

Pre-Treatment Ordinance

Enacted June 22, 1983

PRE-TREATMENT ORDINANCE

FOR

TOWN OF OAKLAND

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## ARTICLE I

### Purpose

Section 1. This ordinance sets forth uniform requirements for discharges into the municipality of Oakland's wastewater facilities and enables the municipality to protect public health in conformity with all applicable State and Federal laws relating thereto. The objectives of this Ordinance are to:

- a) prevent the introduction of pollutants into the municipality's wastewater facilities which will interfere with the normal operation of the facilities or contaminate the resulting sludge;
- b) prevent the introduction of pollutants into the municipality's wastewater facilities which do not receive adequate treatment in the municipal wastewater facilities and which will pass through the facilities into receiving waters or the atmosphere or otherwise be incompatible with the facilities;
- c) improve the opportunity to recycle and reclaim wastewater's and sludge from the facilities;

This Ordinance provides for the regulation of discharges into the municipality's wastewater facilities through the enforcement of administrative regulations. This Ordinance does not provide for the recovery of operations, maintenance or replacement costs of the municipal wastewater facilities or the costs associated with the construction of collection and treatment facilities used by industrial dischargers, in proportion to their use of the municipal wastewater facilities which are the subject of separate enactments.

## ARTICLE II

### Definitions

- Section 1. Act The Clean Water Act (33 U.S.C. 1.253. et sea), as amended.
- Section 2. National Pretreatment Standards specifying quantities or  
Categorical concentrations of pollutants or pollutant properties which may be  
Pretreatment discharged or introduced into municipally owned  
wastewater Standards facilities by specific industrial discharges. (See  
Appendix B)  
Section 3.
- Discharger- Any non-residential user who discharges an effluent into  
Industrial municipally owned wastewater facilities by means of pipes,  
Discharger conduits, pumping stations, force mains, constructed  
drainage ditches, surface water intercepting ditches, intercepting  
ditches, and all constructed devices and appliances and in  
structures appurtenant thereto. (see Appendix C)
- Section 4. Indirect The discharge or the introduction of nondomestic pollutants  
Act, from a source regulated under Section 307 (b) or (c) of the  
into municipally owned wastewater facilities.
- Section 5. Industrial Solid, liquid or gaseous waste resulting from any industrial,  
Waste manufacturing, trade or business process or from the  
development, recovery or processing of natural resources.

Section 6. Interference The inhibition or disruption of a municipal sewer system, treatment processes or operations which contributes to a violation of any requirement of its NPDES permit.

Section 7. NPDES National Pollutant Discharge Elimination System permit program of the USEPA.

Section 8. O and M Operation and Maintenance

Section 9. Other Wastes Decayed wood, sawdust, shavings, bark, lime, refuse, ashes, garbage, offal, oil., tar, chemicals and all other substances except sewage and industrial wastes.

Section 10. Pollutant Any substance discharged into a municipal owned wastewater facility or its collection system, listed in Appendix A.

Section-11. Pretreatment The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into municipally owned wastewater facility.

Section 12. Sewage surface, Water-carried human wastes or a combination of water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, storm or other waters as may be present.

Section 13. Shall Is mandatory.

Section 14. Slugload Any substance released in a discharge at a rate and/or concentration which causes interference to municipally owned wastewater facility.

Section 15. Toxic Pollutants Those substances listed in Appendix A herein.

Section 16. Upset reasonable An exceptional incident in which a discharger unintentionally and temporarily is in a state of noncompliance with the standards set forth in Appendix B hereto due to factors beyond the control of the discharger, and excluding

noncompliance to the extent caused by operational error,  
improperly designed treatment facilities, inadequate  
treatment facilities, lack of preventive maintenance, or  
careless or improper operation thereof.

Section 17. Industrial waste, or sewage or any other waste including that which  
Wastewater may be combined with any ground water, surface water or storm  
water, that may be discharged to the municipal. wastewater  
facilities.

Section 18. Any sewage treatment works and the sewers and conveyance  
Wastewater appurtenances discharging thereto, owned and operated by  
the  
Facilities municipality.

