

ORDINANCE NO. 4753

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, TO AMEND SECTION 30-712 OF THE OFFICIAL HASTINGS CITY CODE; AND TO REPEAL ANY ORDINANCES OR OTHER PREVISIONS IN CONFLICT THEREWITH.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HASTINGS, NEBRASKA:

SECTION 1. That Section 30-712 of the Official City Code of the City of Hastings, Nebraska, be and the same is hereby amended to read as follows:

Sec. 30-712. Regulation of sewer use.

- (1) The Mayor and Council of the City of Hastings, Nebraska, hereby find and determine that the City of Hastings, Nebraska (City), has constructed and owns and operates a sanitary sewerage system which conveys the liquid and solid waste sewage of the City and the residents thereof and that it has constructed and owns and operates a wastewater treatment facility for the treatment of said sewage.

No person shall maliciously, willfully or negligently damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities. Any person violating this provision shall be subject to immediate arrest under the offense of disorderly conduct.

- (2) *Definitions.* Unless the context specifically indicates otherwise, the following definitions shall govern the meaning of terms used in this article:
 - (a) *Biochemical oxygen demand (BOD)* shall mean the quantity of oxygen required for the biochemical oxidation of organic matter. The test procedure for BOD shall be conducted in accordance with the most recent revision of the Code of Federal Regulations, Part 40, Subpart 136. BOD is also referred to as "BOD 5-Day" or "BOD5" indicating the required five-day test period.
 - (b) *Building drain* shall mean the portion of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.
 - (c) *Building sewer, sewer service and house connection* shall mean the privately owned and operated sewer extension from the private building drain to the public sewer.
 - (d) *City* shall mean the City of Hastings, Nebraska, and "City Council" shall mean the City Council of the City of Hastings, Nebraska.
 - (e) *Combined sewer* shall mean a sewer intended to receive both wastewater and surface water runoff including storm water runoff.
 - (f) *Easement* shall mean an interest in real estate acquired for a specific use of the real estate owned by another person.
 - (g) *Fats, oils and grease (FOG)* shall mean fats, oils or grease in such a physical state that they will separate by gravity from wastewater in an approved pretreatment facility. Wastewater shall be considered free of fat, oil and grease (FOG) if it is properly pretreated and does not interfere with the collection system at a temperature of 55 degrees Fahrenheit (13 degrees Centigrade) or lower.
 - (h) *Garbage* shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods, usually associated with domestic or residential sanitary waste.

- (i) *Industrial wastewater* shall mean the wastewater from industrial and commercial processes, trade or business as distinguished from domestic or residential sanitary waste.
- (j) *NDEE* shall mean the Nebraska Department of Environment and Energy which exercises the regulatory authority of the State of Nebraska for environmental and pollution control activities.
- (k) *Manager* shall mean the Manager of Utilities or a person duly authorized to act in behalf of the Manager of Utilities.
- (l) *Natural outlet* shall mean a stream flowing into a storm sewer or combined sewer depositing water into a watercourse, pond, ditch, lake or other body of surface water or groundwater.
- (m) *Person* shall mean individual, firm, company, association, society, corporation or group.
- (n) *pH* shall mean the logarithm of the reciprocal of the hydrogen-ion concentration. The pH of a liquid solution is a measure of the acidity or alkalinity of a solution. Neutral water, for example, has a pH value of seven. The test procedure for pH shall be conducted in accordance with the most recent of the Code of Federal Regulations, Part 40, Subpart 136.
- (o) *Plumbing Inspector* shall mean the Plumbing Inspector of the City of Hastings.
- (p) *Properly shredded garbage* shall mean the waste from the preparation, cooking and dispensing of food which has been shredded to such an extent that all particles will be carried freely under the flow conditions normally prevailing in a public sewer with no particle greater than ½ inch (1.27 cm) in any dimension.
- (q) *Public sewer system, public sewer and sanitary sewer* shall mean a publicly owned and operated sewer by which liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions and limited quantities of groundwater and surface water not intentionally admitted are conveyed.
- (r) *Sewer* shall mean a pipe or conduit by which water is conveyed.
- (s) *Shall* means a mandatory statement; "may" means a permissive statement.
- (t) *Slug* shall mean discharge of wastewater which in concentration of any constituent or in quantity of flow exceeds in duration a period longer than 15 minutes, constitutes more than five times the average 24 hour concentration or flow during normal operation and could adversely affect the collection system or performance of the wastewater treatment facility.
- (u) *Storm drain and storm sewer* shall mean a drain or sewer by which groundwater, subsurface water or surface water from any source is conveyed.
- (v) *Director* shall mean the Director of Underground Operations of a person duly authorized to act on behalf of the Director.
- (w) *Total suspended solids (TSS) or suspended solids (SS)* shall mean total suspended matter which floats on the surface of or is in suspension in water, wastewater or other fluid and may be removable by laboratory filtration in accordance with the procedure identified in the most recent revision of the Code of Federal Regulations, Part 40, Subpart 136.
- (x) *Total kjeldahl nitrogen (TKN)* shall mean the sum of organic nitrogen, ammonia and ammonium in the chemical analysis of soil, water or wastewater. The test procedure for TKN shall be conducted in accordance with the most recent revision of the Code of Federal Regulations, Part 40, Subpart 136.
- (y) *Total toxic organics (TTO)* shall mean the sum of toxic organic compounds as defined by the Code of Federal Regulations, Part 40, Subpart 136. The test procedure for determining TTO shall be conducted in accordance with the most recent revision of the Code of Federal Regulations, Part 40, Subpart 136.
- (z) *Unpolluted water* shall mean water of quality equal to or better than the effluent measured by the criteria in effect for the Wastewater Treatment Plant operated by the City of or water which would not

