

ORDINANCE 59-05: SEWER USE ORDINANCE.

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF, IN THE CITY OF ELYSIAN, LE SUEUR COUNTY, MINNESOTA.

Section 1. Purpose and Policy. This Ordinance repeals Ordinance No. 15 and sets forth uniform requirements for discharges into the City's Public Sewer System (PSS) and enables the City to comply with all State (Minnesota Pollution Control Agency) and Federal (U.S. Environmental Protection Agency) laws. The objectives of this Ordinance are:

1. To prevent the introduction of pollutants into the PSS which shall interfere with the operation of the facilities or the use or disposal of the sludge; and
2. To prevent the introduction of pollutants into the PSS which shall pass through the system inadequately treated into receiving waters of the State or the atmosphere or otherwise be incompatible with the system.

The Ordinance provides for the regulation of discharges into the City's wastewater disposal system through the issuance of Permits to certain users and through enforcement of the general requirements for all users, authorizes monitoring and enforcement activities, provides for penalty relief, requires user reporting, and provides for the setting of fees necessary to carry out the program established herein.

The Ordinance shall apply to the City and to all persons outside the City who are, by contract or agreement with the City, users of the City wastewater disposal system.

Section 2. Definitions.

Unless the context specifically indicates otherwise, the following terms, as used in this Ordinance, shall have the meanings designated.

1. "**Act**" means the Federal Water Pollution Control Act, Public Law #92-500 and the Clean Water Act, Public Law #95-217 as amended.
2. "**Biochemical Oxygen Demand (BOD)**" means the quantity of oxygen utilized in the biochemical oxidation of organic matter, in the presence of a nitrification inhibitor, under standard laboratory procedures in five (5) days at 20 degrees Centigrade expressed in terms of weight and concentration (milligrams per liter-mg/l).
3. "**Building Drain**" means that part 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 (5) feet (1.5 meters) outside the inner face of the building wall.

4. **"Building Sewer"** means the extension from the building drain to the public sewer or other place of disposal.
5. **"City"** means the City of Elysian or the City Council of Elysian.
6. **"Chemical Oxygen Demand"** means the quantity of oxygen utilized in the chemical oxidation of organic matter, expressed in milligrams per liter, as determined in accordance with standard laboratory procedure as set out in the latest edition of Standard Methods of the Examination of Water and Wastewater.
7. **"Cooling Water"** means the water discharged from any use such as air conditioning, cooling or refrigeration, or during which the only pollutant added to the water is heat.
8. **"Domestic Waste"** means wastes from residential users and from the sanitary conveniences of multiple dwellings, commercial buildings, institutions, and industrial facilities.
9. **"EPA"** means the U.S. Environmental Protection Agency.
10. **"Floatable Oil"** is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.
11. **"Flow"** means the quantity of wastewater expressed in gallons or cubic feet per twenty-four (24) hours.
12. **"Garbage"** means solid wastes resulting from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage of said meat, fish, fowl, fruit, vegetables, and condemned food.
13. **"General Pretreatment Regulations"** means the general pretreatment regulations for existing and new sources of pollution promulgated by EPA under Section 307(b) and (c) of the Act and found at 40 CFR Part 403.
14. **"Groundwater"** means water beneath the surface that can be collected with wells, tunnels, or drainage galleries, or that flows naturally to the earth's surface via seeps or springs.
15. **"High Strength Waste Discharge"** means any waste discharge which, in concentration of any given constituent exceeds four (4) times the average twenty-four (24) hour concentration during normal operation which may by itself or in combination with other wastes cause an interference within the PSS. The average 24 hour concentration in the Elysian wastewater treatment system is 250 mg/l.
16. **"Indirect Discharge"** means the introduction of pollutants or wastes into the PSS from any non-domestic source regulated under Section 301 (b), (c), or (d) of the Act.

17. **"Industrial Discharge Permit or Permit"** means a Permit issued by the City of Elysian to an Industrial User to use the City's disposal system as established herein.
18. **"Industrial Waste"** means solid, liquid, or gaseous wastes, including cooling water (except where exempted by a NPDES Permit), resulting from any industrial, manufacturing, or business process, or from the development, recovery, or processing of a natural resource.
19. **"Industrial User"** means a source of indirect discharge.
20. **"Interference"** means a discharge which alone or in conjunction with a discharge or discharges from other sources inhibits or disrupts the PSS, its treatment processes or operations or its sludge processes, use or disposal and, therefore, is a cause of a violation of any requirement of the Elysian PSS's NPDES Permit or of the prevention of sewage sludge use or disposal with statutory provisions and regulations or Permits.
21. **"MPCA"** means the Minnesota Pollution Control Agency.
22. **"National Pollutant Discharge Elimination System (NPDES) Permit"** means any Permit or requirements issued by the Minnesota Pollution Control Agency (MPCA) pursuant to the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq); for the purpose of regulating the discharge of wastewater, industrial wastes, or other wastes under the authority of Section 402 of the Act.
23. **"Notice"** means a notice in writing directed to the owner or other person affected for the time specified by this ordinance, stating briefly the condition which is the reason for the notice and the consequences which would result upon failure to comply with the terms of the notice. A notice shall be deemed given when it is personally served on the person to whom it is directed or is mailed to him at his last known address.
24. **"Ordinance"** means the set of rules contained herein governing the discharge of wastewater to the PSS.
25. **"Other Wastes"** shall mean other substances except wastewater and industrial wastes.
26. **"Permittee"** means an Industrial User authorized to discharge industrial waste into the City's PSS pursuant to an Industrial Discharge Permit.
27. **"Person"** means the State or any agency or institution thereof, any municipality, governmental subdivision, public or private corporation, individual, partnership, or other entity, including, but not limited to, association, commission or any interstate body, and including any officer or governing or managing body of any municipality, governmental subdivision or public or private corporation, or other entity.
28. **"pH"** means the logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter of solution.

