

Chapter 106

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ARTICLE I. IN GENERAL

Sec. 106-1. Reserved.

Editor's note-Ord. No. 2257, § 1, adopted June 12, 2007, repealed § 106-1, which pertained to minimum rates for certain persons and derived from Code 1974, §§ 31-52, 31-53.

Secs. 106-2-106-25. Reserved.

ARTICLE II. WATER SUPPLY SYSTEM*

DIVISION 1. GENERALLY

Sec. 106-26. Application for service.

(a) Any person desiring to have a premises connected with the water supply system of the city shall make the application therefor at the city treasurer's office upon a form to be furnished for that purpose. The application shall contain the location of the premises where such water is to be used and such other reasonable information as the city treasurer may require, shall be signed by the person desiring water service or his duly authorized agent, and shall be filed in the city treasurer's office.

(b) The application for water service shall contain a contract on the part of the person making the application, the terms of such contract to be set out on the application form approved by motion or resolution of the city council.
(Code 1974, § 31-14)

Sec. 106-27. Deposits.

A deposit shall be paid by any customer requesting water service as follows:

- (1) Construction..... \$25.00
- (2) Single-family residences, apartments (per unit), rooming houses, duplexes, churches, schools and business establishments (with the exception of those listed below):
 - Renters. 100.00
 - Owners..... 80.00

*Cross references-Plumbing code, § 18-171 et seq.; McAlester water district, § 78-26 et seq.
State law reference-Municipal water supply systems, 11 O.S. § 37-101 et seq.

Realtors (clean-up only)	45.00
(3) Motel:	
a. Zero to 150 units .	300.00
b. Over 150 units .	500.00
(4) Rest home .	200.00
(5) Restaurants:	
a. Zero to 40 seating capacity .	45.00
b. Forty-one to 150 seating capacity .	90.00
c. Over 150 seating capacity .	135.00
(6) Carwash .	300.00
(7) Ice plant .	300.00
(8) Laundromat .	300.00
(9) Industrial, 20 percent of estimated usage but no less than \$200.00.	

(Code 1974, § 31-14.1; Ord. No. 2207, § 1,9-27-05)

Sec. 106-28. Connection prohibited until prior city claims paid.

If any water consumer ceases to be a water consumer for any reason and is indebted to the city for water in any amount, and again becomes a user of water or seeks again to have a water connection, the city shall enforce collection for any sum due the city for water previously furnished and refuse the connection until all such claims are paid.
(Code 1974, § 31-15)

Sec. 106-29. Applicant to pay cost of running pipe to property not served by water.

Where the premises to be connected are not served by water, the applicant for service shall pay the entire cost of running the pipe of the specified size to the property to be served.
(Code 1974, § 31-16)

Sec. 106-30. Multiple connections on same premises; each premises to have separate connection.

No premises shall be allowed to have more than one service connection, unless a special permit therefor shall be given by the superintendent of utilities. Every separate premises supplied by city water must have its own separate service connection and meter and the premises so supplied must not be allowed to supply water to any other premises.
(Code 1974, § 31-17)

Sec. 106-31. Connections on premises supplied with water from other sources.

No water service connection may be allowed from the city water mains to any premises supplied by water from any other source, unless the city manager grants permission. The city manager may terminate such permission at any time. The city manager shall have power to prescribe reasonable regulations for the use of water from another source on premises having a connection with the city water system.
(Code 1974, § 31-18)

Sec. 106-32. Cross connections.

It shall be unlawful for any person to cause a connection to be made or to allow one to exist for any purpose whatsoever between the city water supply and any other source of water supply upon his premises. Every person having any other source of water supply upon his premises is required to make a customer's declaration of nonexistence of a cross connection upon a form supplied by the city before he shall be permitted to obtain or continue to use water from the city water system. City water services shall be discontinued upon any premises upon which there is found to be a connection between the city water supply and another water supply, and such service shall not be restored until such cross connection has been discontinued.
(Code 1974, § 31-19)

Sec. 106-33. Meter required prior to connection.

It shall be unlawful for a plumber or any other person to make a connection to or use water from the city water system until a meter has been set.
(Code 1974, § 31-20)

Sec. 106-34. Meters set and connected by city; ownership of meters.

All water meters shall be set and connected to the city mains by employees of the city. All meters installed by the city shall belong to the city.
(Code 1974, § 31-21)

Sec. 106-35. Meter installation fee.

At the time application for water service is made pursuant to section 106-26, the applicant shall pay to the city treasurer a meter installation fee in the following amount:

- (1) For a 5/8-inch by 3/4-inch meter \$ 365.00
- (2) For a 3/4-inch by 3/4-inch meter 420.00
- (3) For a 1-inch by 1 1/2-inch meter 470.00
- (4) For a 1 1/2-inch meter. 825.00
- (5) For a 2-inch meter. 985.00
- (6) For a meter larger than 2 inches, the cost shall be determined by the utility superintendent by the actual cost of all necessary materials and meter, plus the estimated labor and equipment.

There shall be no meter installation fee if the meter is to be connected to a water line or main which has been installed without cost to the city. (Code 1974, § 31-22)

Sec. 106-36. Meter relocation fee.

If any water customer applies to the city to have a meter moved from one location to another location on the same premises, he shall pay a fee therefor as follows:

- (1) For a 5/8-inch, 3/4-inch, 1-inch or 1 1/2-inch meter, the sum of \$300.00.
- (2) For a meter larger than 1 1/2 inches, \$300.00 plus the cost of the meter and additional parts and materials.

If the applicant requests the connection of a meter of a different size than the meter to be disconnected, he will be required to pay \$300.00 plus the cost difference in meter sizes and any additional parts and materials. (Code 1974, § 31-23)

Sec. 106-37. Testing meters.

When the accuracy of a five-eighths-inch, three-fourths-inch, one-inch or 1 1/2-inch water meter is questioned by a water customer, and all routine checking procedures have been exhausted, reason-

ably showing no malfunction, the customer, upon his request, will receive a meter replacement upon paying the sum of \$35.00. (Code 1974, § 31-24)

Sec. 106-38. Charges for reconnection and rereading of meter.

A service fee of \$25.00 shall be charged for reconnection of water service after water has been turned off due to relocation of residency within the city, and/or temporary discontinuance of service occasioned for the convenience of the customer. The fee shall also be levied when the city is requested by the customer to re-read the meter due to questioned error in original reading and upon re-reading, the original readings were found to be valid. A re-read charge will not be levied in the event an error was made by the city on the original reading, provided further that no charge will be levied for the first re-reading in a 12-month period of time. (Code 1974, § 31-50.5; Ord. No. 2207, § 1, 9-27-05)

Sec. 106-39. Galvanized pipe required; depth of pipe.

All persons connected with the city water system or laying their own private pipe shall be required to use standard galvanized pipe up to and including two inches in size. All pipe shall be laid not less than two feet below the surface of the ground, except that, in streets where the grade is already established, the pipe shall be laid at least two feet below the established grade. (Code 1974, § 31-25.1)

Sec. 106-40. Maintenance of service lines; replacement of inadequate service lines.

(a) All service lines between the main and the property line shall be maintained by and at the expense of the city. If a meter is not set at the end of the lead service, the service line and connection between the end of the lead service and the meter shall be maintained by the city.

(b) When it is found that the service line from the main to the property line is inadequate to furnish standard water service to the property owner, the city shall replace the service line at no

cost to the property owner. At the discretion of the city, the replacement service line may be connected to a larger or more adequate main, if one exists in the alley or street adjacent to the property. This new connection will be at no cost to the property owner.
(Code 1974, § 31-26)

Sec. 106-41. Maintenance of private lines.

All private water lines shall be maintained by and at the expense of the owner. When the city notifies the owner that there is a leak in his private line, the owner shall have the same repaired immediately, and in case of failure to do so, the water will be cut off until the line has been repaired.
(Code 1974, § 31-27)

Sec. 106-42. Keys for curb cocks.

The superintendent of utilities may permit any properly licensed and registered plumber to have a service key, which he shall keep in his possession and with which he may shut off the curb cock for the purpose of making repairs on the premises. No person other than such plumber shall use the key. Plumbers shall leave a curb cock in the condition in which it was found.
(Code 1974, § 31-28)

Sec. 106-43. Service for fire protection generally.

Water service for fire protection must be fitted for such fixtures only as are needed for fire protection and entirely disconnected from those used for other purposes.
(Code 1974, § 31-29)

Sec. 106-44. Connection to sprinkler systems.

The following provisions shall apply to buildings having fire sprinkler systems connected to the city water systems:

- (1) The valve shall be placed between the city main and the building in a place designated by the city engineer.
- (2) The city shall make all connections from the main to the sprinkler service line

valve. The charge for this connection will be \$50.00, plus the cost of all material required, including replacement of pavement, if any.

- (3) There shall be a one-time charge of \$100.00 for plan review, review of test results, inspection and certification of system.
- (4) No connections for water use other than the fire sprinkler system will be permitted on the sprinkler system waterline.
- (5) City representatives shall at all times be permitted to go on the premises for the purpose of inspecting the fire sprinkler system and the connections thereto.
- (6) All repairs to the system will be made by the owner or occupant of the building. The city will make any repairs to the city main servicing the sprinkler line.
- (7) If there are any leaks in the fire sprinkler system, the city will notify the property owner and/or occupant. Repairs are to be made within 48 hours from the time of such notice, or within such time as may be given in writing by the city manager. If deemed necessary the city will cut off the water supplying the system and any cost related to reestablishing service will be born by the owner of the sprinkler system.

(Code 1974, § 31-30)

Sec. 106-45. Fluoridation of water supply.

In order to protect the health and welfare of the citizens of the city, the quantity of fluoride in the public water supply shall be controlled in such a manner that the amount present in the water served to the public shall be in conformity with the policy established by the state department of health.

(Code 1974, § 31-31)

Sec. 106-46. Right of entry to inspect connections and lines; badge, credentials of inspectors.

- (a) Officers and employees of the city, whose duty it may be to enter upon private premises to make inspections of pipes and fixtures or attachments used in connection with the city's water

lines, will be provided with a badge or other credentials to identify them as such officers and employees. Any such officer or employee shall, upon presentation of his badge or other credentials, have free access at all reasonable hours to any premises supplied with city water, for the purpose of making any inspection of a water connection or line upon the premises. In case any employee is refused admittance to any premises or is prevented from making such inspection, the city may cause the water to be turned off from the premises forthwith.

(b) It shall be the duty of every officer or employee issued a badge or other credentials under this section to forthwith surrender and deliver the same to the utility superintendent's office upon his leaving the employ of the city. (Code 1974, § 31-32)

Sec. 106-47. Unlawful reconnection of service after cutoff.

When water has been shut off from any premises by application of the owner thereof or for the nonpayment of water charges or for any other cause, it shall be unlawful for any person again to connect such premises with water except when authorized to do so by the superintendent of utilities. When water is turned off by the city and the city discovers water is on at the residence without the cities or superintendent's authority, a fee of \$100.00 will be charged to the homeowner or applicant. Additionally, when water is so turned on without such authority, the superintendent may then shut off the water at the main or remove a portion of the service connection at the cock, and if the water was so turned on by the consumer or by his authority, he shall be charged \$100.00 for reinstallation of the meter. Each day or part of a day during which such violation is continued or repeated shall constitute a separate offense. These fees are in addition to any other penalties for violation of code or legal offenses.

(Code 1974, § 31-33; Ord. No. 2207, § 1, 9-27-05; Ord. No. 2496, 4-22-14)

Sec. 106-48. Damaging, disturbing, etc., system property generally.

It shall be unlawful for any person, unless duly authorized by the superintendent of utilities, to

disturb, displace, interfere with, cover up, damage or destroy any water main, water pipe, meter, meter box, machinery, tool, building, curb cock, curb box or any other property belonging to, connected with or under the control of the city water supply system. If meter reader is unable to read a meter due to intentional blockage or damage then the city shall apply a \$100.00 fee to the utility account. Each day or part of a day during which such violation is continued or repeated shall constitute a separate offense. These fees are in addition to any other penalties for violation of code or legal offenses.

(Code 1974, § 31-34; Ord. No. 2497, 4-22-14)

Sec. 106-49. Responsibility of owner or occupant to repair or replace damaged meters.

In all cases where water meters or boxes are lost, injured or broken by willful action or as a result of carelessness or negligence of owners or occupants of premises, they shall be replaced or repaired at the expense of the owner or occupant. In case of nonpayment, the water shall be cut off and will not be turned on until such charges are paid.

(Code 1974, § 31-35)

Sec. 106-50. Opening, interfering with, obstructing, etc., fire hydrants or stopcocks.

(a) It shall be unlawful for any person, except one duly authorized by the superintendent of utilities or a member of the fire department, to open, turn on or off, interfere with, damage, destroy, attach any pipe or hose to, or connect any thing with, any fire hydrant to a stopcock belonging to the city.

(b) It shall be unlawful for any person to obstruct access to any fire hydrant by placing around or thereon brick, lumber, dirt or other things, or in any other manner.

(Code 1974, § 31-36)

Sec. 106-51. Climbing ladder or appurtenances to standpipe, reservoir or water tower.

It shall be unlawful for any person not an employee of the city to ascend the ladder or

ladders, or any of the appurtenances attached to the standpipe, reservoirs or water tower of the city, which standpipe is located on Third Street, between Adams Avenue and Jefferson Avenue, and which water tower is located on the easterly 90 feet of Lot 4 in Block 532, and which reservoir is located on the Skyline Drive.
(Code 1974, § 31-37)

Sec. 106-52. Posting bills, signs on or defacing standpipe or water tower.

It shall be unlawful for any person to post any bills or attach any advertising matter or signs to the standpipe or water tower referred to in section 106-51, or any of the appurtenances attached thereto, or to write or print any matter thereon, or by any other means injure or deface the same.
(Code 1974, § 31-38)

Secs. 106-53—106-70. Reserved.

DIVISION 2. SERVICE CHARGES*

Sec. 106-71. Rates established.

(a) The rates to be charged for water furnished by the city water system shall be as follows:

Cubic feet	Inside city users	Outside city users
1—300	\$10.50 (minimum)	\$15.91 (minimum)
Over 300	\$3.81/100 cubic feet	\$5.70/100 cubic feet

(b) These rates shall be reviewed at the end of the current fiscal year, which is June 30. Each January 1 thereafter, the above rates shall be adjusted to reflect increases in the Consumer Price Index (CPI). The city shall post and make available to the public a schedule of the adjusted rates to be charged.

(c) *Low volume discount.*

- (1) Using the official poverty guidelines published by the U.S. Department of Health and Human Services each year, households with proof of income less than this poverty level shall be granted an adjustment on their monthly utility bill, but in

*State law reference—Authority to prescribe water rates, 11 O.S. § 37-109.

no case shall the bill be adjusted below the basic minimum. The current adjustment rate as of January 1, 2012 is \$11.00. Each January 1 thereafter, the above adjustment rate of \$11.00 shall be amended based on the analysis of the Consumer Price Index (CPI).

- (2) To qualify for the low income discount, the customer must provide a copy of his or her latest officially filed federal income tax return, or proof of income in lieu thereof. This form must be filed on the first of June of each year. Income shall mean total income, not adjusted income. The discount period shall expire on June 30th of each year and shall be renewed by the customer.

- (3) This discount provision shall not apply to landlords or commercial enterprises. Discounts shall apply to the low income individual's occupied residence.

(Ord. No. 1987, § 1(31-45), 7-28-92; Ord. No. 2062, § 1, 5-13-97; Ord. No. 2213, § 1, 10-25-02; Ord. No. 2214, § 1, 11-8-05; Ord. No. 2235, §§ 1, 2, 6-27-06; Ord. No. 2439, §§ 1, 2, 9-25-12)

Sec. 106-72. Special contracts, rates for large users.

The city council is authorized to enter into a special contract with any industrial concern or corporation or another municipal government for water services where the use will be in excess of 300,000 gallons per month. The rates established in those contracts shall be established by the city council and will not necessarily be those in effect for other residential or industrial users. This section shall not be so construed as to annul any valid contract which the city may have heretofore entered into or may have assumed, nor shall it invalidate any valid bonus agreement made to secure location of any business or manufacturing concern in or near the city.

(Code 1974, § 31-46)

Sec. 106-73. Charged against applicant for service.

All charges for water shall be charged against the person who signed the application for service.
(Code 1974, § 31-47)

Sec. 106-74. Separate minimum charge for each premises served by same meter.

When more than one building or apartment or other subdivision of space in any residence or commercial building is served through one water meter, each such additional building, apartment or subdivision of space shall be deemed a separate water service, and a separate minimum charge shall be made therefor and collected by the city treasurer. In any case, such minimum charge shall be the regular minimum charge at the current rates in effect at the time of billing. (Code 1974, § 31-48)

Sec. 106-75. When due and payable; delinquency.

Charges for water service by meter and otherwise shall be due and payable monthly on dates to be determined by the city, and each bill will be stamped with a past due date. If such bill is not paid on or before the past due date stamped thereon, a ten percent penalty will be added. If the bill is not paid within ten days after the past due date stamped thereon, a ten percent penalty will be added. If the bill is not paid within ten days after the past due date stamped thereon, the connection will be cut off, without notice, by the city. In this event, an additional charge of \$25.00 for first offense shall be added to the bill for turning the water off and for repeat offenses a \$45.00 charge will be added for turning the water off. When water is turned off by the city for nonpayment and the city discovers water is on at the residence, without the city's or superintendent's authority, an additional fee of \$100.00 will be charged to the homeowner or applicant on the account. When an account has been off and locked and the lock has been tampered with or removed, a fee of \$100.00 will be assessed to the account and the meter will be re-locked or removed from the location. An additional fee of \$100.00 shall be charged to pull the meter. Each day or part of a day during which such violation is continued or repeated shall constitute a separate offense. These fees are in addition to any other penalties for violation of code or legal offenses. (Code 1974, § 31-49; Ord. No. 2207, § 1, 9-27-05; Ord. No. 2499, 5-13-14)

Sec. 106-76. Estimate in case of defective meter.

If a water meter is out of order or fails to register properly, the consumer shall be charged on an estimate made of the average monthly consumption during the last three months when the meter was in good condition or from what the city may consider to be the most reliable data for making such estimate. (Code 1974, § 31-50)

Sec. 106-77. Raw water sales.

(a) Raw water sales shall be allowed from any city-owned water source as approved by the city manager or his representative.

(b) The rate of the raw water furnished shall be a minimum of \$0.25 per barrel with the city manager or his representative having authority to negotiate a higher price, a barrel being established as 42 gallons. The minimum rate shall be increased three percent annually beginning January 1, 2011, and adjusted each January 1 of every year thereafter.

(c) All connections, piping, meters, and other accessories shall be furnished by the customer.

(d) Meters provided shall be adequate for the flow utilized and approved by the city manager or his representative. Meters shall have been calibrated and certified within one year of date of use and shall be within plus or minus two percent accuracy. Certification shall be provided to the city manager or his representative.

(e) All connections shall provide a backflow prevention device at the withdrawal location and an air gap at the discharge location. Each connection will be subject to the approval of the city manager or his representative.

(f) All fuel, oil, or other potential contaminants of the water source shall have a containment system adequate to contain any potential spill. The containment system shall be subject to the approval of the city manager or his representative.

(g) The customer shall be responsible for the raw water once removed from the city's water source and responsible for meeting all state and federal regulations.

(h) The customer shall provide the city water office all required billing information prior to installing water connection. Meter reading shall also be provided to the McAlester Water Office prior to installing connection to the raw water source and monthly meter readings shall also be provided. Payment for raw water usage shall meet the requirements of section 106-75.

(i) In the event of a shortage of water, or the supply of water available to the city is otherwise diminished in the city's determination to make performance of the sale impossible, such sale may be cancelled.

(j) Meters provided by customer shall be nonresettable or shall be contained in a locked canister controlled by the city.
(Ord. No. 2344, § 1, 1-12-10)

Secs. 106-78—106-90. Reserved.

DIVISION 3. WATER EMERGENCIES

Sec. 106-91. Definitions.

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:

Essential use means the use of water for commercial purposes or for bodily needs and general household purposes.

Nonessential use means the use of water for the watering of lawns, hedges and gardens or for any other purpose not herein defined as an essential use.

(Code 1974, § 31-57)

Cross reference—Definitions generally, § 1-2.

Sec. 106-92. Division binding on all water users.

This division is binding upon all water users of the city, whether residing or having business or being within the city limits or out of the city limits.

(Code 1974, § 31-58)

Sec. 106-93. Authority to proclaim and direct conservation of water.

In view of the inadequacy of the city water system to produce enough water during drought periods and times of breakdown in equipment and the transportation system to satisfy all demands of the users thereof, the city manager is hereby granted the right, power and authority to determine and declare an emergency when, in his judgment, such action is necessary, and to direct, by proclamation, the water users of the city to conserve water in accordance with the terms of his proclamation.

(Code 1974, § 31-59)

Sec. 106-94. Specific emergency orders authorized.

(a) The city manager shall have the right, power and authority, without limitation, in accordance with the emergency then existing, to order the proration of water or the discontinuance of use of water from the city mains, or to take such other and additional measures as he deems necessary in accordance with the needs of the public, provided that he, in the proclamation published pursuant to this division, shall clearly and distinctly state his orders, so that the public may intelligently comply therewith.

(b) Without limitation on the general powers granted to the city manager to declare an emergency in times of peril, drought, mechanical breakdown or other emergencies, he is hereby granted the express authority, during times of drought, or when the water supply of the city is limited by any cause, to order by proclamation as provided for in this division, that during the extent of such emergency the nonessential use of water shall be permitted only on alternate days of the week; each day to begin at 12:01 a.m. and end at 12:00 p.m. He may provide, among other regulations,

that during the period of such emergency, all persons occupying or possessing premises bearing even-numbered street numbers shall be permitted to use water for such nonessential uses only on the even-numbered days of the calendar; that all persons occupying or possessing premises bearing odd-numbered street numbers shall be permitted to use water for nonessential uses only on the odd-numbered days of the calendar. If such tract of ground so occupied has no street number, or is without the corporate limits of the city, then such premises shall be deemed to be even-numbered houses or premises, if they are on the same side of the street or avenue, or extension thereof, as numbered premises having an even number; and those being on the same side of the street or avenue or extension thereof as odd-numbered houses shall be deemed to be odd numbered.

(Code 1974, § 31-60)

Sec. 106-95. Publication of proclamation; when proclamation effective.