violate EPA receiving stream water quality standards and would not benefit from discharge into the sanitary sewer for processing by the Wastewater Treatment Plant.

- (aa) *USEPA* or *EPA* shall mean the United States Environmental Protection Agency which exercises the regulatory authority of the Federal Environmental and Pollution Control Statutes and Regulations.
 - (bb) *Wastewater, sanitary sewage and sewage* shall mean the spent wastewater of a community. The sources of wastewater are the liquid and water-conveyed wastes from residences, institutions, commercial buildings and industrial facilities.
 - (cc) *Wastewater facilities* shall mean the structures, equipment and processes required to collect, convey and treat domestic, commercial, institutional and industrial wastes and to dispose of the effluent thereof.
 - (dd) *Wastewater treatment works* and *wastewater treatment facility* shall mean an arrangement of devices and structures for treatment of wastewater and sludge including but not limited to, the Maxon Waste Water Treatment Plant and the Pollution Control Facility. The terms are synonymous with "Wastewater Treatment Plant (WWTP)", "Water Pollution Control Facility (WPCF)" or "Pollution Control Facility (PCF)".
 - (ee) *Watercourse* shall mean a natural or artificial channel through which water flows either continuously or intermittently. A watercourse is a stream or river. A channel is the bed of a stream or river.
 - (ff) *Hearing Board* shall mean the Utility Board as designated by the provisions of Section 30-712(11) of this article.
- (3) *Required use of public sewers.*
- (a) It shall be unlawful for any person to place or to deposit or to permit placement or deposition of any human or animal excrement, garbage or other waste constituting a nuisance in any manner on public or private property within the City, in any area under the jurisdiction of the City or in any area served by or accessible or permeable to the public sewer system of the City.
 - (b) It shall be unlawful for any person to discharge sewage or polluted waters into any natural outlet within the City, in any area under the jurisdiction of said City or in any area served by or accessible or permeable to the public sewer system of the City, except where suitable treatment has been provided in accordance with provisions of this article.
 - (c) Except as hereinafter provided, it shall be unlawful for any person to construct or to maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater or sewage within the City, in any area under the jurisdiction of the City, or in any area served by or accessible or permeable to the public sewer system of the City.
- (4) *Private wastewater disposal.*
- (a) Where a public sewer system, public sewer or sanitary sewer system as defined within this article is not available, and cannot be made available, and the building is located outside the jurisdiction of the City, the building sewer, sewer service or house connection shall be connected to a private wastewater disposal system in compliance with the provisions of this article.
 - (b) Before commencement of construction of a private wastewater disposal system, the owner of the building sewer shall first obtain a permit executed by the Plumbing Inspector of the City of Hastings or other duly authorized employee of the City. The application for such permit shall be made on a form provided by the City which the applicant shall supplement with plans, specifications and other information considered appropriate by the Manager of Utilities. At the time the application is filed the owner shall pay to the City a permit and inspection fee approved, adopted and published by the City Council.
 - (c) A private wastewater disposal system constructed by virtue of such permit shall not be utilized until the installation is completed to the satisfaction of the Plumbing Inspector of the City or other duly authorized employee of the City. The Plumbing Inspector or other duly authorized employee of the City

shall be allowed to inspect the work at any stage of its construction and the holder of the permit shall notify the Plumbing Inspector or other duly authorized employee of the City prior to covering of any above ground or underground portion of the facility that it is ready for final inspection. The inspection shall be made within four business days of the receipt of notice by the Plumbing Inspector of the City of Hastings or other duly authorized employee of the City.