29. **"Pretreatment"** means the process of reducing the amount of pollutants, eliminating pollutants, or altering 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 the City's wastewater disposal system. The reduction, elimination, or alteration may be obtained by physical, chemical or biological processes, process changes or other means, except as prohibited by this Ordinance.
30. **"Pretreatment Standards"** means standards for industrial groups (categories) promulgated by EPA pursuant to the Acts which regulate the quality of effluent discharge to publicly owned treatment works and must be met by all users subject to such standards.
31. **"Properly Shredded Garbage"** means the wastes from the preparation, cooking, and dispensing of foods that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than ½ inch (1.27 cm) in any dimension.
32. **"Public Sewer System (PSS)"** means the treatment works as defined by Section 212 of the Act, which is owned by the municipality (as defined by Section 502(4) of the Act). This includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a PSS treatment plant. The term also means the municipality as defined in Section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.
33. **"Public Utility"** means the unit of municipal government and its people responsible for the operation of the PSS and this Ordinance.
34. **"Rules"** means the waste discharge rules for the Elysian disposal system contained herein.
35. **"Sanitary Sewer"** means a sewer intended to carry only liquid and water carried wastes from residences, commercial buildings, industrial plants, and institutions, together with minor quantities of ground, storm, and surface waters which are not admitted intentionally.
36. **"Service"** means connection to the public sewer system and the right to the use of its facilities, whether or not the facilities are in fact used.
37. **"Sewage Sludge"** means solids and associated liquids in municipal wastewater which are encountered and concentrated by a municipal wastewater treatment plant.
38. **"Sewer"** means a pipe or conduit for carrying wastewater, industrial waste, or other waste liquids.

39. "**Sewer System**" means pipelines or conduits, pumping stations, force mains, and all other devices and appliances appurtenant thereto, used for collecting or conducting wastewater.
40. "**Shall**" is mandatory; "may" is permissive.
41. "**SIC**" means the Standard Industrial Classification Code (1972) issued by the Executive Office of the President, Office of Management and Budget, for use in the classification of establishments by types of business and the primary and economic activity engaged.
42. "**Significant Industrial User**" means all Industrial Users subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N and any other Industrial User that discharges an average of 25,000 gallons per day or more of process wastewater to the PSS (excluding sanitary, noncontact cooling and boiler blow down wastewater), contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the PSS treatment plant, or is designated as such by the control authority as defined in 40 CFR 403.12 (a) on the basis that the Industrial User has a reasonable potential for adversely affecting the PSS's operation or for violating any pretreatment standard or requirement in accordance with 40 CFR 403.8 (f)(6). If, upon finding that an Industrial User meeting the criteria of this subdivision has no reasonable potential for adversely affecting the PSS's operation or for violating any pretreatment standard or requirement, the control authority, as defined in 40 CFR 403.12 (a), may, at any time, on its own initiative or in response to a petition received from an Industrial User or PSS and in accordance with 40 CFR 403.8 (f)(6) determine that such Industrial User is not a significant Industrial User.
43. "**State**" means the State of Minnesota or its designated agency, the Minnesota Pollution Control Agency (MPCA).
44. "**Storm Water**" means any flow occurring during or following any form of natural precipitation and resulting therefrom.
45. "**Storm Sewer**" (sometimes termed "storm drain") means a sewer which carries storm and surface water and drainage, but excludes wastewater and industrial wastes, other than unpolluted cooling or process water.
46. "**Sump Pump**" shall mean a pump for disposing of storm drainage.
47. "**Suspended Solids (SS)**" or "**Total Suspended Solids (TSS)**" means the total suspended matter that either floats on the surface or is in suspension in water, wastewater or other liquids, and is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater", latest edition, and referred to as non-filterable residue.
48. "**Total Toxic Organics**" means the summation of all values greater than 0.01 mg/l of toxic organics listed in Section 307 (A) of the Act.

49. **"Unpolluted Water"** means clean water uncontaminated by industrial wastes, other wastes, or any substance which renders such water unclean, or noxious, or impure so as to be actually or potentially harmful or detrimental or injurious to public health, safety, or welfare, to domestic, commercial, industrial, or recreational use, or to livestock, wild animals, bird, fish, or other aquatic life.
50. **"User"** means those residential, commercial, governmental, and institutional and industrial establishments which are connected to the public sewer system.
51. **"Waste Transport Hauler"** means an Industrial User who transports industrial or domestic waste for the purpose of discharge into the City PSS.
52. **"Wastewater"** means the spent water of a community, also referred to as sewage. From the standpoint of source it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with any ground water, surface water, and storm water that may be present.

Section 3. Private Wastewater Disposal System.

Subd. 1. Public Sanitary Sewer System Not Available. Where a public sanitary sewer is not available, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this Subsection.

Subd. 2. Private Disposal Permit. Before commencement of construction of a private wastewater disposal system, the owner shall first obtain a written Private Disposal Permit signed by the City's authorized agent. The application for the Permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the City. A Permit and inspection fee, as established by the City Council, shall be paid at the time the application is filed.

Subd. 3. Effective Date and Inspection. A Permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the City. Employees of the City may inspect the work at any stage of construction, and the applicant for the Permit shall notify the City when the work is ready for final inspection, and no underground portions shall be covered before the final inspection is completed.

Subd. 4. Compliance. The type, capacities, location, and layout of a private wastewater disposal system shall comply with all requirements of the City and the State of Minnesota. No private wastewater disposal system employing subsurface soil absorption facilities shall be constructed where the area of the lot is less than 40,000 square feet, unless the owner presents evidence to the City demonstrating that special conditions exist which assures the system shall meet the minimum standards of the Minnesota Individual Sewage Disposal System Code. No septic tank shall be permitted to discharge to any natural outlet.

