to the northeast corner of the southeast quarter of the northeast quarter of said Section 30,

thence east along the north line of the southwest quarter of the northwest quarter of Section 29, Township 80 North, Range 22 West to the northeast corner of the southwest quarter of the northwest quarter of said Section 29,

thence south along the east line of the southwest quarter of the northwest quarter of said Section 29 to the southeast corner of the southwest quarter of the northwest quarter of said Section 29,

thence east along the north line of the southwest quarter of said Section 29 to the center of said Section 29,

thence south along the east line of the southwest quarter of said Section 29 to the point of intersection with the northwesterly right-of-way line of U.S. Highway 65,

thence southwesterly along the northwesterly right-of-way line of said U.S. Highway 65 to the point of intersection with the northerly line of the vacated railroad right-of-way,

thence westerly along the northerly line of the vacated railroad right-of-way to the Point of Beginning.

104.1.2 FEE SCHEDULE. From the effective date hereof through June 30, 2014, a connection fee of \$3,900 per connection to the low pressure sewer system shall be imposed. The connection fee shall be adjusted on July 01, 2014, and each calendar year thereafter based on the change in ENR construction cost index for the one year period ending in April of the calendar year in which the adjustment is made. The connection fee shall be rounded to the nearest whole dollar. The City Administrator shall determine the applicable connection fee and shall maintain on file the connection fee effective July 1, of each calendar year.

104.1.3 PAYMENT OF THE CONNECTION FEE. The connection fee shall be paid prior to the physical connection to the low pressure sewer system located on Pleasant Street, Northeast.

104.1.4 PROPERTY OUTSIDE DISTRICT. Any property outside of the described connection fee district may connect to the low pressure sewer serving the district with the approval of the City Administrator and payment of the appropriate fee. The number of connections to the system is limited and connections outside the district may not be allowed.

104.1.5 MAXIMUM NUMBER OF CONNECTIONS. The City Administrator may establish a maximum number of connections to the low pressure sewer system. No connections in excess of the maximum number of connections established by the City Administrator will be allowed.

(Ordinance No. 13-204)

104.2 URBAN SERVICE AREA CONNECTION FEE DISTRICT.

104.2.1 CONNECTION FEE DISTRICT. The Urban Service Area Connection Fee District is hereby established consisting of a tract of land located in Sections 20, 28, 29, 32 and 33, Township 80 North, Range 22 west of the 5th Principal Meridian, Polk County, Iowa, more particularly described as follows:

Commencing at the Southeast Corner of Section 32, Township 80 North, Range 22 West, thence north along the west line of said Section 32 to the Northwest Corner of said Section 32, thence

north along the west line of Section 29, Township 80 North, Range 22 West to the Northwest Corner of said Section 29, thence north along the west line of the southwest quarter of Section

20, Township 80 North, Range 22 West to the northwest corner of the south one-half of the southwest quarter of said Section 20, thence east along the north line of the south one-half of the

southwest quarter of said Section 20 to the Northeast Corner of the south one-half of the southwest quarter of said Section 20, thence east along the north line of the south one-half of the southeast quarter of said Section 20 to the Northeast Corner of the south one-half of the southeast quarter of said Section 20, thence south along the east line of the southeast quarter of said Section 20 to the Southeast Corner of said Section 20, thence east along the north line of the northwest quarter of Section 28, Township 80 North, Range 22 West to the northeast corner of the west one-half of the northwest quarter of said Section 28, thence south along the east line of the west one-half of the northwest quarter of said Section 28 to the Southeast Corner of the west one-half of the northwest quarter of said Section 28, thence south along the east line of the west one-half of the southwest quarter of said Section 28 to the Southeast Corner of the west one-half of the southwest quarter of said Section 28, thence east along the north line of Section 33, Township 80 North, Range 22 West to the Northeast Corner of said Section 33, thence south along the east line of said Section 33 to the Southeast Corner of said Section 33, thence west along the south line of said Section 33 to the Southwest Corner of said Section 33, thence west along the south line of said Section 32 to the Point of Beginning.