- (d) The type, capacity, location and design of a private wastewater disposal system shall comply with all regulations of the Nebraska Department of Environment and Energy. Effluent from private wastewater disposal systems shall not be discharged into natural outlets except in the forms of evaporation, transpiration and infiltration as occurring in the process associated with a leach field or drain field. Treated effluent or septic tank pumpage may be deposited at the wastewater treatment facility of the Hastings Pollution Control Facility. Fees for such deposits shall be charged in accordance with rates approved, adopted and published by the City Council.
 - (e) When a public sewer becomes accessible to property served by a private wastewater disposal system a connection shall be made therefor to the public sewer within 60 days of such access in compliance with this chapter. Any private wastewater disposal system so replaced shall be cleaned of sludge and filled with suitable material in accordance with the Plumbing Code of the City of Hastings within 15 days after such connection to the public sewer system. Upon failure to complete the proper connection and abandonment requirements the owner of the property upon which such private wastewater disposal is located shall be in violation of this chapter and such person may be subject to prosecution therefor.
 - (f) The owner of a private wastewater disposal facility shall at all times operate and maintain the facility in a sanitary manner at no expense to the City.
 - (g) No provision of this section shall be construed to preclude any additional requirement which may be imposed by virtue of any health standard or provision of the City Code or by any other City, State or Federal regulation.
- (5) *Connection to sanitary sewer.*
- (a) No unauthorized person shall uncover or make any connection with or opening into or use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City.
 - (b) The City of Hastings shall recognize the following classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastewater. In either case the owner or agent of the owner shall make application on a form furnished by the City. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Manager of Utilities and of the City. A permit and inspection fee therefor shall be paid in accordance with rates approved, adopted and published by the City Council.
 - (c) All costs and expenses resulting from the installation and connection of the building sewer shall be borne by the owner of the building. The owner shall indemnify the City for any loss or damage which it may suffer either directly or indirectly by the installation of the building sewer.
 - (d) A separate and independent building sewer shall be provided for every building except where one building stands on an interior lot at the rear of another building and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway. In such exceptional cases the building sewer located in the front building may be extended to the rear building and the whole considered one building sewer. The City does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection.
 - (e) A building sewer, sewer service or house connection of a previous construction may be used in connection with a new building on the same site only when it is found, on examination and test at the expense of the owner to the satisfaction of the Manager of Utilities, to meet all requirements of this chapter.

- (f) The size, slope, alignment, materials or construction of all building sewers and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling of the trench shall conform to the requirements of the building and plumbing codes and other applicable rules and regulations of the City. In the absence of suitable Code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Standard of Testing Materials (A.S.T.M.) and guidelines published by the Water Environment Federation (WEF) formerly the Water Pollution Control Federation (WPCF), and Recommended Standards for Wastewater Facilities published by the Great Lakes-Upper Mississippi River Board of State And Provincial Public Health and Environmental Managers, also known as the 10 State Standards for Wastewater Facilities, shall apply.
 - (g) Whenever possible the building sewer shall be brought to the building at an elevation below its basement floor. In buildings too low to permit gravity flow to the public sewer, the sanitary sewage carried from such building drain shall be lifted by an approved means and discharged to the building sewer.
 - (h) No person shall make connection of roof downspouts, foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the Manager of Utilities for purpose of disposal of polluted surface drainage.
 - (i) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing codes and other applicable rules and regulations of the City or with the procedures set forth in appropriate specifications of the A.S.T.M. and the published guidelines of Water Environment Federation and the 10 State Standards for Wastewater Facilities as identified in section (6) hereinabove. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Manager of Utilities before installation.
 - (j) The applicant for the building sewer permit shall notify the Plumbing Inspector of the City of Hastings or other duly authorized employee of the City when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Plumbing Inspector of the City of Hastings or other duly authorized employee of the City.
 - (k) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. All excavations shall be properly braced and shored in accordance with applicable City, State and Federal safety standards for the local soil conditions to allow for safe access by employees of the City of Hastings to conduct required inspections of the installation. All streets, sidewalks, parkways, terraces, plantings and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.
- (6) *Discharge prohibitions.*
- (a) The following substances, materials, waters or wastewater shall be limited in discharges to the public sewer system to concentrations or quantities which will not harm the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger persons or public property or constitute a nuisance. The Manager of Utilities may set limitations lower than the limitations established in the regulations as noted below if such more severe limitations are necessary to meet the above noted objectives. In forming an opinion of the acceptability of such discharge, the Manager of Utilities shall give consideration to such factors as the quantity of wastewater in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, the capacity of the wastewater treatment facilities, the degree of treatability of the wastewater in the wastewater treatment facility, and other pertinent factors. The limitations or restrictions on materials or characteristics of wastewaters discharged to the sanitary sewer shall not be exceeded without the approval of the Manager of Utilities.