Subd. 5. Removal of Private Septic Tanks. At the time public sewer service is available to a building being served by a private disposal system, the owner shall make said connection to the public sewer, and any septic tanks or other private wastewater disposal

facilities shall be removed or have sediment removed and backfilled with suitable material approved by the City.

Subd. 6. Maintenance of Private Disposal Facilities. The owner shall effectively operate and continuously maintain the private wastewater disposal facilities in a sanitary, satisfactory, and effective manner at all times, at the owner's own expense.

Subd. 7. Inspection and Right of Entry. The employees of the City may enter upon any property having a private wastewater disposal system for the purpose of inspecting such system and making such other investigations and tests as are deemed necessary. Entry shall be made during the daylight hours unless abnormal or emergency circumstances require otherwise.

Subd. 8. Laws and Regulations. The provisions of this Subsection shall be in addition to any requirements established by applicable federal, state, or local laws and regulations and shall not be construed to relieve any liability or obligation imposed by such laws and regulations.

Subd. 9. Permission for PSS. Any person operating a private wastewater disposal system who wishes to discharge waste products to the Elysian PSS resulting from the treatment of domestic wastewater only shall obtain permission from the City prior to the discharge occurring.

Section 4. Building Sewers and Connections.

Subd. 1. No person, unless authorized, shall uncover, make any connections with, or disturb any public sewer or appurtenance thereof, except in accordance with the applicable provisions of the City Code as amended.

Subd. 2. The property owner shall bear all costs and expenses incident to the installation and connection of the building sewer. The owner shall indemnify and hold harmless the City from any loss or damage to the public sewer that may directly or indirectly be occasioned by the installation of the building sewer.

Subd. 3. No building sewer shall be built, repaired, extended or connected with the public sewer system except by a plumber duly licensed by the State of Minnesota to perform the work or by any other qualified person. A permit shall be issued only to the person doing the work.

Subd. 4. All applications for sewer permits shall be made to the City Administrator/Clerk/Treasurer by the person employed to do the work. The application shall be accompanied by a plan and drawings showing the proposed work.

Subd. 5. Before a permit is given on the application, the City may inspect the premises and the proposed installation to ascertain if the installation is proper and in compliance with local and state laws, ordinances and regulations, and that the statements in the application are true. All plumbing installations shall comply with the state plumbing code.

Subd. 6. Upon issuance of the permit, the person to whom it is granted may proceed with the work in accordance with the permit granted. The applicant shall notify the City Administrator/Clerk/Treasurer of the progress of the work at such stages during construction as the City may direct and in particular shall notify the City when the building sewer is complete and ready for connection with the public sewer. The City shall be given an opportunity to inspect the work after it is completed and shall require the work to be done satisfactorily and in compliance with law before excavations are filled.

Subd. 7. All connections to the public sewer system shall comply with all current state plumbing code standards. All joints and connections shall be gas and water tight. The size, slope, and depth of the building sewer shall be subject to the approval of the City, but in no event shall the internal diameter be less than four (4") inches, and a slope of one quarter (¼") inch to the foot shall be used whenever practical. Pipe shall be inspected by the City before laid and is subject to approval. The connections of the building sewer with the public sewer shall be made at the "Y" branch designated for the property, if suitable. Any other location for the connection shall be only as directed by the City.

Subd. 8. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer, provided that the City shall require a written agreement between the property owners as to the share of the costs of construction and maintenance which each shall contribute.

Subd. 9. An owner may use old building sewers in connections with new buildings only when they are found, on examination and test by the City, to meet all requirements of this Ordinance. The property owner shall bear all costs and expenses incident to examination and testing of the old building sewer by the City.

Subd. 10. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, such building drain shall be provided with a lifting device approved by the Plumbing (Building?) Inspector and discharged to the building sewer.

Subd. 11. No persons shall make connection of sump pumps, roof downspouts, exterior or interior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

Subd. 12. All excavations for building sewer installations shall be adequately guarded with barricades and lights and other appropriate warning devices so as to protect the public from hazards. Streets, alleys, sidewalks and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

Subd. 13. Any new connections to the sanitary sewer system shall be prohibited unless sufficient capacity is available in all downstream facilities including, but not limited to capacity for flow, BOD and suspended solids, as determined by the City or the appropriate City Agent.

Section 5. Main and Lateral Sewers.

Subd. 1. No person, unless authorized, shall uncover, make any connections with, or opening into, use, alter, or disturb any public sewer or appurtenance without first obtaining a written Permit from the City.

Subd. 2. No sanitary or storm sewers shall be constructed in the City (except house or building service sewers) except by the City or others authorized by the City. Any construction of sanitary or storm sewers shall be subject to inspection during construction by the City Engineer and employees of the City. No sewers shall be considered to be a part of the public sewer system unless accepted by the City.

Subd. 3. The size, slope, alignment, material of construction, methods to be used in excavation, placing of pipe, jointing, testing, backfilling and other work connected with the construction of sewers shall conform to the requirements of the City.

Section 6. Protection from Damage.

Subd. 1. No person shall maliciously, fully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the PSS.

Section 7. Use of Public Sewers.

Subd. 1. It shall be unlawful to discharge to any natural outlet within the City or in any area under the jurisdiction of the City any wastewater or other polluted water, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.