104.2.2 FEE SCHEDULE. From the effective date hereof through June 30, 2016, a connection fee of \$3,500 per acre shall be imposed. The connection fee shall be adjusted on July 1, 2016, and each calendar year thereafter based on the change in the ENR construction cost index for the one year period ending in April of the calendar year in which the adjustment is made. The connection fee shall be rounded to the nearest whole dollar. The City Administrator shall determine the applicable connection fee and shall maintain on file the connection fee effective July 1 of each calendar year.

104.2.3 PAYMENT OF THE CONNECTION FEE. The connection fee shall be paid prior to the physical connection to the sanitary sewer system located in the Urban Service Area Connection Fee District.

104.2.4 PROPERTY OUTSIDE DISTRICT. Any property outside of the described connection fee district may connect to the sewer serving the district with the approval of the City Administrator and payment of the appropriate fee.

(Ordinance No. 15-210)

104.3 WOLF CREEK SANITARY SEWER CONNECTION FEE DISTRICT.

104.3.1 CONNECTION FEE DISTRICT. The Wolf Creek Sanitary Sewer Connection Fee District is hereby established consisting of a tract of land lying in Section 12 of Township 79 N, Range 23 West, of the Fifth Principal Meridian located in the City of Bondurant, Polk County, Iowa, more particularly described as follows:

Commencing at the point of intersection of the north right-of-way line of Interstate Highway 80 and the west line of the northeast quarter of the southwest quarter of Section 12, Township 79 North, Range 23 West of the Fifth Principal Meridian; thence northeasterly along the northerly right-of-way line of Interstate Highway 80 to a point lying 425 feet south of the north line of the south one-half of the northeast quarter of said Section 12; thence west to the southeast corner of Outlot P of Wolf Creek Plat 5; thence westerly along the south line of Outlot P of Wolf Creek Plat 5 to the southeast corner of the Outlot P Wolf Creek Estates Plat 8; thence west along the south line of Outlot P Wolf Creek Estates Plat 8 to the southwest corner of said Outlot P; thence northerly along the west line of Wolf Creek Estates Plat 8, Wolf Creek Plat 7, Wolf Creek Plat 2 and Wolf Creek Plat 1 to the northwest corner of Lot 73 Wolf Creek Plat 1; thence north to the south line of the southwest quarter of Section 1, Township 79 North, Range 23 West of the Fifth Principal Meridian; thence east along the south line of the southwest quarter of said Section 1 to the south quarter corner of said Section 1; thence north along the east line of the southwest quarter of said Section 1 to the southwest corner of the north 40 acres of the southwest quarter of said Section 1; thence west to the northeast corner of Lot 1 McCleary Meadows Industrial Park; thence west along the north line of McCleary Meadows Industrial Park to the northwest corner of the Lot 3 McCleary Meadows Industrial Park; thence south along the west line of McCleary Meadows Industrial Park to the southwest corner of Lot 4 McCleary Meadows Industrial Park; thence south along the west line of Outlot X McCleary Meadows Industrial Park to the northeast corner of Lot 2 McCleary Acres; thence south along the east line of McCleary Acres to the southeast corner of Lot 1 McCleary Acres; thence southwesterly along the southerly line of Lot 1 McCleary Acres to the southwest corner of Lot 1 McCleary Acres; thence southwesterly to the centerline of Franklin Street SW; thence southeasterly along the centerline of Franklin Street SW to the point of intersection of the centerline of Franklin Street SW and the westerly right-of-way line of Northeast Hubbell Avenue (Iowa Highway 65); thence south to a point on the north line of the northwest quarter of said Section 12; thence east along the north line of the northwest quarter of said Section 12 to a point lying north of the northwest corner of Lot 1 Clement Estates; thence south to the northwest corner of Lot 1 Clement Estates; thence southwesterly along the westerly line of Lot 1 Clement Estates to the northwest corner of Lot 2 Clement Estates Plat 2; thence southwesterly along the westerly line of Lot 2 Clement