The following prohibitions shall obligate all users of the wastewater facilities whether or not the user is subject to National Pollutant Discharge Elimination System (NPDES). Pretreatment Standards or any

other Federal, State or City pretreatment standards or other enforceable requirements. A user shall not contribute or cause to be contributed, directly or indirectly, to the wastewater treatment facilities, the following substances:

- (i) Pollutants or wastewater which will cause interference with or pass through the wastewater treatment facility.
- (ii) Temperature of the wastewater which will inhibit biological activity in the wastewater treatment facilities resulting in interference, but in no case heat at such a level that temperature at the wastewater treatment facility would exceed 104 degrees Fahrenheit (40 degrees Centigrade).
- (iii) Wastewater having a pH less than 6.0 or greater than 9.0 or having any other corrosive property which may cause damage or hazard to structures, equipment or employees of the wastewater facilities unless approved in writing by the Manager of Utilities.
- (iv) Any slug from a residential, commercial or industrial source.
- (v) Solid or viscous substances which may cause obstruction to the flow in a sewer or interference with the operation of the wastewater treatment facilities such as, but not limited to grease, garbage with particles greater than one-half inch in any dimension, animal tissue, paunch, manure, bones, hair, hides, flesh, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood, plastics, gasoline, tar, asphalt residues or residues from refining or processing of fuel or lubrication oil, mud or glass grinding or polishing wastes.
- (vi) Any wastewater containing toxic pollutants as defined in this article in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment facilities, to constitute a hazard to humans, animals or environment, to create a toxic effect in the receiving waters of the wastewater facilities or to exceed the limitation set forth in a Categorical Pretreatment Standard as currently defined by the Nebraska Department of Environment and Energy Title 119 regulations. A toxic pollutant shall include but not be limited to any pollutant identified in Article VIII, Section 3, or pursuant to Section 307(a) of the USEPA Clean Water Act.
- (vii) Any substances which by reason of their nature or quantity may create or contribute to a fire or explosion hazard or be injurious to the wastewater facilities or to the operation of the wastewater facilities, including but not limited to wastewaters with closed cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Centigrade) using the test methods specified in Code of Federal Regulations, Part 40, Subpart 261.21. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system or at any point in the system be more than five percent nor any single reading more than ten percent of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which City, State, Federal or USEPA regulations has determined to be a fire hazard or a hazard to wastewater treatment systems.
- (viii) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastewater are sufficient to create a public nuisance or hazard or are sufficiently hazardous to prevent entry into the sewers for maintenance and repair.
- (ix) Wastewater causing the effluent of the wastewater treatment facilities to fail toxicity tests.
- (x) Substances which may cause the effluent of the wastewater facilities or any other product of the wastewater facilities including bio-solids, scums or residues to be unsuitable for disposal, reclamation or reuse or to interfere with the reclamation process. In no case shall a substance discharged to the wastewater facilities cause the wastewater facilities to fail to comply with bio-solids use, disposal criteria, guidelines or regulations developed under Section 405 of the Clean Water Act or any criteria, guidelines or regulations affecting bio-solids use or disposal developed

pursuant to the Solid Waste, Clean Air, or Toxic Substances Control Acts, or State criteria applicable to the bio-solids management method being used.