Subd. 2. Except as set forth in Section 3, it shall be unlawful for any person to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

Subd. 3. The owner of any building or property which is located in the City, or in any area under the jurisdiction of the City, and from which wastewater is discharged, shall be required to connect to a public sewer at his expense within ninety (90) days after service of official notice to do so, provided that said public sewer is reasonably available for connection. Additionally, if the building or property is used for human occupancy, employment or recreation, the owner shall be required to install at the same time toilet facilities in accordance with the State

Building Code and other Ordinances of the City. The City or its designated agent, shall give the official notice, and shall be served upon the owner personally or by certified mail.

Subd. 4. In the event an owner shall fail to connect to a public sewer in compliance with a notice given under Section 7, Subd. 3, of this Ordinance, the City may undertake to have said connection made and shall assess the cost of the connection against the benefited property, and said assessment shall be a lien against said property. Such assessment, when levied, shall bear interest at the rate of eight percent (8%) per annum and shall be certified to the auditor of the County in which the land is situated and shall be collected and remitted to the City in the same manner as assessments for local improvements. The rights of the City under this subdivision shall be in addition to any other remedial or enforcement provisions of this Ordinance.

Subd. 5. No person shall discharge or cause to be discharged directly or indirectly any storm water, surface water, groundwater, roof runoff, sub-surface drainage, sump pumps, unpolluted cooling or process water to any sanitary sewer unless there is no prudent and feasible alternative and unless as approved by the City.

Subd. 6. Storm water and all other unpolluted water shall be discharged to a storm sewer or stormwater drainageway, except that unpolluted cooling or process water shall only be so discharged upon approval by the City and the user may be required to obtain a NPDES Permit by the MPCA.

Section 8. Prohibitive Discharge.

No person shall discharge or cause to be discharged, directly or indirectly, into the PSS any of the following:

1. Any combustible, flammable or explosive solids, liquids, or gases which by their nature or quantity shall cause or are likely to cause either alone or by interaction with other substances a fire or explosion or be injurious to the PSS operations. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, fuel oil, lubricating oil, benzene, toluene, xylene, ethers, alcohols, and ketones.
2. Any solids or viscous substances which shall cause or are likely to cause obstruction to the flow in a sewer or interfere with the operation of the wastewater treatment plant. These include grease, animal guts or tissues, bones, hair, hides or fleshings, entrails, feathers, ashes, sand, spent lime, stone or marble dust, metal, glass, grass clippings, rags, spent grains, waste paper, wood, plastic, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, glass grinding and polishing wastes.
3. Any garbage not properly shredded, as defined in Section 2, #30. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food on the premises or when served by caterers.

4. Any wastewater having a pH less than 5.5 or greater than 10 or having any corrosive property that shall or is likely to cause damage or hazard to structures, equipment, or employee of the Public Utility.
5. Any alkaline wastewater which alone or with others shall or is likely to cause an elevated pH in the treatment plant influent so as to result in an inhibiting effect on the biological process or encrustation to the sewer.
6. Any noxious or malodorous solids, liquids, or gases, which either singly or by interaction with other wastes, shall create or are likely to create a public nuisance or hazard to life or prevent the entry of utility employees into a sewer for its monitoring, maintenance, and repair.
7. Any wastewater which shall or is likely to cause excessive discoloration in treatment plant effluent.
8. Wastes, other than Domestic Wastes, that are infectious before discharging into the sewer.
9. Any wastewater containing toxic or poisonous pollutants in sufficient quantity, either singly or by interaction with other pollutants, that shall or is likely to cause interference or constitute a hazard to humans, including the following at amounts in excess of the specified standards:

a. Arsenic	0.1 mg/l
b. Cadmium	0.2 mg/l
c. Copper	2.0 mg/l
d. Cyanide	1.0 mg/l
e. Lead	1.0 mg/l
f. Mercury	0.01 mg/l
g. Nickel	1.0 mg/l
h. Silver	0.2 mg/l
i. Total chromium	0.5 mg/l
j. Zinc	3.0 mg/l
10. Any sludge from an industrial pretreatment facility except as provided in Section 14.
11. Heat in amounts which shall or is likely to inhibit biological activity in the treatment plant resulting in interference or causing damage to the treatment plant, but in no case heat in such quantities that the Industrial User's waste temperature is greater than 65°C (150°F) at its point of discharge to the sewer system, or heat causing, individually or in combination with other wastewater, the influent at the wastewater treatment plant to have a temperature exceeding 40°C (104°F).
12. Any wastewater containing fat, wax, grease or oil in excess of 100 mg/l that shall or is likely to solidify or become viscous at temperatures between 0° and 65°C and which shall or is likely to cause obstruction to the flow in sewers or other interference to the PSS, including petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin.

13. Quantities of wastewater with concentrations that constitute a “high strength waste discharge” as defined in Section 2, #15.
14. Any substance which shall cause the PSS to violate its NPDES and/or State Disposal System Permit or the receiving water quality standards.
15. Any substance which may cause the PSS's effluent or any other product of the wastewater treatment process such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the wastewater disposal system cause the system to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State standards applicable to the sludge management method being used.
16. Any wastewater containing inert suspended solids or dissolved solids in such quantities that shall or is likely to cause interference with the PSS.
17. Radioactive wastes or isotopes of such a half-life or concentration that they are in noncompliance with standards issued by the appropriate authority having control over their use and which shall or are likely to cause damage or hazards to the PSS or employees operating it.
18. Any hazardous waste, unless prior approval has been obtained from the City.
19. Any waste generated outside the area served by the PSS without prior approval of the City.
20. Any unpolluted water, including cooling water, rain water, storm water or groundwater, unless there is no other prudent or feasible alternative.
21. Any trucked or hauled wastes or pollutants, except at discharge points designated by the City.

Section 9. High Strength Waste Discharges.

No one shall discharge any high strength waste (defined in Section 2, #15) into the public sewer system unless a permit has been issued by the City. A separate permit must be secured for each separate discharge. The permit will state the specific location of discharge, the time of day the discharge is to occur, and the volume of the discharge. If a permit is granted for the discharge, the user shall pay the applicable charges and fees and shall meet such other conditions as required by the City.