When the city manager shall determine that the city water system is unable, at any one time, to supply the full commercial and domestic needs of the users thereof, he shall cause his proclamation of such emergency to be published in one issue of a newspaper having general circulation in the city. Within 24 hours after such publication, the emergency shall be in force and effect, and the water uses shall be bound by the terms of conservation of water as set forth in the proclamation.

(Code 1974, § 31-61)

Sec. 106-96. Duration.

An emergency proclaimed in accordance with this division shall continue and the terms of such proclamation shall be in force until such time as the city manager shall again cause to be published in a newspaper, for one issue thereof, his proclamation that the state of emergency has ended.

(Code 1974, § 31-62)

Sec. 106-97. Appeals to council by persons aggrieved by proclamation.

Any person feeling aggrieved by a proclamation of the city manager issued and published in

accord with this division shall have the right to present the matter to the next regular or special session of the city council, and the ruling of the city council, by a majority vote of the quorum in attendance, shall be final and binding as to the continuance of the terms of the proclamation. Until and unless the action of the city manager is expressly modified or revoked by action of the city council, all water users, their servants, agents, officers and employees shall be bound by the proclamation of the city manager in accordance with the terms of this division.

(Code 1974, § 31-63)

Sec. 106-98. Violations.

Any person violating in any manner any of the terms of a proclamation issued and published in accordance with this division, directly or indirectly, in person or by agent, and any person guilty of negligently permitting others to violate the terms of such a proclamation, shall be deemed guilty of a misdemeanor. Each separate day of illegal water use shall constitute a separate offense, and each separate illegal use of water on the same day, but on separate premises, shall constitute a separate offense.

(Code 1974, § 31-64)

Secs. 106-99—106-110. Reserved.

DIVISION 4. WATER SUPPLY AND DISTRIBUTION LINES

Subdivision I. General Provisions

Sec. 106-111. Penalty.

Any person violating or failing to comply with the provisions of this division shall be deemed guilty of a misdemeanor and shall be punished as provided for in section 1-8.

(Code 1974, § 31-25(C))

Secs. 106-112—106-120. Reserved.

Subdivision II. Excavations, Trenching and Backfilling

Sec. 106-121. Scope.

The work covered by this subdivision consists in furnishing all labor, equipment, appliances and

materials, and in performing all operations in connection with the excavation, trenching and backfilling for water supply and distribution lines, in strict accordance with this section of specification, as indicated on the plans and subject to the terms and conditions of the contract, at no cost to the city.

(Code 1974, § 31-25(A)(1))

Sec. 106-122. Excavation.

(a) *Generally.* The developer shall perform all excavations of every description and of whatever substances encountered, to the depths indicated on the drawings. During excavation, material suitable for backfilling shall be piled in an orderly manner a sufficient distance from the banks of the trench to avoid overloading and to prevent slides or cave-ins. All excavated materials not required or suitable for backfill shall be removed and disposed of as directed by the engineer. Such grading shall be done as may be necessary to prevent surface water from flowing into trenches or other excavations, and any water accumulating therein shall be promptly removed by pumping or by other approved method. Excavation shall be by open cut, except at driveways and walks. Where driveways or walks intersect the ditch alignment, excavations shall be by pushing and/or boring methods approved by the engineer. Earth excavation shall comprise all materials not classified as rock excavation, and shall include clay, silt, sand, muck, gravel, hardpan, loose shale, broken concrete, loose stone in masses, and boulders measuring less than one-half cubic yard in volume. All service connections or stub outs beneath paved areas will be installed by pushing or boring. Any deviation from the requirements above must be approved by the engineer in writing.

Rock excavation shall comprise the following: boulders measuring one-third cubic yard or more in volume; rock material in ledges, bedded deposits, and unstratified masses and conglomerate deposits so firmly cemented that they possess the characteristics of solid rock, which cannot be removed without systematic drilling and blasting; and concrete or masonry structures, except sidewalks and paving. Shale shall be considered to be rock.

Blasting for excavation will be allowed only with permission of the engineer during hours approved by the engineer. Damage resulting from blasting operations shall be repaired by the developer at no expense to the city. Methods used in blasting operations shall be in accordance with state and municipal laws, rules and/or regulations.

(b) *Trench excavation.* Trenches shall be of necessary width for the proper laying of the pipe, the banks shall be as nearly vertical as practicable,

and the maximum width shall be 30 inches. The bottom of the trenches shall be accurately graded to provide uniform bearing and support for each section of the pipe on undisturbed soil at every point along its entire length. Bell holes shall be excavated by hand after fine grading of the trench bottom. Care shall be taken not to excavate below the depth indicated. Where rock excavation, as defined above, is required, the rock shall be excavated to an overdepth from four to six inches and backfilled to grade with sand as directed by the engineer. Unauthorized overdepths shall be backfilled with loose, granular, moist earth, thoroughly tamped at the developer's expense. Where soft, spongy or otherwise unstable material is encountered, which will not provide a firm foundation for pipe, the unstable soil shall be removed, replaced and tamped. The engineer shall determine the depth of removal of unstable soil.

- (1) *Sanitary sewers.* Sanitary sewer service connections encountered during excavation for water mains shall be reconstructed as shown on the drawings or as nearly as possible as existing conditions permit and approved by the engineer. The width of the trench at and below the top of the sewer pipe shall be such that the clear space between the barrel of the pipe and the trench wall shall not exceed eight inches on either side of the pipe. The width of the trench above that level may be as wide as necessary for sheeting and bracing and the proper performance of the work. The bottom of the trench shall be rounded so that at least the bottom quadrant of the pipe shall rest firmly on undisturbed soil for as nearly the full length of the barrel as proper jointing operations will permit. This part of the excavation shall be done manually only a few feet in advance of the pipe-laying by people skilled in this type of work.
- (2) *Storm sewers.* Storm sewers, at such depth as to require laying waterlines thereunder, shall be preserved and maintained in place; if damaged, shall be replaced; and disturbed joints shall be repaired to the satisfaction of, and as directed by, the engineer.
- (3) *Water supply and distribution lines.* Trenches for waterlines shall be of a depth

that will provide a minimum cover over the top of the pipe of three feet from the finished grade, and avoid interference of the waterlines with other utilities.

(c) *Excavation for appurtenances.* Excavation for valves, hydrants and similar structures shall be in accordance with the recommendations of the manufacturer of such appurtenances or a minimum of 12 inches in the clear between their outer surfaces and the embankment or timber which may be used to hold and protect the banks. Any over-depth excavation below such appurtenances that has not been directed by the engineer shall be considered as unauthorized and shall be filled with sand, gravel or concrete as directed, and at the expense of the developer.

(d) *Bracing and shoring.* The developer shall do all bracing, sheeting and shoring necessary to perform and protect all excavations as indicated on the plans, as required for safety, as directed by the engineer, or to conform to governing laws.

(e) *Traffic safety.* The developer shall provide temporary bridges, barricades, lights and torches as may be required for the protection of pedestrian and vehicular traffic.
(Code 1974, § 31-25(A)(2))

Sec. 106-123. Protection of existing utilities.

(a) *Location.* The developer, prior to excavation, shall determine the location of all existing utilities adjacent to or intersecting the alignment of the trench, and shall exercise all due caution to prevent damage thereto during excavation and backfilling of trenches. Any utility damaged during excavation or backfilling shall be repaired by the developer at his expense.

(b) *Gas distribution lines.* Due caution shall be exercised by the developer to prevent damage to existing gas distribution lines and gas service connections. It shall be the responsibility of the developer to notify the owner of said utility lines prior to excavation in areas where damage, whether accidental or through negligence, might occur. Where gas distribution lines and/or gas service connections are in conflict with the grade and/or the alignment of the waterline, either the gas line shall be relocated by the owner of the gas

line at no cost to the city, or the grade and/or alignment of the waterline shall be modified by the developer at no additional cost to the city. Any such modification to the waterline shall be contingent upon written request from the developer and approval, in writing, of the engineer.

(c) *Tests.* Tests for workmanship on utility lines shall be conducted in accordance with applicable utility specifications before backfilling.
(Code 1974, § 31-25(A)(3))

Sec. 106.124. Backfilling.

(a) *Generally.* The trenches shall not be completely backfilled until all required pressure tests are performed and until the utilities systems as installed conform to the requirements specified in the several sections covering the installation of the various utilities. Backfilling materials, and the method of placing and compacting these materials, shall comply with the applicable portions of the subparagraphs contained herein. Any trench improperly backfilled, or where settlement occurs, shall be reopened to the depth required for proper compaction, then refilled and compacted, with the surface restored to the required grade and compaction. No backfilling shall take place in freezing weather except with the permission of the engineer, and no backfill shall be made with frozen material.

(b) *Backfilling materials.*

(1) *Around pipe.* The backfill material to be placed around the pipe shall consist of the excavated or borrow materials approved for backfilling, consisting of loam, sandy clay, sand and gravel, soft shale, or other approved materials, free from stones over three inches in diameter or large clods of earth.

(2) *Remainder of backfill.* The remainder of the backfill shall consist of selected material from excavation or borrow, consisting of loam, sandy clay, sand and gravel, soft shale, or other approved materials, free from large stones over three inches in diameter, or other hard, bulky material.

(c) *Placement and compaction.*

- (1) *Bedding of pipe.* The material for backfilling around the pipe shall be deposited in six-inch layers and carefully compacted to a degree of compaction at least equal to that of the surrounding soil until the pipe has a cover of not less than one foot for water mains. Where the pipe is specially coated for protection against corrosion, care shall be taken not to damage the coating.
- (2) *Beneath unpaved areas and sidewalk.* After completing the bedding of the pipe as specified above, the remainder of the backfill material shall be placed by hand or by approved mechanical means in layers and tamped. The thickness of the layers shall be one foot beneath unpaved areas. Each layer shall be compacted to a degree of compaction at least equal to that of the surrounding earth. Moistening or aerating of the backfill to obtain the required compaction will be required where necessary. The trench shall be left with the backfill neatly mounded over the trench.
- (3) *Beneath areas to be paved.* Open trenches under road surfacing and adjacent areas to a point eight feet from the edge of the paved road surface shall be backfilled as described except that the entire depth of the trench shall be backfilled in six-inch layers. Each layer, except the upper six inches or subgrade underlying the pavement, shall be spread uniformly and tamped with a hand tamper or other approved device until thoroughly compacted to at least 90 percent of the maximum density obtainable at optimum moisture content. The upper six-

inch layer, forming the subgrade for pavements, shall be compacted to at least 95 percent of the maximum density obtainable at optimum moisture content for flexible pavements and to at least 90 percent of the maximum density obtainable at optimum moisture content for rigid pavements. Density of backfill shall be determined by the requirements of the Modified AASHO Standard Method T99-49, Grading. (Code 1974, § 31-25(A)(4))

Sec. 106-125. Replacement of paving and other surfaces.

After completing the compaction of the backfill as described above, the developer shall replace the disturbed surfaces to the original grade or two inches below grade, with concrete eight inches thick and to the depths and limits as indicated to the plans or as directed by the engineer. (Code 1974, § 31-25(A)(5))

Secs. 106-126-106-135. Reserved.

Subdivision III. Mains and Connections

Sec. 106-136. Scope.

The work covered by this subdivision consists in furnishing all labor, equipment, appliances and materials, and in performing all operations in connection with the construction of water mains, the connection and reconnection to intersecting mains, buildings, hydrants, and at all structures to which service is required, the tapping of existing water mains, and installation of railroad crossings as called for on the plans and subject to the terms and conditions of the specifications. (Code 1974, § 31-25(B)(1))

Sec. 106-137. Applicable specifications.

The following specifications and standards of the American Water Works Association, American National Standards Institute, Inc., American Society for Testing and Materials, and federal specifications of the issues listed below but referred to thereafter by basic designation only, form a part of this specification to the extent indicated by the references thereto:

<i>Description</i>	<i>AWWA</i>	<i>ANSI</i>	<i>ASTM</i>	<i>Federal Specifications</i>
Calcium hypochlorite	B300-75			
Liquid chlorine	B301-51			

<i>Description</i>	<i>AWWA</i>	<i>ANSI</i>	<i>ASTM</i>	<i>Federal Specifications</i>
Thickness design for cast iron pipe	C101-67	A21.1-1967		
Cement mortar lining for cast iron and ductile iron pipe and fittings for water	C104-74	A21.4-1974		
Polyethylene encasement for gray and ductile cast iron piping for water	C105-72	A21.5-1972		
Cast iron pipe centrifugally cast in metal molds for water	C106-75	A21.6-1975		
Gray-iron and ductile iron fittings 2 inches through 48 inches for water	C110-71	A21.10-1971		
Rubber-gasket joints for cast iron and ductile iron pressure pipe and fittings	C111-72	A21.11-1972		
Flanged cast iron and ductile iron pipe with threaded flanges	C115-75	A21.15-1975		
Thickness design of ductile iron pipe	C150-71	A21.50-1975		
Ductile iron pipe centrifugally cast in metal molds	C151-71	A21.51-1975		
Gate valves 3 inches through 48 inches for water	C500-71			
Dry barrel fire hydrants	C502-73			
Rubber-seated butterfly valves	C504-74			
Ball valves shaft- or trunion-mounted 6 inches through 48 inches	C507-73			
Installation of cast iron water mains	C600-64			
Copper water tube seamless, type C		H23.1	B88-74a	WW-T-799D-1971
Polyvinyl chloride (PVC) pressure pipe, 4 inches through 12 inches, for water, with rubber ring joints and cast iron pipe equivalent outside dimensions	C900-75			

(Code 1974, § 31-25(B)(2))

Sec. 106-138. General standards.

Piping for water mains and building-service connections may be any of the types and materials specified herein. The pipe and accessories shall be new and unused unless otherwise approved. The interior of the pipe shall be thoroughly cleaned of foreign matter before being lowered into the trench, and shall be kept clean during laying operations by plugging or other approved method. The full length of each section of pipe shall rest solidly upon the pipe bed, with recesses excavated to accommodate bells and joints. Any pipe that has the grade or joint disturbed after laying shall be taken up and relaid. Pipe shall not be laid in water, or when trench or weather conditions are unsuitable for the work, except when otherwise expressly permitted. Water shall be kept out of the trench until the material in the joints has hardened, or until caulking is completed. When work is not in progress, open ends of pipe and fittings shall be securely closed so that no trench water, earth or other substances will enter the pipes or fittings. Any section of pipe found to be defective before or after laying shall be replaced. The water pipe shall not be laid closer horizontally than ten feet from a sanitary sewer except where bottom of water pipe will be at least 12 inches above the top of the sewer pipe, in which case the water pipe shall not be laid closer horizontally than six feet from the sewer. Where waterlines cross under gravity sewer lines, the sewer shall be reconstructed, for a distance of ten feet each side of the crossing, of cast iron, steel, or other acceptable pressure pipe, with no joint located within three feet of the crossing. Where sewage force mains or inverted siphons cross water mains, the water mains shall in all cases be installed at least two feet above the sewer mains. Fittings at bends in the pipeline shall be firmly wedged against the vertical face of the trench by means of concrete blocks as shown on the drawings to prevent the fittings from being blown off the lines when under pressure. Where pipe ends are left for future connections, they shall be valved, plugged, or capped, blocked and wedged, as indicated on the plans. Where connections are made between new work and existing mains, the connections shall be made by using specials and fittings to suit the actual conditions. Upon completion of the construction of the water distribution

system improvements and incidental work, all debris and surplus materials resulting from the work shall be removed.

(Code 1974, § 31-25(B)(3))

Sec. 106-139. Excavation, trenching and backfilling.

Excavation, trenching and backfilling shall conform to the section titled, "Excavation, Trenching and Backfilling for Water Distribution System" of the specifications.

(Code 1974, § 31-25(B)(4))

Sec. 106-140. Cast iron pipe.

(a) *Material.*

- (1) *Pipe.* Cast iron bell-and-spigot pipe shall be Enamelline as produced by the American Cast Iron Pipe Company, or equal, furnished with mechanical type joints in conformance with the latest revisions of ASA Standard Specifications A 21.11, A 21.2, A 21.6 or A 21.8 or Federal Specification WW-P-421b Class 150, Type III.
- (2) *Cement lining.* The pipe shall have a three-coat lining applied to the interior surface. The first two coats shall consist of a mortar made up of Portland cement mixed with clean silica sand, and the third coat shall consist of an asphalt paint. The cement lining shall be in accordance with ASA Specification A 21.4.
- (3) *Tests.* The pipe shall be tested in accordance with applicable sections of Federal Specification WW-P-421b. Certified records of the tests made by the manufacturer and/or by a commercial laboratory, approved by the engineer, shall be submitted with each shipment of pipe.
- (4) *Cast iron specials and fittings.* Specials and fittings shall be in strict conformance with the latest revisions of AWWA Standard Specifications C-100 Class, DASA Standard Specifications A 21.11, and shall be in accordance with ASA Specification A 21.4.
 - a. All connections, other than individual service connections, to city water lines

four inches and larger, shall be made with cast iron tees or crosses approved by the utilities superintendent. Wet connections shall be made with mechanical joint cast iron tapping sleeve or tapping cross and appropriate tapping valve. The cross or sleeve shall be equipped with duct-tipped end gaskets and shall be similar and equal in quality and working principles to Mueller H-615 (taping sleeve) or Mueller H-715 (tapping cross).

- (5) *Joints.* Bell-and-spigot pipe joints shall be of the mechanical, bolted stuffing box type, and shall conform to ASA Standard Specification A 21.11.
 - a. *Glands.* The annular surfaces of the gland lip and the bolt circle shall be concentric. The surfaces of the gland shall be smooth, and free from defects of every nature which would unfit them for the use intended. Glands shall be coated with a bituminous dip or paint.
 - b. *Bolt holds.* Bolt holds for pipes and fittings may be drilled or cored. All bolt holes shall be free of sand or projections of iron that would interfere with the fit of the bolts.
 - c. *Bolts and nuts.* High-strength, heat-treated cast iron tree-head bolts with hexagon nuts shall be the standard bolts. Bolt dimensions required for nominal pipe diameter of six inches, eight inches, ten inches, and 12 inches shall be three-fourths inch by ten-inch coarse, Class 2 fit, four inches long. Bolts and nuts shall conform to dimensions and tolerances specified in Federal Specification WW-P-421b.
 - d. *Gaskets.* Gaskets shall be made of a vulcanized crude-rubber compound. The rubber shall be first-grade plantation rubber. All surfaces of the gaskets shall be smooth, except for the specified markings, free from imperfections, and the gaskets shall be free from any porosity. The gaskets shall be furnished with lead tips in conformance with and as described by paragraph 3.12.3 figure

8 (4" by 48" lead tip) of Federal Specification WW-P-42 Lb.

- (b) *Installation.*
 - (1) *Handling.* Pipe and accessories shall be handled in such manner as to insure delivery to the work in sound, undamaged condition. Particular care shall be taken not to injure the pipe coating. No other pipe or material of any kind shall be placed inside of a pipe or fitting after the coating has been applied.
 - (2) *Cutting.* Cutting of pipe shall be done in a neat and workmanlike manner without damage to the pipe. Unless otherwise authorized by the engineer, cutting shall be done by means of an approved type of mechanical cutter. Wheel cutters shall be used when practicable.
 - (3) *Placing and laying.* While suspended in the sling and before lowering into the trench, each length of pipe shall be inspected for defects and tapped with a light hammer to detect cracks. Defective, damaged or unsound pipe will be rejected.
 - (4) *Deflections.* Deflections from a straight line or grade, as required by vertical curves, horizontal curves or offsets, shall not exceed the limits set out below:

Maximum Allowable Pipe Deflections

<i>Nominal diameter of pipe {inches}</i>	<i>Maximum deflection at each joint {degrees/minutes}</i>	<i>Maximum deflection per foot of pipe {feet/inches}</i>
4, 6	2°30'	1/2 inch
8, 10 and 12	2°30'	1/2 inch

If the alignment requires deflections in excess of these limitations, the developer shall provide special bonds or a sufficient number of shorter lengths of pipe to provide angular deflections within the limit set forth.

- (5) *Mechanical joints.* The spigot shall be centrally located in the bell. The inside of the bell of the pipe or fitting previously placed,

and the spigot to be received thereby, shall be thoroughly brushed with a wire brush. These surfaces shall be clean and free from all loose rust, scale or foreign material. Immediately prior to the slipping of the rubber gasket over the spigot end and into the bell, these surfaces shall be brushed with soapy water. The gasket will be brushed with soapy water after it is in position on the spigot and just before entering the bell.

Torque for three-fourths-inch coarse thread Class 2 fit shall range between 60 and 90 foot-pounds. This range of torque can be produced by the average man using an eight-inch wrench. Torque wrenches shall be used to check the application of approximate torque loads applied by workmen trained to give an average pull on eight-inch socket wrench.

When tightening bolts, the gland shall be brought up toward the pipe flange evenly, maintaining approximately the same distance between the gland and the face of the flange at all points around the socket. This shall be accomplished by partially tightening the bottom bolt first, then the top bolt, next the bolts at either side and last the remaining bolts. This cycle shall be repeated until all bolts are within the specified torque range. If effective sealing is not attained at the maximum torque of 90 foot-pounds, the joint shall be disassembled and reassembled after thorough cleaning. Over-stressing of bolts to compensate for poor installation practice will not be tolerated or allowed.

(Code 1974, § 31-25(B)(5))

Sec. 106-141. Tests.

(a) *Hydrostatic pressure test.* After the pipe is laid, the joints completed, and the trench partially backfilled leaving the joints exposed for examination, the newly laid piping or any valved section of piping shall be subjected to a pressure test of 50 pounds per square inch in excess of what static pressure at the points of reading will be when the system has been put in operation. If this valve is not readily determinable, a hydrostatic

pressure of 130 pounds per square inch shall be used for tests. All exposed pipes, joints, fittings, valves and hydrants shall be carefully examined during the open trench test. Joints showing visible leakage shall be disassembled and reassembled until tight. Cracked or defective pipes, fittings, valves or hydrants disclosed in the pressure test shall be replaced by the developer with sound material, and the test shall be repeated until the test results are satisfactory to the engineer.