- (xi) Wastewater with objectionable color not removed in the wastewater treatment facility such as, but not limited to, dye wastes and vegetable tanning solutions.
 - (xii) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration which may exceed limits established by the Manager of Utilities in compliance with applicable State or Federal regulations.
 - (xiii) Wastewater which causes a hazard to human life or creates a public nuisance.
 - (xiv) Wastewaters containing petroleum oil, non-biodegradable cutting oil or products of mineral oil origin in amounts greater than allowed in Section 30-712(8)(c), which may cause interference with pass through.
 - (xv) Wastewater containing strong acid iron pickling waste or concentrated plating solutions either neutralized or not neutralized.
 - (xvi) Sludge, screenings or other residues from the pretreatment of industrial wastewater.
 - (xvii) Any medical waste or wastewater except that which is specifically authorized by the Manager of Utilities or a duly authorized representative or which is authorized by a valid industrial user discharge permit issued by the Nebraska Department of Environment and Energy
 - (xviii) Wastewater containing recognizable portions of the human anatomy.
 - (xix) Wastewater containing detergents, surface active agents (surfactants) or other substances which may cause excessive foaming in the wastewater treatment facilities.
- (b) No person shall increase the use of process water or in any way attempt to dilute a discharge as partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal and State Categorical Pretreatment Standards or in any other pollutant specific limitation developed by the City.
- (c) No person shall discharge or cause to be discharged into the public sewer system any unpolluted waters such as storm water, surface water, groundwater, roof runoff, subsurface drainage, interior and exterior foundation drainage or cooling water except storm water runoff from limited areas which may be polluted at times and which may be discharged to the sanitary sewer by permission of the Manager of Utilities. Storm water other than that exempted within this chapter and all other unpolluted drainage shall be discharged to such sewers which are specifically designated as storm sewers or to a natural outlet approved by the Manager of Utilities, City, or other regulatory agency.
- (7) *Wastewater discharge, rates and water quality.*
- (a) The Manager of Utilities may establish limitations lower than those established in the regulations below if such more severe limitations are necessary to meet treatment objectives. In forming an opinion concerning such acceptability, the Manager of Utilities shall give consideration to such factors as the quantity of wastewater in relation to flows and velocities in the public sewers, the materials of construction of the public sewers, the wastewater treatment process employed, the hydraulic capacity of the wastewater treatment facilities, the degree of treatability of the wastewater in the wastewater treatment facilities and other pertinent factors.
 - (b) For determining the wastewater surcharge to be made against a building sewer for a given period of time, the Manager of Utilities shall sample and analyze the wastewater from the building sewer service in order to determine the strength of such wastewater over such period. Samples shall be taken from such wastewater discharge on at least three composites during normal operations and periodically sampled on such building sewer to confirm continued compliance.
 - (i) All such sampling and analyzing of the wastewater discharge from a building sewer shall be conducted in accordance with the provisions of this article; provided, however, that the Manager

of Utilities may accept such sampling and analyzing results as may be submitted by the wastewater system user on such property if the Manager of Utilities reasonably determines that such results properly reflect the overall nature of such discharge.

- (ii) Each property for which more than two sampling stations are used may be required to reimburse the City for its sampling and analyzing costs resulting from samples taken from more than two of such stations.
 - (iii) Facilities which have an average daily wastewater discharge greater than 0.5% of the average daily wastewater treatment facility flow shall be subject to evaluation concerning the necessity of providing collection of wastewater samples prior to discharge thereof to the sewer collection system.
 - (iv) If the wastewater contains any level of pollutants greater than the maximum base concentrations identified in the following section, then the cost for the laboratory sampling shall be reimbursed by the user independent of the regular sewer rates applied. The Manager of Utilities may exercise discretion to waive these assessments if it is determined that these pollutant levels are consistent with past samples and thus represent confirmation thereof.
- (c) Users may discharge wastewater containing pollutants to the maximum concentrations as identified in the following table. Pursuant to the pollutant concentrations as identified in Section 30-712(8)(f) a surcharge shall be assessed in accordance with sewer surcharge rates duly adopted by the City.