Section 10. Industrial Discharge Permit.

Subd. 1. Scope. Industrial Users, or other persons, discharging into the PSS shall obtain an Industrial Discharge Permit pursuant to these Rules if notified by the City. The

criteria to be utilized by the City to determine if an Industrial Discharge Permit shall be required include:

1. An average flow loading greater than 25,000 gallons per operating day; or
2. A pollutant concentration of greater than fifty (50%) percent for one or more regulated pollutants (see Section 8, #9) at the point of discharge; or
3. Has properties in the discharge for it to be constituted a prohibited discharge; or
4. Has been pretreated or passed through an equalization tank before discharge; or
5. A hydraulic or organic loading greater than five (5%) percent of the average dry weather capacity of the PSS treatment plant; or
6. An industrial process regulated by EPA categorical standards; or
7. Others as so designated by the City.

Subd. 2. Permit Application.

1. Existing Significant Industrial User. An existing Significant Industrial User or other person who is required to obtain an Industrial Discharge Permit shall complete and file with the PSS within three (3) months of notification a Permit application in a form obtained from the City. The appropriate Permit fee, as set by the City Council, shall accompany the Permit application form at the time of application. A user shall have one (1) year from the date of notification by the City to have obtained an Industrial Discharge Permit.
2. New Significant Industrial Users. All new significant Industrial Users proposing to connect or to commence a new discharge to the wastewater disposal system shall apply for an Industrial Discharge Permit before connection to or discharging into the public sewer system (PSS). The Permit application may be obtained from the City. No discharge into the PSS can commence until an Industrial Discharge Permit is received unless the City has ruled that:
 - (a.) an Industrial Discharge Permit is not required; or
 - (b.) a discharge waiver is granted to commence discharge pending final action by the City Council, based upon recommendations made by appropriate City Staff.

Subd. 3. Incomplete or Deficient Application. If the Permit application is incomplete or otherwise deficient, the City shall advise the applicant of such incompleteness or deficiency. An Industrial Discharge Permit shall not be issued until an application is complete.

Subd. 4. Issuance of Industrial Discharge Permit. Within sixty (60) days after receipt of a completed application form from the industrial user, the City shall, upon a

determination that the applicant is capable of compliance with the Industrial Discharge Permit conditions and these rules, issue an Industrial Discharge Permit subject to the terms and conditions provided herein.

Subd. 5. Permit Conditions. Industrial Discharge Permits shall be expressly subject to all provisions of this Ordinance and all other applicable regulations, user charges, and fees established by the City Council. Permits shall contain the following:

1. A summary of the penalties and surcharges applicable for violations of the terms of Permit as provided in Section 19 of this Ordinance.
2. The unit charge or schedule of user charges and fees for the wastewater to be discharged to the PSS;
3. Limits on the average and maximum wastewater constituents and characteristics, either in terms of concentrations, mass limitations, or other appropriate limits;
4. Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
5. Requirements for installation and maintenance on inspection and sampling facilities;
6. Requirements for access to the Permittees premises and records;
7. Requirements for installation, operation, and maintenance of pretreatment facilities;
8. Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, number, types and standards for tests and self reporting schedule;
9. Compliance schedules;
10. Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the City;
11. Requirements for notification to the City of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
12. Requirements for notification of slug discharges as provided in this Ordinance;
13. Requirements for the specific location, time, and volume of discharge to the PSS for Waste Transport Haulers;
14. The requirement for Industrial Discharge Permit transfer as stated herein; and
15. Other conditions as deemed appropriate by the City to ensure compliance with this Ordinance.

Subd. 6. Permit Modification, Suspension, and Revocation. An Industrial Discharge Permit may be modified, suspended or revoked, in whole or in part, by the City during its term for cause, including:

1. Violation of these Rules;
2. Violation of any terms or conditions of the Industrial Discharge Permit;
3. Obtaining an Industrial Discharge Permit by misrepresentation or failure to disclose fully all relevant facts;
4. Amendment of these Rules;
5. A change in the wastewater treatment process which results in the Permittee's discharge having a significantly different and negative impact on the process;
6. A change in the Permittee's industrial waste volume or characteristics which the Permittee knows or has reason to know shall or is likely to have, either singly or by interaction with other wastes, a negative impact on the treatment process; and
7. A determination by the City's PSS Operator that the Permittee's discharge reasonably appears to present an imminent threat to the health or welfare of persons, present an imminent threat to the environment, or threaten interference with the operation of the PSS.

Subd. 7. Time Schedule for Compliance. Any modifications in the Industrial Discharge Permit shall specify a reasonable time schedule for compliance.

Subd. 8. Refund of Permit Fee on Surrender or Revocation. A Permittee may surrender an Industrial Discharge Permit to the City prior to the Permit's scheduled termination. In the event that a permit is surrendered or revoked, the Permittee shall be refunded a pro rata portion of the Permit fee paid.

Subd. 9. Permit Duration. Permits shall be issued for a specified time period, not to exceed five (5) years. The user shall apply for Permit reissuance a minimum of 180 days prior to the Permit's expiration date by filing with the PSS a Permit reissuance application. The terms and conditions of the Permit may be subject to modification by the City during the term of the Permit as limitations or requirements as identified in this ordinance are modified or other just cause exists. The user shall be informed prior to the effective date of change. Any changes or new conditions in the Permit shall include a reasonable time schedule for compliance.