### ARTICLE III

#### Regulations

Section 1. No discharger shall discharge or cause to be discharged, directly or  
indirectly any of the following described substances into the  
municipality's wastewater facilities:

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

b) Solid or viscous substances which will or may cause  
obstruction to the flow in a sewer or other interference with  
the wastewater facilities operations

- wastewater facilities.
- c) Any wastewater having a ph less than 5.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the
- d) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction to injure or interfere with humans or animals, or to exceed the limitation set forth, in National Categorical Pretreatment Standards, Appendix B hereto. A toxic any pollutant identified in the Toxic Pollutant List, and set forth in Appendix A
- e) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction are capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.
- f) Any substance which may cause the municipality's wastewater facilities' effluent or residues, sludges, or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process.
- Maine Waste g) Any substance which will cause the municipal wastewater facilities to violate its NPDES Permit and/or State of Discharge License Certificate.
- h) Any substance with objectionable color not removed in the wastewater treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- i) Heat in amounts which will inhibit biological activity in the municipal wastewater treatment works resulting in interference but in no case, heat in such quantities that the temperature at the influent of the municipal waste- water treatment works exceeds 40-C (104 F).
- strength as to j), Any slug, which shall mean any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a single extraordinary discharge episode of such volume or cause interference to the municipal waste- water facilities.

k) Any unpolluted water including, but not limited to non-contact cooling water.

established by State or Federal 1) Any wastewater containing any radioactive wastes or isotopes of such halflife or concentration as exceed limits the municipality in compliance with applicable regulations.

m) Any wastewater which causes a hazard to human life or creates a public nuisance.

Section 2. National Categorical Pretreatment Standards as promulgated by the U.S. Environmental Protection Agency (EPA) pursuant to the Act and as adopted as Appendix B hereto shall be met by all dischargers. An application for modification of the National Categorical Pretreatment Standards may be considered for submittal to the Regional Administrator by the municipality when the municipality's wastewater treatment system achieves consistent removal of the pollutants as defined by 40 CFR §403.7.

Section 3. State requirements and limitations on discharges to the municipal wastewater facilities shall be met by all dischargers which are subject to such standards in any instance in which they are more stringent than federal requirements and limitations or those in this or any other applicable ordinance.

Section 4. The municipality reserves the right to amend this Ordinance to provide for more stringent limitations or requirements on discharges to the municipal wastewater facilities where deemed necessary to comply with the objectives set forth in Article I - Section I of this Ordinance.

Section 5. No discharger shall increase the use of potable or process water in any way, for the-purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this Ordinance.

Section 6. No discharger shall discharge wastewater containing concentrations and/or mass limitations of the following enumerated materials, exceed- ing the following values:

Materials	Concentration (mg-/l)
arsenic	0.1 Milligram Per Liter
cadmium	10 Milligram Per Liter



copper	1 Milligram Per Liter
cyanide	5 Milligram Per Liter
lead	0.1 Milligram Per Liter
mercury	5 Milligram Per Liter
nickel	2.5 Milligram Per Liter
silver	5 Milligram Per Liter
total chromium	50 Milligram Per Liter
zinc	10 Milligram Per Liter

The above standards are minimum standards which shall apply unless a more stringent National Categorical Pretreatment Standard has been promulgated by EPA (See Appendix B).

The municipality may impose mass limitations on dischargers which are using dilution to meet the Pretreatment Standards or Requirements of this Ordinance, or in other cases where the imposition of mass limitations is deemed appropriate by the municipality.

Section 7. Each discharger shall provide protection from accidental discharge or prohibited or regulated materials or substances established by this Ordinance. Where necessary, facilities to prevent accidental discharge or prohibited materials shall be provided and maintained at the discharger's cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the municipality for review and shall be approved by the municipality before construction of the facility. Each existing discharger shall complete its plan and submit same to the municipality by January 1, 1983.

No discharger who discharges to the municipal wastewater facilities after the aforesaid date shall be permitted to introduce pollutants into the system until Accidental Discharge Protection Procedures have been approved by the municipality. Review and approval of such plans and operating procedures by the municipality shall not relieve the discharger from the responsibility to modify its facility as necessary to meet the requirements of this Ordinance. Dischargers shall notify the municipality immediately upon the occurrence of a "slug" or accidental discharger of substances prohibited by this Ordinance. The notification-

shall include location of discharge, date and time thereof, type of waste, concentration and volume, and corrective actions. Any discharger who discharges slugs of prohibited materials shall be liable for any expense, loss or damage to the municipal wastewater facilities in addition to the amount of any fines imposed on the municipality on account thereof under State or federal law. Signs shall be permanently posted in conspicuous places on dischargers premises, advising employees whom to call in the event of a slug or accidental discharge. Employers shall instruct all employees who may cause or discover such a discharge with respect to emergency notification procedure.

