

Chapter 18

PUBLIC UTILITIES

Note: As regards public utilities, see also the Charter, Art. 6.

Article 1. Water Service

Note: For the water department, see section 1-12-1 through 1-12-4.

Sec. 18-1-1. Meters: Separate water meters, etc.

- (A) No person shall obtain water from the city waterworks system except what passes through a properly installed and standard water meter approved by the public works director. All water meters shall be provided by the city where the service requires the use of a one (1) inch pipe or less. The city reserves the right to require the owner to pay the cost of a meter in any case where the meter requires the use of a larger pipe. (*§ 18-1.*)
- (B) Any person may, at their option and at their expense, install a separate water meter for agricultural and/or yard irrigation and sprinkling systems meeting the specifications established by the City of Chickasha, in which case they will be billed separately on said meter from their regular meter and at the normal rate provided for by regular users. (*Ord. 1523, § 1.*)

Sec. 18-1-2. Meter locations.

Water meters shall be placed as near as possible to the curb or the property line of the property served. Resident property meters may be placed between the curb and the sidewalk or between the sidewalk and the property line. Meters serving stores or business property shall be placed at a location approved by the public works director. All locations shall first be approved by the public works director. (*Ord. 1428, § 18-2.*)

Sec. 18-1-3. City Public Works Department to install.

All water meters shall be installed by the City of Chickasha public works department. (*Ord. 1428, § 18-3.*)

Sec. 18-1-4. Turning on prohibited.

No person shall turn the water on at any premises or turn the water off except the public works director or his duly authorized agent. Provided that plumbers may turn on water temporarily for testing purposes; in which cases they shall turn the water off immediately after the test is made, and leave the water turned off. (*Ord. 1428, § 18-4.*)

Sec. 18-1-5. Meter register.

The public works director will maintain a register of all meter locations, which shall show the position of every meter on the property, where it is located, the meter side, and model and the date of its installation. The register will further show by whom the meter was installed, and for whom and whether or not the meter was first tested and in good serviceable condition before installation for use. (*Ord. 1428, § 18-5.*)

Sec. 18-1-6. Freezing.

Water meters must be protected at all times from freezing or other injury. In case an injury shall occur, the water department will make the necessary repairs of its own meters without cost to the occupant or user in cases where the same was not caused by

neglect or care by the said occupant or user. A failure to keep the meter box covered, however, shall not be the neglect of the city but of the user, and freezing due to same shall be paid for by the user. A defect of installation in such a way as not to resist freezing shall be cause for the city making its own repairs. In all cases of privately owned meters, the owner or user shall make all repairs at his own cost, or the city will make such repairs upon request at the cost of the user or owner. (Ord. 1428, §18-6.)

Sec. 18-1-7. Meter pits.

When meters are set under sidewalks or floors, a pit at least twelve (12) inches by eighteen (18) inches with opening at the top of equal size must be provided and protected with a dirt-proof top over the meter box. Outdoor meters must be at least eighteen (18) inches and not more than thirty (30) inches below the surface; and in case a change in grade of the yard, parking, or sidewalk is made, the service pipe and meter must be changed to correspond with this standard. (Ord. 1428, § 18-7.)

Sec. 18-1-8. New service pipe.

In cases where new service pipes are being installed, an offset of at least two (2) feet or a swing joint must be made in the pipe to allow for expansion and to facilitate the changing of the water, and a standard curb cock must be supplied with each new service line. Where two (2) or more meters are supplied with one (1) service line, each meter must be provided with an individual cutoff. (Ord. No. 1428, § 18-8.)

Sec. 18-1-9. Yard Hydrants.

No yard hydrants shall be placed nearer than ten (10) feet to any water meter, and in no case shall a yard hydrant be so placed that the drainage there from shall run toward or into the meter pit. (Ord. 1428, § 18-9.)

Sec. 18-1-10. Application for water service.

Any person wishing to connect with the city water system shall make application to the office of the water department. The application shall bear the name of the applicant, the location of the property to be served, including the street name, lot and block number and the class or kind of service for which it is to be used. (Ord. 1428, §18-10.)

Sec. 18-1-11. Tapping.