Subd. 10. Permit Transfer. Industrial Discharge Permits are issued to a specific user at a specific location, for a specific operation, except in the case of Waste Transport Haulers. An Industrial Discharge Permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the City. Any succeeding owner or user shall also comply with the terms and conditions of the existing Permit. In the event of a change in the entity owning the industrial discharge facilities for which there is an Industrial Discharge Permit, the prior owner, if feasible, shall notify the

PSS and the succeeding owner of said change in ownership and of the provisions of the Industrial Discharge Permit and these Rules. The new owner shall submit a new Permit application or shall submit to the PSS an executed statement agreeing to be bound by the terms and conditions of the existing Industrial Discharge Permit for the facility, in which case, upon consent of the PSS, the Permit shall continue in effect until its expiration date.

Subd. 11. Permit Fees. The Industrial Discharge Permit fee for total waste (million gallons per year) for both initial and reissuance shall be in accordance with the City of Elysian Fee Schedule.

Section 11. Limitations on Wastewater Strength.

Subd. 1. Federal Pretreatment Standards. Federal Pretreatment Standards and General Regulations promulgated by the U.S. Environmental Protection Agency (EPA) pursuant to the Act shall be met by all users which are subject to such standards in any instance where they are more stringent than the limitations in this Ordinance unless the City has applied for, and obtained from the MPCA, approval to modify the specific limits in the federal pretreatment standards. In all other respects, Industrial Users subject to Pretreatment Standards shall comply with all provisions of these Rules and any Permit issued thereunder, notwithstanding less stringent provisions of the General Pretreatment Regulations or any applicable Pretreatment Standard.

Subd. 2. State Requirements. State requirements and limitations on discharges shall be met by all users which are subject to the standards in any instance in which they are more stringent than federal requirements and limitations or those in this Ordinance.

Subd. 3. City's Right of Revision. The City reserves the right to establish by Ordinance more stringent limitations or requirements on discharges to the PSS if deemed necessary to comply with the objectives specified in this Ordinance.

Subd. 4. Dilution. No user shall 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 the limitations contained in any local or state requirements or federal pretreatment standards.

Subd. 5. Special Agreements. No statement contained in this Subsection, except as promulgated by the EPA, shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore, by the industrial concern, in accordance with applicable ordinances and any supplemental agreement with the City.

Subd. 6. Pretreatment Standards Notification. The City shall notify all affected Industrial Users of the applicable Pretreatment Standards, their amendments, and reporting requirements in accordance with Code of Federal Regulations, Title 40, Section 403.12 of the General Pretreatment Regulations. A compliance schedule shall be developed between the

PSS and the Industrial User to ensure that the Industrial User complies with local, state, and federal limitations in a timely manner as provided by the same Section of the General Pretreatment Regulations.

Subd. 7. Reports. Reports specified in Code of Federal Regulations, Title 40, Section 403.12 of the General Pretreatment Regulations shall be submitted to the PSS by affected users.

Section 12. Accidental and Slug Discharges.

Subd. 1. Prevention of Accidental and Slug Discharges. All Industrial Users shall provide adequate protective procedures to prevent the accidental discharge of any waste prohibited in Section 8, or any waste in violation of an applicable pretreatment standard.

Subd. 2. Accidental Discharge. Accidental discharges of prohibited waste into the PSS, directly or through another disposal system, or to any place from which such waste may enter the PSS, shall be reported to the City by the persons responsible for the discharge, or by the owner or occupant of the premises where the discharge occurred, immediately upon obtaining knowledge of the fact of such discharge. Such notification shall not relieve users of liability for any expense, loss or damage to the wastewater disposal system or treatment process, or for any fines imposed on the City on account thereof under any state or federal law. The responsible person shall take immediate action as is reasonably possible to minimize or abate the prohibited discharge.

The responsible person shall send a letter describing the prohibited discharge to the City within seven (7) days after obtaining knowledge of the discharge. The letter shall include the following information:

1. The time and location of the spill;
2. Description of the accidentally discharged waste, including estimate of pollutant concentrations;
3. Time period and volume of wastewater discharged;
4. Actions taken to correct or control the spill; and
5. A schedule of corrective measures to prevent further spill occurrences.

Subd. 3. Slug Discharge. In the event that an Industrial User discharges a Slug in such volume or strength that the Industrial User knows or has reason to know it shall cause interference in the PSS, the Industrial User shall immediately report the same to the City. Within seven (7) days of the discharge, the Industrial User shall send a letter to the City describing the Slug as specified under Accidental Discharge. After such a discharge, a plan is required to prevent additional slug or accidental discharges. This plan shall contain the following at a minimum:

1. Description of discharge practices, including nonroutine batch discharges;
2. Description of stored chemicals;
3. Procedure for promptly notifying the PSS of slug discharges as defined under Section 2, #42 and Section 8 of this Ordinance, with procedures for follow-up written notification within five (5) days;
4. Procedures necessary to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, and worker training;
5. Any necessary measures for building containment structures or equipment;
6. Any necessary measures for controlling toxic organic pollutants (including solvents);
7. Any necessary procedures and equipment for emergency response; and
8. Any necessary follow-up practices to limit the damage suffered by the PSS or the environment.

Section 13. Monitoring.

Subd. 1. Monitoring Facilities. When required by the City's Permit, the Permittee of any property services by a building sewer carrying industrial wastes shall install a suitable control structure, together with such necessary meters and other appurtenances in the building sewer to facilitate observation sampling, flow measurement, and measurement of the wastes. Such structure and equipment when required shall be constructed at the owner's expense in accordance with plans approved by the City and shall be maintained by the owner so as to be safe and accessible at all times.

The monitoring facility should normally be situated on the user's premises, but the City may when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed elsewhere.

Subd. 2. Flow Measurement. A Permittee, when required by Permit, shall install and maintain a flow measurement device for instantaneous rate and/or cumulative flow volume determinations. Metered water supply may be used in lieu of flow measurement devices if it can be documented that the water usage and waste discharge are the same, or where a measurable adjustment to the metered supply can be made to determine the waste volume.

