

CHAPTER 95

MUNICIPAL WASTEWATER SYSTEM

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95.01 DEFINITIONS. Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows.

1. “Act” means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 *et. seq.*
2. “Approval authority” means the Iowa Department of Natural Resources.
3. “Authority representative of industrial user” means:
 - A. A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy-making or decision-making functions for the corporation;
 - B. A manager of a manufacturing, production and/or operation facility employing more than 30 persons or having gross annual sales or expenditures exceeding \$2 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
 - C. A general partner or proprietor if the industrial user is a partnership or sole proprietorship, respectively;

D. A duly authorized representative of the individual designated in subsection A, B or C of this section if:

(1) The authorization is made in writing by the individual described in subsection A, B or C;

(2) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and

(3) The written authorization is submitted to the City.

4. “BOD” (Denoting Biochemical Oxygen Demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees C.

5. “Building drain” means that part of the lowest horizontal pipe of a drainage system which receives the discharge from waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.

6. “Building sewer” means the extension from the building drain to the public sewer or other place of disposal including the connection device and tap of the main.

7. “CFR” means Code of Federal Regulations.

8. “Categorical Standards” means National Categorical Pretreatment Standards or Pretreatment Standards.

9. “Combined sewer” means a sewer receiving both surface runoff and sewage.

10. “Composite sample” means a sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either time or flow.

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

12. “Customer” means any person who makes application for sewer service to the premises and is responsible for payment of the water and sewer charges for such premises.

13. “Direct discharge” means the discharge of treated or untreated wastewater directly to the waters of the State of Iowa.

14. “Environmental Protection Agency (EPA)” means the U.S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of said agency.
15. “Garbage” means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.
16. “Grab sample” means a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.
17. “Holding tank waste” means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
18. “Industrial user” means a person who discharges industrial wastes into the sanitary sewer system.
19. “Industrial waste” means any liquid, gaseous, radioactive, or solid waste substance from industrial manufacturing processes, trade or business as distinct from normal domestic wastewater.
20. “Infiltration/inflow (I/I)” means the invasion of water into the sanitary system from broken, cracked or misaligned mains, leaking manholes or manholes that have water flow over their covers. Other sources of I & I include private (resident and business) services that are cracked or broken and storm water connections from sump pits and roof drains, or other sources into sanitary sewers. (*Ord. 13-137 – Sep. 12 Supp.*)
21. “Interference” means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both inhibits or disrupts the treatment works, its treatment processes or operations, or its sludge processed, uses or disposal and therefore is a cause of a violation of any requirement of the NPDES Permit (including an increase in the magnitude or duration of a violation) or causes the prevention of sewage sludge use or disposal in accordance with State or Federal statutory provisions and regulation or permits issued thereunder.
22. “National Categorical Pretreatment Standards,” “Pretreatment Standards,” or “Standard” means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c) of the Act (33 U.S.C. 1317) and 40 CFR Chapter 1, subchapter N, Parts 405-471, which applies to a specific category of industrial users.

23. “National Pollutant Discharge Elimination System (or NPDES Permit)” means a permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).
24. “Natural outlet” means any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.
25. “New source” means any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
- A. The building, structure, facility or installation is constructed at a site at which no other source is located; or
 - B. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - C. The production of wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of subsections A, B or C of this section but otherwise alters, replaces or adds to existing process or production equipment.
26. “Normal domestic wastewater” means wastewater that has a BOD₅ concentration of not more than two hundred and fifty milligrams per liter and a suspended solids concentration of not more than two hundred and fifty milligrams per liter.
27. “pH” means the logarithm of the reciprocal of the weight of hydrogen ions, in grams per liter of solution.
28. “Pass through” means a discharge which exits the treatment works into waters of the State in quantities or concentrations which alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirements of the NPDES permit (including any increase in the magnitude or duration of a violation).

29. "Person" means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity or their legal representatives, agents or assigns.
30. "Pollution" means the manmade or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.
31. "Pollutant" means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.
32. "Pretreatment" or "treatment" means 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 a treatment works. The reduction or alteration may be obtained by physical, chemical or biological processes or by other means, except as prohibited by 40 CFR section 4033.6(d).
33. "Pretreatment requirements" means any substantive or procedural requirement related to pretreatment, other than a National Categorical Pretreatment Standard, imposed on an industrial user.
34. "Pretreatment standards" means National Categorical Pretreatment Standards and/or any other pretreatment requirements.
35. "Properly shredded garbage" means the wastes from the preparation, cooking and dispensing of food 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 one-half inch (1.27 centimeters) in any dimension.
36. "Public sewer" means the sewer in which all owners of served property have equal rights, and which is controlled by public authority and is deemed to include mains but not to include any of the building sewer from the main to the connected building or the connection device, tap or wye.
37. "Sanitary sewer" means the sewer in which carries sewage and to which storm waters, surface waters and groundwaters are not intentionally admitted.
38. "Sanitary sewer system" includes main sewers, sewage pumping stations, treatment and disposal plants, lateral sewers, drainage conduits or channels and sewer connections in public streets or private property.