Where an actual visible inspection of each joint cannot be made because of the necessity for immediate backfilling, where the line is laid below water level and is impracticable to lower the water level by pumping, suitable means shall be provided by the developer for determining the quantity of water lost by leakage under normal operating pressure. No piping installation will be accepted until or unless this leakage (evaluated on a pressure basis of 150 pounds per square inch) is less than 100 U.S. gallons per 24 hours per mile of pipe per inch nominal diameter for pipe in 12-foot lengths; 75 gallons for pipe in 16-foot lengths, and proportionately varied for other lengths of pipe. In calculating leakage the engineer will make allowance for added joints in the pipeline above the normal for unit lengths of pipe. Should any test of combined sections of pipeline disclose leakage per mile greater than that hereinbefore specified, or if individual sections show leakage greater than the specified limit, the developer shall locate and repair the defective joints until the leakage is within the specified limits.

(b) *Air pressure tests.* Air pressure tests, with the approval of the engineer, will be allowed as an alternate to hydrostatic pressure tests. If the developer elects to use this alternate, all joints shall be airtight at a static air pressure of 120 psi. (Code 1974, § 31-25(B)(6))

Sec. 106-142. Gate valves.

Gate valves shall be Mueller a-Ring Seal packing designed for a minimum water working pressure of not less than 150 pounds per square inch. Valves shall have the proper ends as required for the piping in which they are installed. Gate valves shall have a clear waterway equal to the full nominal diameter of the valve, and shall be opened by turning counterclockwise. The oper-

ating nut or wheel shall have an arrow, cast in the metal, indicating the direction of opening. Each valve shall have the maker's initials, pressure rating and the year of manufacture cast on the body. Prior to shipment from the factory each valve shall be tested by hydraulic pressure equal to twice the specified water working pressure. (Code 1974, § 31-25(B)(7))

Sec. 106-143. Valve boxes.

Valve boxes will be of cast iron, complete with cover. Cast-iron boxes shall be of extension type with screw- or slide-type adjustment and with flared base. The minimum thickness of metal shall be three-sixteenths inch. The word "water" shall be cast in the cover. Boxes shall be installed over each outside valve, insert valve and valve of "tapping sleeves and valves" installed, as required by the engineer. The boxes shall be of such length as will be adopted, without full extension, to the depth of cover required over the pipe at the valve location. (Code 1974, § 31-25(B)(8))

Sec. 106-144. Fire hydrants.

Fire hydrants shall be Mueller No. A-24015 (Dry-top Traffic Model) or Equal D-Ring seal with a six-inch bell connection, two 2 1/2-inch connections with standard pipe thread, and one 4 1/2-inch pumper connection with national standard thread. The hydrants shall be designed for 150 pounds working pressure or 300 pounds hydrostatic test pressure. Working parts shall be bronze. Hose threads shall be standard pipe thread. Hydrants shall be connected to the mains by six-inch diameter pipes. Where an existing hydrant is to be reconnected, a six-inch gate valve shall be installed in the hydrant service line as directed by the engineer, unless the hydrant connections contain an auxiliary gate valve between the hydrant and the new main. Design, material and workmanship shall be similar and equal to the latest stock pattern ordinarily produced by the manufacturer. Hydrants shall be painted with one coat of red lead paint and two finishing coats of approved aluminum paint. Hydrants shall be dry-barrel type conforming to the American Water

Works Standard C-502 with valve opening at least five inches in diameter, with breakaway flange. (Code 1974, § 31-25(B)(9))

Sec. 106-145. Setting valves, valve boxes and fire hydrants.

Valves, valve boxes and fire hydrants shall be installed where shown on the drawings and directed by the engineer, and shall be set plumb. Valve boxes shall be centered on the valves. Where feasible, valves shall be located outside the area of roads and streets. Earth fill shall be carefully tamped around each valve box to a distance of four feet on all sides of the box, or to the undisturbed trench face if less than four feet. Fire hydrants shall be set at such elevations that the connecting pipe will not have less cover than the distributing mains. The hydrant shall be set upon a slab of stone or concrete not less than four inches thick and 15 inches square. The back of the hydrant, opposite the pipe connection, shall be firmly wedged against the vertical face of the trench to prevent the hydrant from flowing off the line. If the character of the soil is such that in the opinion of the engineer, the hydrant cannot be securely wedged, bridle rods and rod collars of not less than three-fourths inch stock protected by a coat of acid-resisting paint shall be used. Not less than seven cubic feet of broken stone shall be placed around the base of the hydrant to insure drainage. The backfill around hydrants shall be thoroughly compacted to the grade line in a satisfactory manner. Hydrants and valves shall have the interior cleaned of all foreign matter before installation. Stuffing boxes shall be tightened and the hydrant or valve shall be inspected in opened and closed positions to insure that all parts are in working condition. Valve boxes located in roads or sidewalks shall be protected by a concrete slab in accordance with the details shown on the drawings. (Code 1974, § 31-25(B)(10))

Sec. 106-146. Service connections.

(a) *Corporation stops* shall have waterworks standard thread on the inlet end, with flanged joint couplings and shall conform to applicable requirements of AWWA Standard Specification C800-48.

(b) *Curb stops* shall be waterworks ground-key type, oval flow way, tee handle, without drain. All parts shall be of cast red brass having a nominal composition of 85 percent copper, five percent tin, five percent lead, and five percent zinc, with female iron pipe size connections and shall be designed for a minimum hydraulic pressure of 200 pounds per square inch.

(c) *Meter boxes* for residences will be furnished by the city. Commercial meter boxes where necessary will be furnished and installed by the developer. Rim and cover for new meter boxes will be furnished by the city.

(d) *Copper tubing* shall conform to Federal Specification WW-T-799, Type K soft tubing. Joints for underground work shall be compression pattern, flared, for soft copper water tubing and shall be made with fittings meeting approved standards. The tubing shall be cut off square and expanded with a proper flaring tool. Radii for goosenecks of sufficient magnitude to prevent buckling or col-

lapse of the tubing shall be bent into the tubing by the use of proper tools and equipment.

(e) *Service connection lines* larger than two-inch diameter shall be AWWA standard cast iron pipe and fittings in strict accordance with sections 106-140 and 106-142. (Code 1974, § 31-25(B)(11))

Sec. 106-147. Sterilization.

(a) *Pipe to be kept clean.* The interior of all pipes, fittings, and other accessories during installation shall be as free as possible of all foreign matter, in conformance with this subdivision. If, in the opinion of the engineer, the pipe contains dirt that will not be removed during flushing operations, the interior shall be swabbed, as necessary, with a bactericidal solution. Solutions for swabbing shall be made from compounds hereinafter specified. No other compound shall be used unless it is approved by the local and state health authorities.

(b) *Flushing.* The main shall be thoroughly flushed, prior to chlorination, with the water pressure and outlets available. Flushing shall be done after pressure tests have been completed.

It will be assumed that flushing removes only the lighter solids and will not remove heavy material allowed to get into the main during installation.

If no hydrant is installed at the end of the line to be flushed, a tap shall be provided large enough to develop a velocity in the main of at least 2.5 feet per second.

Table I. Required Openings to Flush Pipelines 40 psi Pressure

Pipe size (inches)	2.5 fps Flushing Velocity				4 fps Flushing Velocity			
	Flow (gpm)	Orifice size (inches)	Hydrant No.	Openings Size (inches)	Flow (gpm)	Hydrant No.	Openings Size (inches)	
6	220	13/8	1	2 1/2	350	1	2 1/2	
8	390	P/8	1	2 1/2	630	1	2 1/2	
10	610	2 15/16	1	2 1/2	980	1	2 1/2	
12	880	2 13/16	1	2 1/2	1400	2	2 1/2	

(c) *Chlorination.* Before being placed in service, all new pipelines, tapped, repaired or dewatered portions of existing mains shall be chlorinated so that a chlorine residual of not less than ten ppm remains in the water after a 24-hour contact period. Exemptions and/or modifications of the chlo-

ration requirement may be granted by the engineer provided the chlorine residuals persist throughout the new main, and are of sufficient magnitude so that samples of water delivered by the pipeline under test meet the approval of the engineer. All valves, hydrants and appurtenances

in the lines being sterilized shall be opened and closed several times during the contact period.

- (1) *Form of application.* Any of the following forms of applied chlorine may be used subject to the approval of the engineer.
- a. Liquid chlorine gas-water mixture.
 - b. Direct chlorine feed.
 - c. Calcium or sodium hypochlorite and water mixture.
 - d. Chlorinated lime and water mixture.

Note: Commercial chlorine-bearing compounds that may be used are:

1. Calcium hypochlorite comparable to products known as HTH, Perchloron and Pittchlor.
2. Chlorinated lime frequently called chloride of lime and known to industry as bleaching powder.
3. Sodium hypochlorite known commercially as liquid laundry bleach.

(2) *Procedure.*

- a. *Application and feeding devices.* Chlorine gas-water mixture, mixtures of water and chlorine bearing compound of known chlorine content shall be applied by means of a solution-feed chlorinating device, or, if approved by the engineer, the dry gas may be fed directly through approved devices providing proper regulation of flow and effective diffusion. Any or all chlorinating devices shall provide means for preventing the backflow of water into the chlorine cylinder.
- b. *Preparation of mixture.* High-test calcium hypochlorite or bleaching powder shall be prepared as a water mixture for introduction into the water mains. (The powder should first be made into a paste and then thinned to approximately a one percent or 10,000 ppm solution.)

Table II. Preparation of a One Percent Chlorine Solution

<i>Product</i>	<i>Amount of Compound</i>	<i>Quantity of Water (gallons)</i>
High test calcium hypochlorite (65%-70% Cl)	1 lb.	7.5
Chlorinated lime (32%-35% Cl)	2 lb.	7.5
Liquid laundry bleach (5.25% Cl)	1 gal.	4.25

- c. *Point of application.* The point of application of the chlorinating agent is at the beginning of the pipeline extension or any valved section thereof, and through a corporation stop in the top of the newly laid pipe. The water injector for delivering the chlorine bearing water into the pipe should be supplied from a tap on the pressure side of the gate valve controlling the flow into the pipeline extension.

Table III. Chlorine Requirements for 100-Foot Lengths of Various Sizes of Pipe

<i>Pipe size (inches)</i>	<i>Volume of 100-foot length (gallons)</i>	<i>Amount Required to Give 25 ppm Cl</i>	
		<i>100% chlorine (pounds)</i>	<i>1% chlorine water solution (gallons)</i>
4	65.3	0.0135	1/8
6	146.5	0.0305	3/8
8	261.0	0.054	1/2
10	408.0	0.085	3/4
12	588.7	0.120	1 1/2

- d. *Rate of application.* Water from the existing distribution system or other source of supply shall be controlled so as to flow slowly into the newly laid pipeline during the application of chlorine. The rate of chlorine mixture flow shall be in such proportion to the rate of water entering the newly laid pipe that the chlorine dose applied to the

water entering the pipe shall produce at least ten ppm after standing 24 hours.

- e. *Retention period.* If circumstances require a shorter contact period than 24 hours with a residual chlorine content of ten ppm as specified in subsection (c) of this section, the chlorine concentration shall be increased accordingly. For instance, for a contact period of one hour, a 100 ppm chlorine concentration is required.
- f. *Final flushing.* Following chlorination, all treated water shall be thoroughly flushed from the newly laid pipeline at its extremities until the replacement water throughout its length shall, upon test, be proved comparable in quality to the water served the public from the existing water supply system and approved by the engineer in conformance with local public health regulations. This satisfactory quality of water delivered by the new main should continue for a period of at least two full days as demonstrated by laboratory examination performed by the engineer of samples taken from a tap located and installed in such a way as to prevent outside contamination. Samples shall not be taken from an unsterilized hose or from a fire hydrant.

- (3) *Repetition of procedures and tests.* Should the initial treatment fail to result in the conditions specified hereinbefore, the chlorination procedure shall be repeated until satisfactory results are obtained and approved by the engineer.

(Code 1974, § 31-25(B)(12))

Sec. 106-148. Railroad crossing.

(a) *Installation.* Installation of railroad crossings includes furnishing and/or installing all necessary material, labor, equipment and other incidentals required to furnish and install the water

main and casing to line and grade as shown on plane and/or approved by the railroad companies whose right-of-way is crossed.

Work shall be done in accordance with requirements set forth on the plans and in these specifications, all of which must be done in strict accordance with the rules and regulations of the railroad company concerned.

(b) *Procedure.* Before the developer commences any operation to execute work on said item, he shall make application to and have the approval of the railroad company concerned. He shall confer with the official representatives of the engineer and the railroad company concerned with regard to any underground or overhead utilities which may be on or near the site of the work. The developer shall furnish the engineer one signed copy of the approval, sketches, drawings, and specifications granted by each railroad company concerned.

(c) *Plans.* Plan sheet entitled "Details" of these plans represents the minimum requirements for this item of work as required by the engineer but does not necessarily reflect the approval of the railroad company concerned. Obtaining the approval of crossing plans is the sole responsibility of the developer and shall not be construed to mean otherwise.

(d) *Construction.* Construction shall be in conformance with the plans and all requirements set forth by the railroad company concerned. The developer shall use the utmost care in order to guard against accidents and cause the least possible interference with the operation of the railroad or the telegraph, telephone or signal lines of the railroad company or the property of any tenant of the railroad company's right-of-way.

(Code 1974, § 31-25(B)(13))

Sec. 106-149. Concrete.

The composition, mixing and placing of concrete shall conform with the applicable provisions of this article.

(Code 1974, § 31-25(B)(14))

Sec. 106-150. Cleanup.

Upon completion of the installation of the water distribution systems and appurtenances, all debris and surplus materials resulting from the work shall be removed.
(Code 1974, § 31-25(B)(15))

Secs. 106-151—106-200. Reserved.

ARTICLE III. SEWERS AND SEWAGE DISPOSAL*

DIVISION 1. GENERALLY

Sec. 106-201. Required facilities for disposal of human excrement.

(a) Every owner of a residence or other building in which humans reside, are employed or congregate within the city shall install, equip and maintain adequate sanitary facilities for the disposal of human excrement. Such facilities shall be of the sanitary water closet type connected to a sanitary sewer; provided that, if the facilities are not within 300 feet of a sanitary sewer and accessible thereto, they may be of the sanitary water closet type connected with a septic tank. It is further provided that if, in the opinion of the city manager or his legally authorized representatives, the public health, welfare and interest is best served, such owner shall be required to connect to a sanitary sewer beyond the foregoing fixed minimum distance, in those instances where:

- (1) The city is willing to share in the construction costs of the sewer extension in accordance with existing ordinances permitting cost-sharing;
- (2) The individual owner's cost shall not exceed, by more than 20 percent, the estimated cost of an individual septic system; and
- (3) The city can complete construction of the extension in a reasonable time without unreasonable delay of the proposed building and occupancy.

*Cross reference—Plumbing code, § 18-171 et seq.

If the individual owner involved feels that the decision of the city manager or his legally authorized representatives is arbitrary or unreasonable, he may appeal the decision to the board of adjustment.

(b) A building permit shall not be issued to any person to build or move any building or structure in the city, unless the applicant for the permit satisfies the authority issuing the permit that he can and will provide the sanitary facilities required by this section. The type and location of such facilities shall be noted on the face of the building permit. Such premises shall not be connected with the city water system until this subsection has been complied with.

(c) All human excrement disposed of within this city shall be disposed of by depositing it in closets of the type required by this section. It shall be unlawful for any owner or occupant of property within the city to permit the disposal of human excrement thereon in any other manner, and for any person to dispose of human excrement within the city in any other manner.

(d) All facilities for the disposal of human excrement in a manner different from that required by this section and all such facilities so constructed, situated or maintained as to endanger the public health, are hereby declared to be public nuisances, and may be dealt with and abated as such.

(e) The term "human excrement," as used in this section, means bowel and kidney discharges of human beings. The term "sanitary water closet" means a flush-type toilet which is connected with a sanitary sewer line of such capacity and construction as to carry away the contents at all times or to a septic tank. The term "septic tank" means a septic tank constructed, maintained and operated in accordance with state law and the regulations of the state health department.
(Code 1974, § 31-2)

Sec. 106-202. Permit to connect structures inside corporate limits.

Any person, firm or corporation desiring to connect with the sanitary sewer system of the city shall pay a fee to connect to the sanitary sewer on the following rate:

- (1) Single-family dwelling: \$300.00
 - (2) Duplexes, apartment houses, mobile home parks: 300.00
plus \$10.00 for each unit in excess of one apartment house, duplex or mobile home park
 - (3) All others, including commercial and industrial: 400.00
 - (4) Sewer tap fee to existing lines: 100.00
- (Code 1974, § 31-75; Ord. No. 2347, § 1, 2-9-10)

Sec. 106-203. Permit to connect structures outside corporate limits.

Any person, firm or corporation desiring to connect with the sanitary sewer system of the city shall pay a fee to connect to the sanitary sewer on the following rate:

- (1) Single-family dwelling: \$ 300.00
 - (2) Duplexes, apartment houses, mobile home parks: 300.00
plus \$10.00 for each unit in excess of one apartment house, duplex or mobile home park
 - (3) All others, including commercial and industrial: 400.00
 - (4) Sewer tap fee to existing lines: 100.00
- (Code 1974, § 31-76; Ord. No. 2347, § 2, 2-9-10)

Sec. 106-204. Supervision of connections; city not responsible for work up to point of connection.

All connections to the sanitary sewerage system shall be made under the supervision of the plumbing inspector. The city is not obligated to,

nor responsible for, digging sewer line ditches and laying sewer tile or pipe up to the point of connection.

(Code 1974, § 31-77)

Sec. 106-205. Standard construction specifications.

(a) Ordinance No. 1551, as amended, providing standard specifications for sewer construction applying to all subdividing and developing of land within the corporate limits in the city, and to all new sewer line construction; requiring and regulating materials, construction methods, structures, including manholes and lampholes, field tests and provisions governing the acceptance thereof, including maintenance bond; and prescribing penalties for the violations of its provisions and declaring it an emergency is hereby recognized as continuing in full force and effect to the same extent as if set out at length herein.

(b) Exhibit A attached and made a part thereof, containing standard specifications for sanitary sewer construction dated May, 1978, is hereby in all respects approved.

(Code 1974, § 31-78)

Sec. 106-206. Minimum size of sewers.

No trunk sewer, main sewer or submain sewer shall be constructed or connected within the city which is less than eight inches in diameter. The same size limitation shall apply to laterals when the lateral is new construction running into a submain, trunk or main sewer, or where the lateral is an extension of an existing eight-inch lateral. In no instance shall the city participate in the cost of construction of a sewer of less than six inches in diameter, nor shall there be any connection of a lateral of less than six inches to the sanitary sewerage system of the city.

(Code 1974, § 31-79)

Secs. 106-207—106-220. Reserved.

DIVISION 2. USER CHARGES

Sec. 106-221. Rates established.

(a) For the purpose of providing funds for the maintenance of the sanitary sewer system of the city, and for other purposes, there is hereby es-

established a monthly schedule, or a system of fees and charges, for the use of the sanitary sewer system of the city, as follows:

(1) *Normal monthly rates.*

Cubic feet	Inside city users	Outside city users
1—300	\$5.63 (minimum)	\$8.56 (minimum)
Over 300	\$1.79/100 cubic feet	\$2.67/100 cubic feet

The rates stated above shall apply to each dwelling, public building, commercial or industrial use per unit per month of metered water usage.

(2) *Special summer monthly rates (lawn-watering months).* This special summer rate will apply only to residential users located inside the city limits. For usage during the lawn-watering months of June, July and August of each year, in-city residential users will be billed their average monthly sewer rate as calculated for the preceding months of January, February and March. Bills affected by this special summer rate will be those due in July, August and September of each year.

(b) The city manager shall have the authority to adjust sewer rate fees in the following cases:

- (1) Dwellings, public buildings or commercial users with inoperative water meters. In such cases, the Manager shall adjust the rate commensurate with the previous average monthly consumption, but in no case shall the rate be less than the minimum monthly rate in effect at that time.
- (2) Dwellings, public buildings or commercial use of non-metered water. In such case, the manager shall increase the rate commensurate with the intent of this section and based on demand created on the sanitary sewer system.
- (3) Dwellings, public buildings or commercial use of metered water in production. In such cases, the manager shall decrease the rate commensurate with the intent of this section and based on demand created on the sanitary sewer system.
- (4) The quality of public buildings or commercial effluent is less than normal and as a

result creates additional demand. In such cases, the manager shall increase the rate commensurate with the additional demand created on the sanitary sewer system.

(c) On January 1, 2007, and each January 1 thereafter, the above rates shall be adjusted after a review of the analysis of the Consumer Price Index (CPI).

(Ord. No. 1989, § 1(31-86), 7-28-92; Ord. No. 2063, § 1, 5-13-97; Ord. No. 2211, § 1, 10-25-05; Ord. No. 2237, § 1, 6-27-06)

Sec. 106-222. User charge schedule.

As the BOD, suspended solids and other pollutant concentrations discharged shall be approximately equal for all domestic users, users shall be charged on a volume basis in accordance with the following formula:

$$C_u = C_b + C_t/V_t (V_u)$$

(Based on Model #1, 40 CFR 35, Appendix B)

Symbols and definitions:

- C_u = A user's charge per unit of time.
- C_b = A user's base minimum charge (for debt retirement, billing administration, etc.) per unit of time.
- C_t = Total operation and maintenance (O & M) costs per unit of time (may include extraneous flows).
- V_u = Volume contribution from a user per unit of time.

(Code 1974, § 31-87)

Sec. 106-223. Excessive strength charges.

For any user, when the BOD exceeds 250 mg/l, the suspended solids exceeds 250 mg/l, or when other pollutant concentrations exceed the range of concentrations of these pollutants in normal domestic sewage, a surcharge shall be added to the basic charge. This surcharge shall be calculated by the following formula:

$$C_s = [B_c(B) + S_c(S) + P_c(P)]V_u$$

(Based on Model No. 2, 40 CFR 35, Appendix B)

- C_s = A surcharge for wastewaters of excessive strength.
- B_c = O & M cost for treatment of a unit of biochemical oxygen demand (BOD).
- B = Concentration of BOD from a user above a base level.
- S_c = O & M cost for treatment of a unit of suspended solids (SS).
- S = Concentration of SS from a user above a base level.

$P_c = 0$ & M cost for treatment of a unit of any pollutant.

P = Concentration of any pollutant from a user" above a base level.

V_u = Volume contribution from a user per unit of time.

(Code 1974, § 31-88)

Sec. 106-224. Review and revision.