- (A) In all cases where application is made for water service and where the water system has not been tapped and connected to the premises, it shall be the duty of the applicant to secure a permit from the water department for each opening into the water mains. All applications for permits shall be made in writing upon forms furnished by the water department and signed by the owner or his agent. The application shall be made at least one (1) day before the excavation is ready but not until all plumbing work on the premises is completed and the building is ready for the occupant. Such application shall state the size of the tap required, the kind and size of service pipes to be used, the street and side street, if on a corner, which street main is to be tapped, and the full name of the owner, together with a diagram of the property showing the streets bounding the block and all other particulars pertaining to a full understanding of the subject.
- (B) The tap to be used shall be furnished by the water department, the cost of which, together with that of making the tap, shall be paid by the applicant to the water department at the time of taking out the permit for the connection. No tap shall be made until the permit has been issued.

- (C) No tap for service connections shall be made on any hydrant or elevator connections. No person except the tapper employed by city shall, under any circumstances, tap the distributing pipes of the water system or insert any ferrules. *(Ord. 1428, § 18-11.)*

Sec. 18-1-12. Tapping fee.

- (A) A fee shall be charged for making an attachment and furnishing all labor and materials necessary to provide water service to any commercial, industrial, or residential customer.

- (B) The fees for such tap shall be as follows:

(1)	¾" Tap	\$175.00	\$ 4.00 per foot for bore over 30 feet in length
(2)	1" Tap	\$250.00	\$ 4.25 per foot for bore over 30 feet in length
(3)	1 ½" Tap	\$700.00	\$ 4.50 per foot for bore over 30 feet in length
(4)	2" Tap	\$850.00	\$ 4.70 per foot for bore over 30 feet in length
(5)	Tap larger than 2" For any larger size over and above a 2" tap, a charge shall be made based on the actual cost of labor and materials, and the cost of meter for use of the installation as determined by the water superintendent on current prices.		

- (C) There shall be a \$10.00 service charge assessed against the resident's utility account for each appointment for service missed by the resident. *(Ord. 1618, Sec. 1; Ord. No. 1121, 4/28/88.)*

- (S) Tapping Fee for Water Meter installation by Subdivision Developer.
If the developer of the subdivision installs the water service to the lot(s) within a subdivision at the time of the initial construction of the subdivision and the developer builds upon a lot within said subdivisions then the developer is required to pay only a \$50.00 tapping fee. Said water service shall include all appurtenances necessary for that service, to include the tap, service line, meter yoke, meter box, etc. If any builder other than the developer of record builds upon or within said subdivision then they are required to pay the standard tapping fee. *(Ord. No. 2005-18, 11/21/2005.)*

Sec. 18-1-13. Corporation stop required; location.

- (A) There shall be a corporation stop in every service line attached to the mains.
- (B) There shall be one (1) curb stop attached to every supply pipe at the point of the meter box, and only one (1) per service.

Sec. 18-1-14. Tap; size limited.

Before any permit is granted by the public works director for making a connection larger than one (1) inch, the application shall be examined by him and he shall mark thereon his approval or rejection to the granting of such permit. *(Ord. 1428, § 18-18.)*

Sec. 18-1-15. Boxing pipe inspection.

The boxing of the pipes and the insertion of the taps shall be done by the city. The main pipe shall be tapped one-eighth (1/8) distance down from top and in no case

nearer than eighteen (18) inches off either end of the pipe and the excavation made and dirt cleaned from around the main for that purpose. No pipe shall be tapped on the hub or bill or more than four (4) feet to any other tap on the same section of pipe. (Ord. 1428, §18-19.)

Sec. 18-1-16. Supplying others.

Owners or occupants of any building will not be allowed to supply with water service. Violation of this section will result in water being disconnected. (Ord. 1428, §18-20.)

Sec. 18-1-17. Alterations.

No alterations, additions, or changes shall be made or caused to be made by any consumer without notice of and the usual permit from the public works director, and such additions, alterations or changes shall in all cases be made by a licensed plumber. (Ord. No. 1428.)

Sec. 18-1-18. Service pipe to be maintained.

All consumers of water shall keep their service pipes, stopcocks, and boxes in good repair and shall prevent all unnecessary waste of water. No claim shall be made against the City of Chickasha due to the breaking and leaking of any service cock or service pipe. (Ord. No. 1428, Sec. 18-22.)

Sec. 18-1-19. Hydrants not to run.

No hydrant or fixture shall be kept running when not in use. Taps at washbasins, water closets, bath, and urinals shall be closed in like manner. (Ord. No. 1482.)

Sec. 18-1-20. Ingress.