39. “Sewage,” also termed “wastewater,” means a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such groundwater, surface waters and storm waters as may be present.

40. “Sewer” means a pipe or conduit for carrying sewage or storm water.

41. “Significant industrial user” means any industrial user of the City’s wastewater disposal system who has a discharge flow of 25,000 gallons or more of process wastewater per average work day, or has a discharge which is regulated by a National Categorical Pretreatment Standard, or has a process discharge that makes up 5 percent or more of the dry weather average hydraulic or organic capacity of the treatment works, or has a process discharge that makes up 5 percent or more of the dry weather average hydraulic or organic capacity of the treatment works, or has in its wastes toxic pollutants as defined pursuant to Section 307 of the Act or State statutes and rules, or is found by the City, State, or the U.S. Environmental Protection Agency (EPA) to have reasonable potential, either singly or in combination with other contributing industries, for adversely affecting the treatment works, for violating a pretreatment standard or requirement, for impacting quality of sludge, the system’s effluent quality, or air emissions generated by the system.

42. “Significant noncompliance” means a violation which meets one or more of the following:

A. Chronic violations of wastewater discharge limits, defined as those in which sixty-six percent or more all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;

B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH).

C. Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Superintendent or Public Works Director determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of treatment works personnel or the general public);

D. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has

resulted in the exercise of emergency authority under this Code of Ordinances to halt or prevent such a discharge;

E. Failure to meet, within 90 days after the scheduled date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing compliance, or attaining final compliance;

F. Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90 day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

G. Failure to accurately report noncompliance;

H. Any other violation or group of violations which the Superintendent or Public Works Director determines will adversely affect the operation or implementation of the local pretreatment program.

43. "Slug" means any discharge of water sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds, for any period of duration longer than fifteen minutes, more than five times the average twenty-four-hour concentration of flows during normal operation.

44. "Standard Industrial Classification (SIC)" means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1987.

45. "Toxic pollutant" means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of Section 307(a) of the Act or other Acts.

46. "Storm drain," sometimes termed "storm sewer," means a sewer which carries storm waters, surface waters and drainage but excludes sewage and industrial wastes other than unpolluted cooling water.

47. "Superintendent" means the Public Works Director of the City or an authorized deputy, agent or representative.

48. "Suspended solids (SS)" means solids that either float on the surface of or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.

49. "Treatment works" means any devices and systems for the storage, treatment, recycling and reclamation of municipal sewage, domestic sewage or liquid industrial wastes. These include intercepting sewers; outfall sewers;

sewage collection systems; individual systems; pumping, power and other equipment and their appurtenances; extensions, improvement, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal or the residues resulting from such treatment (including land for composting sludge, temporary storage of such compost, and land used for storage of treated wastewater in land treatment systems before land application); or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary sewer system. Also regulation 503 Federal Register Sludge Requirements.

50. "Treatment plant" means that portion of the treatment works designed to provide treatment to wastewater.

51. "U.S.C." means United State Code.

52. "User" means any person who contributes, causes or permits the contribution of wastewater into the City's treatment works.

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

54. "Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently.

95.02 UNSANITARY DISPOSAL UNLAWFUL. It is unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage, sewage, or objectionable waste.

95.03 PRIVIES, SEPTIC TANKS AND CESSPOOLS UNLAWFUL. Except as hereinafter provided, it is unlawful to construct or maintain any privy, privy vault, cesspool or other facility intended or used for the disposal of sewage.

95.04 SEWER CONNECTION REQUIRED. The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer or combined sewer of the City, is hereby required at said owner's expense to install

suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within ninety (90) days after date of official notification to do so, provided that said public sewer is within two hundred (200) feet of the property line.

95.05 SEWER CONNECTION PERMIT REQUIRED. No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb away public sewer or appurtenance thereof without first obtaining a tapping permit form the Public Works Department.

95.06 APPLICATION FOR SEWER PERMIT. The owner or agent shall make application for a permit on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Public Works Director. All tapping permit fees and inspection fees shall be estimated by the Public Works Director annually, for each such service required, subject to Council approval.