The user charge ordinance shall be reviewed not less often than every two years regarding the wastewater contribution of users and user classes, the total costs of the operation and maintenance of the treatment works, and its approved user charge system.. The charges for users or user classes shall be revised to accomplish the following:

- (1) Maintain the proportionate distribution of operation and maintenance costs among users and user classes;
- (2) Generate sufficient revenue to pay the total operation and maintenance costs necessary to the proper operation and maintenance (including replacement) of the treatment works; and
- (3) Apply excess revenues collected from a class of users to the costs of operation and maintenance attributable to that class for the next year, and the rates shall be adjusted accordingly.

(Code 1974, § 31-89)

Sec. 106-225. Toxic pollutants charges.

Each user that discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge of the treatment works shall pay for such increased costs.

(Code 1974, § 31-90)

Sec. 106-226. Notification.

Each user shall be notified at least annually, in conjunction with the regular bill, of the sewer use rate and the portion of the user charges which are

attributable to wastewater treatment services. Costs shall be broken down to show the operation and maintenance costs attributable to that user. (Code 1974, § 31-91)

Sec. 106-227. Charges for extraneous flows.

The costs of operation and maintenance for all flows not directly attributable to users (such as infiltration/inflow) shall be distributed among users on the same basis as operation and maintenance charges.

(Code 1974, § 31-92)

Sec. 106-228. Records.

A record-keeping system shall be established and maintained by the city to document compliance with federal regulations pertaining to the user charge ordinance.

(Code 1974, § 31-93)

Sec. 106-229. Billing.

Users will be billed on a monthly basis with payment due by the tenth day of the following month. Users on metered water service will be billed on the same notice as water charges and will be designated as a separate entry. Users of the wastewater system not on metered water service will be billed monthly on an individual notice for wastewater service at the rate established by the city manager. Users with delinquent accounts will be notified in writing by the utility billing department that water and/or wastewater services will be terminated unless the account is paid in full. The city manager will utilize the law enforcement agency to assist as required in the control and management of the user charge system.

(Code 1974, § 31-94)

Sec. 106-230. Disposition of funds.

The funds derived from fees and charges provided for in this division shall be deposited in the general revenues of the city, to be used for the upkeep, maintenance, extension and repair of the sanitary sewer system, and for such other purposes as the city council may deem fit.

(Code 1974, § 31-95)

Secs. 106-231-106-245. Reserved.

DIVISION 3. INDUSTRIAL USE REGULATIONS*

See. 106-246. General provisions.

(a) *Purpose and policy.* This division sets forth uniform requirements for users of the publicly owned treatment works for the city, and enables the city to comply with all applicable state and federal laws, including the Clean Water Act (33 United States Code § 1251 et seq.) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). The objectives of this division are to:

- (1) Prevent the introduction of pollutants into the publicly owned treatment works that will interfere with its operation;
- (2) Prevent the introduction of pollutants that will pass through the publicly owned treatment works, inadequately treated, into receiving waters or otherwise be incompatible with the publicly owned treatment works;
- (3) Ensure quality of sludge to allow its use and disposal in compliance with statutes and regulations;
- (4) Protect both publicly owned treatment works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- (5) Promote reuse and recycling of industrial wastewater and sludge from the publicly owned treatment works;
- (6) Provide for equitable distribution of the cost of operation, maintenance and improvement of the publicly owned treatment works; and
- (7) Enable the city to comply with its state pollutant discharge elimination system permit conditions, sludge use and dis-

*Editor's note-Ord. No. 2140, § 1, adopted Nov. 27, 2001, repealed the former div. 3 and enacted a new division as set out herein. The former div. 3, §§ 106-246-106-255, pertained to similar subject matter and derived from Code 1974, §§ 31-96-31-98 and 31-98.1-31-98.7.

posal requirements, and any other federal or state laws to which the publicly owned treatment works is subject.

This division shall apply to all users of the publicly owned treatment works. The division authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; and requires user reporting.

(b) *Administration.* Except as otherwise provided herein, the city manager shall administer, implement, and enforce the provisions of this division. Any powers granted to, or duties imposed upon, the city manager may be delegated by the city manager to other city personnel.

(c) *Abbreviations.* The following abbreviations, when used in this division, shall have the designated meanings:

- (1) BOD: Biochemical oxygen demand
- (2) CFR: Code of Federal Regulations
- (3) COD: Chemical oxygen demand
- (4) EPA: U.S. Environmental Protection Agency
- (5) gpd: Gallons per day
- (6) mg/l: Milligrams per liter
- (7) OPDES: Oklahoma Pollutant Discharge Elimination System
- (8) POTW: Publicly owned treatment works
- (9) RCRA: Resource Conservation and Recovery Act
- (10) SIC: Standard Industrial Classification
- (11) TSS: Total suspended solids
- (12) U.S.C.: United States Code

(d) *Definitions.* Unless a provision explicitly states otherwise, the following terms and phrases, as used in this division, shall have the meanings hereinafter designated:

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

Amenable to treatment means a substance being susceptible to reduction in concentration by treatment normally provided in the city's wastewater treatment plant, to a level which is in compliance with federal and state effluent limitations for discharge into waters of the state.

Approval authority means the State of Oklahoma.

Authorized representative of the user means:

- (1) If the user is a corporation:
 - a. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - b. The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure longterm environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- (3) If the user is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

- (4) The individuals described in paragraphs (1) through (3), above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the city.

Biochemical oxygen demand or *BOD* means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).

Building sewer means a sewer conveying wastewater from the premises of a user to the wastewater facilities.

Categorical pretreatment standard or *categorical standard* means any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. § 1317) which apply to a specific category of users and which appear in 40 CFR Chapter 1, Subchapter N, Parts 405—471.

Chemical oxygen demand (COD) means a measure of the oxygen consuming capacity of inorganic and organic matter present in the water or wastewater, expressed in mg/l, as the amount of oxygen consumer from a chemical oxidant in a specific test, but not differentiating between stable and unstable organic matter and thus not necessarily correlating with biochemical oxygen demand.

City manager means the person designated by the city to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this division, or duly authorized representative.

City officials:

- (1) *City council* or *council* means the city municipal service authority or the board.

- (2) *McAlester Manager* or *city manager* means the manager of the city municipal service authority or the board.
- (3) *McAlester Attorney* or *city attorney* means attorney for the city municipal serviced authority or The Board.

Composite sample means a sample composed of two or more grab samples collected at regular intervals, either based on time intervals or flow intervals. Each individual grab sample being combined with the others and analyzed as one. Time composite samples shall consist of equal portions collected at equal time intervals a minimum of 15 minutes and a maximum of one hour apart. Flow composite samples shall be obtained by either collecting equal aliquots after a specific volume of flow passes the sampling point or by varying the volume of individual aliquots in proportion to the amount of flow that passes the sampling point over a specified time interval.

Control authority means the City of McAlester.

Control manhole or *control point* means a manhole or other facility giving access to a building sewer at some point before the building sewer discharge mixes with other discharges in the public sewer.

Environmental Protection Agency or *EPA* means the U.S. Environmental Protection Agency or, where appropriate, the regional water management division director, or other duly authorized official of said agency.

Existing source means any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

Floatable grease means grease, oil, or fat in a physical state such that it will separate or stratify by gravity in water.

Garbage means animal/vegetable wastes and residue from the preparation, cooking, and dispensing of food, and from the handling, processing, storage, and sale of food products and produce.

Grab sample means a sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed 15 minutes.

Grease means fatty acids, soaps, fats, waxes, petroleum products, oil, and any material which is extractable by hexane or freon solvent from an acidified sample which is not volatilized during evaporation of the solvent.

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

Indirect discharge or *discharge* means the introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act.

Industrial surcharge means the additional charge made on those persons or industries who discharge into the sanitary sewer, industrial wastes which are amenable to treatment by the city's normal wastewater treatment process, but which exceed the concentration levels of normal domestic sewage.

Industrial user or *user* means a person or establishment which discharges industrial waste.

Industrial waste means the water-borne solids, liquids, and/or gaseous waste (including cooling water) resulting from any industrial, manufacturing, trade, business, commercial, or food processing operation or process, or from the development of any natural resource, or any mixture of these with water or domestic sewage.

Instantaneous maximum allowable discharge limit means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

Interference means a discharge which, either alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal, and is therefore a cause of a violation of the city's OPDES

permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder or any more stringent state or local regulations; Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared, pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

May. The term "may", when used in the context of this division, means permissible.

Medical waste means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

Milligrams per liter (mg/l) means a weight-to-volume ratio; the milligram-per-liter value multiplied by the factor 8.34 (pounds per gallon water) is equivalent to pounds of constituent per million gallons of water. It is the same as parts per million (ppm) for normal wastewater.

New source means:

- (1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
 - a. The building, structure, facility, or installation is constructed at a site at which no other source is located;
 - b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - c. The production or wastewater generating processes of the building, structure, facility, or installation are

substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

- (2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of subsection (1)b. or c. above, but otherwise alters, replaces, or adds to existing process or production equipment.
- (3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
 - a. Begun, or caused to begin, as part of a continuous onsite construction program:
 1. Any placement, assembly, or installation of facilities or equipment; or
 2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

Noncontact cooling water means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

Oklahoma pollution discharge elimination system or OPDES permit means a permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

Pass through means a discharge which exists the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the city's OPDES permit, including an increase in the magnitude or duration of a violation.

Permit means authority, granted by the city, for a person to connect to the city sewer and discharge wastes thereto, according to requirements of this division.

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

pH means a measure of the acidity or alkalinity of a solution, expressed in standard units.

Pollutant means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

Pretreatment means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by

other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

Pretreatment requirements means any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

Pretreatment standards or standards means pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

Prohibited discharge standards or prohibited discharges means absolute prohibitions, which appear in section 106-247(a), against the discharge of certain substances.

Publicly owned treatment works or POTW means a "treatment works", as defined by Section 212 of the Act (33 U.S.C. Section 1292) which is owned by the city. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

Sanitary sewer means a public sewer which carries domestic wastewater and/or industrial wastes, and to which storm, surface, and ground waters are not intentionally admitted.

Septic tank waste means any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

Sewage means human excrement and gray water (household showers, dishwashing operations, etc.).

Shall. The term "shall", when used in the context of this division, is mandatory.

Significant industrial user means:

- (1) A user subject to categorical pretreatment standards; or
- (2) A user that:
 - a. Discharges an average of 25,000 gpd or more of process wastewater to the

POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);

- b. Contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - c. Is designated as such by the city on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
- (3) Upon a finding that a user meeting the criteria in subsection (2) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the city may, at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

Slug load or *slug* means any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in section 106-247(a).

Standard industrial classification (SIC) code means a classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

Standard methods means the laboratory procedures set forth in the latest edition, at the time of analysis, of "Standard Methods for the Examination of Water and Wastewater", as prepared, approved, and published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.

State means the State of Oklahoma.

Storm sewer means a public sewer that carries storm water but excludes sewage and polluted industrial waste.

Storm water means any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

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

Trap means a device designed to skim, settle, or otherwise remove grease, oil, sand, flammable wastes, or other harmful substance.

User or *industrial user* means a source of indirect discharge.

Wastewater means liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

Wastewater facilities means all facilities of the city for collecting, pumping, treating, and disposing of sewage, sludges and residues.

Wastewater treatment plant or *treatment plant* means that portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

Waters of the state means all stream, 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. 2140, § 1, 11-27-01; Ord. No. 2389, § 1, 6-14-11)

Sec. 106-247. General sewer use requirements.

- (a) *Prohibited discharge standards.*
- (1) *General prohibitions.* No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference, constitutes a hazard to humans or animals, and/or creates a hazard in receiving wa-

ters of the wastewater treatment plant effluent. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements.

(2) *Specific prohibitions.* No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

- a. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21;
- b. Wastewater having a pH less than 5.0 or otherwise causing corrosive structural damage to the POTW or equipment;
- c. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference, but not in case solids greater than one inch or 2½ centimeter(s) in any dimension;
- d. Any water or wastes which contain grease, oil, plastic, or other substance that will solidify or become discernibly viscous at temperatures between 32 degrees to 150 degrees Fahrenheit;
- e. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singularly or by interaction with other pollutants, will cause interference with the POTW;
- f. Wastewater having a temperature which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 degrees C);
- g. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
- h. 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;
- i. Trucked or hauled pollutants, except at discharge points designated by the city manager in accordance with section 106-248(d);
- j. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singularly or by interaction with other wastes, is capable of causing objectionable odors or hazard to life and property, and which forms solids in concentrations exceeding limits established herein, creates any other condition deleterious to structures or treatment processes, or requires unusual facilities, attention or expense to handle such materials;
- k. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the city's OPDES permit;
- l. Radioactive materials exceeding the existing standards of the state department of health or, unless they comply with the Atomic Energy Commission Act of 1954 (68 O.S. 919 as amended and Part 20, Subpart D—Waste Disposal, Subsection 20.303 of the regulations issued by the atomic energy commission, or amendments thereto);
- m. Storm water, groundwater, roof runoff, subsurface drainage, or any wa-

- ter from down spouts, yard drains, yard fountains and ponds, septic tanks, or lawn sprays into any sanitary sewer. Water from swimming pools, boiler drains, blow-off pipes, or cooling water from various equipment may be discharged into the sanitary sewer by an indirect connection whereby such discharge is cooled, if required, and flows into the sanitary sewer at a rate not to exceed 100 gallons per minute or the capacity of the sanitary sewer, and said discharge is in compliance with all other provisions of this division. Dilution of any waste discharged is prohibited, whether accomplished by the combination of two or more waste streams or by the addition of other liquids solely for the purpose of diluting the quality of the waste discharge;
- n. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
 - o. Medical wastes, except as specifically authorized by the city manager in a wastewater discharge permit;
 - p. Wastewater causing, either alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
 - q. Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;
 - r. Fats, oils, or greases of animal or vegetable origin in concentrations greater than 100 mg/l, and, if in the opinion of the city manager, it appears probable that such wastes:
 - 1. Can deposit grease or oil in the sanitary sewer lines in such a manner as to clog the sanitary sewers;
 - 2. Can overload the discharge's skimming and grease-handling equipment;
 - 3. Are not amenable to biological oxidation and will therefore pass to the receiving waters without being affected by normal wastewater treatment process;
 - 4. Can have deleterious effects on the treatment process due to the excessive quantities.
- s. Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than 25 percent or any single reading over 50 percent of the lower explosive limit of the meter;
 - t. Any garbage that has been properly comminuted or shredded;
 - u. Cyanides or cyanogens compounds capable of liberating hydrocyanic gas on acidification in excess of 0.8 mg/l as CN in the wastes from any outlet into the public sanitary sewers;
 - v. Reserved.
 - w. Reserved.
- Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.
- (b) *National categorical pretreatment standards.* The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated:
- (1) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the city manager may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c);
 - (2) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the city manager shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e);
 - (3) A user may obtain a variance from a categorical pretreatment standard if the

user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard;

- (4) A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

(c) *State pretreatment standards.* Pretreatment standards adopted by the state in the Oklahoma Administrative Code 252:605 on file at the office of the secretary of state are hereby incorporated and made a part of this division, and this division shall in all respects be construed in conformity therewith.

(d) *Local limits.* The city will adopt the limits presented in the technically based local limits document as the general discharge limits. The city reserves the right to increase or decrease the limits allowed by permit. The limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for "total" metal unless indicated otherwise. The city manager may impose mass limitations in addition to, or in place of concentration-based limitations.

(e) *City's right of revision.* The city reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.

(f) *Dilution.* No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation, unless expressly authorized by an applicable pretreatment standard or requirement. The city manager may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate. (Ord. No. 2140, § 1, 11-27-01; Ord. No. 2389, §§ 2, 3, 6-14-11)

Sec. 106-248. Pretreatment of wastewater.

(a) *Pretreatment facilities.* Users shall provide wastewater treatment, as necessary, to comply with this division and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in section 106-247(a) within the time limitations specified by EPA, the state, or the city manager, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the city manager for review and shall be acceptable to the city manager before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities, as necessary, to produce a discharge acceptable to the city under the provisions of this division.

(b) *Additional pretreatment measures.*

- (1) Whenever deemed necessary, the city manager may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this division.
- (2) The city manager may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
- (3) Grease, oil, and sand interceptors shall be provided when, in the opinion of the city manager, they are necessary for the proper handling of wastewater containing excessive amounts of grease, oil, or sand, with the exception that such interceptors shall not be required for residential users. All interception units shall be of type and

capacity approved by the city manager and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense.

- (4) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

(c) *Accidental discharge/slug control plans.* At least once every two years, the city manager shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The city manager may require any user to develop, submit for approval, and implement such a plan. Alternatively, the city manager may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

- (1) Description of discharge practices, including non-routine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the city manager of any accidental or slug discharges, as required by section 106-251(i), including any discharge that would violate a prohibition under 40 CFR 403.5(b), with procedures for follow-up written notification within five days; and
- (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

(d) *Hauled wastewater.*

- (1) Septic tank waste may be introduced into the POTW only at locations designated by the city manager and at preestablished

times. Such waste shall not violate section 106-247 or any other requirements established by the city. The city manager may require septic tank waste haulers to obtain wastewater discharge permits. The city manager may, at his discretion, deny any or all septic tank wastes from discharge into the POTW.

- (2) The city manager shall require haulers of industrial waste to obtain wastewater discharge permits. The city manager may require generators of hauled industrial waste to obtain wastewater discharge permits. The city manager also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this division.
- (3) Industrial waste haulers may discharge loads only at locations designated by the city manager. No load may be discharged without prior consent of the city manager. The city manager may collect samples of each hauled load to ensure compliance with applicable standards. The city manager may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
- (4) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

(e) *Provisions for fraud and false statements.* The reports and other documents required to be submitted or maintained shall be subject to:

- (1) The provisions of 18 U.S.C. Section 1001 relating to fraud and false statements;
- (2) The provisions of Section 309(c)(4) of the Act, as amended, governing false statements;

(3) The provisions of Section 309(c)(6) regarding responsible corporate officers. (Ord. No. 2140, § 1, 11-27-01; Ord. No. 2389, § 4, 6-14-11)

Sec. 106-249. Wastewater discharge permit application.

(a) *Wastewater analysis.* When requested by the city manager, a user must submit information on the nature and characteristics of its wastewater within 30 days of the request. The city manager is authorized to prepare a form for this purpose and may periodically require users to update this information.

(b) *Legal authority.* The city has the authority to deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by industrial users, where such contributions do not meet applicable pretreatment standards and requirements, or where such contributions would cause the POTW to violate its OPDES permit.

(c) *Permit requirement.*

- (1) No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the city manager, except that a significant industrial user which has filed a timely application pursuant to section 106-247 may continue to discharge for the time period specified therein.
- (2) The city manager may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this division.
- (3) Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this division and subjects the wastewater discharge permittee to the sanctions set out in sections 106-255 through 106-257. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreat-

ment standards or requirements or with any other requirements of federal, state, and local law.

(d) *Existing connections.* Any user required to obtain a wastewater discharge permit, who was discharging wastewater into the POTW prior to the effective date of this division and who wishes to continue such discharges in the future, shall, within 30 days after said date, apply to the city manager for a wastewater discharge permit in accordance with section 106-249(f) and shall not cause or allow discharges to the POTW to continue after 60 days of the effective date of this division, except in accordance with a wastewater discharge permit issued by the city manager.

(e) *New connections.* Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with section 106-249(f), must be filed at least 60 days prior to the date upon which any discharge will begin or recommence, unless otherwise specified by the city manager.

(f) *Application contents.* All users required to obtain a wastewater discharge permit must submit a permit application. The city manager may require all users to submit, as part of an application, the following information:

- (1) All information required by section 106-251(a)(2);
- (2) Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
- (3) Number and type of employees, hours of operation, and proposed or actual hours of operation;
- (4) Each product produced by type, amount, process or processes, and rate of production;
- (5) Type and amount of raw materials processed (average and maximum per day);

- (6) Site plans, floor plans, mechanical and plumbing plans, details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- (7) Time and duration of discharges; and
- (8) Any other information as may be deemed necessary by the city manager to evaluate the wastewater discharge permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

(g) *Application signatories and certification.* All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and 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."

(h) *Decisions.* The city manager will evaluate the data furnished by the user and may require additional information. Within 60 days of receipt of a complete wastewater discharge permit application, the city manager will determine whether or not to issue a wastewater discharge permit. The city manager may deny any application for a wastewater discharge permit.
(Ord. No. 2140, § 1, 11-27-01)

Sec. 106-250. Wastewater discharge permit issuance process.

(a) *Duration.* A wastewater discharge permit shall be issued for a specified time period, not to exceed five years from the effective date of the

permit. A wastewater discharge permit may be issued for a period less than five years, at the discretion of the city manager. Each wastewater discharge permit will indicate a specific date upon which it will expire.

(b) *Contents.* A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the city manager to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

- (1) Wastewater discharge permits contain:
 - a. A statement that duration is not to exceed five years;
 - b. A statement that the wastewater discharge permit is nontransferable without prior notification to the city, in accordance with section 106-250(e), and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
 - c. Effluent limits based on applicable pretreatment standards;
 - d. Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law; and
 - e. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law.
 - f. Requirements to control slug discharges, if determined by the city manager to be necessary.

(2) Wastewater discharge permits may contain, but need not be limited to, the following conditions:

- a. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
- b. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
- c. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
- d. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
- e. Requirements for installation and maintenance of inspection and sampling facilities and equipment;
- f. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and
- g. Other conditions, as deemed appropriate by the city manager, to ensure compliance with this division and state and federal laws, rules, and regulations.

(c) *Appeals.* The city manager shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the city manager to reconsider the

terms of a wastewater discharge permit within ten days of notice of its issuance. Petitioners shall consider the following:

- (1) Failure to submit a timely petition for review shall be deemed a waiver of the administrative appeal;
- (2) In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit;
- (3) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal;
- (4) If the city manager fails to act within 30 days, a request for reconsideration shall be deemed a denial. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review;
- (5) Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the District Court for Pittsburg County, State of Oklahoma, within 30 days of the final administrative action.

(d) *Modification.* The city manager may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (1) To incorporate any new or revised federal, state, or local pretreatment standards or requirements;
- (2) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;

- (3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (4) Information indicating that the permitted discharge poses a threat to the city POTW, the city personnel, or the receiving waters;
- (5) Violation of any terms or conditions of the wastewater discharge permit;
- (6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- (7) Revision of, or a grant of variance from, categorical pretreatment standards, pursuant to 40 CFR 403.13;
- (8) To correct typographical or other errors in the wastewater discharge permit; or
- (9) To reflect a transfer of the facility ownership or operation to a new owner or operator.