All persons employed by the City of Chickasha water department, whose job responsibilities require they go upon private property, shall have access during appropriate hours to all parts of the buildings and premises for the purpose of discharging their duties. (Ord. No. 1428, Sec. 18-24.)

Sec. 18-1-21. Shut off; right reserved.

- (A) The city reserves the right to stop the supply of water after five (5) days notice for a violation of any rules and requirements, nor will it be restored to any person except upon payment of all back charges including the payment of twenty dollars (\$20.00) as expense of shutting off and turning on.
- (B) Any customer may appeal a "Shut Off Notice" within five (5) days of receipt of notice to the city manager.
- (C) Any service turned off for violation of any rules and requirements, and upon later inspection shows the meter has been turned on, or additional usage on the meter, shall cause the meter to be removed, and service will not be restored to any person except upon payment of all other charges and rents, plus forty dollars (\$40.00) as expense for removing the meter. (Ord. No. 1428, Sec. 18-25; Ord. No. 2028, 8/10/89).

Sec. 18-1-22. Same; repairs; supply.

- (A) The city reserves the right to shut off the water in its mains for the purpose of making repairs or extensions. The city assumes no responsibility for damages to boilers, tanks, or similar equipment.

- (B) The city does not guarantee the delivery of water through any of its mains and connecting service pipes at any time.

Sec. 18-1-23. Water; free use; when.

Any person not authorized by the city shall not take water from any public or private hydrant, except for fire purposes and for the use of the fire department in case of fire. No one may use or take water for private use without first paying for the same and receiving a receipt therefore. (Ord. No. 1428, Sec. 18-27).

Sec. 18-1-24. Hydrants; injury to, etc.

No person shall remove, obstruct or injure any fire hydrant, valve box or cover, stopcock or cover or in any way injure any building or machinery or carry off or injure any pipe, apparatus, tools or fixtures, or other property of the waterworks. It shall be the duty of the owner of the premises to see that stop boxes are kept in sight aboveground and unobstructed at all times. (Ord. No. 1428, Sec. 18-28).

Sec. 18-1-25. Unlawful to turn on water.

If any person, from whose premises the water shall have been shut off for any of the reasons herein provided, shall turn the water on or cause the same to be turned on without authority from the city, he or she shall, on conviction, be punished by a fine in any amount not exceeding one hundred dollars (\$100.00) and each day of such unlawful use of such water shall constitute a separate offense. (Ord. 1428, Sec. 18-29).

Sec. 18-1-26. Meter deposit.

- (A) All persons who shall become, or are now connected as water customers to the city, shall before being permitted to use water, make a security deposit for the payment of any and all bills and charges for water so consumed as follows:

- | | | |
|-----|---------------------|---|
| (1) | Residential deposit | \$50.00 |
| (2) | Commercial deposit | 1 ½ times the estimated average bill per month. |

- (B) All persons or firms who have in excess of one meter may combine deposits under one name and one billing address in a bulk account. However, failure to pay any account in a timely manner or having account turned off for lack of payment forfeits their bulk account status.

- | | | |
|-----|------------------|--|
| (1) | Bulk Residential | \$200.00 |
| (2) | Bulk Commercial | 4 times the estimated average bill on the largest account per month. |
- (08/17/92, Ord. No. 92-16)

Sec. 18-1-27. Record of deposits.

The water department shall keep an accurate record of all deposits made; and when any such person shall discontinue the use of water service, the amount so deposited shall be refunded to him, less any valid charges for water consumed. Until all charges for water consumed have been paid, such deposit shall be held as security for the payment of such water. (Ord. 1428, Sec. 18-31.)

Sec. 18-1-28. Water rates.

- (A) There shall be charged, assessed and collected from each consumer of water supplied by the City water system within the city limits a monthly fee established by a resolution of the City Council. (Amended 05/07/2001; Ord. No. 2001-04; Ord. No. 2004-02, 01/20/2004.)