95.07 SEWER CONNECTION COST LIABILITY. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

95.08 SEPARATE BUILDING SEWER REQUIRED. A separate and independent building sewer shall be provided for every building. Each new service shall have a BACK-FLOW prevention device approved by the Public Works Director or his/her representative according to the Building and Plumbing Codes of the City.

95.09 TESTING AND USE OF BUILDING SEWERS. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Public Works Department, to meet all requirements of this chapter.

95.10 BUILDING SEWER CONSTRUCTION STANDARDS. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench shall conform to the requirements of Division 4 of the State Building Code or the City Building and Plumbing Codes or other applicable rules and regulations of the City.

95.11 BUILDING SEWER ELEVATION. 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, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

95.12 CONNECTION OF SURFACE RUNOFF SOURCES TO SANITARY SEWER PROHIBITED. No person shall make connection of roof downspouts, exterior foundation drains, sump pumps, 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. Connections of this type that are discovered shall be subject to removal per Section 95.43 of this code, or may be subject to penalties as outlined in the City of Creston's I & I Policy in effect at that time. *(Ord. 13-137 – Sep. 12 Supp.)*

95.13 SEWER CONNECTION STANDARDS. The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the City.

95.14 INSPECTION REQUIRED.

1. The applicant for a building sewer permit shall notify the Public Works Department when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Public Works Director or his/her representative.
2. Any repair or replacement of sewer service lines that requires a sewer permit, an inspection is required for Inflow and Infiltration (I & I) in accordance with the City of Creston's Inflow and Infiltration Policy.

(Ord. 13-137 – Sep. 12 Supp.)

95.15 EXCAVATIONS. All excavation for building sewer installations shall be adequately guarded by the contractor or owner with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Public Works Director.

95.16 UNPOLLUTED WATER PROHIBITED IN SANITARY SEWER. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process waters into any sanitary sewer.

95.17 DISCHARGE OF RUNOFF OR UNPOLLUTED WATER. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers, or to a natural outlet approved by the Public Works Director. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Public Works Director, into a storm sewer,

combined sewer or natural outlet if the user has obtained a NPDES Permit from the State.

95.18 STORM SEWERS — PROHIBITED DISCHARGES. It is unlawful to discharge or cause to be discharged, any sewage or other pollutant into any storm sewer within the City or within any area under the jurisdiction of the City.

95.19 PROHIBITED DISCHARGES. A user may not introduce into the treatment works any pollutants which cause pass through or interference. No user shall contribute or cause to be contributed, directly or indirectly, any of the following substances to the treatment works:

1. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the treatment works or to the operation of the treatment works. Waste streams with a closed-cap flashpoint of less than 60 degrees Celsius (as specified in 40 CFR 261.21) are prohibited. At no time shall two successive readings on an explosion hazard meter at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides chlorates, bromates, carbides, hydrides and sulfides and any other substances which the City, the State or EPA has notified the user is a fire hazard or a hazard to the system.
2. Solids or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshing, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.
3. Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred mg/l, or containing substances which may solidify or become viscous at temperatures between thirty-two and one hundred fifty degrees Fahrenheit (0-65 degrees Celsius), unless approved by the Public Works Director.
4. Any wastewater having a pH greater than 9.5, unless approved by the Public Works Director, or any wastewater having a pH less than 5.5, or wastewater having any other corrosive property capable or causing damage or hazard to structures, equipment, and/or personnel of the treatment works.

5. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not unless approved by the Public Works Director.
6. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to cause interference with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the treatment works, or to exceed the limitation set forth in a National Categorical Pretreatment Standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.
7. Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
8. Any substance which may cause the treatment works effluent or any other product of the treatment works 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 treatment works cause the treatment works to be in noncompliance with the sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act, or new 503 Federal regulations; or any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act, or State criteria applicable to the sludge management method being used.
9. Any substance which will cause the treatment works to violate its NPDES and/or State Disposal System Permit or the receiving water quality standards.
10. Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
11. Any wastewater having a temperature which will inhibit biological activity in the treatment works plant resulting in interference, but in no case wastewater or vapor having a temperature higher than 65 degrees Celsius (150 degrees Fahrenheit), unless approved by the Public Works Director; and in no case wastewater or vapor with a temperature at the introduction into the treatment plant which exceeds 40 degrees Celsius (104 degrees Fahrenheit).
12. Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the treatment works. In no case shall a slug load have a flow rate or contain concentration or quantities of

pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operations.

13. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Public Works Director in compliance with applicable State or Federal regulations.

14. Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride sodium sulfate) unless approved by the Public Works Director.