Estates Plat 2 to the southwest corner of Lot 2 Clement Estates Plat 2; thence east along the south line of Lot 2 Clement Estates Plat 2 to the southeast corner of Lot 2 Clement Estates Plat 2; thence southeasterly across Henry St. NW to the west corner of Lot 3 Clement Estates Plat 2; thence southeasterly along the southwesterly line of Lot 3 Clement Estates Plat 2 to the southeast corner of Lot 3 Clement Estates Plat 2; thence south along the east line of Outlot Z Clement Estates Plat 2 to the southeast corner of Clement Estates Plat 2; thence south along the west line of the southeast quarter of the northwest quarter of said Section 12 to the southwest corner of the southeast quarter of the northwest quarter of said Section 12; thence south along the west line of the northeast quarter of the southwest quarter of said Section 12 to the point of beginning.

104.3.2 FEE SCHEDULE. From the effective date hereof through June 30, 2018, a connection fee of \$3,400 per acre shall be imposed. The connection fee shall be adjusted on July 1, 2018, and each calendar year thereafter based on the change in the ENR construction cost index for the one year period ending in April of the calendar year in which the adjustment is made. The connection fee shall be rounded to the nearest whole dollar. The City Administrator shall determine the applicable connection fee and shall maintain on file the connection fee effective July 1 of each calendar year.

104.3.3 PAYMENT OF THE CONNECTION FEE. The connection fee shall be paid prior to the physical connection to the sanitary sewer system located in the Wolf Creek Sanitary Sewer Connection Fee District.

104.2.4 PROPERTY OUTSIDE DISTRICT. Any property outside of the described connection fee district may connect to the sewer serving the district with the approval of the City Administrator and payment of the appropriate fee.

(Ordinance No.16-222)

104.4 HIGHWAY 65 UTILITY EXTENSION SANITARY SEWER CONNECTION FEE DISTRICT.

104.4.1 CONNECTION FEE DISTRICT. The Highway 65 Utility Extension Sanitary Sewer Connection Fee District is hereby established consisting of the following tracts of land located in Section 1, Township 79 North, Range 23 West of the 5th Principal Meridian, Polk County, Iowa consisting of the following:

1. Except the east 400 feet of the north 500 feet of the north one-half of the southeast quarter of Section 1, Township 79 North, Range 23 West lying east of the right-of-way of U.S. Highway 65 and,
2. Except the east 400 feet of the south 500 feet of the northeast fractional one-quarter of the southeast quarter of Section 1, Township 79 North, Range 23 West lying east of the right-of-way of U.S. Highway 65 and,

3. The northwest quarter of the southeast quarter of Section 1, Township 79 North, Range 23 West of the 5th Principal Meridian lying westerly of the right-of-way of U.S. Highway 65.
4. The east 1,200 feet of the north 40 acres of the southwest quarter of Section 1, Township 79 North, Range 23 West of the 5th Principal meridian lying westerly of the right-of-way of U.S. Highway 65 and,
5. The east 800 feet of the south one-half of the northwest fractional one-quarter of Section 1, Township 79 North, Range 23 West of the 5th Principal Meridian and,
6. The east 800 feet of the south 800 feet of the north half of the northwest fractional one-quarter of Section 1, Township 79 North, Range 23 West of the 5th Principal Meridian and,
7. A parcel located in Section 1, Township 79 North, Range 23 West of the 5th Principal Meridian beginning at the Center of said Section 1, thence north 1355.02 feet, thence east 977.48 feet, thence south 543.65 feet, thence east 367.85 feet, thence southwesterly along the westerly right-of-way line of U.S. Highway 65 a distance of 1,126.2 feet, thence west 565.35 feet to the point of beginning and,
8. The west 600 feet of the south 800 feet of the north 100 acres of the northeast fractional quarter of Section 1, Township 79 North, Range 23 West of the 5th Principal Meridian.

104.4.2 FEE SCHEDULE. From the effective date hereof through June 30, 2019 a connection fee of \$2,192 per acre shall be imposed. The connection fee shall be adjusted on July 1, 2019 and each calendar year thereafter based on the change in the ENR construction cost index for the one year period ending on April 1 of the calendar year in which the adjustment is made. The connection fee shall be rounded to the nearest whole dollar. The City Administrator shall determine the applicable connection fee and shall maintain on file the connection fee effective July 1 of each calendar year.