- (B) The fees established for consumption of water supplied by the City water system will be reviewed periodically and changed by resolution of the City Council. *(Amended 05/07/2001; Ord. No. 2001-04; Ord. No. 2004-02, 01/20/2004.)*
- (C) There shall be charged, assessed, and collected from each consumer of water outside the City limits, consuming water supplied by the City water system, a monthly fee, which shall be double the amount established by a resolution of the City Council for consuming water within the City limits. *(Amended 05/07/2001, Ord. No. 2001-04; Ord. No. 2004-02, 01/20/2004.)*
- (D) There shall be charged, assessed, and collected from each consumer of water supplied by the City water system a monthly fee of \$1.00 per meter for all meters located inside the City limits and a monthly fee of \$2.00 per meter for all meters located outside the City limits. Monies collected from this fee shall be maintained in a separate fund and shall be used for capital improvements to the water system of the City of Chickasha. *(Amended 06/04/2007, Ord. No. 2007-08.)*

Ed. Note: Res. 1939, eff. 7/1/88, set rates for over 10,000 gallons at 75 cents per 1,000 gallons. Apartment unit rates were set at \$4.75 per occupied unit for the first 2,000 gallons. All usage over 2,000 gallons is billed at the residential rates. Apartment owners are to file occupancy reports each January 1 and July 1.

Sec. 18-1-29. Raw water rates.

- (A) All customers who have water meters for raw water shall pay a minimum of \$4.75 per month on the regular billing cycle, as other city customers.
- (B) No persons shall be provided water taps on the Fort Cobb waterline, other than those persons who have a city waterline easement across the property. Any other raw water users must be under special agreement or contract. (Ord. 1428, § 18-33.)

Sec. 18-1-30. Fire hydrant water rates.

Fire hydrant water rates shall be as follows:

- 500 gallons - - - - - \$1.50
- 1,000 gallons - - - - - 3.00
- Each additional 1,000 gallons - - 3.00 *(Ord. 1428, § 18-34.)*

Sec. 18-1-31. General water policies.

- (A) All utility bills shall be mailed in one of two cycles. First cycle bills are to be mailed the 1st of each month and second cycle bills to be mailed the 15th.
- (B) First cycle bills shall be due and payable by the 10th of each month and second cycle bills shall be due and payable by the 25th of each month. Bills not paid by the due date shall be charged a ten percent (10%) penalty to be added to the bill.
- (C) Utility bills remaining unpaid for two consecutive months shall be disconnected for non-payment.
 - (1) A five-dollar (\$5.00) service charge shall be paid plus the bill in full before service is restored. In case the customer shall have turned the water on without city approval, a penalty of forty dollars (\$40.00) shall be charged, plus the five dollar (\$5.00) service charge, plus the bill in full.

(2) Prior to disconnection for non-payment, the customer shall be sent a notice at least two (2) weeks prior to service interruption.

(3) Customers may appeal water service disconnection directly to the city manager.

(4) In addition to all other reconnection charges, any hotel [as defined in Section 7-7-2 (A)(2)] shall be charged an additional reconnection fee of \$200.00 if the hotel utilities have been disconnected pursuant to Section 7-7-11 for delinquent payment of hotel tax more than once in a twelve month period. *(Ord. No. 2008-10, 03/03/2008.)*

(D) Utility bills with due dates (10th or 25th of the month) falling on Saturday, Sunday, or holidays shall be due the next regular working day.

(E) The City shall assume responsibility for all mains, lines, meters, etc., on the city side of the meter. Customers shall be responsible for all lines, valves, etc., on the private property side of the meter.

Sec. 18-1-32. Emergency water policies relating to shortage of water supply.

(A) Whenever an emergency exists by reason of a shortage of water due to an inadequate supply, limited treatment, or distribution capacity or failure of equipment or material, the mayor, city council, or city manager is hereby authorized to restrict or prohibit the use of water from the City's water system. *(Ord. No. 2002-02, 01/07/2002.)*

(B) An emergency shall exist whenever the mayor, city council, or city manager determine the City's water system will not be able to supply the water needs of the city and its water customers, including adequate fire protection, within a sixty (60) day period. *(Ord. No. 2002-02, 01/07/2002.)*

(C) If an emergency is declared to exist by either the mayor or the city manager as authorized by this section, the city council, either a regular or special meeting called for such purpose, shall consider the existence of such emergency within a period of seven (7) days from the decision by the mayor or the city manager. During the interim before consideration by the city council, the mayor, or city manager as the case may be, may implement the appropriate restriction to water usage as set forth below. *(Ord. No. 2002-02, 01/07/2002.)*

(D) Upon a determination by the mayor, city manager, or city council, that such an emergency exists, the mayor, city manager, or city council, as the case may be, shall authorize an announcement to be made implementing any or all of the following measures:

(1) Restrict water usage during certain periods of the day or week according to an orderly, non-discriminatory plan.