#### ARTICLE IV

##### Fees

Section 1. It is the purpose of this chapter to provide for the payment of fees from dischargers to the municipality's wastewater disposal system, to compensate the municipality for the cost of administration of the pretreatment program established herein.

Section 2. The municipality shall adopt charges and fees which may include:

- a) Fees for monitoring, inspections and surveillance procedures

b) Fees for filing appeals

c) Fees for reviewing accidental discharge procedures and  
construction

## ARTICLE V

Administration

Section 1. It shall be unlawful to discharge sewage, industrial wastes or other wastes to any sewer outlet within the jurisdiction of the municipality and to the municipal wastewater facilities without having first complied with the terms of this ordinance.

Section 2. All industrial dischargers proposing to connect to or to discharge sewage, industrial wastes and other wastes to the municipal wastewater facilities shall comply with all terms of this ordinance within 90 days after the effective date of this Ordinance.

Section 3. Industrial dischargers shall complete and file with the municipality a disclosure declaration in the form prescribed by the municipality, accompanied by the appropriate fee. Existing industrial and dischargers shall file disclosure forms within 30 days after the effective date of this Ordinance, and proposed new chargers shall disclosure forms at least 90 days prior to connection the municipal wastewater facilities. The disclosure to be made by the discharger shall be made on written forms provided by the municipality and shall cover:

those B. Any municipality shall be established by the U.S. 136, as amended;

a) Disclosure of name, address, and location of the discharger.

b) Disclosure of Standard industrial Classification (SIC) number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended.

c) Disclosure of known or suspected to be present wastewater constituents and characteristics including but not limited to those mentioned in this Ordinance, including Appendices A and B. Any municipality shall be established by the U.S. 136, as amended; sampling and analysis that is required by the performed in accordance with procedures EPA and contained in 40 CFR, Part

d) Disclosure of time and duration of discharges.

e) Disclosure of average daily and instantaneous peak wastewater flow rates, in gallons per day, including daily, monthly and seasonal variations, if any. All flows shall be measured unless municipality due to other verifiable techniques are approved by the cost or nonfeasibility.

f) Disclosure of site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, in-

by size, inspection manholes, sampling chambers and appurtenances location and elevation;

discharged to g) Description of activities, facilities and plant process on the premises including all materials which are or may be the sewer or works of the municipality.

Ordinance in whether or not Ordinance on a consistent operations and maintenance pretreatment is required for the with this Ordinance. h) Disclosure of the nature and concentration of any known or suspected pollutants or materials prohibited by this the discharge, together with a statement regarding compliance is being achieved with this basis and if not, whether additional activities and/or additional discharger to comply

declaration of the will provide such implementation of additional activities. i) Where additional pretreatment and/or operation and maintenance activities will be required to comply with this Ordinance, the discharger shall provide a shortest schedule by which the discharger additional pretreatment and/or operational and maintenance

leading (1) The schedule shall contain milestone dates for the commencement and completion of major events

with to the construction and operation of additional pre-treatment required for the discharger to comply

completing executing commencing construction, all other acts necessary to ordinance. the requirements of this Ordinance including, but not limited to dates relating to hiring an engineer, preliminary plans, completing final plans, contract for major components, completing construction, and achieve compliance with this

(2) Under no circumstance shall the municipality permit a time increment for any singlestep directed toward compliance which exceeds 9 months.

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whether or not

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reason  
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schedule. In no  
elapse between such

(3) Not later than 14 days following each milestone date in the schedule and the final date for compliance, the discharger shall submit a progress report to the municipality including no less than a statement as to

it complied with the increment of progress represented by that milestone date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the discharger to return the construction to the approved schedule. In no event shall more than 9 months elapse between such progress reports to the municipality.

j) Disclosure of each produced by type, amount, process or processes and rate of productions

k) Disclosure of the type and amount of raw materials utilized (average and maximum per day);

l) All disclosure forms shall be signed by the principal executive officer of the discharger, and a qualified engineer;

m) All sewers shall have an inspection and sampling manhole or structure with an opening of no less than 24 inches

diameter

and an internal diameter of no less than 36 inches containing flow measuring, recording and sampling equipment as required by the municipality to assure compliance with this Ordinance.