Meters and flow records shall be maintained at the Permittee's expense in good operating condition at all times. The Permittee shall notify the City in writing within five (5) days in the event that the Permittee becomes aware that the meter or flow recorder has failed to accurately register the flow. The Permittee shall also notify the City of the Permittee's intention to alter the installation of a meter or flow recorder so as to affect the accurate recording of industrial waste entering the PSS.

Subd. 3. Self-Monitoring Analyses. All measurements, tests, and analyses of the characteristics of water and wastes as outlined in the Permit shall be determined in accordance with guidelines established in 40 CFR Part 136 and 40 CFR 403.12 (g) of the General Pretreatment Regulations.

Representative samples of a Permittee's industrial waste shall be collected on a normal operating day and in accordance with guidelines listed in Industrial User's Permit. Industrial Users subject to Pretreatment Standards shall sample in accordance with the Pretreatment Standards. Self-monitoring point(s) for Industrial Users who are not subject to Pretreatment Standards shall be at a location and at a frequency as specified in the Permit.

Subd. 4. Self-Monitoring Reports. A condition of the Industrial User's Permit shall include the completion and submittal of accurate routine self-monitoring reports to the City in a form subscribed to by the City. The nature and frequency of routine reporting shall be based upon the requirements specified by the User's Permit application form. Except in the case of Waste Transport Haulers, reports shall be required as follows:

1. A. Less than one (1) million gallons total waste discharged per year, semi-annually;
2. B. Between one (1) and ten (10) million gallons, quarterly;
3. C. Greater than ten (10) million gallons, bi-monthly;

The City may modify the above reporting schedule for a particular Permittee based on the Permittee's industrial waste characteristics. Permittees subject to Pretreatment Standards shall submit reports to the PSS in accordance with the applicable Pretreatment Standards.

Subd. 5. Inspection and Sampling. The City may conduct such tests as are necessary to enforce this Ordinance, and employees of the City may enter upon any property for the purpose of taking samples, obtaining information or conducting surveys or investigations relating to such enforcement. Entry shall be made during operating hours unless circumstances require otherwise. In all cases where tests are conducted by the City for the purpose of determining whether the user is in compliance with regulations, the cost of such tests shall be charged to the user and added to the user's sewer charge. In those cases where the City determines that the nature or volume of a particular user's wastewater requires more frequent than normal testing, the City may charge such user for the tests, after giving the user ten (10) days written notice of its intention to do so, and the cost thereof shall be added to the user's sewer charge.

Duly authorized employees of the City, MPCA, and EPA bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Ordinance. Those employees shall have no authority to inquire into any processes except as is necessary to determine the kind and source of the discharge to the PSS. While performing the necessary work on private properties referred to in this Subsection, the authorized employees of the City shall observe all safety rules applicable to the premises established by the company.

Duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds an easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the PSS lying within said easement. All entry and subsequent work, if any, on said easement shall be done in all accordance with the terms of the easement pertaining to the private property involved.

Subd. 6. Testing Procedures. Testing procedures for the analysis of pollutants for Permit applications and routine self-monitoring shall conform to the guidelines established in Code of Regulations, Title 40, Part 136 and Code of Federal Regulations, Title 40, Section 403.12 (g) of the Federal Pretreatment Regulations. Subd. 7. Report and Monitoring Discrepancies. A Permittee shall be notified in writing by the City of a significant discrepancy between the Permittee's routine, self-monitoring records and the PSS's monitoring results within thirty (30) days after the receipt of such reports and monitoring results. The Permittee shall then have ten (10) working days to reply in writing to such notification. If mutual resolution of such discrepancy is not achieved, additional sampling shall be performed by City employees. Samples may be split between the Permittee's laboratory or agent and the PSS's laboratory for analysis.

Subd. 7. Wastewater Discharge Records. Wastewater discharge records of a Permittee shall be kept by the Permittee for a period of not less than three (3) years. The Permittee shall provide the City reasonable access to these records during normal business hours. A Permittee, subject to an applicable Pretreatment Standard, shall maintain all records required by Code of Federal Regulations, Title 40, Section 403.12 (n) of the General Pretreatment Regulations.

Section 14. Pretreatment.

Subd. 1. Compliance with Standards. Where pretreatment, flow equalizing facilities or Interceptors are provided for any water or wastes, they shall be effectively operated and maintained continuously in satisfactory and effective condition by the owner at his expense, and shall be available for inspection by the City employees at all reasonable times.

Industrial Users shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. Industrial Users as required by their Industrial Discharge Permit shall submit to the City for review detailed plans showing the pretreatment facilities at least sixty (60) days prior to initiation of construction. The City shall approve the Industrial User's pretreatment plans if it appears that the proposed pretreatment facility is capable of meeting all applicable limitations.

The City's review and approval shall in no way relieve the Industrial User from the responsibility of modifying the facility as necessary to produce an effluent complying with the provisions of these Rules. Any subsequent modifications in the pretreatment facilities which shall result in a substantial change in discharge shall be reported to be approved by the City upon a determination that the modified facility is capable of meeting all applicable limitations, prior to the modification of the existing facility.

Residual solids from a pretreatment facility shall not be disposed, directly or indirectly, into the PSS without prior written approval from the City. The disposal method shall be in accordance with local, state and federal requirements. The City shall be notified in writing within ten (10) days of any substantial changes in such residual solids disposal procedures and/or characteristics.

Subd. 2. Trap Installations. Grease, oil, and sand traps shall be provided for the proper discharge of waste containing excessive amounts of grease, oil, or sand. All trap installations shall be regularly cleaned and maintained for adequate performance.