15. Any discharge of petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.

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

17. Any wastewater which will cause interference with the operation or performance of the treatment works. Any discharges listed above as requiring approval of the Public Works Director shall be evaluated by the Public Works Director based upon such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. When the Public Works Director determines that a user is contributing to the treatment works, any of the above enumerated substances in such amounts as to interfere with the operation of the treatment works, adversely affect sludge or effluent quality, cause hazard to human life, or create a public nuisance, the Public Works Director shall:

- A. Advise the user(s) of the impact of the contribution;
- B. Develop effluent limitation(s) for such user to correct the problem; and
- C. Require a compliance schedule.

95.20 NATIONAL CATEGORICAL PRETREATMENT STANDARDS.

Upon the promulgation of the National Categorical Pretreatment Standards, for a particular industrial subcategory, the National Standards, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter. The National Categorical Pretreatment Standards, 40 CFR Chapter 1, Subchapter N, Parts 405-471, revised as of July 1, 1993, are hereby adopted as part of this chapter. The Public

Works Director shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12.

95.21 MODIFICATION OF NATIONAL CATEGORICAL PRETREATMENT STANDARDS. Where the City's wastewater treatment system achieves consistent removal of pollutants limited by National Categorical Pretreatment Standards, the City may apply to the approval authority for modification of specific limits in the National Categorical Pretreatment Standards. "Consistent removal" means reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system in 95 percent of the samples taken when measured according to the procedures set forth in Section 403.7(c)(2) of Title 40 of the Code of Federal Regulations; Part 403 - "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the Act. The City may then modify pollutant discharge limits in the Federal Pretreatment Standards if the requirements contained in 40 CFR, Part 403, Section 403.7, are fulfilled and prior approval from the approval authority is obtained.

95.22 TRUCKED/HAULED WASTES. The discharge of hauled or trucked wastes, except at points designated by the treatment works, is prohibited.

95.23 SPECIFIC POLLUTANT LIMITATIONS. No person shall discharge wastewater containing pollutants which in combination with other discharges would cause the concentrations at the introduction into the treatment plant to exceed the following limits:

0.025	mg/l arsenic
0.003	mg/l cadmium
0.142	mg/l chromium, total
0.153	mg/l copper
0.061	mg/l cyanide
0.233	mg/l lead
0.000	mg/l mercury
0.118	mg/l nickel
0.057	mg/l silver
0.1 10	mg/l zinc

The Public Works Director shall develop limits for each significant industrial user on a user specific basis to ensure that the above limitations are not exceeded. To ensure that the above limitations are not exceeded the Public Works Director may impose limitations more stringent than those in this chapter.

95.24 STATE REQUIREMENTS. State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in this chapter.

95.25 OIL AND SAND INTERCEPTORS. Grease, oil and sand interceptors shall be provided when, in the opinion of the Public Works Director, they are necessary for the proper handling of liquid waste containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Public Works Director, and shall be located as to be readily and easily accessible for cleaning and inspection.

95.26 EXCESSIVE DISCHARGE. Except where expressly authorized to do so by an applicable Pretreatment Standard, 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 a categorical Pretreatment Standard.

95.27 NOTIFICATION OF CHANGED DISCHARGE. All industrial users shall promptly notify the Public Works Director in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under 40 CFR 403.12(p).

95.28 NOTIFICATION OF DISCHARGE OF HAZARDOUS WASTE. All industrial users shall notify the Public Works Director, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR, Part 261.

95.29 ACCIDENTAL/SLUG DISCHARGES. Each significant industrial user, or any other user as deemed necessary by the City, shall provide protection from accidental/slug discharge of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental/slug discharge of prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City for review, and shall be approved by the City before construction of the facility. All existing users shall complete such a plan within 120 days of the effective date of the ordinance codified in this chapter. No user who commences contribution to the treatment works after the effective date of such ordinance shall be permitted to introduce pollutants into the system until accidental/slug discharge procedures has been approved by the City. Review and approval of such plans and operating procedures shall not relieve the industrial user

from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter. The slug control plan shall contain, at a minimum, the following elements.

1. Description of discharge practices, including non-routine batch discharges;
2. Description of stored chemicals;
3. Procedures for immediately notifying the Public Works Director of slug discharges, including the location of discharge, type of waste, concentration and volume, and corrective actions, and follow up this notification with:
 - A. Within five (5) days following an accidental/slug discharge, the user shall submit to the Public Works Director a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the treatment works, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this chapter or other applicable law.
 - B. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a accidental/slug discharge. Employers shall insure that all employees who may cause or suffer such a accidental/slug discharge to occur are advised of the emergency notification procedure.
4. If necessary, procedures 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 run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment necessary for emergency response.