The municipality will evaluate the complete disclosure form and data furnished by the discharger and may require additional information. Within 30 days after full evaluation and acceptance of the data furnished, the municipality shall notify the discharger of the municipality's acceptance thereof.

Section 4. The municipality reserves the right to amend this Ordinance and the terms and conditions hereof in order to assure compliance by the municipality with applicable laws and regulations. Within 9 months of the promulgation of a National Categorical Pretreatment Standard, this ordinance shall be amended to require compliance by dischargers

with such standards within the time frame prescribed by such standards. All National Categorical Pretreatment Standards adopted after the promulgation of this ordinance shall be adopted by the municipality as part of this ordinance. Where a discharger, subject to a National Categorical Pretreatment Standard, has not previously submitted a disclosure form as required by Article V - Section 3 the discharger shall file a disclosure form with the municipality within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard by the U.S. EPA.

In addition, any discharger operating On the basis of a previous filing of a disclosure statement , shall submit to the municipality within 180 days after the promulgation of an applicable National Categorical Pretreatment Standard, the additional information re-quired by paragraphs (h) and (i) of Article V - Section 2. The discharger shall be informed of any proposed changes in the Ordinance at least 30 days prior to the effective date of change. Any changes or new conditions in the Ordinance shall include a reasonable time schedule for compliance.

Section 5. Within 90 days following the date for final compliance by the discharger with applicable Pretreatment Standards set forth in this Ordinance or 90 days following commencement of the introduction of wastewater into the municipal wastewater facilities by a new discharger, and discharger subject to this Ordinance shall submit to the municipality a report indicating the nature and concentration of all known or suspected prohibited and/or regulated substances contained in its discharge, and the average and maximum daily flow in gallons. The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional O & M and/or pretreatment is necessary to bring the discharge into compliance with the

applicable Pretreatment Standards or Requirements. This statement shall be signed by an authorized representative of the discharger, and certified to by a qualified engineer.

Section 6. Any discharger subject to a National Categorical Pretreatment Standard set forth in this Ordinance, after the compliance date of such, National Categorical Pretreatment Standard (see Appendix B), or, in the case of a new discharger, after commencement of the discharge to the municipality shall submit to the municipality during the months of June and December, unless required more frequently by the municipality, a report indicating the nature and concentrations, of known or suspected prohibited and/or regulated substances in the effluent which are limited by the National Categorical Pretreatment Standards hereof (see Appendix B) In addition, this report shall include a record of all measured or estimated average and a maximum daily flows during the reporting period reported in Article V, Section 5 hereof. Flows shall be reported on the basis of actual measurement, provided however, where cost or feasibility considerations justify, the municipality may accept reports of average and maximum flows estimated by verifiable techniques. The municipality for good cause shown considering such factors as local high or low flow rates, holidays, budget cycles, or other extenuating factors may authorize the submission of said reports on months other than those specified above.

Reports of dischargers shall contain all results of sampling and analysis of the discharge, including the flow and the nature and concentrations, or production and mass where required by the municipality. The frequency of monitoring by the discharger shall be as prescribed in the applicable National Categorical Pretreatment Standard of this ordinance (see Appendix B). All analyses shall be performed in accordance with 40 CFR, Part 136 and amendments thereto. (Comment: Where 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant in questions, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, Sampling and Analysis Procedures for Screening of industrial Effluents for Priority Pollutants, April, 1977. and amendments thereto, or with any other sampling and analytical procedures approved by the Administrator of the U.S. EPA.)

Section 7. Each discharger shall provide and operate at the discharger's own expense, a monitoring facility to allow inspection, sampling, and flow measurement of each sewer discharge to the municipality. Each monitoring facility shall be situated on the discharger's premises, except where such a location would be impractical or cause undue hardship on the discharger, the municipality may concur with the facility being constructed in the public street or sidewalk area providing



that the facility is located so that it will not be obstructed by land- scaping or parked vehicles. There shall be ample room in or near such sampling facility to allow accurate sampling And preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the discharger.