Biological Oxygen Demand (BOD) 300.0 mg/l

Total Suspended Solids (TSS) 350.0 mg/l

Ammonia 30.0 mg/l

Total Kjeldahl Nitrogen (TKN) 50.0 mg/l

Phosphates 10.0 mg/l

Fats, Oils and Greases (FOG) 200.0 mg/l

Hydrocarbon Oil and Grease 100.0 mg/l

Ph 6.0 to 9.0 units

Aluminum 5.00 mg/L

Antimony 5.00 mg/L

Arsenic 0.07 mg/l

Cadmium 0.10 mg/l

Chromium (Hexavalent) 0.25 mg/l

Chromium (Total) 2.50 mg/l

Chloride 250.0 mg/l

Copper 2.00 mg/l

Cyanide (Total) 0.25 mg/l

Gross Alpha 15 pCi/l

Lead 0.50 mg/l

Mercury 0.0006 mg/l

Nickel 2.70 mg/l

Phenols 1.00 mg/l

Selenium 1.00 mg/l

Silver 0.20 mg/l

Total Toxic Organics (TTO) 1.3 mg/l

Uranium 0.030 mg/l

Zinc 2.50 mg/l

Asbestos 7.0 million fibers/liter (Filter to 5 micron size)

- (d) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the most recent revision of the Code of Federal Regulations, Part 40, Subpart 136, or most recent revision of the Standard Methods for the Examination of Water and Wastewater. Sampling methods, location, times durations, and frequencies are to be determined on an individual basis subject to approval by the Manager of Utilities.
- (e) Hauled wastewater disposal.
 - (i) Discharge of a septic tank, seepage pit, interceptor, cesspool contents or other wastewaters containing no industrial wastewaters may be made by trucks at a structure designated by the Manager of Utilities for that purpose. Discharge of truck-transported grease pit contents or industrial wastewater may be authorized only after notification is made to the Manager of Utilities and only at the location specified by the Manager of Utilities. Applicable fees for disposal shall be paid promptly and in accordance with published sewer disposal rates.
 - (ii) The Manager of Utilities may refuse permission to discharge any wastewater which may cause interference or difficulty with the wastewater treatment facilities or any wastewater which violates any provision of this chapter.
 - (iii) Any person or company holding a valid wastewater hauler's permit and wishing to discharge wastewater to the sewer system shall be required prior to discharge to submit to the Manager of Utilities evidence that a sample of the sewage to be discharged has been sent to a certified laboratory for analysis for parameters outlined in the wastewater hauler's permit. A copy of the laboratory testing results shall be delivered directly from the laboratory to the Manager of Utilities.
 - (iv) Dumping times shall be limited to the period from 8:30 a.m. to 11:30 a.m. and from 1:00 p.m. to 4:00 p.m. local time, Monday through Friday, excluding recognized City holidays and weather limited access days caused by heavy storms or snow accumulation. Dumping after hours or on holidays may be allowed by permission from the Manager of Utilities.
 - (v) The wastewater hauler shall complete a chain of custody report for each load of wastewater deposited into the sewer system. The information on the chain of custody report (manifest) shall be recorded and signed by the wastewater hauler or by an employee of the wastewater hauler and shall be on forms furnished by the Manager of Utilities. The chain of custody (manifest) shall provide as a minimum the name and address of the facility from which the wastewaters are collected, contact information, typical yearly volumes and results of analytical testing as determined by the Manager of Utilities.
 - (vi) Discharge of all wastewaters allowed under this section shall take place only at the location designated by the Manager of Utilities. The designated location or manhole to be used under the wastewater hauler's permit may be changed by the Manager of Utilities when considered necessary to protect the sewer system.
 - (vii) Any wastewater hauler discharging wastewater to the public sewer system or discharging wastewater not authorized in the permit shall be subject to immediate revocation of discharge privileges and further subject to the penalties and enforcement actions prescribed in section 30-712(12). The wastewater hauler shall immediately cease discharging any wastewaters to the sanitary sewer system of the City or to facilities that discharge directly or indirectly into its

system. Should a wastewater hauler fail to voluntarily comply with any suspension order, the Manager of Utilities shall take such actions as are deemed necessary or appropriate to prevent or minimize damage to the sewer system and wastewater treatment plant and to protect the health and welfare of the general public.

- (viii) A suspended permit may be reinstated by the Manager of Utilities upon submission of assurances satisfactory to the Manager of Utilities that the wastewater hauler will comply with this section and the rules and regulations promulgated pursuant this section together with payment of such fines or other penalties as may be levied.
 - (ix) The discharge of trucked or hauled wastewaters from industrial plating processes, grit from vehicle and equipment washing mud pits or grit from automotive radiator repair mud pits is prohibited, unless expressly authorized by the Manager of Utilities.
 - (x) Nothing in this section shall relieve wastewater haulers of the responsibility for compliance with the City, State and Federal regulations.
- (f) Surcharge.
- (i) A surcharge shall be levied on any customer discharging wastewater exceeding 200 milligrams per liter BOD, 210 milligrams per liter TSS, 25 milligrams per liter Ammonia, and 100 milligrams per liter FOG.
 - (ii) The surcharge shall be assessed in accordance with sewer use rates approved, adopted and published by the City Council.
 - (iii) Method of billing surcharges. The excessive strength surcharge shall be based on the following formula with the total applied to the monthly bill of affected users:
Payment (\$/month)
$$(A \times [E - 200] + B \times [F - 210] + C \times [G - 25] + D \times [H - 100]) \times 0.00834 \times I = \text{Surcharge}$$