95.30 RECORD KEEPING REQUIREMENTS. Any industrial user subject to the reporting requirements established in this section shall be required to retain for a minimum of 3 years any records of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make such records available for inspection and copying by the Public Works Director, the approval authority, or EPA. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or when requested by the Public Works Director, the approval authority, or EPA.

95.31 WASTEWATER CONTRIBUTION PERMITS. All significant industrial users proposing to connect to or to contribute to the treatment works shall obtain a wastewater contribution permit before connecting to or contributing to the treatment works.

1. Permit Application. All significant industrial users shall complete and file with the City an application, in the form prescribed by the City. Proposed new significant industrial users shall apply at least 90 days prior to connecting to or contributing to the treatment works. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

A. Name, address, location (if different from the address), and telephone number;

B. SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;

C. Wastewater constituents and characteristics including but not limited to those mentioned in this chapter as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended;

D. Time and duration of contribution;

E. Average daily and 30 minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;

F. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;

G. Description of activities, facilities, plant processes and pretreatment facilities on the premises including all materials which are or could be discharged;

H. The nature and concentration of any pollutants in the discharge which are limited by any City, State, or Federal pretreatment standards, and a statement defining pretreatment standards and whether or not they are being met on a consistent basis and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards;

I. Each product produced by type, amount, process or processed and rate of production;

J. Type and amount of raw materials processed (average and maximum per day);

K. Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;

L. A statement, reviewed by an authorized representative of the user and certified by a Professional Engineer with the State of Iowa indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance and/or additional pretreatment is required for the user to meet the pretreatment standards;

M. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule:

(1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.)

(2) No increment referred to in paragraph (1) shall exceed 9 months.

(3) No later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Public Works Director including, as a minimum, whether or not it complied with the increment of progress to be met on such 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 user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the Public Works Director.

N. Any other information as may be deemed by the City to be necessary to evaluate the permit application. The City will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the City may

issue or deny a wastewater contribution permit subject to terms and conditions provided herein.

2. Permit Modifications. The Public Works Director may modify the wastewater contribution permit for good cause including, but not limited to, the following:

A. After promulgation of a National Categorical Pretreatment Standard, the wastewater contribution permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a wastewater contribution permit, such user shall do so within the time period identified in the Standard. In addition, the user with an existing wastewater contribution permit shall submit to the Public Works Director within the time period identified in the Standard the information required by subsection (C) through (M) of subsection 1 of this section. The terms and conditions of the permit may be subject to modification by the City during the term of the permit as City, State or Federal limitations or requirements are modified or if other just cause exists. The user shall be informed of any proposed changes in the permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

B. To address significant alterations or additions to the industrial user's operation, processes, or wastewater volume or character since the time of the permit issuance.

C. Information indicating that the permitted discharge poses a threat to the treatment works, personnel or the receiving waters.

D. Violation of terms or conditions of the permit.

E. Misrepresentations or failure to fully disclose all relevant facts in the permit application or in any reporting.

F. To reflect a transfer of the facility ownership and/or operation to a new owner/operator.

G. To correct typographical or other errors in the permit.

3. Permit Conditions. Wastewater contribution permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the City.

A. Permits shall contain the following:

- (1) A statement of duration of the permit, not to exceed five years;
 - (2) Requirements for maintaining and retaining plant records relating to wastewater discharge a minimum of three years or as specified by the City, and affording City access there to;
 - (3) A statement regarding the transferability of the permit;
 - (4) Limits on the average and maximum wastewater constituents and characteristics to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, protect ambient air quality, and protect against damage to the treatment works and copy with applicable pretreatment standards;
 - (5) A statement of applicable civil and criminal penalties for violations of the permit.
- B. Permits may contain the following:
- (1) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;
 - (2) Limits on average and maximum rate and time of discharge or requirements for flow regulation and equalization;
 - (3) Requirements for installation and maintenance of inspection and sampling facilities;
 - (4) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
 - (5) Compliance schedules for installation of technology to meet applicable Standards;
 - (6) Requirements for submission of technical reports or discharge reports;
 - (7) Requirements for notification of the City or 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;
 - (8) Requirements for notification of accidental/slug discharges or any other potential problem discharges;

(9) Requirements for notification of the Public Works Director, State or EPA of any discharge which would be considered a hazardous waste if disposed of in a different manner; and

(10) Other conditions as deemed appropriate by the City to ensure compliance with this chapter.