(e) *Transfer.* Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least 30 days advance notice to the city manager, and the city manager approves the wastewater discharge permit transfer. The notice to the city manager must include a written certification by the new owner or operator which:

- (1) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- (2) Identifies the specific date on which the transfer is to occur; and
- (3) Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

(f) *Revocation.* The city manager may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (1) Failure to notify the city manager of significant changes to the wastewater prior to the changed discharge;
- (2) Failure to provide prior notification to the city manager of changed conditions pursuant to section 106-251(h);
- (3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- (4) Falsifying self-monitoring reports;
- (5) Tampering with monitoring equipment;
- (6) Refusing to allow the city manager timely access to the facility premises and records;
- (7) Failure to meet effluent limitations;
- (8) Failure to pay fines;
- (9) Failure to pay sewer charges;
- (10) Failure to meet compliance schedules;
- (11) Failure to complete a wastewater survey or the wastewater discharge permit application;
- (12) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- (13) Violation of any pretreatment standard or requirement or any terms of the wastewater discharge permit or this division.

Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

(g) *Reissuance.* A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with section 106-249(f), a minimum of 60 days prior to the expiration of the user's existing wastewater discharge permit.

(h) *Regulation of waste received from other jurisdictions.*

- (1) The city receives wastewater from the City of Krebs. An agreement exists between the two communities granting certain rights and privileges to both parties. The city manager, on behalf of the city, can amend this agreement with council approval.
- (2) Prior to entering into future agreements, similar to the one referenced in paragraph (1), above, the city manager shall request the following information from the contributing municipality.
 - a. A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
 - b. An inventory of all users located within the contributing municipality that are discharging to the POTW; and
 - c. Other such information as the city manager may deem necessary.
- (3) An intermunicipal agreement, as referenced in paragraph (1), above, shall contain the following conditions:
 - a. A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this division and local limits which are at least as stringent as those set out in section 106-247(d). The requirement shall specify that such ordinance and limits must be revised, as necessary, to reflect changes made to the city's ordinance or local limits;
 - b. A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis;
 - c. A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be

conducted by the contributing municipality; which of these activities will be conducted by the city manager; and which of these activities will be conducted jointly by the contributing municipality and the city manager.

- d. A requirement for the contributing municipality to provide the city manager with access to all information that the contributing municipality obtains as part of its pretreatment activities;
- e. Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
- f. Requirements for monitoring the contributing municipality's discharge;
- g. A provision ensuring the city manager access to the facilities of users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the city manager; and
- h. A provision specifying remedies available for breach of the terms of the intermunicipal agreement.

(Ord. No. 2140, § 1, 11-27-01; Ord. No. 2389, § 5, 6-14-11)

Sec. 106-251. Reporting requirements.

- (a) *Baseline monitoring reports.*
 - (1) Within either 180 days after the effective date of a categorical pretreatment standard or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to, or scheduled to discharge to, the POTW shall submit to the city manager a report which contains the information listed in paragraph (2), below. At least 90 days prior to commencement of their dis-

charge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the city manager a report which contains the information listed in paragraph (2), below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

(2) Users described above shall submit the information set forth below:

- a. *Identifying information.* The name and address of the facility, including the name of the operator and owner.
- b. *Environmental permits.* A list of any environmental control permits held by or for the facility.
- c. *Description of operations.* A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
- d. *Flow measurement.* Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(c).
- e. *Measurement of pollutants.*
 1. The pretreatment standards applicable to each regulated process.
 2. The results of sampling and analysis identifying the nature and concentration and/or mass, where required by the standard or by the city manager, of regulated pollutants in the dis-

charge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in section 106-251(m).

3. Sampling must be performed in accordance with procedures set out in section 106-251(n).

- f. *Certification.* A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.
- g. *Compliance schedule.* If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in section 106-251(b).
- h. *Signature and certification.* All baseline monitoring reports must be signed and certified in accordance with section 106-249(g).

(b) *Compliance schedule progress reports.* The following conditions shall apply to the compliance schedule required by section 106-251(a)(2)g.:

- (1) The schedule shall contain progress increments 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 events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation;

- (2) No increment referred to above shall exceed nine months;
- (3) The user shall submit a progress report to the city manager no later than 14 days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to the established schedule; and
- (4) In no event shall more than nine months elapse between such progress reports to the city manager.

(c) *Reports on compliance with categorical pretreatment standard deadline.* Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the city manager a report containing the information described in section 106-251(a)(2)d.—f. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to 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 compliance reports must be signed and certified in accordance with section 106-249(g).

(d) *Periodic compliance reports.*

- (1) All significant industrial users shall, at a frequency determined by the city man-

ager but in no case than twice per year submit, a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with section 106-249(g).

- (2) All wastewater samples must be representative of the user's discharge. Sampling information including date, time, place, method of sampling, (i.e. grab or composite), and person performing the sampling shall be included. Analysis information, including the dates performed, who performed the analyses, and the analytical methods used, shall also be included. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
- (3) If a user subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the city manager, using the procedures prescribed in section 106-251(m), the results of this monitoring shall be included in the report.

(e) *Control authority inspection and sampling of industrial users.* The city shall randomly sample and analyze the effluent from industrial users and conduct surveillance activities in order to identify, independent of information supplied by industrial users, occasional and continuing compliance with pretreatment standards. Inspection and sampling of the effluent from each significant industrial user will be done at least once a year.

(f) *Self-monitoring requirements for significant industrial users.*

- (1) Reports shall include results of sampling and analysis of the discharge, including the flow and nature and concentration or

production and mass, where requested by the city, of pollutants contained in the industrial wastewater discharge permit which are limited by the applicable pretreatment standards. This sampling and analysis may be performed by the city in lieu of the industrial user. When the POTW performs the required sampling and analysis in lieu of the industrial user, the user will not be required to submit the compliance certification required under Section 403.12(b)(6) and 403.12(d). In addition, when the POTW itself collects all the information required for the report, including flow data, the industrial user will not be required to submit the report.

- (2) If results obtained by an industrial user in accordance with section 106-251(m) indicate a violation, the user shall notify the city within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the city within 30 days after becoming aware of the violation, except the industrial user is not required to resample if:
 - a. The city performs the sampling at the industrial user's facility at a frequency of at least once per month; or
 - b. The city performs the sampling at the user's facility between the time when the user performs an initial sampling and the time when the user receives the results of this sampling.
- (3) The reports shall be based upon data obtained through appropriate sampling and analysis performed during the reporting period. The city shall require that frequency of monitoring necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements.
- (4) All analyses shall be performed in accordance with procedures contained in 40 CFR Part 136 and amendments thereto or with any other approved test procedures.

- (5) If an industrial user subject to reporting requirements monitors any pollutant more frequently than required by the city, the results shall be included in the report.
- (6) The city shall require appropriate reporting from those industrial users with discharges that are not subject to categorical pretreatment standards.

(g) *Certification and signatory requirements.* All reports must be signed and certified in accordance with section 106-249(g).

(h) *Reports of changed conditions.* Each user must notify the city manager of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least 30 days before the change.

- (1) The city manager may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under section 106-249(g).
- (2) The city manager may issue a wastewater discharge permit under section 106-249(h) or modify an existing wastewater discharge permit under section 106-250(d) in response to changed conditions or anticipated changed conditions.
- (3) For purposes of this requirement, significant changes include, but are not limited to, flow increases of 20 percent or greater, and the discharge of any previously unreported pollutants.

(i) *Reports of potential problems.*

- (1) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine or episodic nature, a non-customary batch discharge, or a slug load that may cause potential problems for the POTW, the user shall immediately telephone and notify the city manager of the incident. This notification shall include the location of the discharge,

type of waste, concentration and volume, if known, and corrective actions taken by the user.

- (2) Within five days following such discharge, the user shall, unless waived by the city manager, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this division.
- (3) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph (1), above. Employers shall ensure that all employees who may cause such a discharge to occur are advised of the emergency notification procedure.

(j) *Reports from unpermitted users.* All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the city manager, as the city manager may require.

(k) *Notice of violation/repeat sampling and reporting.* If sampling performed by a user indicates a violation, the user must notify the city manager within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the city manager within 30 days after becoming aware of the violation. The user is not required to resample if the city manager monitors at the user's facility at least once a month, or if the city manager samples between the user's initial sampling and when the user receives the results of this sampling.

(l) *Notification of the discharge of hazardous waste.*

- (1) Any user who commences the discharge of hazardous waste shall notify the POTW,

the EPA regional waste management division director, and state hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent that such information is known and readily available to the user: 1) an identification of the hazardous constituents contained in the wastes; 2) an estimation of the mass and concentration of such constituents in the wastestream discharged during the calendar month; and 3) an estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months. All notifications must take place no later than 180 days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under section 106-251(h). The users subject to categorical pretreatment standards under the self-monitoring requirements of sections 106-251(a), (c), (d), and (f).

- (2) Dischargers are exempt from the requirements of paragraph (1), above, during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than 15 kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(c), requires a one-time notification. Subsequent months during which the user dis-

charges more than such quantities of any hazardous waste do not require additional notification.

- (3) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the city manager, the EPA regional waste management waste division director, and state hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulation.
- (4) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- (5) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this division, a permit issued thereunder, or any applicable federal or state law.

(m) *Analytical requirements.* All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA. The laboratories providing analytical services must be approved by the state laboratory certification program for the specific pollutants required in the permit.

(n) *Sample collection.*

- (1) Except as indicated in subsection (2) below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the city manager may authorize the use of

time proportional sampling or a minimum of four grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

- (2) Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- (3) Chain-of-custody. The possession of samples must be traceable from the time they are obtained until they are introduced as evidence in legal proceedings. As samples are collected in the field, they will be preserved in accordance with 40 CFR Part 136 approved methods. Each sample will be distinctly labeled and recorded on the chain-of-custody. The chain-of-custody shall reflect the sample number, collector's name, date, time and method of sampling, sample site, preservative, container type, and analyses requested. Samples will then be placed on ice in a cooler for immediate transport to the locked refrigerator or for transport directly to a commercial laboratory. A chain-of-custody form will be filled out and will accompany the samples to the commercial laboratory. To simplify the chain-of-custody record and eliminate potential enforcement problems, pretreatment samples will be handled by a minimum number of personnel, and samples will be kept in the possession of the person who performed the sampling until they are either submitted or shipped to the commercial laboratory, locked in the refrigerator, and/or until they are given to other personnel for transport to the laboratory (with the chain-of-custody form appropriately signed).

(o) *Timing.* Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

(p) *Record keeping.* Users subject to the reporting requirements of this division shall retain, and make available for inspection and copying, all records of information obtained, pursuant to any monitoring activities required by this division and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, the name of the person(s) taking the samples, the dates analyses were performed, who performed the analyses, the analytical techniques or methods used, and the results of such analyses. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the user or the city, or where the user has been specifically notified of a longer retention period by the city manager.

(Ord. No. 2140, § 1, 11-27-01; Ord. No. 2389, §§ 6, 7, 6-14-11)

Sec. 106-252. Compliance monitoring.

(a) *Right of entry: inspection and sampling.* The city manager, or his duly authorized agent bearing credentials and identification, shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this division and any wastewater discharge permit or order issued hereunder. Users shall allow the city manager ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- (1) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the city manager will be permitted to enter without delay for the purposes of performing specific responsibilities.
- (2) The city manager shall have the right to set up on the user's property, or require

installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

- (3) The city manager may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually to ensure their accuracy. These records must be retained according to section 106-251(p).
- (4) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the city manager and shall not be replaced. The costs of clearing such access shall be born by the user.
- (5) Unreasonable delays in allowing the city manager access to the user's premises shall be a violation of this division.

(b) *Search warrants.* If the city manager has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this division, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the city, designed to verify compliance with this division or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the city manager may seek issuance of a search warrant from the District Court of Pittsburg County, State of Oklahoma, or the municipal court of the city, if authorized by law.

(Ord. No. 2140, § 1, 11-27-01)

Sec. 106-253. Confidential information.

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the city manager's inspection and sampling activities, shall be available to the public without restriction, unless

the user specifically requests, and is able to demonstrate to the satisfaction of the city manager, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable state law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but they shall be made available immediately upon request to governmental agencies for uses related to the OPDES program, or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

(Ord. No. 2140, § 1, 11-27-01)

Sec. 106-254. Publication of users in significant noncompliance.

The city manager shall publish annually, in the largest daily newspaper published in the munic-

the right to enter the premises of any user to determine whether the user is complying with all requirements of this division and any wastewater discharge permit or order issued hereunder. Users shall allow the city manager ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- (1) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the city manager will be permitted to enter without delay for the purposes of performing specific responsibilities.
- (2) The city manager shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.
- (3) The city manager may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually to ensure their accuracy. These records must be retained according to section 106-251(p).
- (4) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the city manager and shall not be replaced. The costs of clearing such access shall be born by the user.
- (5) Unreasonable delays in allowing the city manager access to the user's premises shall be a violation of this division.

(b) *Search warrants.* If the city manager has been refused access to a building, structure, or property, or any part thereof, and is able to

demonstrate probably cause to believe that there may be a violation of this division, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the city, designed to verify compliance with this division or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the city manager may seek issuance of a search warrant from the District Court of Pittsburg County, State of Oklahoma, or the municipal court of the city, if authorized by law.

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(Ord. No. 2140, § 1, 11-27-01)

Sec. 106-254. Publication of users in significant noncompliance.

The city manager shall publish annually, in the largest daily newspaper published in the munic-

ipality where the POTW is located, a list of the users which, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. The term "significant noncompliance" shall mean:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of wastewater measurements taken during a six-month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;
- (2) Technical review criteria (TRC) violations, defined here as those in which 33 percent or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the daily maximum limit, or the average limit, multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- (3) Any other discharge violation that the city manager believes has caused, either alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;
- (4) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment or has resulted in the city manager's exercise of its emergency authority to halt or prevent such a discharge;
- (5) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide within 30 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(7) Failure to accurately report noncompliance; or

(8) Any other violation(s) which the city manager determines will adversely affect the operation or implementation of the local pretreatment program.

(Ord. No. 2140, § 1, 11-27-01)

Sec. 106-255. Administrative enforcement remedies.

(a) *Notification of violation.* When the city manager finds that a user has violated, or continues to violate, any provision of this division, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the city manager may serve upon that user a written notice of violation. Within 30 days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the city manager. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the city manager to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

(b) *Consent orders.* The city manager may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to sections subsections (d) and (e) of this section and shall be judicially enforceable.

(c) *Show cause hearing.* The city manager may order a user that has violated, or continues to violate, any provision of this division, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the city manager and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user

specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, nor prerequisite for, taking any other action against the user.

(d) *Compliance orders.* When the city manager finds that a user has violated, or continues to violate, any provision of this division, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the city manager may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, nor a prerequisite for, taking any other action against the user.

(e) *Cease and desist orders.* When the city manager finds that a user has violated, or continues to violate, any provision of this division, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the city manager may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- (1) Immediately comply with all requirements; and

- (2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, nor a prerequisite for, taking any other action against the user.

(£) *Administrative fines.*

- (1) When the city manager finds that a user has violated, or continues to violate, any provision of this division, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the city manager may fine such user in an amount not to exceed \$1,000.00 per day per violation. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.
- (2) Unpaid charges, fines, and penalties shall, after 30 calendar days, be assessed an additional penalty of an amount, as approved by the courts each year, of the unpaid balance, and interest shall accrue thereafter at the allowed interest by the court. A lien against the user's property will be sought for unpaid charges, fines, and penalties.
- (3) Users desiring to dispute such fines must file a written request for the city manager to reconsider the fine, along with full payment of the fine amount within ten days of being notified of the fine. Where a request has merit, the city manager may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The city manager may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
- (4) Issuance of an administrative fine shall not be a bar against, nor a prerequisite for, taking any other action against the user.

(g) *Emergency suspensions.* The city manager may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The city manager may also immediately suspend a user's discharge, after notice and opportunity to respond, which threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

- (1) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the city manager may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The city manager may allow the user to recommence its discharge when the user has demonstrated, to the satisfaction of the city manager, that the period of endangerment has passed, unless the termination proceedings in subsection (h) of this section are initiated against the user.
- (2) A user that is responsible, either in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the city manager prior to the date of any show cause or termination hearing under subsections (c) or (h) of this section.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

(h) *Termination of discharge.* In addition to the provisions in section 106-250(f), any user who violates the following conditions is subject to discharge termination:

- (1) Violation of wastewater discharge permit conditions;

- (2) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (3) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- (4) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling;
- (5) Violation of the pretreatment standards in section 106-247; or
- (6) Failure to pay bill when due.

Such user will be notified of the proposed termination of its discharge and offered an opportunity to show cause under subsection (c) of this section as to why the proposed action should not be taken. Exercise of this option by the city manager shall not be a bar to, nor a prerequisite for, taking any other action against the user.
(Ord. No. 2140, § 1, 11-27-01)

Sec. 106-256. Judicial enforcement remedies.

(a) *Injunctive relief.* When the city manager finds that a user has violated, or continues to violate, any provision of this division, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the city manager may petition the District Court of Pittsburg County, State of Oklahoma, through the city attorney, for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this division on activities of the user. The city manager may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, nor a prerequisite for, taking any other action against a user.

(b) *Civil penalties.*

- (1) A user who has violated, or continues to violate, any provision of this division, a wastewater discharge permit or order is-

sued hereunder, or any other pretreatment standard or requirement shall be liable to the city for a maximum civil penalty of \$1,000.00 per violation per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

- (2) The city manager may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the city.
- (3) In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.
- (4) Filing a suit for civil penalties shall not be a bar against, nor a prerequisite for, taking any other action against a user.

(c) *Criminal prosecution.*

- (1) A user who willfully or negligently violates any provision of this division, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$1,000.00 per violation per day, imprisonment for not more than 90 days, or both.
- (2) A user who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a violation of this division and be punishable by a fine of not more than \$1,000.00 per violation per day plus costs, be subject to imprisonment for not more than 90 days, or both. This penalty shall be in

addition to any cause of action for personal injury or property damage available under state law.

- (3) A user who knowingly makes any false statements, representations, or certifications in any application record, report, plan, or other documentation filed, or required to be maintained, pursuant to this division, wastewater discharge permit or order issued hereunder, or who falsifies, tampers with, or knowingly renders any inaccurate monitoring device or method required under this division shall, upon conviction, be punished by a fine of not more than \$1,000.00 per violation per day plus costs, imprisonment for not more than 90 days, or both.
- (4) In the event of a second conviction, a user shall be punished by a fine of not more than \$1,000.00 per violation per day plus costs or imprisonment for not more than 90 days, or both.

(d) *Remedies nonexclusive.* The remedies provided for in this division are not exclusive. The city manager may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the city's enforcement response plan. However, the city manager may take other action against any user when the circumstances warrant. Further, the city manager is empowered to take more than one enforcement action against any noncompliant user. (Ord. No. 2140, § 1, 11-27-01)

Sec. 106-257. Supplemental enforcement action.

(a) *Water supply severance.* Whenever a user has violated or continues to violate any provision of this division, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

(b) *Public nuisances.* A violation of any provision of this division, a wastewater discharge permit or order issued hereunder, or any other

pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the city manager. Any person(s) creating a public nuisance shall be subject to the provisions of sections 26-26 through section 26-31 of this Code governing such nuisances, including reimbursing the city for any costs incurred in removing, abating, or remedying said nuisance.

(c) *Contractor listing.* Users which have not achieved compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the city. Existing contracts for the sale of goods or services to the city held by a user found to be in significant noncompliance with pretreatment standards or requirements may be terminated at the discretion of the city manager.
(Ord. No. 2140, § 1, 11-27-01)

Sec. 106-258. *Affirmative defenses to discharge violations.*

(a) *Upset.*

- (1) For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical 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 treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- (2) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (3), below, are met.
- (3) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. An upset occurred, and the user can identify the cause(s) of the upset;

- b. The facility was, at the time, being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures; and
- c. The user has submitted the following information to the city manager within 24 hours of becoming aware of the upset and filed a written report with the city manager within five working days. The report shall contain the following:
 1. A description of the indirect discharge and cause of noncompliance;
 2. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 3. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

- (4) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
- (5) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
- (6) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

(b) *Prohibited discharge standards.* A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in section 601-247(a)(1)

or the specific prohibitions in section 601-247(a)(2)a. through w., if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference, and that either:

- (1) A local limit exists for each pollutant discharged, and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or
- (2) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the city was regularly in compliance with its OPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

(c) *Bypass.*

(1) For the purposes of this section:

- a. "Bypass" means the intentional diversion of wastestreams from any portion of a user's treatment facility.
- b. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them 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.

(2) A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (3) and (4) of this section.

(3) a. If a user knows, in advance, of the need for a bypass, it shall submit

prior notice to the city manager at least ten days before the date of the bypass, if possible.

b. A user shall submit oral notice to the city manager of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause, the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The city manager may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

(4) a. Bypass is prohibited, and the city manager may take an enforcement action against a user for a bypass, unless:

- 1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- 2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

3. The user submitted notices as required under paragraph (3) of this section.

b. The city manager may approve an anticipated bypass, after considering its adverse effects, if the city manager determines that it will meet the three conditions listed in subsection (4)a. of this section.

(Ord. No. 2140, § 1, 11-27-01)

Sec. 106-259. Reconstruction of public sanitary sewers.

No building, structure, wall or other above-ground obstruction, including additional fill material, shall be placed, erected, installed or permitted directly over any public sanitary sewer. If any of the above obstructions are to occupy the ground immediately above a public sanitary sewer, it shall be necessary to first reroute the public sanitary sewer at the property owner's expense in order to subsequently comply with the above provision. If there is not sufficient grade available in order to perform the rerouting, it shall be necessary for the property owner to present a proposed plan to the city manager, setting forth the necessary construction to safeguard the public sanitary sewer. In any event, the rerouting of the sanitary sewer or reconstruction, as approved by the city manager, shall be carried out through proper contracts and bond with the city.

(Ord. No. 2140, § 1, 11-27-01)

Sec. 106-260. New sewers and connections.

(a) The connection of the building sewer into the public sewer system shall conform to the requirements of the BOCA National Building and Plumbing Codes and other applicable rules and regulations of the city.

(b) All new sanitary sewage works shall be designed and constructed in accordance with the requirements of the state department of health regulations.