Where formula components are as follows:
A = Surcharge rate for BOD, in \$/pound.
B = Surcharge rate of TSS, in \$/pound.
C = Surcharge rate for ammonia in \$/pound.
D = Surcharge rate for FOG in \$/pound.
E = User's average BOD concentration, in mg/l. for values greater than 200 mg/l
F = User's average TSS concentration, in mg/l. for values greater than 210 mg/l
G = User's average ammonia concentration, in mg/l. for values greater than 25 mg/l
H = User's average FOG concentration, in mg/l. for values greater than 100 mg/l
I = User's monthly flow to the public sewer system, per 1,000 gallons.
 - (iv) No reduction in sewage service charges or fees shall be permitted because certain wastewaters discharged to the public sewer system contain less than the limit for mg/l of BOD, TSS, Ammonia or FOG.
 - (v) If the foregoing surcharge unit cost determination is inequitable to either the City or the users affected on account of unusual economic or wastewater load circumstances, then the Manager of Utilities shall exercise discretion by an appropriate method to determine new surcharge unit costs which more accurately reflect the actual economic and waste load impact on the wastewater system.
- (g) Any person who discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge from the wastewater system or any user who discharges any substance which

singly or by interaction with any other substances causes identifiable increases in the cost of operation, maintenance, or replacement of the wastewater system shall pay for such increased costs. The charge to each such user shall be determined by the Manager of Utilities.

- (h) If any wastewaters containing the substances or possessing the characteristics identified in section 30-712(8)(c) are proposed to be discharged to the public sewer and, in the judgment of the Manager of Utilities, may have a deleterious effect upon the wastewater facilities, processes, equipment or receiving waters or may otherwise create a hazard to life or constitute a public nuisance, the Manager of Utilities may:
 - (i) Reject the wastewaters in their entirety;
 - (ii) Set a period of time during which the wastewater will be received without charge;
 - (iii) Require pretreatment to an acceptable condition for discharge to the public sewers;
 - (iv) Require control over the quantities and rates of discharge; or,
 - (v) Require payment to cover the added cost of handling and treating the wastewaters not covered by existing sewer charges under the provisions of Section 30-712(8)(f).
- (i) No statement contained in this article shall be construed to preclude any special agreement or arrangement between the City and any industrial concern whereby industrial wastewater of unusual strength or character may be accepted by the City for treatment.

(8) *Pretreatment systems.*

- (a) Any wastewater having an average daily flow greater than 13,400 cubic feet per day (100,000 gallons per day) shall be subject to review by the Manager of Utilities for the necessity of pretreatment.
- (b) When required by the Manager of Utilities, the owner of any property serviced by a building sewer carrying industrial wastewaters shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastewaters. Such structures shall be accessible and safely located and shall be constructed in accordance with plans approved by the Manager of Utilities and regulatory agencies. The structure shall be installed at the expense of the owner and shall be maintained in a safe and accessible manner at all times.
- (c) Grease, oil and sand interceptors shall be provided when, in the opinion of the Manager of Utilities, they are necessary for the proper handling of liquid wastewaters containing fats, oils and grease (FOG) or any flammable wastewaters, sand, grit, debris or other harmful ingredients. All interceptors shall be of a type and capacity approved by the Manager of Utilities and shall be in a location readily and easily accessible for cleaning and inspection. The owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the date and means of disposal which are subject to review by the Manager of Utilities. All materials shall be hauled, handled and disposed in accordance with City, State and Federal regulations.
- (d) Plans, specifications, and any other pertinent information relating to proposed pretreatment facilities or flow equalization shall be submitted for the approval of the Manager of Utilities and construction of such facilities shall not commence until approvals are obtained in writing. All users in this category shall provide the following information to the City for review and approval:
 - (i) Wastewater discharge, peak rate and volume over a specified period of time;
 - (ii) Chemical analyses of wastewater;
 - (iii) Information on raw materials, processes and products affecting wastewater volume and quality;
 - (iv) Quantity and disposition of specific liquid, sludge, oil, solvent or other materials important to sewer use control;
 - (v) A plot plan of sewers of the user's property, showing sewer and pretreatment facility location;