All monitoring facilities shall be constructed and maintained in accordance with all applicable local construction standards and specifications. Construction shall be completed within 120 days of receipt of permit by discharger.

Section 8. The municipality may inspect the monitoring facilities of any discharger to determine compliance with the requirements of this Ordinance. The discharger shall allow the municipality or its representatives to enter upon the premises of the discharger at all reasonable hours, for the purpose of inspection, sampling, or records examination. The municipality shall have the right to set up on the discharger's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations.

Section 9. Information and data furnished to the municipality with respect to the nature and frequency of discharge shall be available to the public or other governmental agency without restriction unless the discharger specifically requests and is able to demonstrate to the satisfaction of the municipality that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets or proprietary information of the discharger. When requested by 4 discharger furnishing a report, the portions of a report which may disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this ordinance, the National Pollutant Discharge Elimination System (NPDES) Permit, State of Maine Waste Discharge License Certificate and/or the Pretreatment Programs; provided, however, that such portions of a report shall be available for use by the State or any state agency in judicial review or enforcement proceedings involving the discharger furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information. Information accepted by the municipality as confidential, shall not be transmitted to any governmental agency or to the general public by the

municipality until and unless a ten-day notification is given to the discharger.

## ARTICLE VI

### Enforcement

Section 1. The municipality may for good cause shown suspend the wastewater treatment service to a discharger when it appears to the municipality that an actual or threatened discharge presents or may present an imminent or substantial danger to the health or welfare of persons, to the environment interfere with the operation of the municipal wastewater facilities or violate any pretreatment limits imposed by this ordinance. Any discharger notified of the suspension of the municipality's wastewater treatment service shall cease all

discharges. In the event of failure of the discharger to comply voluntarily with the suspension order, the municipality shall commence judicial proceedings immediately thereafter to compel the discharger's compliance with such order. The municipality shall reinstate the wastewater treatment service and terminate proceedings pending submission of proof by the discharger that the elimination of the noncomplying discharge or conditions creating the threat of imminent or substantial danger as set forth above have been corrected.

Section 2. The municipality may seek to terminate the wastewater treatment services to any discharger which fails to (a) factually report the wastewater constituents and characteristics of its discharge; (b) report significant changes in wastewater constituents or characteristics; (c) refuses reasonable access to the discharger premises by representatives of the municipality for the purpose of inspection or monitoring; or (d) violates the conditions of this Ordinance, or any final judicial order entered with respect thereto.

Section 3. Whenever the municipality finds that any discharger has engaged in conduct which justifies termination of a wastewater treatment services, pursuant to Article VI, Section 2 hereof the municipality shall serve or cause to be served upon such discharger, a written notice either personally or by certified or registered mail, return receipt requested, stating the nature of the alleged violation. Within 30 days of the date of receipt of the notice, the discharger shall respond personally or in writing to the municipality advising of its position with respect to the allegations. Thereafter, the parties shall meet to ascertain the veracity of the allegations and where necessary, establish a plan for the satisfactory correction thereof.

Section 4. Where the violation of Article VI - Section 2 hereof is not corrected by timely compliance by means of Administration Adjustment, the municipality may order any discharger which causes or allows conduct prohibited by Article VI - Section 2 hereof, to show cause before the municipality or its authorized representative, why the proposed service termination action should not be taken. A written notice shall be served on the discharger by personal service, certified or registered, return receipt requested, specifying the time and place of a hearing to be held by the municipality or its designee regarding the violation, the reasons why

the enforcement action is to be taken, the proposed enforcement action, and directing the discharger to show cause before the municipality designee why the proposed enforcement action should not be taken.

The notice of the hearing shall be served no less than ten days before the hearing Service may be made on any agent, officer, or authorized representative of a discharger. The proceedings at the hearing shall be considered by the municipality which shall then enter appropriate orders with respect to the alleged improper activities of the discharger. Appeal of such orders may be taken by the discharger in accordance with applicable local or state law.