(c) When a public sewer becomes available within 300 feet, the building shall be connected to the public sewer within 60 days.

(Ord. No. 2140, § 1, 11-27-01)

Secs. 106-261—106-300. Reserved.

ARTICLE IV. SOLID WASTE*

DIVISION 1. GENERALLY

Sec. 106-301. 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:

Bags means plastic sacks designed to store garbage with sufficient wall strength to maintain physical integrity when lifted by the top. Total weight of a bag and its contents shall not exceed 35 pounds.

Bin or commercial dumpster means a metal receptacle designed to be lifted and emptied mechanically for use primarily at municipal facilities and large commercial and industrial units.

Bulky waste means stoves, refrigerators (with all CFC removed), water tanks, washing machines, furniture and other similar items, and materials other than construction debris, large dead animals, hazardous waste or stable matter with weights or volumes greater than those allowed for bins or polycarts, as the case may be.

Bundle means tree, shrub and brush trimmings or newspapers and magazines securely tied together forming an easily handled package not exceeding four feet in length or 35 pounds in weight.

Commercial and industrial refuse means construction debris, garbage, rubbish and stable matter generated by a producer at a large commercial and industrial unit.

Construction debris means waste building materials resulting from construction, remodeling, repair or demolition operations at a residential unit, municipal facility or large commercial and industrial unit.

***State law references**—Oklahoma Controlled Industrial Waste Disposal Act, 63 O.S. § 1-2001 et seq.; Oklahoma Solid Waste Management Act, 63 O.S. § 1-2300 et seq.; municipal solid waste management systems, 63 O.S. § 1-2412.

Excluded waste means bulky waste, hazardous waste, large dead animals, offal waste, special waste, stable matter and vegetable waste.

Garbage means any and all small dead animals, every accumulation of waste (animal, vegetable and/or other matter) that results from the preparation, processing, consumption, dealing in, handling, packing, canning, storage, transportation, decay or decomposition of meats, fish, fowl, birds, fruits, grains or other animal or vegetable matter (including, but not by way of limitation, used tin cans and other food containers, and all putrescible or easily decomposable waste animal or vegetable matter which is likely to attract flies or rodents), except (in all cases) any matter included in the definition of excluded waste.

Hazardous waste means any radioactive, volatile, corrosive, highly flammable, explosive, biomedical, infectious, biohazardous, toxic or listed or characteristic hazardous waste as defined by federal, state or local law or any otherwise regulated waste. Hazardous waste shall include, but not be limited to, any amount of waste listed or characterized as hazardous by the United States Environmental Protection Agency or any state agency pursuant to the Resource Conservation and Recovery Act of 1976, as amended, and including future amendments thereto, and any other applicable federal, state or local laws or regulations.

House-side handicapped means a location designated by the public works director where there is no able-bodied person residing in a residential unit that can take the polycart to the curb. In such instances when the physical conditions of the resident(s), either permanent or temporary, is such that he/she cannot physically maneuver a polycart to the designated pick-up area, the city, through its duly authorized agent, representative or employee will retrieve the polycart from the side of the house and return it to its original location.

Institutional solid waste means solid waste originating from education, health care and research facilities such as schools, hospitals, nursing homes, laboratories and other similar establishments.

Large commercial and industrial unit means all premises, locations or entities, public or private, requiring garbage and rubbish collection within the corporate limits of the city that are not classified as a residential unit or municipal facility.

Large dead animals means animals or portions thereof equal to or greater than ten pounds in weight that have expired from any cause, except those slaughtered or killed for human use.

Multifamily means all residential dwelling units of more than one unit considered to be condominiums, apartment houses or grouped housing.

Offal waste means waste animal (land or marine) matter from establishments such as butcher shops, slaughterhouses, food processing and packing plants, rendering plants and fertilizer plants.

Permissible solid waste means all nonhazardous, solid waste (including garbage, rubbish, yard waste and recyclable materials) generated at residential units, except any matter included in the definition of excluded waste.

Polycart means a receptacle designed for the purpose of curbside collection of garbage, rubbish and yard waste and is constructed of plastic, metal or fiberglass, having handles of adequate strength for lifting, and having a tight fitting lid. The mouth of a polycart shall have a diameter greater than or equal to that of the base. The weight of a polycart and its content shall not exceed 50 pounds.

Producer means an operator or occupant of a commercial or industrial facility or a residential unit who generates garbage, rubbish, yard waste or recyclable materials.

Refuse means garbage, rubbish, solid waste, small dead animals, vegetable waste and yard waste.

Residential unit means a dwelling within the corporate limits of McAlester occupied by a person or group of persons comprising not more than four families. A residential unit shall be deemed occupied when either water or domestic light and power services are being supplied thereto. A condominium dwelling, whether of single or multi-level construction, consisting of four or less con-

tiguous or separate single-family dwelling units, shall be treated as a residential unit, except that each single-family dwelling within any such residential unit shall be billed separately as a residential unit. For purposes of this article, a residential unit shall include a producer at a small commercial business whose garbage and rubbish is placed in not more than one 95-gallon polycart, per collection day, including but not limited to, offices, stores, service stations, restaurants, amusement centers, schools, churches, etc., located within the boundaries of McAlester.

Rubbish means all waste wood, wood chips, shavings, sawdust, printed matter, paper, pasteboard, rags, straw, used and discarded mattresses, used and discarded clothing, used and discarded shoes and boots, combustible waste pulp and other products such as are used for packaging, or wrapping crockery and glass, ashes, cinders, floor sweepings, glass, mineral or metallic substances, and any and all other waste materials not included in the definition of excluded waste.

Small dead animals means animals or portions thereof less than ten pounds in weight that have expired from any cause, except those slaughtered or killed for human use.

Solid waste means useless, unwanted or discarded materials with insufficient liquid content to be free-flowing, that result from domestic, industrial, commercial, agricultural, governmental and community operations which require proper storage, collection, transportation and disposal to prevent environmental pollution inimical to public health, safety and welfare. Solid waste does not include sewage, earth or material used to fill land in accordance with construction codes, mining residues, slag, dissolved or suspended solids in industrial waste water effluents which are not acceptable for disposal in sanitary sewage treatment systems or any material included in the definition of excluded waste.

Special waste means nonhazardous, solid waste that is subject to additional governmental regulations or special handling requirements in collection, transportation, processing or disposal as a

result of the characteristics of, or processes which generate such waste. Special waste includes, but is not limited to:

- (1) Waste iron from a commercial or industrial activity;
- (2) Waste generated by an industrial process or a pollution control process;
- (3) Waste which may contain free liquids;
- (4) Waste which may contain residue and debris from the cleanup of a spill of petroleum, chemical or commercial products or wastes, or contaminated residuals;
- (5) Articles from the cleanup of a facility which generates, stores, treats, recycles or disposes of chemical substances, commercial products or wastes;
- (6) Wastes which are nonhazardous as a result of proper treatment pursuant to Subtitle C of the Resource Conservation and Recovery Act of 1976 ("RCRA");
- (7) Asbestos containing or asbestos bearing material that has been properly secured under existing federal, state and local laws, rules and regulations;
- (8) Containers that once contained hazardous substances, chemicals or insecticides so long as such containers are "empty" as defined by RCRA;
- (9) Municipal or commercial solid waste that may have come into contact with any of the foregoing;
- (10) Filter cake sludge wastes from wastewater treatment processes;
- (11) Wastes containing any regulated polychlorinated biphenyls; and
- (12) Ash, sludge, tires and powders.

Stable matter means all manure and other waste matter normally accumulated in or about a stable, or any animal, livestock or poultry enclosure, and resulting from the keeping of animals, poultry or livestock.

Vegetable waste means putrescible solid waste resulting from the processing of plants for food by commercial establishments such as canneries.

This definition does not include waste products resulting from the preparation and consumption of food in places such as cafeterias and restaurants.

Yard waste means grass, leaves, flowers, stalks, stems, tree trimmings, branches, and tree trunks. For yard waste collection services, grass, pine needles, leaves, flowers, stalks, stems, and small tree trimmings (less than two feet in length and less than two inches in diameter) shall be in a container, bag or box the weight of which shall not exceed 35 pounds. Larger tree trimmings shall be laid neatly in piles at curbside. The maximum weight of any item placed out for yard waste collection shall be 35 pounds. Branches in excess of two feet in length may, but are not required to be, in a container, bag or box. City or its duly authorized agents or representatives shall be obligated to collect no more than three bags per week from each residential unit.

(Code 1974, § 24-1; Ord. No. 2417, § 1, 3-13-12)

Cross reference—Definitions generally, § 1-2.

Sec. 106-302. Reserved.

Editor's note—Ord. No. 2276, § 2, adopted Jan. 8, 2008, repealed § 106-3002, which pertained to sanitation department and superintendent generally and derived from Code 1974, § 24-2.

Sec. 106-303. Burning of refuse.

It shall be unlawful for any person to burn any refuse anywhere within the city. This section is hereby declared necessary for the proper protection of the property and health of the citizens of the city, and violation of this section is hereby declared to be a public nuisance and unlawful. The burning of yard waste is permissible after obtaining the proper permits.

(Code 1974, § 24-10; Ord. No. 2210, § 1, 9-27-05; Ord. No. 2417, § 1, 3-13-12)

Sec. 106-304. Unlawful scattering, storing, etc.

(a) The scattering of refuse, the storage of refuse except for permissible solid waste in containers as provided for by this chapter or the accumulation of refuse by reason of nonpayment of fees or charges for its removal, is hereby declared to be a public nuisance and unlawful.

(b) Under no circumstances shall refuse be dumped, swept, thrown or otherwise deposited or stored on any street or in any alley or on any lot, without being placed in proper containers as prescribed in this chapter, nor shall waste material and debris from construction repair work, leaves, trees or tree trimmings be dumped or stored on any street or in any alley.

(c) It shall be unlawful for any person to bury any refuse at any place within the city or to transport any refuse upon any street within the city, except as otherwise provided for in this article.

(Code 1974, § 24-11; Ord. No. 2417, § 1, 3-13-12)

State law reference—Littering, 21 O.S. § 1761.1.

Sec. 106-305. Removal of dead animals.

The bodies of any dead animals within the city shall be promptly removed. In case of small animals, such as dogs and cats, the city shall remove the same. For larger animals, the owner shall pay the cost for removal of such animals. In case the owner of such animal is not known, the occupant or owner of the premises upon which the dead animal is found shall pay the charges for the removal, or if found upon any public street or park, the city shall pay for the removal of such dead animal.

(Code 1974, § 24-12)

Sec. 106-306. Removal of waste material, construction debris.

Waste material and the debris from the construction or repair of buildings, structures or dwellings shall be removed by the owner, tenant or contractor at his expense, and such waste material or debris shall not be stored in receptacles used for permissible refuse collection by the city or its duly authorized agents or representatives.

(Code 1974, § 24-13; Ord. No. 2417, § 1, 3-13-12)

Secs. 106-307—106-320. Reserved.

DIVISION 2. MUNICIPAL COLLECTION
SERVICE

Sec. 106-321. City's exclusive right to collect and remove refuse.

The city, through its duly authorized agents, representatives or employees, shall have an exclusive right to collect, remove and haul refuse within the city, and it shall be unlawful for any other person to collect, remove or haul refuse in the city, except as otherwise provided in section 106-322.

(Code 1974, § 24-7; Ord. No. 2417, § 1, 3-13-12)

Sec. 106-322. Private or contract collection and removal of refuse.

(a) Authorization for private or contract refuse collection, removal and hauling may be issued on the basis of convenience and necessity, as determined by the city council, and may be revoked by the city council at any time it becomes evident that such collection, removal and hauling does not comply with the provisions of this article.

(b) The collection and removal of refuse by private or contract haulers shall not relieve the owner or occupant of any premises of responsibility for complying with all the provisions of this article regarding the storage of refuse or the payment of the minimum monthly service fee provided for in section 106-327.

(Code 1974, § 24-8)

Sec. 106-323. General container and storage requirements for permissible solid waste for residential units.

It shall be the duty of every owner, tenant, lessee or occupant of any residential unit to comply with the following provisions pertaining to the storage of permissible solid waste:

- (1) All permissible solid waste from residential units shall be properly stored in polycarts provided by the city or its agent or representative for such purpose. Polycarts shall remain the property of city or its agent or representative. Residents

shall use polycarts only for their intended purpose and shall not overload (by weight or volume) or alter polycarts.

- (2) Unless an additional polycart has been provided for such purpose, each residential unit may place for collection up to three bags of yard waste per week.
- (3) Each polycart shall be out front and visible and placed at curbside for collection. Curbside refers to that portion of right-of-way adjacent to paved or traveled city roadways. Polycarts shall be placed as close to the roadway as practicable without interfering with or endangering the movement of vehicles or pedestrians. Polycarts cannot be placed in a fenced area. When construction work is being performed in the right-of-way, polycarts shall be placed as close as practicable to an access point for the collection vehicle. City may decline to collect any polycart not so placed or any solid waste not in a polycart as specified. House-side hand-capped service will be provided upon determination of eligibility by the public works director.
- (4) Polycarts shall not be placed on the curb earlier than 4:00 p.m. on the day preceding scheduled pick-up.
- (5) Polycarts shall be removed from the curb not later than 7:00 p.m. on the day of pick-up.
- (6) Excluded waste shall not be placed in a polycart. If excluded waste is discovered before it is collected by city or its authorized agent or representative, city shall take appropriate action to ensure that such excluded waste is removed and properly disposed of by the depositor or generator of the waste. In the event any excluded waste is not discovered before it is collected, city shall bill the depositor or generator of such excluded waste all direct and indirect costs incurred due to removal, remediation, handling, transportation, delivery and disposal of such excluded waste.

- (7) Upon termination of solid waste service, a resident will account for the polycart(s) provided by the city or its authorized agent or representative and return the same in good and working condition, normal wear and tear excepted. Failure to comply with this section may result in the total value of the polycart(s) being charged against the resident on his final bill. Resident is required to notify the utility department upon termination of service.

(Code 1974, § 24-3; Ord. No. 2417, § 1, 3-13-12)

Sec. 106-324. Same—Large commercial and industrial units.

It shall be the duty of the owner, tenant, lessee or occupant of each large commercial or industrial unit to comply with the following provisions pertaining to the storage of permissible solid waste:

- (1) All permissible solid waste from such establishment shall be stored in commercial dumpsters provided by the city or its agent or representative for such purpose. Commercial dumpsters shall remain the property of city or its agent or representative. Commercial dumpsters shall be used only for their intended purpose and shall not be overloaded (by weight or volume) or be altered.
- (2) Excluded waste shall not be placed in a commercial dumpster. If excluded waste is discovered before it is collected by city or its authorized agent or representative, city shall take appropriate action to ensure that such excluded waste is removed and properly disposed of by the depositor or generator of the waste. In the event any excluded waste is not discovered before it is collected, city shall bill the depositor or generator of such excluded waste all direct and indirect costs incurred due to removal, remediation, handling, transportation, delivery and disposal of such excluded waste.
- (3) Upon termination of solid waste service, an establishment will account for the commercial dumpster(s) provided by the city or its authorized agent or representative

and return the same in good and working condition, normal wear and tear excepted. Failure to account for such commercial dumpster(s) shall result in the total value of the commercial dumpster(s) being charged against the establishment on the final bill.

- (4) Polycarts located outside of buildings, shall not be located directly under downspouts or eaves where they will be deluged by water during storms.
- (5) Any and all business or industrial establishments which receive refuse collection service by method of an established residential route may be required to comply with standards as established in section 106-323 for residential units.

(Code 1974, § 24-4; Ord. No. 2417, § 1, 3-13-12)

Sec. 106-325. Maintenance, repair and replacement of polycarts and commercial dumpsters.

All polycarts and commercial dumpsters shall be kept in a clean and sanitary condition at all times, and shall be kept free of rodents, pests and stinging insects.

(Code 1974, § 24-5; Ord. No. 2417, § 1, 3-13-12)

Sec. 106-326. Prohibiting the unauthorized deposit of refuse in containers belonging or assigned to someone else.

(a) *Unauthorized depositing of refuse.* No person shall deposit any refuse or cause or permit such to be deposited in, on, or around the containers belonging or assigned to another without that person's consent. No household garbage shall be deposited in city containers. The identification of mail or other material bearing the name(s) of a person identifying such person or entity deposited in, on, or around a container may constitute prima facie evidence of ownership.

(b) *The violation of subsection (a) is hereby declared to be a public nuisance and unlawful.* Any person convicted of a violation of subsection

(a) shall be punished by a penalty in accordance with the Schedule of Fines and Costs of the City of McAlester Municipal Court.
(Code 1974, § 24-6; Ord. No. 2240, § 1, 7-25-06; Ord. No. 2417, § 1, 3-13-12)

Sec. 106-327. Charges for removal of permissible solid waste.

(a) The owner or occupant of each of the following premises shall pay to the city for removal of permissible solid waste the sum of \$18.26 per month:

- (1) Single-family dwelling.
- (2) Duplex and/or apartment.
- (3) Church.

(b) Business establishments, industrial concerns and schools shall be charged on the basis of the schedule of minimum fees.

Polycart	1 pickup/week	25.02/Month
2-yard dumpster	1 pickup/week	41.36/Month
2-yard dumpster	2 pickups/week	77.50/Month
2-yard dumpster	3 pickups/week	113.65/Month
2-yard dumpster	4 pickups/week	149.79/Month
2-yard dumpster	5 pickups/week	185.93/Month
2-yard dumpster	6 pickup/week	222.08/Month
2-yard dumpster	7 pickups/week	258.23/Month
4-yard dumpster	1 pickup/week	77.50/Month
4-yard dumpster	2 pickups/week	149.79/Month
4-yard dumpster	3 pickups/week	222.08/Month
4-yard dumpster	4 pickups/week	294.37/Month
4-yard dumpster	5 pickups/week	366.65/Month
4-yard dumpster	6 pickups/week	438.95/Month
4-yard dumpster	7 pickups/week	511.23/Month
6-yard dumpster	1 pickup/week	113.65/Month
6-yard dumpster	2 pickups/week	222.08/Month
6-yard dumpster	3 pickups/week	330.52/Month
6-yard dumpster	4 pickups/week	438.95/Month
6-yard dumpster	5 pickups/week	547.38/Month
6-yard dumpster	6 pickups/week	655.82/Month
6-yard dumpster	7 pickups/week	764.23/Month
8-yard dumpster	1 pickup/week	175.47/Month
8-yard dumpster	2 pickups/week	294.37/Month
8-yard dumpster	3 pickups/week	438.95/Month
8-yard dumpster	4 pickups/week	583.51/Month
8-yard dumpster	5 pickups/week	728.10/Month
8-yard dumpster	6 pickups/week	872.66/Month
8-yard dumpster	7 pickups/week	1,017.25/Month

(c) On January 1, 2008 and each January 1st thereafter, all charges above for removal of refuse shall be adjusted after a review of the analysis of the Consumer Price Index (CPI). The rates shall be adjusted as required.

(d) As long as water service is connected to the premises and billings are rendered therefore, the charges for permissible solid waste removal shall accrue and it shall be conclusively presumed that removal services have been rendered by the city. Payment of such charge shall be made at the same time and in the same manner as water bills are paid, and all rules and regulations governing the collection of water bills shall apply in every particular to the collection of bills for refuse service.

(e) On January 1, 2007 and each January 1st thereafter, the above rates shall be adjusted after a review of the analysis of the Consumer Price Index (CPI).

(Ord. No. 1988, § 1, 7-28-92; Ord. No. 2058, 2-11-97; Ord. No. 2064, §§ 1, 2, 5-13-97; Ord. No. 2163, § 1, 6-24-03; Ord. No. 2212, §§ 1, 2, 10-25-05; Ord. No. 2236, § 1, 6-27-06; Ord. No. 2251, § 1, 2-13-07; Ord. No. 2362, § 1, 6-22-10; Ord. No. 2417, § 1, 3-13-12; Ord. No. 2428, § 1, 7-10-12; Ord. No. 2435, § 1, 8-14-12; Ord. No. 2511, § 1, 7-22-14)

Sec. 106-328. Recycling.

The city hereby establishes a \$0.40 recycling fee per month for each and every customer of the City of McAlester to be charged on their monthly utility bill. The basic fee covers costs of recycling drop-off site(s), public education and administration.

(Ord. No. 2362, § 2, 6-22-10; Ord. No. 2417, § 1, 3-13-12)

Sec. 106-329. Administrative procedures.

The public works director is hereby authorized to develop supplemental administrative procedures consistent with the provisions of this division.

(Ord. No. 2417, § 1, 3-13-12)

Secs. 106-330—106-350. Reserved.

DIVISION 3. LANDFILL

Sec. 106-351. Definitions.

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:

Nonmunicipal user means any person who may use the sanitary landfill who is not employed by the city and performing the duly authorized function of the disposal of solid waste materials from the city.

Nonresident commercial hauler means any person who hauls solid waste materials obtained from outside the corporate limits of the city and who receives monetary compensation from others for his services or hauls materials which are related to his employment.

Nonresident user means any person whose legal habitation is outside the corporate limits of the city who may use the sanitary landfill for the disposal of his own residential dwelling's solid waste materials which are not related to his employment.

One-ton vehicle means any vehicle with a rated carrying capacity of 2,000 pounds.

Resident commercial hauler means any person who hauls solid waste materials obtained from within the corporate limits of the city and who receives monetary compensation from others for his services or hauls materials which are related to his employment.

Resident user means any person whose legal habitation is within the corporate limits of the city who may use the sanitary landfill for the disposal of solid waste materials which are not related to his employment.

(Code 1974, § 32-2)

Cross reference—Definitions generally, § 1-2.

Sec. 106-352. Declaration of purpose.

The purpose of this division shall be to establish procedures and fees for the regulation of all nonmunicipal use of the city sanitary landfill, it being necessary to preserve the health and gen-

eral welfare of the inhabitants of the city through the continuing provision of an approved site for the disposal of solid waste materials.

(Code 1974, § 32-1)

Sec. 106-353. Procedures and fees for resident users.

A qualified resident user of the city may use the sanitary landfill and will be charged a tipping fee according to the following weight schedule:

- (1) One ton—\$20.00.
- (2) Minimum tipping charge for loads less than 50 pounds—\$5.00.
- (3) Over 500 pounds, but less than one ton—One cent per pound.

In any event, the minimum landfill charge shall be \$5.00 for loads less than 500 pounds. The user, upon request, may be required to provide proper identification, verifying residence within the city.