4. Permit Duration. Wastewater contribution permits shall normally be issued for a period of five (5) years. A permit may be issued for a lesser period or may be stated to expire on a specific date. The user shall apply for a permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit.

5. Permit Transfer. Wastewater contribution permits are issued to a specific user for a specific operation. A wastewater 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.

95.32 REPORTING REQUIREMENTS FOR PERMITTEE. The following reports are required for wastewater contribution permit holders:

1. Compliance Date Report. Within 90 days following the effective date of an applicable pretreatment standard, any user subject to the pretreatment standard shall submit to the Public Works Director a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and the average and maximum daily flow for these process units in the user's facility which are limited by such pretreatment standards. The report shall state whether the applicable pretreatment standards are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional.

2. Periodic Compliance Reports.

A. Any significant industrial user shall submit to the Public Works Director during the months of June and December, unless required more frequently in the pretreatment standard or by the Public Works Director, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow. At the discretion of the Public Works Director and in consideration of such

factors as local high or low flow rates, holidays, budget cycles, etc., the Public Works Director may agree to alter the months during which the above reports are to be submitted.

B. The Public Works Director may impose mass limitations on users which are using dilution to meet applicable pretreatment standards, or in other cases where the imposition of mass limitations is appropriate. In such cases, the report required by subsection A of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass, where requested by the Public Works Director, of pollutants contained therein which are limited by the applicable pretreatment standards. All analysis shall be performed in accordance with procedures established by the approval authority pursuant to section 304(g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the approval authority. Sampling shall be performed in accordance with the techniques approved by the approval authority.

3. Categorical Pretreatment Standard — Baseline Report. Within 180 days after the effective date of a categorical Pretreatment Standard, or 180 days after the final administrative decision made upon a category determination submission under 40 CFR 403.6(a)(4), whichever is later, existing industrial users subject to such categorical Pretreatment Standards and currently discharging to or scheduled to discharge to the treatment works shall be required to submit to the Public Works Director a report which contains the information required under 40 CFR 403.13(b)(1)-(7). Where reports containing this information already have been submitted to the State or EPA in compliance with the requirement of 40 CFR 128.140(b), the industrial user will not be required to submit this information again. At least 90 days prior to commencement of discharge, new sources and sources that become industrial users subsequent to the promulgation of an applicable categorical Standard, shall be required to submit to the Public Works Director a report which contains the information listed in 40 CFR 403.12(b)(1)-(5). New sources shall also be required to include in this report information on the method of pretreatment the source intends to use to meet applicable pretreatment standards. New sources shall give estimates of the information requested in 40 CFR 403.12(b) (4) and (5).

95.33 APPLICATION SIGNATORIES AND CERTIFICATION. All wastewater discharge permit applications and industrial user reports must contain

the following certification statement and be signed by an authorized representative of the industrial user.

“I certify under penalty of law that this document and all attachments were prepared under my direct supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

95.34 MONITORING FACILITIES. All significant industrial users shall be required to provide and operate at their own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. 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 in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles. There will be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility and all sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the City’s requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the City.

95.35 TESTING METHODS. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with methods specified in 40 CFR Part 136 and shall be determined at the monitoring facility provided, or upon suitable samples taken at said monitoring facility. In the event that no special monitoring facility has been required, the monitoring facility shall be considered to the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a twenty-four hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and

suspended solids analyses are obtained from twenty-four hour composites of all outfalls, whereas pH's are determined from periodic grab samples.

95.36 PRETREATMENT. Users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all National Categorical Pretreatment Standards within the time limitations as specified. Any facilities required to pretreat wastewater to a level acceptable to the City shall be provided, operated, and maintained continuously and in satisfactory and effective operation at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the City for review, and shall be acceptable to the City before construction of the facilities. Design and installation of such facilities shall be subject to the requirements of all applicable codes, ordinances, and laws. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the City under the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the City prior to the user's initiation of the changes. The City shall annually publish in the largest daily newspaper published in the City a list of the users which were in significant noncompliance with pretreatment requirements or standards during the 12 previous months. The notification shall also summarize any enforcement actions taken against the user during the same 12 months.

95.37 UNUSUAL DISCHARGES — SPECIAL ARRANGEMENTS. No statement contained in this chapter 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 therefor by the industrial concern. Special arrangements shall not be allowed which will cause violation of National Categorical Pretreatment Standards or NPDES permit.

95.38 CONFIDENTIAL INFORMATION. Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public 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 chapter, the National Pollutant Discharge Elimination System (NPDES) Permit, State Disposal System permit and/or the Pretreatment Programs. Wastewater monitoring results will not be recognized as

confidential information. Information accepted by the City as confidential will be provided to the State and EPA upon request without prior notification to the user.