Section 5. Following the entry of any order by the municipality with respect to the conduct of a discharger contrary to the provisions of Article VI Section 2 hereof, the Attorney for the municipality may, following the authorization of such action by the municipality, commence an action for appropriate legal and/or equitable relief in the appropriate local court.

Section 6. A list of all significant dischargers which were the subject of enforcement proceedings pursuant to Article VI of this Ordinance during the twelve (12) previous months, shall be annually published by the municipality in the largest daily newspaper published in the municipality in which the municipality is located, or by the largest daily newspaper servicing the municipality summarizing the enforcement actions taken against the dischargers during the same twelve (12) months whose violation remained uncorrected 45 or more days after notification of noncompliance; or which have exhibited a pattern of non-compliance over that twelve month period, or which involve failure to accurately report noncompliance

Section 7. Any discharger or any interested party shall have the right to request in writing an interpretation or ruling by the municipality on any matter covered by this Ordinance and shall be entitled to prompt written reply. In the event that such inquiry is by a discharger and deals with matters of performance or compliance with this Ordinance for which enforcement activity relating to an alleged violation is the subject, receipt of a discharger's request, shall stay all enforcement proceeding pending receipt of the aforesaid written reply. Appeal of any final judicial

order entered pursuant to this Ordinance may be taken in accordance with local and state law.

Section 8. Any discharger which experiences an upset in operations which places the discharge in a temporary state of non-compliance with this Ordinance shall inform the municipality thereof within 24 hours of first awareness of the commencement of the upset. Where such information is given orally, a written follow-up report thereof shall be filed by the person with the municipality within five days. The report shall specify:

- a) Description of the upset, the cause thereof and the upset's impact on a discharger compliance status.
- b) Duration on non-compliance, including exact dates and times of non-compliance, and if the non-compliance continues, by which compliance is reasonably expected to occur.
- c) All steps taken or to be taken to reduce, eliminate and prevent recurrence of such an upset or other conditions of non-compliance.

A documented and verified bonafide operating upset shall be an affirmative defense to any enforcement/action brought by the municipality against a discharger for any non-compliance with the Ordinance which arises out of violations alleged to have occurred during the period of the upset.

## ARTICLE VII

Penalties

Section 1. Any discharger who is found to have violated an Order of the municipality or who has failed to comply with any provisions of this Ordinance, and the regulations or rules of the municipality or orders of any court of competent jurisdiction shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding \$200/day for each violation.

Section 2. Any discharger violating any of the provisions of this Ordinance or who discharges or causes a discharge producing a deposit or obstruction, or causes damage to or impairs the municipality's wastewater facilities shall be liable to the municipality for any expense, loss, or damage caused by such violation or discharge. The municipality shall bill the discharger for the costs incurred by the municipality for any cleaning, repair, or replacement work caused by the violation or discharge. Refusal to pay the assessed costs shall constitute a violation of this Ordinance enforceable under the provisions of Article VI of this Ordinance,

Section 3. Any person who knowingly makes any false statement, representation or certification in the application, record, report, plan or other document filed or required to be maintained pursuant to this Ordinance, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance, shall upon conviction be punished by the imposition of a civil penalty of not more than \$1,000 or by imprisonment for not more than six (6) months or by both.

## ARTICLE VIII

### Records Retention

Section 1. All dischargers subject to this Ordinance shall retain and preserve for no less than three (3) years, any records, books, documents, memoranda, reports, correspondence and any and all summaries thereof, relating to monitoring, sampling and chemical analyses made by or in behalf or a discharger in connection with its discharge. All records which pertain to matters which are the subject of Administrative Adjustment or any other enforcement or litigation activities brought by the municipality pursuant hereto shall be retained and preserved by the discharger until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

## ARTICLE IX

### Miscellaneous

Section 1. Where applicable, the municipality may elect to initiate a program of removal credits as part of this ordinance to reflect the municipal's wastewater facilities ability to remove pollutants in accordance with 40 CFR Part 403.7.

Section 2. The municipality may elect to adjust Categorical Pretreatment Standards to reflect the presence of pollutants in the discharger's intake water, in accordance with 40 CFR Part 403.15.



## ARTICLE X

### Severability

Section 1. If any provisions, paragraph, word, section or chapter of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and chapters shall not be affected and shall continue in full force and effect.

## ARTICLE XI

### Conflict

- Section 1. All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

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