(Ord. No. 1867, § 1(32-4), 7-23-91; Ord. No. 2017, § 1, 6-28-94; Ord. No. 2043, § 1, 12-12-95)

Sec. 106-354. Nonmunicipal landfill usage procedures and fees in general.

Unless otherwise provided for in this division, the following procedure and fees shall be employed in regulating all nonmunicipal solid waste disposal at the sanitary landfill:

- (1) The user shall pay the landfill supervisor according to the fee schedule specified below. The landfill supervisor shall issue a receipt to the user at the time of payment.
- (2) The user shall be assessed a tipping fee according to the number of pounds of solid waste delivered to the landfill. The charge shall be one cent per pound of solid waste received at the landfill. In any event, the minimum landfill charge shall be \$5.00 for loads less than 500 pounds.

(Ord. No. 1865, § 1(32-3), 6-17-91; Ord. No. 2017, § 1, 6-28-94; Ord. No. 2043, § 1, 12-12-95)

Sec. 106-355. Procedures and fees for non-resident users.

(a) Purchase of a one-year permit from the city treasurer. The permit shall be dated from July 1 to June 30 of the following year, and shall be valid for a maximum of 12½ tons of solid waste delivered to the landfill. The permit fee shall be \$250.00.

(b) Per load assessment at the landfill, according to the following schedule: One cent per pound of solid waste received at the landfill. In any event, the minimum landfill charge shall be \$5.00 for loads less than 500 pounds.

(Ord. No. 1865, § 1(32-5), 6-17-91; Ord. No. 2017, § 1, 6-28-94; Ord. No. 2043, § 1, 12-12-95)

Sec. 106-356. Procedures and fees for resident commercial haulers.

A resident commercial hauler may use the sanitary landfill through either of the following methods:

- (1) Purchase of a one-year permit from the city treasurer. The permit shall be dated from July 1 to June 30 of the following year, and shall be valid for a maximum of 12½ tons of solid waste received at the landfill during the 12-month period. The permit fee shall be \$250.00; the above permit to include tree trimming, brush hauling, demolition and construction wastes.
- (2) Per load assessment at the landfill, according to the following schedule: One cent per pound of solid waste received at the landfill. In any event, the minimum landfill charge shall be \$5.00 for loads less than 500 pounds.

The landfill supervisor shall issue a receipt to the user at the time of payment.

(Ord. No. 1865, § 1(32-6), 6-17-91; Ord. No. 2017, § 1, 6-28-94; Ord. No. 2043, § 1, 12-12-95)

Sec. 106-357. Procedures and fees for non-resident commercial haulers.

(a) *Application.* A nonresident commercial hauler shall make written application to the city manager for usage of the sanitary landfill. In the application, the prospective hauler shall set forth the following:

- (1) The equipment, including loading capacities, which the hauler will use for disposal at the landfill.
- (2) The geographic area which the hauler proposes to service.
- (3) The anticipated volume from the proposed service area.
- (4) Type of material to be disposed of.

Usage shall not be allowed until application is made as identified herein.

(b) *Action on application.* Upon receipt of a properly completed application, the city council shall review same to determine the character and business experience of the contractor and determine the feasibility of permitting such use. The city council shall, further, fix the amount of a landfill usage depository fee which the contractor must post with the city for the term of the usage period. Upon approval of the application by the council, the contractor shall not be granted use of the landfill for more than 12 months. At the end of the 12 months, the applicant shall reapply for continued use. In allowing such use, the city shall reserve the right of cancellation upon 30 days' written notice to the contractor.

(c) *Certification of actual usage.* The sanitation superintendent shall, at the end of each month, certify to the city treasurer the number of loads the hauler delivered to the landfill during that month. The city treasurer shall, thereupon, notify the hauler or service area of the amount due for that month's usage. Payment shall be due from the hauler or service area within 20 days of receipt of notification.

(d) *Usage rates.* The per load fee assessment for solid waste received at the landfill from non-resident commercial haulers shall be established by the city council.

(Ord. No. 1865, § 1(32-7), 6-17-91)

Sec. 106-358. Establishing a landfill fee to comply with federal mandated subtitle "D" regulations.

Beginning July 1, 2010, there will be established a landfill fee of \$4.16 for each and every utility customer of the city.

On January 1, 2011, and each January 1 thereafter, the above "landfill fee" shall be adjusted after a review of the analysis of the Consumer Price Index (CPI).

The only customers exempt from this landfill fee will be any customer who is a qualified recipient of Social Security's Supplemental Security Income (SSI). These SSI recipients will not be required to pay this monthly landfill fee as long as they are qualified SSI recipients.

(Ord. No. 2017, § 2, 6-28-94; Ord. No. 2048, § 1, 4-9-96; Ord. No. 2250, § 1, 2-13-07; Ord. No. 2362, § 3, 6-22-10)

Sec. 106-359. Reserved.

Editor's note—Ord. No. 2362, § 4, adopted June 22, 2010, deleted § 106-359, which pertained to establishing a twenty-five cent fee to comply with state landfill requirements and derived from Ord. No. 2048, § 1, adopted April 9, 1996.

Secs. 106-360—106-400. Reserved.

ARTICLE V. STORMWATER UTILITY PROGRAM

DIVISION 1. GENERALLY

Sec. 106-401. Purpose.

It is the purpose of this article to address the mandates of the federal government and establish a stormwater utility to promote public health, safety and welfare by providing for studying, designing, operating, constructing, equipping, maintaining, acquiring and owning within the city a stormwater drainage system. The establishment of a stormwater utility program will:

- (1) Reduce flood and storm losses and inconveniences from uncontrolled stormwater runoff in the city.

- (2) Ensure that the movement of emergency vehicles is not prohibited nor inhibited during storm or flood periods.
- (3) Preserve the city's watercourses, improve and preserve water quality, minimize water quality degradation, and otherwise facilitate urban water resource management techniques, including both the reduction of pollution and the enhancement of the urban environment, including but not limited to, the NPDES permit requirements and such other requirements of the city, state and federal governments.

(Ord. No. 2321, § 1, 4-28-09)

Sec. 106-402. 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.

Commercial property means all property other than residential property and undeveloped real estate.

Department means the Department of Public Works of the City of McAlester, OK.

Detention facilities means facilities designed to hold stormwater for a short period and then to release it to the natural watercourse.

Developed real estate means real property altered from its natural state by the addition to or construction of any impervious surface such that the hydrology of the property is affected.

Division means the Division of Stormwater Quality Management of the City of McAlester, OK.

Drainage basin plan means a plan adopted by the city for managing surface and stormwater facilities and features within an individual drainage basin.

Impervious surface means any hard-surfaced area which prevents or retards the entry of water into the soil in the manner and to the extent that such water entered the soil under natural conditions, causing water to run off the surface in greater quantities or at an increased rate of flow than was present under natural conditions, such

as, but not limited to, rooftops, asphalt or concrete sidewalks, paving, driveways and parking lots, walkways, patio areas, storage areas, and gravel, bituminous substances or other surfaces which similarly affect the natural infiltration or runoff patterns of real property in its natural state.

NPDES permit means the National Pollutant Discharge Elimination System permit issued to the city by the United States Environmental Protection Agency and any addition or amendment thereto.

Residential property means any tract, lot or parcel designed and used principally for the purpose of one residential single-family house or one duplex, developed according to and meeting the bulk and area requirements for residential single-family or duplex zoned property as set forth in the McAlester Municipal Code. However, multiple residential single-family housing or multiple duplexes or any combination thereof on one tract, lot or parcel shall not be deemed residential property.

Retention facilities means facilities designed to hold stormwater for a sufficient length of time to provide for it to be consumed by evaporation, infiltration into the immediate soil or other natural means.

Stormwater drainage system means any facility, structure, improvement, development, equipment, property or interest therein, or other structural or nonstructural element made, constructed, used or acquired for the purpose of collecting, containing, storing, conveying and controlling stormwater wherever located, including, but not limited to, storm sewers, curbs, street drains, conduits, natural and manmade channels, pipes, culverts and detention ponds whether public or private.

Stormwater management program or program means an overall strategy and framework for the stormwater management activities of the city.

Stormwater runoff means that portion of the rainfall that is drained into the stormwater drainage system.

Undeveloped real estate means real estate that is unaltered with the construction or addition of

any impervious surface which would change or affect the hydrology of the property from its natural state.

User means the occupant, the owner of the real estate, the owner of any impervious surface or improvement and/or other person or entity benefiting from the stormwater drainage system and facilities.

(Ord. No. 2321, § 1, 4-28-09)

Sec. 106-403. Stormwater program manager.

The program manager shall exercise all lawful powers necessary and appropriate to administer the city's stormwater management program. The manager shall have the authority to:

- (1) Develop and administer all phases of a comprehensive program of stormwater management.
- (2) Administer the regulations contained in the NPDES permit and in this article.
- (3) Perform studies, tests and analyses required to establish or modify the stormwater management program.
- (4) Provide for public information and awareness that would improve management and reduce pollution and hazards to life and property.
- (5) Coordinate enforcement of the regulations contained in this chapter with other city departments.
- (6) Provide an exchange of information between the public and city employees and officers on flooding and stormwater drainage problems in the city.
- (7) Recommend to the city manager and the city council a comprehensive stormwater management program.
- (8) Recommend from time to time to the city manager and the city council policies for establishing new kinds of stormwater drainage services, preserving and expanding existing service and making changes in service for the benefit of the public.

(Ord. No. 2321, § 1, 4-28-09)

Sec. 106-404. Inspection.

The program manager shall have the right to inspect any on-site detention or retention facility at any time to determine if it is in compliance with the approved design and is capable of functioning properly. The program manager shall have the right to inspect any property within the city to determine the source, quantity, quality or flow rate of stormwater and to determine the source and nature of pollutants, hazards and/or activities creating or promoting same.

(Ord. No. 2321, § 1, 4-28-09)

Sec. 106-405. City council discretion.

The determination of stormwater services to be provided and stormwater facilities and improvements to be constructed will be made at the sole discretion of the city council. The program manager shall recommend the provision of stormwater services and construction of the stormwater facilities and improvements to the city council based upon his engineering analysis.

(Ord. No. 2321, § 1, 4-28-09)

Sec. 106-406. Signatory requirements.

(a) All applications and reports required by this article shall be submitted to the manager and shall be signed as follows:

- (1) Responsible party (e.g., developer, owner, contractor) with operational control over the project specifications and daily operations.
- (2) Corporation—A president or secretary, treasurer, or vice president of the corporation, as authorized, and in charge of a principal business function, or any other person as authorized to perform similar policy or decision-making functions for the corporation.
- (3) Partnership or sole proprietorship by a general partner or the proprietor respectively.
- (4) Municipality, state, federal, or other public facility—By either a principal executive officer or the chief executive officer of the agency, or a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.
- (5) Other legal entity recognized by Oklahoma law in accordance with such law.

(b) Any person signing any document above shall make the following certification: "I certify under the penalty of law that I have personally examined and am familiar with the information submitted in the attached document; and based on my inquiry of those individuals immediately responsible for obtaining the information. I believe the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and civil penalties."

(Ord. No. 2321, § 1, 4-28-09)

Sec. 106-407. Land-disturbing activity and erosion and sedimentation control.

All land-disturbing activities shall be in compliance with and permitted under the division of

this article. Application must be applied for under the "Oklahoma General OPDES Permit for Stormwater Discharge Associated with Construction Activity". If a general OPDES permit is applied for, a copy of the notice of intent (NOI) must be sent to the manager of the ODEQ Stormwater Quality Management Division. To seek coverage under the Oklahoma Department of Environmental Quality General Permit, the NOI must be submitted to the following address:

Oklahoma Department of Environmental Quality
Water Quality Division
P.O. Box 1677
Oklahoma City, OK 73101-1677
(Ord. No. 2321, § 1, 4-28-09)

Sec. 106-408. Land-disturbing activity regulated.

(a) *[Permit required.]* It shall be unlawful for any person or to permit another person to conduct any land-disturbing activity upon land without a permit issued under this article. Upon request, any owner of the land and the operator of any land-disturbing activity shall provide a copy of the permit and personal identification to the manager or the manager's representatives. For purposes of this article, the phrase "land-disturbing activity" is defined as follows:

Land-disturbing activity is any land change which may result in soil erosion from water and wind and the movement of sediments into community waters or onto lands and roadways within the community, including, but not limited to, clearing, dredging, grading, excavating, transporting, stockpiling, mining, and filling of land, except that the term shall not include the following:

- (1) Such minor land-disturbing activities as home gardens and individual home landscaping, home repairs, home maintenance work, and other related activities which result in minor soil erosion.
- (2) The construction of single-family residences when built separately on lots [of] less than one acre not within a subdivision or which have been recorded in the office of stormwater quality management and have been issued building permits, provided that excavation is limited to

trenches for the foundation, basements, service and sewer connections, and minor grading for driveways, yard areas and sidewalks, with no offsite discharge of pollutants.

- (3) Individual service and sewer connections for single- or two-family residences.
- (4) Agricultural practices involving the establishment, cultivation or harvesting of products of the field or orchard, preparing and planting of pasture land, forestry land management practices including harvesting, farm ponds, dairy operations, and livestock and poultry management practices, and the construction of farm buildings.
- (5) Any project carried out under the technical supervision of the Soil Conservation Service of the United States Department of Agriculture.
- (6) Installation, maintenance and repair of any underground public utility lines when such activity occurs on an existing hard-surface road, street or sidewalk, provided the activity maintains pollution control and is confined to the area of the road, street or sidewalk which is hard-surfaced and a street, curb, gutter, or sidewalk permit has been obtained; and
- (7) Construction, repair or rebuilding of tracks of a railroad company.

These activities may be undertaken without a permit; however, the persons conducting these excluded activities shall remain responsible for otherwise conducting those activities in accordance with the provisions of this article and other applicable laws including responsibility for controlling sedimentations and runoff.

(b) *Practices for land-disturbing activities.* The minimum standards for controlling erosion and sedimentation from land-disturbing activities shall be set forth in the "Best Management Practices Manual" as adopted and amended from time to time by resolution approved by the city council. (Ord. No. 2321, § 1, 4-28-09)

Sec. 106-409. Land-disturbing permit.

No person shall conduct, allow, or permit land-disturbing activity, whether temporary or permanent, on any premises within the city until a land-disturbing permit has been issued by the manager allowing such activity pursuant to the provisions of this article. Such permit shall be available for inspection by the manager or a manager's representative on the job site at all times during which land-disturbing activities are in progress. Such permit shall be required in addition to any building permit or other permit required by the Code for the site.

(Ord. No. 2321, § 1, 4-28-09)

Sec. 106-410. Permit application.

(a) Any application for the issuance of a land-disturbing permit under this article shall include the following:

- (1) Name of applicant.
- (2) Business or residence address of applicant.
- (3) Name and address of owner of subject property.
- (4) Address and legal description of subject property.
- (5) Name and address of the contractor and any subcontractor(s) who shall perform the land-disturbing activity and who shall implement the erosion and sediment control plan.
- (6) A statement setting forth the nature, extent, and purpose of the land-disturbing activity, including, the size of the area for which the permit shall be applicable and a schedule for the starting and completion dates of the land-disturbing activity.
- (7) A copy of the NOI and erosion and sediment control plan.

(b) Each application for a land-disturbing permit shall be accompanied by a map or plat of the premises showing the present contour lines and the proposed contour lines resulting from the land-disturbing activity in relation to all parts of the premises and the properties immediately adjacent thereto and in relation to all abutting

street grades and elevations; such map or plat shall show all existing drainage facilities and the proposed permanent disposition of surface waters upon completion of the land-disturbing activity.

(c) Each application for a land-disturbing permit shall be accompanied by an erosion and sediment control plan which shall accurately describe the potential for soil erosion and sedimentation problems resulting from the land-disturbing activity and shall explain and illustrate the measures which are to be taken to control these problems. The length and complexity of the plan is to be commensurate with the size of the project, severity of the site condition and the potential for off-site damage; the plan shall contain a description of the existing site conditions, a description of adjacent topographical features, a description of soil types and characteristics of the area, potential problems of soil erosion and sedimentation, stabilization specifications, stormwater management considerations, a time schedule for completion of the land-disturbing activity and for maintenance after completion of the project, clearing and grading limits, and all other information needed to accurately depict solution to potential soil erosion and sedimentation problems. Any erosion and sediment control plan must meet the Best Management Practices Manual and shall be reviewed for record by the manager prior to the issuance of the land-disturbing permit. The land-disturbing permit shall be issued within 30 days upon arrival of the plan.

(d) At any time the manager determines that an erosion and sediment control plan does not comply with the provision of this article, the manager shall notify the applicant in writing of all deficiencies within said plan.

(Ord. No. 2321, § 1, 4-28-09)

Sec. 106-411. Sediment and erosion control.

No land-disturbing activity shall be conducted within the city except in such manner that:

(a) Stripping of vegetation, regrading and other development activities shall be conducted so as to minimize erosion. Clearing and grubbing must be held to the minimum necessary for grading and equipment operation. Preconstruction vegeta-

tive ground cover shall not be destroyed, removed or disturbed more than 20 calendar days prior to grading or earth moving. Construction must be sequenced to minimize the exposure time of cleared surface area.

- (b) Property owners shall be responsible, upon completion of land-disturbing activities, for leaving slopes so that they will not erode. Such methods should include revegetation, sodding, mulching, rip-rapping, or guniting. Regardless of the method used, the objective will be to leave the site erosion-free and maintenance-free as practicable.
- (c) Whenever feasible, natural vegetation shall be retained, protected, and supplemented.
- (d) Permanent or temporary soil stabilization must be applied to disturbed areas to the extent feasible within seven days on areas that will remain unfinished for more than 14 calendar days. Permanent soil stabilization with perennial vegetation shall be applied as soon as practicable after final grading is reached on any portion of the site. Soil stabilization refers to measures which protect soil from the erosive forces of wind, raindrop impact, and flowing water, and includes the growing of grass, sod, application of straw, mulch, fabric mats, and the early application of gravel base on areas to be paved.
- (e) A permanent vegetative cover shall be established on disturbed areas not otherwise permanently stabilized.
- (f) To the extent necessary, sediment in runoff water must be trapped by the use of debris basins, sediment basins, silt traps or similar measures until the disturbed area is stabilized.
- (g) Neighboring persons and property shall be protected from damage or loss resulting from excessive stormwater runoff, soil erosion or deposition upon property or public streets of water transported silt

and debris. Adjacent property owners shall be protected from land devaluation due to exposed bare banks.

- (h) Controlled construction entrances/exits shall be maintained in a condition that will prevent tracking or flowing of sediment onto the public right-of-way.
- (i) Erosion and sediment control measures must be in place and functional before earth moving operations begin and must be constructed and maintained throughout the construction period. Temporary measures may be removed at the beginning of the workday, but must be replaced at the end of the workday.
- (j) Structural controls shall be designed and maintained as required to prevent pollution.
- (k) Surfacewater flowing toward the construction area shall, to the extent practicable, be diverted by using berms, channels or sediment traps as necessary. Erosion and sediment control measures shall be designed according to the size and slope of sediment basins and traps must be through a pipe or lined channel so that the discharge does not cause erosion. Muddy water to be pumped from excavation and work areas must be held in settling basins or treated by filtration prior to its discharge into surface waters where practicable. Waters must be discharged through a pipe or lined channel so that the discharge does not cause erosion and sedimentation.
- (l) All control measures shall be inspected, and repaired as necessary, bi-weekly in dry periods and within 24 hours after any rainfall of 0.5 inches within a 24-hour period. During prolonged rainfall, daily inspections and repairing is necessary. The permittee shall maintain records of such inspections and repairs.
- (m) A specific individual shall be designated to be responsible for erosion and sediment controls on each site.

- (n) There shall be no distinctly visible floating scum, oil or other matter contained in the stormwater discharge. The stormwater discharge must not cause an objectionable color contrast in the receiving water. The stormwater discharge must result in no materials in concentrations sufficient to be hazardous or otherwise detrimental to humans, livestock, wildlife, plant life, or fish and aquatic life in the receiving stream.
- (o) When the land-disturbing activity is finished and stable and perennial vegetation has been established on all remaining exposed soil, the permittee shall notify the manager of these facts and submit a notice of termination (NOT) of the permit issued under this section. The manager shall then provide a final inspection of the site within 20 days after receipt of such notice, and when advisable, may require additional measures to stabilize the soil and prevent erosion. If such requirements are given by letter, the permittee shall continue to be covered by this provision of this section, until a request for termination of the permit has been accepted by the manager.

(Ord. No. 2321, § 1, 4-28-09)

Sec. 106-412. Stormwater quality management.

The division of stormwater quality management operating under the department of public works is hereby established, whose functions shall be to design and implement compliance programs protecting the city's natural resources.

(Ord. No. 2321, § 1, 4-28-09)

Sec. 106-413. Authority of stormwater quality management.

The division of stormwater quality management shall be headed by a person to be known as the manager of stormwater quality management.

- (a) With respect to the city's compliance with environmental laws, the manager and the manager's authorized representatives may do the following:
 - (1) Carry out all inspections, surveillance, enforcement, and monitoring

procedures necessary to determine compliance, administer the city's compliance with its NPDES MS4 permit to discharge from the municipal separate storm sewer system.

- (2) Inspect city and commercial (see SIC codes, 57-146) properties for the presence of hazardous substances and develop and administer whatever remediation programs are required.
- (3) Audit city departments to determine whether the city is in compliance with federal and state Clean Water Act laws.
- (4) Audit use of herbicides, fertilizers, and pesticides to determine compliance with Clean Water Act laws and to recommend alternative solutions where practicable for the reduction of their use through education and outreach programs.
- (5) Control the discharge of spills and the dumping or disposal of materials other than stormwater (e.g. industrial and commercial waste, trash, motor vehicle fluids, leaf litter, grass clippings, animal waste, etc.) into the MS4, provide technical support for hazmat response.
- (6) Administer programs to identify and control pollutants from the transportation, storage, treatment, and disposal of hazardous wastes.
- (7) Provide assistance to the water and wastewater utilities division regarding the protection of drinking water and surface water bodies, which are a source of the city's drinking water.
- (8) Provide assistance to the solid waste division regarding the collection, transportation and disposal of solid waste, compliance with NPDES MS4 permit requirements.
- (9) Monitor the city's compliance with all federal, state and local laws; except that:
 - a. Administering the city's compliance with state and federal laws

relating to the production and distribution of drinking water is the responsibility of the utilities department.