104.4.3 PAYMENT OF THE CONNECTION FEE. The payment of the connection fee shall be made prior to the approval of any final plat of an area within the connection fee district, or prior to the approval of a site plan located within the connection fee district, or prior to the issuance of a permit for installation of the sewer connection for any parcel within the connection fee district. The connection fee shall be paid prior to the first of any of the three listed actions. If a connection fee is paid for the parcel for one of the three actions said parcel shall not be further subject to the connection fee.

104.4.4 PROPERTY OUTSIDE DISTRICT. Any property outside of the described connection fee district may connect to the sewer serving the district with the approval of the City Administrator and payment of the appropriate connection fee. The number of connections to the system is limited and connections outside the district may not be allowed.

(Ordinance No. 18-220)

104.5 Northwest Trunk Sewer Sanitary Sewer Connection Fee District

104.5.1 Connection Fee District. The Northwest Trunk Sewer Connection Fee District is hereby established consisting of the following area located in Sections 25, 35 and 36, Township 80 North, Range 23 West of the 5th Principal Meridian, Polk County, Iowa described as follows: Commencing at the point of intersection of an east line of Section 35, Township 80 North, Range 35 West of the 5th Principal Meridian and the north right-of-way line of the former railroad right-of-way, thence southwesterly along the northerly right-of-way line of the former railroad right-of-way to the west line of the east one-half of the east one-half of said Section 35, thence north along the west line of the east one-half of the east one-half of said Section 35 to the north line of said Section 35, thence east along the north line of said Section 35 to the northeast corner of said Section 35, thence north along the west line of Section 25, Township 80 North, Range 23 West of the 5th Principal Meridian to the northwest corner of said Section 25, thence north along the west line of the southwest quarter of Section 24, Township 80 North, Range 23 West of the 5th Principal Meridian to the north line of the south one-half of the southwest quarter of said Section 24, thence east along the north line of the south one-half of the southwest quarter of said Section 24 to the northeast corner of the south one-half of the southwest quarter of said Section 24, thence east along the north line of the south one-half of the southeast quarter of Section 24, Township 80 North, Range 23 West of the 5th Principal Meridian to the northeast corner of the south one-half of the southeast quarter of said Section 24, thence south along the east line of the southeast quarter of said Section 24 to the northeast corner of Section 25, Township 80 North, Range 23 West of the 5th Principal Meridian, thence south along the east line of the northeast quarter of said Section 25 to a point 708.99 feet north of the southeast corner of the northeast quarter of said Section 25, thence west along a line parallel to and 708.99 feet north of the south line of the northeast quarter of said Section 25 a distance of 1,446.26 feet, thence southwesterly along a curve a distance of 485.00 feet, thence west a distance of 250.00 feet, thence southwesterly a distance of 363.53 feet to a point on the south line of the northeast quarter of said Section 25, thence west along the south line of the northeast quarter of said Section 25 to the southwest corner of the northeast quarter of said Section 25, thence west along the north line of the southwest quarter of said Section 25 to the northwest corner of Outlot Z, Bluejay Landing Plat 2, an official plat in and forming the City of Bondurant, Polk City, Iowa, thence southerly along the westerly line of Bluejay Landing Plat 2 to the southwest corner of Lot 1, Bluejay Landing Plat 2, said point also being the northwest corner of Lot 29, Bluejay Landing Plat 1, an official plat in and forming the City of Bondurant, Polk City, Iowa, thence southerly along the west line of Bluejay Landing Plat 1 to a point on the south line of the southwest quarter of said Section 25, thence west along the north line of the northwest quarter of Section 36, Township 80 North, Range 23 West of the 5th Principal Meridian to a point lying directly north of the northwest corner of Lot J, Quail Run Plat 1, an official plat in and forming the City of Bondurant, Polk City, Iowa, thence southerly along the westerly line of Quail Run Plat 1 to a

point on the north line of the former railroad right-of-way, thence southwesterly along the northerly right-of-way line of the former railroad right-of-way to the point of beginning.