95.39 REVOCATION OF PERMIT. A user is subject to having his/her wastewater contribution permit revoked for any of the following conditions:

1. Failure of a user to report factually the wastewater constituents and characteristics of the discharge;
2. Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;
3. Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or,
4. Violation of conditions of the permit.

95.40 NOTIFICATION OF VIOLATIONS. Whenever the City finds that any user has violated or is violating this chapter, wastewater contribution 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 a specified period of the date of the written notice, a plan for the satisfactory correction thereof shall be submitted to the City by the user.

95.41 HARMFUL CONTRIBUTIONS. The City may suspend wastewater treatment service and/or the wastewater contribution permit of a user 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 or environment, causes interference to the treatment works or causes the City to violate any condition of its NPDES Permit. Any user notified of a suspension of wastewater treatment service and/or its wastewater contribution permit shall immediately stop or eliminate the contribution. In the event of failure of the person 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 treatment works or endangerment to any individuals. The City shall reinstate the wastewater contribution permit and/or the wastewater treatment service, upon payment to the City of all costs of such disconnection and reconnection and upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the City within 15 days of the date of occurrence.

95.42 DAMAGING OR TAMPERING WITH SEWAGE WORKS. No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment

which is a part of the sewage works. Any person violating the provisions of this section shall be guilty of a misdemeanor.

95.43 INSPECTION OF PROPERTIES.

1. Authorized Official; Jurisdiction. The City may inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Owners or occupants of premises where wastewater is created or discharged shall allow the City or its representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, examination and copying of records or in the performance of any of their duties. The City shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the City will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.
2. Deaths Or Damages; Liability. While performing the necessary work on private properties referred to in Section 95.43, the Public Works Director or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to City employees. The City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.
3. Easements. The Public Works Director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

95.44 VIOLATION; PENALTY. Any person found to be violating any provision of this chapter shall be subject to the provisions of the I & I policy in effect at that time.
(Ord. 13-137 – Sep. 12 Supp.)

95.45 STORM WATER. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, sub-surface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as a storm sewer, or to natural outlet approved by the Public Works Director. Industrial cooling water or unpolluted process waters may be discharged on approval of the Public Works Director to a storm sewer or natural outlet.

95.46 SURFACE WATERS EXCEPTION. Special permits for discharging surface waters to a public sanitary sewer may be issued by the Council upon recommendation to the Public Works Director where such discharge is deemed necessary or advisable for purposes of flushing, but any permit so issued shall be subject to revocation at any time when deemed to the best interests of the sewer system.

95.47 ASSURANCE OF COMPLIANCE. Special assessment shall be imposed against property for the costs incurred by the City to bring any particular property into compliance.

95.48 BACKFLOW VALVE. A valve will be required for new construction as outlined under current ordinance and will be required only at location(s) shown to be problem areas that have a history of flooding or poor sewer conditions.

95.49 CERTIFICATE OF INFLOW AND INFILTRATION (I & I) COMPLIANCE.

1. Required. No person shall sell, advertise for sale, give or transact a change in title or property ownership of real property with one or more buildings or structures within the City of Creston, Iowa, or of any property not within the City Corporate limits that is connected to the sanitary sewer system of the City of Creston, Iowa, without first obtaining a certificate of I & I compliance from the City Public Works Office or complying with subsection 5 hereof. For the purposes of this subsection, “give or transact a change in title or property ownership of real property” means the transfer or conveyance by sale, exchange, real estate contract, or any other method by which real estate and improvements are purchased. However, “give or transact a change in title or property ownership of real property” does not include any of the following:

A. A transfer made pursuant to a court order, including but not limited to a transfer under Chapter 633 or 633A of the Iowa Code, the execution of a judgment, the foreclosure of a real estate mortgage pursuant to Chapter 654 of the Iowa Code, the forfeiture of a real estate contract under Chapter 656 of the Iowa Code, a transfer by a

trustee in bankruptcy, a transfer by eminent domain, or a transfer resulting from a decree for specific performance.

B. A transfer to a mortgagee by a mortgagor or successor in interest who is in default, a transfer by a mortgagee who has acquired real property as a result of a deed in lieu of foreclosure or has acquired real property under Chapter 654 or 655A of the Iowa Code, or a transfer back to a mortgagor exercising a right of first refusal pursuant to Section 654.16A of the Iowa Code.

C. A transfer by a fiduciary in the course of the administration of a decedent's estate, guardianship, conservatorship or trust.

