

DIVISION 5. WASTE WATER COLLECTION AND TREATMENT*

*Subdivision 1. Generally***Sec. 28-170. General provisions.**

(a) *Purpose and policy.* This division sets forth uniform requirements for direct and indirect contributors into the waste water collection and treatment system for the City of Opelika, Alabama, and enables the city to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR, Part 403).

(b) *Objectives.* The objectives of this division are:

- (1) To prevent the introduction of pollutants into the municipal waste water system which will interfere with the operation of the system or contaminate the resulting sludge;
- (2) To prevent the introduction of pollutants into the municipal waste water system which will pass through the system inadequately treated into receiving waters or the atmosphere or otherwise be incompatible with the system;
- (3) To improve the opportunity to recycle and reclaim waste waters and sludges from the system; and,
- (4) To provide for equitable distribution of the cost of the municipal waste water system.

(c) *Provisions for direct or indirect contributors, authorization for monitoring and enforcement activities, setting of fees, etc.* This division provides for the regulation of direct or indirect contributors to the municipal waste water system through the issuance of permits to certain nondomestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer's capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(d) *Application.* This division shall apply to the City of Opelika and to persons outside the city who are, by contract or agreement with the city, users of the city's publicly owned treatment works. All contracts between the city and persons outside the city shall contain at a minimum the requirements of 40 CFR 403.8(f)(1)(vi)(a), and such contracts shall be submitted to the Alabama Department of Environmental Management for review and approval before implementation thereof.

(Ord. No. 109-82, § 1(1.1), 11-16-82); Ord. No. 114-83, § 1, 2-15-83)

***Editor's note**—Ordinance No. 109-82, §§ 1—6, adopted Nov. 16, 1982, enacted the provisions codified herein as Div. 5 of Art. IV. Since said ordinance did not expressly amend the Code, the manner of codification has been at editor's discretion. Section 1(1.1) of said ordinance stated that these provisions were supplemental to the provisions of Ord. No. 112-81, included herein as Divs. 1—3 of Art. IV. Consequently, if the provisions of Ord. No. 109-82 and Ord. No. 112-81 should conflict presumably the provisions of Ord. No. 109-82 would control.

Sec. 28-171. Definitions.

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this division, shall have the meanings hereinafter designated:

Act or the Act. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.

Approval authority. The director in an NPDES state with an approved pretreatment program and the administrator of the EPA in a nonNPDES state or NPDES state without an approved state pretreatment program.

Authorized representative of industrial user. An authorized representative of an industrial user may be:

- (1) A principal executive officer of at least the level of vice-president, if the industrial user is a corporation;
- (2) A general partner or proprietor if the industrial user is a partnership or proprietor, respectively;
- (3) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

Biological oxygen demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at twenty (20) degrees Centigrade expressed in terms of weight and concentration (pounds per day lbs./day) and milligrams per liter (mg/l respectively).

Building sewer. A sewer conveying waste water from the premises of a user to the POTW.

Categorical standards. National categorical pretreatment standards or pretreatment standard.

City. The City of Opelika or the governing body of Opelika.

Control authority. The term "control authority" shall refer to the "approval authority," defined hereinabove; or the superintendent if the city has an approved pretreatment program under the provisions of 40 CFR, 403.11.

Cooling water. The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

Direct discharge. The discharge of treated or untreated waste water directly to the waters of the State of Alabama.

Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency, or where appropriate the term may also be used as designation for the administrator or other duly authorized official of said agency.

Grab sample. A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

Holding tank waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

Indirect discharge. The discharge or the introduction of nondomestic pollutants from any source regulated under Section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).

Industrial user. A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

Interference. The inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of the city's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

National categorical pretreatment standard or Pretreatment stand. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of industrial users.

National pollution discharge elimination system or NPDES Permit. A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

National prohibitive discharge standard or prohibitive discharge standards. Any regulation developed under the authority of Section 307(b) of the Act and 40 CFR, Section 403.5.

New source. Any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307(c)(33 U.S.C. 1317) categorical pretreatment standard which will be applicable to such source, if such standard is thereafter promulgated within one hundred twenty (120) days of proposal in the *Federal Register*. Where the standard is promulgated later than one hundred twenty (120) days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.

Person. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

PH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

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

Pollution. The man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

POTW treatment plant. That portion of the POTW designed to provide treatment to waste water.