- (vi) Details of wastewater pretreatment facilities;
 - (vii) Details of systems to prevent and control the losses of materials through spills into the municipal sewer.
 - (e) Where pretreatment or flow-equalizing facilities are provided or required for any wastewaters, they shall be maintained continuously in satisfactory and effective operation by the owner at the expense of the owner.
- (9) *Powers and authority of Inspectors.*
- (a) The Manager of Utilities, Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing pertinent to discharge of wastewater to the sewer system in accordance with the provisions of this chapter. The Manager of Utilities, Superintendent or other duly authorized City employees shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper or other industries, beyond information required for the kind and source of discharge to the sewers or waterways or facilities for wastewater treatment.
 - (b) While performing the necessary work on private properties referred to in Section 30-712(10)(a), above, the Manager of Utilities, Superintendent or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the owner thereof. Liability for the death or injury of any employee of the City engaged in inspection or enforcement of these Ordinances shall be governed by the statutory and case law of the State of Nebraska.
 - (c) The Manager of Utilities, Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties for which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater facilities lying within the said easement. All entry and subsequent work on said easement, if any, shall be performed in full accordance with the terms of the duly negotiated easement pertaining to the private property.
- (10) *Hearing board.* The Utility Board is hereby appointed to be the Hearing Board for arbitration of disputes between the Manager of Utilities and sewer users concerning interpretation and execution by the Manager of Utilities of the provisions of this chapter. Any consumer aggrieved for being required to pay the charge demanded for sewer use or for the resumption of sewer service after it has been denied may pay such charge under protest. Such aggrieved customer may request a hearing in writing and may present the claim for reimbursement for the consideration of the Hearing Board.
- (11) *Penalties.*
- (a) Any person found in violation of any provision of this article, except pollutant limits of Section 30-712(8)(c), shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
 - (b) Any person who shall continue any violation beyond the time limit provided for in Section 30-712(8)(h), shall be subject to fines and penalties approved, adopted and published by the City Council. Each day during which any such violation shall continue shall be deemed a separate offense.
 - (c) Any person violating any of the provisions of this chapter shall become liable to the City for any expense, loss or damage caused by such violation.
- (12) *Validity.*
- (a) All ordinances or parts of ordinances in conflict herewith are hereby repealed.
 - (b) The invalidity of any section, clause, sentence, or provision of this chapter shall not affect the validity of any other part of this chapter which can be given effect without such invalid part or parts.

- (c) Appropriate sections of existing code are hereby repealed by virtue of substitution or conflict with existing Ordinances.
- (13) *Ordinance in force.* This chapter shall be in full force and effect from and after its passage, approval, recording and publication in pamphlet form as provided by law.
- (14) *Historical sewer use ordinance summary.*

Initial Sewer Use Ordinance No. 2764 issued February 9, 1981.

Revised Sewer Use Ordinance No. 3149 issued November 29, 1989.

(Ord. No. 4360 -10/2013, 4417 -12/2014)

(Ord. No. 4753 -02/2024)

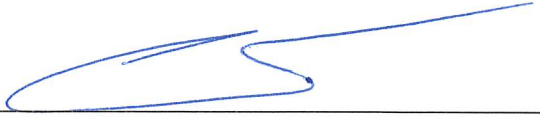
SECTION 2. Any ordinance passed and approved prior to the passage, approval and publication or posting of this ordinance and in conflict with its provisions is repealed.

SECTION 3. This ordinance shall take effect and be in full force from and after its passage, approval and publication in electronic form.

SECTION 4. The provisions of this ordinance are separable, and the invalidity of any phrase, clause or part of this ordinance shall be affect the validity or effectiveness of the remainder of the ordinance.

PASSED AND APPROVED this 22nd day of January, 2024.

ATTEST:

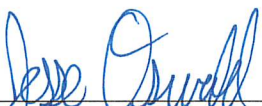

Corey Stutte, Mayor


Kimberly Jacobitz, City Clerk

(S E A L)



APPROVED AS TO FORM:


Jesse Oswald, City Attorney