- b. Administering the city's compliance with state and federal laws relating to the operation of the city's landfill programs is the responsibility of the division of solid waste management.
 - c. Administering the city's compliance with state and federal laws relating to risk management and safety operations training; programs is the responsibility of the division of human resources.
- (b) With respect to enforcement, the manager and his authorized representatives may do the following:
- (1) Investigate violations of and enforce those aspects of the Clean Water Act which are within the authority of local governments.
 - (2) Investigate violations of and enforce this chapter.
 - (3) Investigate violations of and enforce those provisions that relate to hazardous substances and spills although primary enforcement will remain with the fire department.
 - (4) Investigate all other violations of and enforce environmental laws within the city and within the city's extended jurisdiction.
 - (5) Perform other environmental activities as may be required to ensure compliance of environmental regulations by city departments and others within the city.
- (c) With respect to other programs, the manager and his authorized representatives may do the following:
- (1) Monitor and coordinate with other city departments on the city's response to releases of hazardous substances.

- (2) Review and assess the environment hazards of real property involved in city land transactions.
- (3) Monitor the use of city rights-of-way, property, and easement by person with use agreements for environmental monitoring.
- (4) Establish and supervise a program for the collection of hazardous household waste.
- (5) Create, promote, and publicize educational programs for environmental awareness.

(Ord. No. 2321, § 1, 4-28-09)

DIVISION 2. ADMINISTRATION

Sec. 106-414. Monitoring.

The manager or his representative shall monitor the quantity of, and the concentration of pollutants in stormwater discharges from the areas and locations as designated in the city stormwater management plan.

(Ord. No. 2321, § 1, 4-28-09)

Sec. 106-415. Illicit connections and improper disposal.

(a) The manager shall take appropriate steps to detect and eliminate illicit connections to the city stormwater system, including the adoption of a program to screen illicit discharges and identify their source or sources.

(b) The manager shall take appropriate steps to detect and eliminate improper discharges, including programs to screen for improper disposal and programs to provide for public education, public information and other appropriate activities to facilitate the proper management and disposal of used oil, toxic materials, and hazardous household waste.

(Ord. No. 2321, § 1, 4-28-09)

Sec. 106-416. Inspections.

(a) The manager or his designee, bearing proper credentials and identification, may enter and inspect all properties for regular periodic inspec-

tions, investigations, monitoring, observation, measurement, enforcement, sampling, and testing to effectuate the provision of this article and the stormwater management program. The manager or his designee shall duly notify the owner of said property or the representative on site and the inspection shall be conducted at reasonable times.

(b) In the event the manager or his designee reasonably believes that discharges from the property into the city's stormwater system may cause an imminent and substantial threat to human health or the environment, the inspection may take place at any location, at any time and without notice to the owner of the property or a representative on site. The inspector shall present proper credentials upon reasonable request by the owner or representative.

(c) Upon refusal by any property owner to permit an inspector to enter or continue an inspection, the inspector shall terminate the inspection or confine the inspection to areas where no objection is raised. The inspector shall immediately report the refusal and the grounds to the manager. The manager may seek appropriate compulsory enforcement.

(d) At any time during the conduct of an inspection or at such other times as the manager or his designee may request information from an owner or representative, the owner or representative may identify areas of the property, facility or establishment, material or processes which contains or might reveal confidential information. If the manager or his designee has no clear or convincing reason to question such identification, the inspector shall none the less inspect; however, the inspection report shall note that confidential information. To the extent practicable and permitted by applicable law, the manager shall not release information which is designated as confidential information by the manager. Should the owner or his representative contend certain information to be confidential which has not been so determined or deemed by the manager, then the owner shall be obligated to seek a declaratory judgment to so protect the alleged confidential information.

(Ord. No. 2321, § 1, 4-28-09)

DIVISION 3. ENFORCEMENT AND
ABATEMENT

Sec. 106-417. Unauthorized discharge a public nuisance.

No person shall conduct, allow or permit the discharge of stormwater in any manner in violation of this article or of any condition of a permit issued pursuant to this article or a stormwater discharge permit issued by the State. Such discharge is hereby declared a public nuisance and must be corrected or abated by any owner and by any operator.

(Ord. No. 2321, § 1, 4-28-09)

Sec. 106-418. Illicit discharge and illegal dumping.

No person shall conduct, allow, or permit the direct or indirect discharge of any material other than stormwater into the MS4, the community waters or waters of the state. The following direct or indirect discharges are examples of prohibited discharges.

- (a) Sewage dumping or dumping of sewage sludge.
- (b) Discharge of any polluted household wastewater, such as, but not limited to laundry wash water and dishwater, except to a sanitary sewer or septic system.
- (c) Leaking sanitary sewers and connections.
- (d) Leaking water lines.
- (e) Commercial, industrial or non-exempt public vehicle wash or power wash discharge and commercial, industrial or non-exempt cosmetic cleaning.
- (f) Garbage, rubbish, or sanitary waste disposal.
- (g) Dead animals or animal fecal waste.
- (h) Nonstormwater discharges, except pursuant to a permit issued by the State and the city.
- (i) Dredged or spoil material.
- (j) Solid waste and commercial or industrial process byproducts.

- (k) Chemical waste.
(Ord. No. 2321, § 1, 4-28-09)

Sec. 106-419. Prohibition of pollutant discharge not covered by the NPDES program.

(a) A permit is a license to conduct an activity, which is regulated by the Clean Water Act, the Water Pollution Control Act, or this article.

(b) Every person who is or who is planning to carry out any of the activities requiring a permit shall obtain such a permit prior to carrying out such activities.

(c) It shall be unlawful for any person to carry out any of the following activities, except in accordance with the conditions of a valid permit.

- (1) The alteration of the physical, chemical, radiological, biological, or bacteriological, properties of any of waters of the state or community waters.
- (2) The construction, installation, modification, or operation of any treatments works or part thereof, or any extension or addition thereto.
- (3) The increase in volume or strength of any wastes in excess of permissive discharges specified under any existing permit.
- (4) The development of a natural resource or the construction, installation, or operation of any establishment or any extension or modification thereof or addition thereto; the operation of which will or is likely to cause an increase in the discharge of wastes into the waters of the state or would otherwise alter the physical, chemical, radiological, biological or bacteriological properties of any waters of the state in any manner not already lawfully authorized.
- (5) The construction or use of any new outlet for the discharge of any wastes into the waters of the state.
- (6) The discharge of sewage, industrial wastes, or other wastes into waters, or a location from which it is likely that the discharged substance will move into waters.

- (7) The discharge of sewage, industrial wastes, or other wastes into a well or a location where it is likely that the discharged substance will move into a well, or the underground placement of fluid and other substance which do or may affect the waters of the state.

(Ord. No. 2321, § 1, 4-28-09)

Sec. 106-420. Accidental discharges.

(a) In the event of any discharge or a hazardous substance in amounts which could cause a threat to public drinking supplies, a "significant spill", or any other discharge which could constitute a threat to human health or the environment, the owner or operator or the facility shall give notice to the manager and the field office of the Oklahoma Department of Environmental Quality as soon as practicable, but in no event later than the close of business on the day following the accidental discharge or the discharger becomes aware of the circumstances. If an emergency response by governmental agencies is needed, the owner or operator should also call 911 immediately to report the discharge. A written report must be provided within five days of the time the discharge becomes aware of the circumstances, unless this requirement is waived by the manager for good cause shown on a case-by-case basis, containing the following particulars:

- (1) A reasonably precise description of the discharge,
- (2) The exact date and time of discharge, and
- (3) Steps being taken to eliminate and prevent recurrence of the discharge.

(b) The owner and operator shall take all reasonable steps to minimize any adverse impact to the community waters or the waters of the state, including such accelerated or additional monitoring as necessary to determine the nature and impact of the discharge.

(c) It shall be unlawful for any person to fail to comply with the provisions of this section.
(Ord. No. 2321, § 1, 4-28-09)

Sec. 106-421. Administrative enforcement remedies.

(a) *Notice of violation.* Whenever the manager finds that any permittee or any person discharging stormwater has violated or is violating this article, or a stormwater permit or order issued hereunder, the manager or his designee may serve upon said person or permittee written notice of the violation. Within ten calendar days of the receipt date of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required action, shall be submitted to the manager. Submission of this plan in no way relieves the discharger of liability or criminal prosecution for any violations occurring before or after receipt of the notice of violation.

(b) *Consent orders.* The manager is hereby empowered to enter into consent orders, assurance of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the compliance and for the noncompliance. Such orders will include specific action to be taken by the discharger, operator and owner to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to subsection (d) below.

(c) *Show-cause hearing.* The manager may order any person who causes or contributes to violation of this article or stormwater permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the violator show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) within ten calendar days prior to the hearing. Such notice may be served on any individual or the individual or the principal executive, general partner or manager of any legal entity or person of legal age at the office or business address of the permittee.

(d) *Compliance order.* When the manager finds that any person has violated or continues to violate directing that, following a specified time period, adequate structures or devices be installed or procedures implemented and properly operated, supervised and administrated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the construction of appropriate structures, installation of devised, self-monitoring, and best management practices.

(e) *Cease-and-desist orders.* Notwithstanding any other notice, order or administrative process provided by this section, when the manager finds that any person has violated or continues to violate this article or any permit or order issued hereunder, and also finds that such violation may cause an impairment of water quality or that a permit is required and has not been issued, the manager may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

- (1) Comply forthwith, or;
- (2) Take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations or terminating the discharge or both.
- (3) Appeal. A person receiving an order may file a written notice of appeal with the manager who issued it, no later than the tenth calendar day after receipt of the order. Such notice shall include an explanation as to why the person believes the enforcement action should not be taken. A person receiving a cease and desist order may file a written notice of appeal with the manager who issued it and obtain relief from such order upon a showing that the alleged violation will not cause an impairment of water quality or that a permit is not required. A hearing on the appeal will be scheduled within a reasonable time after receipt of the notice of appeal and the required explanation. All notices of appeal shall be signed by the owner or operator of the premises or ac-

tivities in controversy, and shall include name and address of the person filing the notice of appeal. Notice of hearing on the appeal may be served by facsimile or first-class mail to the number or address given in the written notice of appeal.

(Ord. No. 2321, § 1, 4-28-09)

Sec. 106-422. Unlawful acts, misdemeanor.

It shall be unlawful for any person to:

- (1) Violate any provision of this article;
- (2) Violate the provisions of any permit issued pursuant to this article;
- (3) Fail or refuse to comply with any lawful notice to abate issued by the manager within the time specified by such notice;
- (4) Violate any lawful order of stormwater quality management or fail to comply with such an order within the time allowed by such order.

Any person who commits any act declared unlawful or fails to perform any act required by or under this article or otherwise violated any provision of this article shall be guilty of a misdemeanor offense against the city. In addition, each and every day on which a violation shall occur or continue to occur shall be deemed a separate offense. For any second or subsequent offense and upon proof of conviction, said person shall be guilty of a misdemeanor offense against the city. For any offense that occurs or is allowed to exist for two consecutive calendar days, each responsible person shall be guilty of a misdemeanor offense. Violation of a cease-and-desist order shall be a misdemeanor offense.

(Ord. No. 2321, § 1, 4-28-09)

Sec. 106-423. Judicial proceedings and relief.

(a) The city may authorize the manager by and through the municipal counselor to initiate proceedings in any court of competent jurisdiction against any person who has or is about to:

- (1) Violate the provision of this article.
- (2) Violate the provisions of any permit issued pursuant to this article.

- (3) Fail or refuse to comply with any lawful order issued by the manager, which has not been timely appealed to the appropriate court within the time allowed by this article.
- (4) Violate any lawful order within the time allowed by such order.

(b) Any person who is required by any provision of this chapter [article] or by any other law to obtain a permit prior to engaging in conduct that is regulated by this chapter [article], and who fails or neglects to obtain such a permit, or who fails to exhibit such a permit upon request by a city official, shall be guilty of a misdemeanor offense against the city. Each day on which a violation shall occur or continue to occur shall be deemed a separate offense.

(c) The manager, with consent of the city council, may also initiate civil proceedings in any court of competent jurisdiction seeking monetary damages for any damages caused to publicly owned stormwater facilities by any person, and to seek injunctive or other equitable relief to enforce compliance with the provision of this article or to enforce compliance with any lawful orders.

(d) The manager may petition the Oklahoma Department of Environmental Quality to regulate and prosecute stormwater dischargers which cannot be adequately controlled by municipal resources.

(Ord. No. 2321, § 1, 4-28-09)

Sec. 106-424. Reconsideration.

Any person subject to a denial of a permit issued under this article, a compliance order, a stop-work order, an emergency suspension of utility service or any other enforcement action in this chapter which allows for reconsideration and hearing under this section may petition the [article] manager who took such action to reconsider the basis for the action. In order for the petition to be reconsidered it shall be filed with such manager no later than the tenth calendar day after receipt of the notice/order.

- (a) Failure to submit a timely written petition for reconsideration shall be deemed

to be a waiver of any further right to administrative reconsideration or review of the action.

- (b) In its petition, the petitioner shall indicate the action objected to and the reasons for the objections(s), any facts that are contested, the evidence that supports the petitioner's view of the facts, any alternative terms of an order that the petitioner would accept, whether the petitioner requests a hearing on its petition and the address where notice of hearing will be received and accepted.
- (c) The effect of a compliance order to stop work shall be stayed pending the manager's reconsideration of the petition, and any hearing thereon, unless the manager shall expressly makes a written determination to the contrary. The effect of an emergency suspension of utilities shall not be stayed pending the manager's reconsideration or any hearing, unless the manager expressly, and in writing, stays the emergency order.
- (d) Within a reasonable time of the submittal of a petition for reconsideration, the manager shall either grant the petition and withdraw or modify the order or modify or grant the permit accordingly; deny the petition if no material issue of fact is raised; or if a hearing has been requested and/or material issue of fact has been raised, set a hearing on the petition.

(Ord. No. 2321, § 1, 4-28-09)

Sec. 106-425. Hearings.

(a) The manager may also set a hearing if the manager determines that a show cause hearing should be conducted, if grounds exist to revoke or suspend a permit issued under this chapter or if grounds exist to terminate utilities on a non-emergency basis.

(b) Written notice of the hearing shall be served on a petitioner/violator at least ten calendar days prior to the hearing. Notice shall be served in person or by fax or mail, return receipt requested.

(c) Notices shall specify the date, time and place of the hearing.

(d) Notice that is mailed shall be deemed received five calendar days after it is placed in a mail receptacle of the United State Postal Service.

(e) No decision may be rendered at a hearing by reason of the petitioner/violator's failure to appear unless proof of service is shown.

(f) For purposes of this section, a manager shall be empowered to administer oaths and to promulgate procedural rules for the conduct of the hearing.

(g) Whenever any deadline specified in this section falls upon a Saturday, Sunday, or a city-recognized holiday, the deadline shall be the next regular city business day.

(h) The date of an order or ruling required to be made under this section shall be deemed to be the date it is signed.

(i) Decisions shall be based on a preponderance of the evidence. The city shall have the burden of proof in all hearings except permit denial hearings. In permit denial hearings, the burden of proof shall be on the petitioner.

(j) The manager shall act as the hearing officer.

(k) After the conclusion of the hearing, the manager shall make written finding of the fact and conclusions of law and shall issue a written decision without undue delay.

(l) A hearing shall exhaust all administrative remedies of the petitioner/violator.
(Ord. No. 2321, § 1, 4-28-09)

Sec. 106-426. Variances.

(a) The manager may grant a revocable variance from the requirements of this article providing to do so would not result in the violation of any state or federal law or regulation and if exceptional circumstances applicable to the site exist such that strict adherence to the provisions of this article will result in unnecessary hardship and will not result in a condition contrary to the intent of the article.

(b) A written petition for a variance shall be required and shall state the specific variance sought and the reasons, with supporting data, why a variance should be granted. The request shall include all information necessary to evaluate the proposed variance. The petition shall be filed with the manager.

(c) The manager shall conduct a review of the request for a variance within ten working days after receipt and may either support the petition or may object to the petition. If the manager objects to the variance, the manager shall state the reasons therefore.

(d) Once the manager's review is complete or the ten working days for review have expired, the petition shall be subject to action at the discretion of the manager.

(Ord. No. 2321, § 1, 4-28-09)

DIVISION 4. SUPPLEMENTAL PERMIT CLASSIFICATIONS AND REQUIREMENTS

Sec. 106-427. Cosmetic cleaning.

Cosmetic cleaning is any system, machine, or substance used to remove undesirable substances from any surface or façade creating free foreign matter.

A person commits an offense if the person knowingly engages in mobile commercial cosmetic cleaning without a valid permit issued by the manager.

A person commits an offense if the person knowingly operates or causes to be operated a mobile commercial cleaning vehicle which is not registered with the manager.
(Ord. No. 2321, § 1, 4-28-09)

Sec. 106-428. Permit application procedures.

(a) A person required to have a permit shall complete and file a permit application on a form prescribed by the manager.

(b) The manager may require any information on an application that the manager believes is necessary to ensure that best management practices are implemented by the permittee and does

not cause contamination of surface, stormwater, waters of state, waters of community, or ground-water within the city.

(c) The application shall include a description and the vehicle license registration number of each vehicle to be registered under the permit. All motor vehicles and trailers used to transport cosmetic cleaning rigs shall be registered. However, a motor vehicle which is used to tow a trailer registered with the manager and which is not used to transport a cosmetic cleaning rig itself, shall not be required to be registered.

(d) Any applicant who utilized wash water recycling units shall list all sanitary sewer discharge locations and other disposal sites the applicant intends to use.

(e) An industrial pretreatment permit may also be required.
(Ord. No. 2321, § 1, 4-28-09)

Sec. 106-429. Issuance of permit and registration certificates.

(a) The manager may issue a permit and registration certificates after the applicant pays all applicable fees, unless the manager has cause to deny such permit, as specified in section 57-178(a)(9). The manager shall provide for procedures to add registered vehicles to a permit during its term.

(b) A permit shall be valid for one year from the date of its issuance, unless suspended or revoked. Registration certificates shall be valid for the term of the permit.

(c) Neither a permit nor a registration certificate shall be transferable.

(d) The city shall set an annual fee for a permit and each registration certificate issued under this division.

(e) The manager will issue a registration number to each vehicle registered under a permit, and listed on the permit. A registration number is not transferable.

(f) The manager will issue a registration certificate for each vehicle registered under a permit. The certificate shall be of a size and design determined by the manager.

(Ord. No. 2321, § 1, 4-28-09)

Sec. 106-430. Permit conditions.

As a condition of receiving and maintaining a permit under this division, a permit holder shall comply with the following:

- (a) A permit holder shall immediately notify the manager of any management changes in the business during the time the permit is in effect.
- (b) A permit holder shall submit samples of wash water and /or wastewater to the manager or to an authorized representative immediately upon their demand.
- (c) A permit holder who utilizes wash water recycling units shall:
 - (1) Notify the manager in writing of all changes in disposal sites it wants to use during the permit period.
 - (2) Discharge wash water into the sanitary sewer only at those sites listed in its permit application and its notices.
 - (3) Before the end of each permit period; test or cause to be tested a certified representative sample of its recycled wash water against the discharge limits set by industrial waste.
- (d) A permit holder shall immediately notify the manager when it sells or otherwise disposes of a vehicle registered under its program.
- (e) A permit holder shall ensure that all of its employees engaged in mobile commercial cosmetic cleaning are knowledgeable of the discharge prohibitions to the MS4 under this article and shall require all its employees to use best management practices when engaging in mobile commercial cosmetic cleaning. For exterior clean-

ing, best management practices shall include, but not be limited to, the following:

- (f) Accumulations of oil and grease which have not dried shall be precleaned with absorbent clay (kitty litter) or a similar material and properly disposed of prior to washing.
- (g) Storm sewer entrances which will receive the wash water shall be screened to catch leaves and other debris.
- (h) Wash water discharged to the MS4 shall first pass through an oil absorbent boom or pad to absorbent boom or pad to absorb hydrocarbons so that no oil sheen is present on the discharge.
- (i) Wash water which does not comply shall be discharged into the sanitary sewer system. Discharge shall be at the job site when possible. Wash water from recycle rigs which does not comply shall be disposed of in compliance with subsection (c). Grit and sludge shall not be disposed of through the sanitary sewer.
- (j) A permit holder shall ensure that all of its vehicles registered under the permit display the registration numbers and carry certificates as required by this division, and shall not allow unregistered vehicles or vehicles without certificates to engage in mobile commercial cosmetic cleaning.
- (k) A permit holder shall not discharge to the MS4 in violation of this article.
- (l) A permit holder shall not discharge wastewater to the sanitary sewer system in violation of this chapter or any other provision of this Code.
- (m) A permit holder shall not discharge wastewater into the sanitary sewer, either on a job site or off a job site, without the permission of the owner of the property upon which the sewer inlet is located. The permit holder shall provide proof of such permission to the manager upon demand.
- (n) A vehicle transporting cosmetic cleaning wash water or wastewater which is leaking or spilling from such vehicle is hereby declared to be in violation.
- (o) A permit holder shall not create or maintain a nuisance, in violation of this section.
- (p) The manager may deny a permit, or after notice and hearing, revoke a permit if:
 - (1) The permit application contains a false or misleading statement of a material fact;
 - (2) The person engages in operations that do not consist solely of cosmetic cleaning; or
 - (3) The permit holder or an employee of the permit holder has violated a permit condition;

An applicant whose permit is denied will be sent notification by the manager, in writing, of the denial and the grounds therefore. Such notice will be sent certified mail, return receipt requested, to the mailing address listed on the application.

An applicant whose permit is denied may request reconsideration no later than the tenth calendar day after receipt of the notice of denial stating the reasons and basis for the appeal filed with the director.

A permit may also be suspended or revoked under the procedures of this chapter [article].

(Ord. No. 2321, § 1, 4-28-09)

Sec. 106-431. Landscape maintenance.

No person shall dump, spill, leak, pump, pour, emit, discharge, leach, dispose or otherwise introduce or cause, allow or permit to be introduced any substance into the MS4 (municipal separate storm sewer system) other than stormwater, including, without limitation, the following common substances.

- (a) Garbage;
- (b) Rubbish;
- (c) Yard waste;
- (d) Sediment;

(e) Floatable materials.
(Ord. No. 2321, § 1, 4-28-09)

Chapters 107-109

RESERVED