Section 15. Confidential Information. Information and data on a user obtained from reports, questionnaires, Permit applications, Permits, monitoring programs, and from inspections shall be available to the public or other governmental agencies without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the City that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the user.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not 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 NPDES Permit, State Disposal System Permit, 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 person furnishing the report. Wastewater constituents and characteristics shall not be recognized as confidential information.

Information accepted by the City as confidential, shall not be transmitted to any governmental agency or to the general public by the City until and unless a ten (10) day notification is given to the user.

Section 16. Service Charges.

Subd. 1. Sewer Service charges have been established by the City Council.

Subd. 2. An account for services will be kept for each user and a separate account for separate premises. Each user will be liable for service to his premises. Bills for service will be rendered quarterly and will be due within ten days of their date, but failure of the City to render a bill or of user to receive a bill will not excuse payment. Bills will be mailed to users at the addresses shown on applications of the day of their date. The charge for sewer service may be included on the water bill, but if so shall be separately stated thereon. The City Administrator/Clerk/Treasurer will keep accounts and render the bills; receive payment of bills, and give receipts therefore.

Section 17. Severability and Conflicts.

Subd. 1. Severability. If the provisions of any section, paragraph, or sentence of these Rules shall for any reason be held to be unconstitutional or invalid by any court of competent jurisdiction, the provisions of the remaining sections, paragraphs, and sentences shall nevertheless continue in full force and effect.

Subd. 2. Conflicts. If conflicts arise between these Rules or Regulations previously adopted by the City, these Rules and the interpretations of them shall take precedence.

Section 18. Enforcement.

Subd. 1. Remedies Available. The City may suspend the sewer system service and/or an Industrial Discharge Permit when such suspension is necessary, in the opinion of the City, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, or to the PSS, or would cause the City to violate any condition of its NPDES or State Disposal System Permit. Any user notified of a suspension of the sewer system service and/or the Industrial Discharge Permit shall immediately stop the discharge. In the event of a failure of the user to comply voluntarily with the suspension order, the City shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the PSS or endangerment to any individuals. The City shall reinstate the Industrial Discharge Permit and/or the sewer system service upon proof of the elimination of the non-complying discharge.

A detailed written statement submitted by the user describing the causes of the slug or accidental discharge and the measures taken to prevent any future occurrence shall be submitted to the City within five (5) working days of the date of occurrence.

Subd. 2. Revocation of Permit. In accordance with the following procedures, the City may revoke the Permit of any user which fails to factually report the wastewater constituents and characteristics of its discharge; which fails to report significant changes in wastewater constituents or characteristics; which refuses reasonable access to the user's premises for the purpose of inspection or monitoring; or for violation of conditions of its Permit, this Ordinance, or applicable state and federal regulations.

Subd. 3. Notification of Violation. Whenever the City finds that any person has violated or is violating this Ordinance, Industrial Discharge Permit, or any prohibition, limitation or requirement contained herein, the City may serve upon such person a written notice stating the nature of the violation. Within ten (10) days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the City by the user.

Subd. 4. Show Cause Hearing.

1. **Notice of Hearing.** If the violation is not corrected by timely compliance, the City may order any user which causes or allows an unauthorized discharge to show cause before the City Council why the proposed enforcement action should not be taken. A notice

shall be served on the user specifying the time and place of a hearing to be held by the City Council regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the City Council why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least fourteen (14) days before the hearing. Service may be made on any agent or officer of a corporation.

2. Hearing Officials. The City Council may itself conduct the hearing and take the evidence, or may designate any of its members, administrative law judge, or any officer or employee of the (assigned Department) to:
 - (a.) Issue in the name of the City notices of hearing requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
 - (b.) Take the evidence; and,
 - (c.) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the City Council for action thereon.
3. Transcripts. At any hearing held pursuant to this Ordinance, testimony taken must be under oath and recorded. The transcript, so recorded, shall be made available to any member of the public or any party to the hearing upon payment of the usual charges therefore.
4. Issuance of Orders. After the City Council has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed or existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

Subd. 5. Legal Action. If any person discharges wastewater, industrial wastes, or other wastes into the City's wastewater disposal system contrary to the provisions of this Ordinance, federal or state pretreatment requirements or any order of the City, the City Attorney may commence an action for appropriate legal and/or equitable relief.

Section 19. Penalties.

Subd. 1. Administrative Fines. Notwithstanding any other Section of this Ordinance, any user who is found to have violated any provision of this Ordinance, or Permits and orders issued hereunder, shall be fined in an amount not to exceed \$1,000 per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such assessments may be added to the user's next scheduled sewer service charge. Unpaid charges, fines, and penalties shall constitute a lien against the individual user's

property. Industrial Users desiring to dispute such fines must file a request for the City to reconsider the fine within ten (10) days of being notified of the fine.

Subd. 2. Criminal Penalties. Any person violating this Ordinance shall be guilty of a misdemeanor.

Subd. 3. Costs. In addition to the penalties provided herein, the City may recover court costs, court reporter's fees and other expenses of litigation by an appropriate action against the person found to have violated this Ordinance or the Orders, Rules, Regulations, and Permits issued hereunder.

Subd. 4. Costs of Damage. Any person violating any of the provisions of this Ordinance shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation. The City may add to the user's charges and fees the costs assessed for any cleaning, repair, or replacement work caused by the violation or discharge. Any refusal to pay the assessed costs shall constitute a violation of this Ordinance.

Subd. 5. Falsifying Information. Any person who knowingly makes false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Ordinance, or Industrial Discharge Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance, shall upon conviction, be punished by a fine or by imprisonment, or by both.

Adopted by the Elysian City Council this 13th day of June, 2005

Mayor

(SEAL)

City Administrator/Clerk/Treasurer