Pretreatment or Treatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in waste water to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes [or] other means, except as prohibited by 40 CFR, Section 403.6(d).

Pretreatment requirements. Any substantive or procedural requirement related to pretreatment, other than a national pretreatment stand imposed on an industrial user.

Publicly owned treatment works (POTW). A treatment works as defined by Section 212 of the Act (33 U.S.C. 1292), which is owned in this instance by the city. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this division, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the city who are, by contract or agreement with the city, users of the city's POTW.

Shall is mandatory; *may* is permissive.

Significant industrial user. Any industrial user of the city's waste water disposal system who:

- (1) Has a discharge flow of twenty-five thousand (25,000) gallons or more per average work day;
- (2) Has a flow greater than five (5) per cent of the hydraulic or organic design capacity of the POTW;
- (3) Has in its wastes toxic pollutants as defined pursuant to Section 307 of the Act or state statutes and rules; or,
- (4) If found by the city, Alabama Department of Environmental Management (ADEM) or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the waste water treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.

Standard industrial classification (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

State. The State of Alabama.

State indirect discharge (SID) permits. As set forth in section 28-204 of this division.

Storm water. Any flow occurring during or following any form of natural precipitation and resulting therefrom.

Superintendent. The person designated by the city to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this division, or his duly authorized representative.

Suspended solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

Toxic pollutant. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other acts.

User. Any person who contributes, causes or permits the contribution of waste water into the city's POTW.

Wastewater. The liquid and water carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with [such groundwater, surface water, and stormwater as] may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

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

(Ord. No. 109-82, § 1(1.2), 11-16-82; Ord. No. 114-83, §§ 2-5, 2-15-83)

Cross reference—Similar definitions, § 28-81.

Sec. 28-172. Abbreviations.

The following abbreviations shall have the designated meanings:

BOD	- Biochemical oxygen demand.
CFR	- Code of Federal Regulations.
COD	- Chemical oxygen demand.
EPA	- Environmental Protection Agency.
l	- Liter.
mg	- Milligrams.
mg/l	- Milligrams per liter.
NPDES	- National pollutant discharge elimination system.

POTW	- Publicly owned treatment works.
SIC	- Standard industrial classification.
SWDA	- Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.
USC	- United States Code.
TSS	- Total suspended solids.

(Ord. No. 109-82, § 1(1.3), 11-16-82)

Sec. 28-173. Charges and fees for recovery of costs.

(a) *Purpose.* It is the purpose of this division to provide for the recovery of costs from users of the city's waste water disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth in the city's schedule charges and fees.

(b) *Charges and fees.* The city may adopt charges and fees which may include:

- (1) Fees for reimbursement of costs of setting up and operating the city's pretreatment program;
- (2) Fees for monitoring, inspections and surveillance procedures;
- (3) Fees for reviewing accidental discharge procedures and construction;
- (4) Fees for permit applications;
- (5) Fees for filing appeals;
- (6) Fees for consistent removal (by the city) of pollutants otherwise subject to federal pretreatment standards;
- (7) Other fees as the city may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this division and are separate from all other fees chargeable by the city.

(Ord. No. 109-82, § 3(3.1, 3.2), 11-16-82)

Cross reference—Rates and charges for sewage disposal service, § 28-141.

Sec. 28-174. Penalty; costs.

(a) *Civil penalties.* Any user who is found to have violated an order of the governing body or who willfully or negligently failed to comply with any provision of this division, and the orders, rules, regulations and permits issued hereunder, shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the city may recover reasonable attorneys' fees, court costs, court reports' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this division or the orders, rules, regulations, and permits issued hereunder.

(b) *Falsifying information.* Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this division, or waste water contribution permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this division, shall, upon conviction, be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than one hundred eighty (180) days, or both.

(Ord. No. 109-82, § 6(6.1, 6.2), 11-16-82)

Sec. 28-175. Reserved.

Editor's note—Section 2 of Ord. No. 109-99, adopted April 6, 1999, repealed § 28-175 which pertained to user charges for wastewater treatment services, and derived from Ord. No. 116-83, adopted April 5, 1983; Ord. No. 108-87, adopted March 17, 1987; and Ord. No. 104-94, adopted Feb. 15, 1994.

Secs. 28-176—28-184. Reserved.