D. A transfer between joint tenants or tenants in common.

E. A transfer made to a spouse, or to a person in the lineal line of consanguinity of a person making the transfer.

F. A transfer between spouses resulting from a decree of dissolution of marriage, a decree of legal separation, or a property settlement agreement which is incidental to the decree, including a decree ordered pursuant to Chapter 598 of the Iowa Code.

G. A transfer in which the transferee intends to demolish or raze the building. The transferee shall provide an affidavit stating the time period in which the building will be razed.

H. A transfer of property with a system that was inspected not more than one year prior to the date of the transfer.

I. A deed arising from a partition proceeding.

J. A tax sale deed issued by the County Treasurer.

K. A transfer for which consideration is five hundred dollars or less.

L. A deed between a family corporation, partnership, limited partnership, limited liability partnership, or limited liability company as defined in Section 428A.2. Subsection 15 of the Iowa Code, and its stockholder, partners, or members for the purpose of transferring real property in an incorporation or corporation dissolution or in the organization or dissolution of a partnership, limited partnership, limited liability partnership, or limited liability company under the laws of this State, where the deed is given for no actual consideration other than for shares or for debt securities of the family corporation, partnership, limited partnership, limited liability partnership, or limited liability company.

(Ord. 14-149 – Feb. 14 Supp.)

2. Application and Fees.
 - A. Unless the property owner already has a certificate of I & I compliance for a property, the owner or owner's representative is required to make application for such a certificate before such property is offered for sale, gifted or transferred, and before the owner or owner's representative enters into any contract for deed or other transaction changing the party responsible for the property. Even if the property owner already has a certificate of I & I compliance, if it is more than one year old, a sump pump inspection is required for all properties containing sump pumps.
 - B. At the time of application, the applicant for either a certificate of I & I compliance or a sump pump inspection shall pay the appropriate application fee. Such fees shall be set from time to time by the City.
3. Inspection. The applicant for a certificate of I & I compliance or sump pump inspection is responsible for requesting an inspection of the property after making application and payment of fees. An inspection shall be made by the City to determine whether the property use is in accordance with City sanitary sewer service regulations, as provided in Chapter 95 of this code. The entire property and all buildings on the property shall be made available for inspection.
4. Compliance and Expiration.
 - A. Upon inspection, when the property use is in accordance with City sanitary sewer services regulations, a certificate of I & I compliance will be issued by the City.
 - B. A certificate of I & I compliance is valid to be used for the transfer of property. The certificate of I & I compliance may only be used for property transfer by the owner named on the certificate or the owner's legal representative.
 - C. The certificate of I & I compliance must be conspicuously displayed on the premises at all times when the property is being shown for sale and the owner is responsible for informing any potential buyers, gift recipients or other person to whom he/she intends to transfer title as to his/her receipt of the certificate of I & I compliance.
5. Correction Notice. If an inspection discloses that use of a property is not in accordance with City sanitary sewer service regulations, a corrections notice may be issued by the City permitting the transfer of property, providing:

A. An agreement by the owner or owner's representative has been executed with the City, whereby the owner or owner's representative agrees to complete corrections to the property necessary to bring it within compliance of the City sanitary sewer service regulations, Chapter 95 of this code, within sixty (60) days of the transfer of property.

B. A security to ensure completion of any corrections to the property must be posted with the closing agent in the form of an escrow, or with the City when a closing agent is not involved, at the time of property transfer or closing. The security shall be in an amount at least equal to one hundred twenty-five percent (125%) of the retail value of the work necessary for compliance with this section. The escrow must be fully maintained until a certificate of I & I compliance is issued. A correction notice shall not be issued for more than one hundred eighty (180) days following the first inspection of the property, but it may be extended for additional periods up to one hundred eighty (180) days each by the City Administrator's designee.

The owner (or transferor) and any real estate agents involved in the transaction are responsible for disclosing the correction notice to the transferee and all other persons or entities involved in the transaction. The responsibility for repairing any nonconformance with the sanitary sewer service regulations runs with the land and not only rests with the owner or transferor, but is also an obligation of the transferee(s) of the property.

6. Sanctions. At all times during the certification process, the owner is responsible for any sanctions or surcharges under Chapter 96.

7. Repeated Inspection. Upon inspection, when the property use is not legal in accordance with City sanitary sewer service regulations, the owner shall be entitled to a second inspection to be scheduled within ninety (90) days of the original inspection. If, at this inspection, the City inspector determines that all violations of City sanitary sewer regulations have been corrected, the City shall immediately issue a certificate of I & I compliance.

(Section 95.49 Added by Ord. 13-137 – Sep. 12 Supp.)