and,

A parcel of property located in Sections 19 and 30 of Township 80 North, Range 22 West of the 5th Principal Meridian more particularly described as follows:

Commencing at the southwest corner of the southwest fractional one-quarter of Section 19, Township 80 North, Range 22 West of the 5th Principal Meridian; thence north along the west line of Section 19, to the northwest corner of the south one-half of the southwest fractional one-quarter of said Section 19; thence east along the north line of the south one-half of the southwest fractional one-quarter of said Section 19 to the northeast corner of the south one-half of the southwest fractional one-quarter of said Section 19; thence south along the east line of the south one-half of the southwest fractional one-quarter of said Section 19 to the northwest corner of the southwest quarter of the southwest quarter of the southeast quarter of said Section 19; thence east along the north line of the southwest quarter of the southwest quarter of the southeast quarter of said Section 19 to the northeast corner of the southwest quarter of the southwest quarter of the southeast quarter of said Section 19; thence south along the east line of the southwest quarter of the southwest quarter of the southeast quarter of said Section 19 to the southeast corner of the southwest quarter of the southwest quarter of the southeast quarter of said Section 19; thence south along the east line of the west one-half of the northwest quarter of the northeast quarter of Section 30, Township 80 North, Range 22 West to the southeast corner of the west one-half of the northwest quarter of the northeast quarter of said Section 30; thence south along the east line of the west one-half of the southwest quarter of the northeast quarter of said Section 30 to the southeast corner of the west one-half of the southwest quarter of the northeast quarter of said Section 30; thence west along the south line of the southwest quarter of the northeast quarter of said Section 30 to the southeast corner of the northwest quarter of said Section 30; thence west along the south line of the northwest quarter of said Section 30 to the southeast corner of the west one-half of the northwest quarter of said Section 30; thence north along the east line of the west one-half of the northwest quarter of said Section 30 a distance of 1,000 feet; thence west to a point on the west line of the northwest quarter of said Section 30 of said point being located a distance of 1,000 feet north of the southwest corner of the northwest quarter of said Section 30; thence north along the west line of the northwest quarter of said Section 30 to the point of beginning.

104.5.2 Fee Schedule. From the effective date hereof through June 30, 2022, a connection fee of \$4,135 per acre shall be imposed. The connection fee shall be adjusted on July 1, 2022, and each calendar year thereafter based on the change in the ENR Construction Cost Index for the one-year period ending on April 1 of the calendar year in which the adjustment is made. The

connection fee shall be rounded to the nearest whole dollar. The City Administrator shall determine the applicable connection fee and shall maintain on file the connection fee effective July 1 of each calendar year.

104.5.3 Payment of the Connection Fee. The payment of the connection fee shall be made prior to the approval of any final plat of an area within the connection fee district, or prior to the approval of a site plan located within the connection fee district, or prior to the issuance of a permit for installation of the sewer connection for any parcel within the connection fee district. The connection fee shall be paid prior to the first of any of the three listed actions. If a connection fee is paid for the parcel for one of the three actions said parcel shall not be further subject to the connection fee.

104.5.4 Property Outside District. Any property outside of the described connection fee district may connect to the sewer serving the district with the approval of the City Administrator and payment of the appropriate connection fee. The number of connections to the system is limited and connections outside the district may not be allowed.

104.5.5 Payment by Agreement. Any property located within the connection fee district that is subject to a separate agreement regarding the payment of the connection fee shall be exempt from the payment of connection fees under this Ordinance, provided the connection fees are paid in accordance with the agreement. In the event a property subject to a separate agreement and the property owner fails to pay any or all of the connection fees under the separate written agreement, the property is not considered exempt from the payment of connection fees under this Ordinance and shall be subject to the payment of connection fees under this Ordinance to the extent not paid under the separate agreement.

(Ordinance No. 200323-207)

(Ordinance No. 210816-209)