(2) Prohibit usage non-essential to public health and safety. The selected measure or measures may be revised as necessary.

(3) The emergency status as set forth within this section shall remain in effect until such time as the mayor, city manager, or city council announces the emergency has passed and the emergency measures that had been implemented shall end. *(Ord. No. 2002-02, 01/07/2002.)*

Sec. 18-1-33. Fluoride in water supply.

The quantity of fluoride in the public water supply shall be controlled in such manner that the amount present in the water served to the public shall be in conformity with the policy, and subsequent changes thereto, established by the Oklahoma State Board of Health. *(Ord. 1667, 8/25/83.)*

Article 2. Wastewater Treatment Regulations

Sec. 18-2-1. Declaration of public utility.

The sanitary sewer system of the City of Chickasha is hereby declared to be a public utility and a proper source of revenue for the upkeep and maintenance of said sewer system and for other purposes. (§ 18-43.)

Sec. 18-2-2. Purpose and policy.

This article sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the City of Chickasha and enables the City to comply with all applicable State and Federal laws required by the Clean Water Act of 1977, as amended, and the General Pretreatment Regulations (40 CFR, Part 403.), as amended.

The objectives of this article are:

- (A) To prevent the introduction of pollutants into the municipal wastewater system, which will interfere with the operation of the system or contaminate the resulting sludge.
- (B) To prevent the introduction of pollutants into the municipal wastewater system, which will pass through the system inadequately, treated, into the receiving waters or the atmosphere or otherwise be incompatible with the system.
- (C) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and
- (D) To provide for equitable distribution of the cost of the municipal wastewater system.

This article provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer's capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

The article shall apply to the City of Chickasha and to persons outside the City of Chickasha who are, by contract or agreement with the City of Chickasha, users of the City of Chickasha POTW. This is a supplement to Ordinance No. 1428 as amended. Except as otherwise provided herein, the city manager of the City of Chickasha shall administer, implement, and enforce the provisions of this article. (§ 18-44)

Sec. 18-2-3. Definitions.

Unless the context specifically indicates otherwise the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

- (1) Act or "The Act" 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 The Director in the NPDES State with an approved State Pretreatment Program and the Administrator of the EPA in a non-NPDES state without an approved state pretreatment program.
- (3) Authorized Representative of Industrial User An authorized representative of an Industrial User may be:
 - (a) A responsible corporate officer. For the purposes of this article a responsible corporate officer shall mean; 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 – or decision-making functions for the corporation, or the manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980) dollars, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
- (b) A general partner or proprietor if the industrial user is a partnership or sole proprietorship, respectively;
 - (c) A duly authorized representative of the individual designated above if; The authorization is made in writing by the individual described in paragraph (a) or (b) above; 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 the written authorization is submitted to the city.
- (4) Biochemical Oxygen Demand (BOD₅). The quantity of oxygen utilized in the biochemical oxidation of organic matter under approved laboratory procedure, according to 40 CFR 136, five (5) days at 20° centigrade expressed in terms of weight and concentration (milligrams per liter (mg/l)).
- (5) Building Sewer. A sewer conveying wastewater from the premises of a user to the POTW.
- (6) Bypass. The intentional diversion of waste streams from any portion of an Industrial user's treatment facility.
- (7) Categorical Standards. National Categorical Pretreatment Standards or Pretreatment Standard.
- (8) City. The City of Chickasha or the City Council and Pretreatment Staff of the City of Chickasha.
- (9) City Manager. The person designated by the city to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this article, or his duly authorized representatives.
- (10) Collector line. The sanitary sewerage line that receives the sewage effluent from the individual residences/businesses via lateral lines.
- (11) Composite Sample. A combination of individual samples obtained at regular intervals over a specified time period. The volume of each individual sample may be either proportional to the flow rate during the sample period (flow proportional composite) or constant and collected at equal time intervals during the composite period.
- (12) Control Authority. The term "control authority" shall refer to the city as defined hereinabove.
- (13) Conventional Pollutant. As defined by Federal Law, these include, BOD, TSS, fecal coliform bacteria, oil and grease, and pH.
- (14) Cooling Water. The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
- (15) Direct Discharge. The discharge of treated or untreated wastewater directly to the waters of the State of Oklahoma.
- (16) Domestic wastewater. Wastewater that is generated by a family residence, apartment, dwelling unit, or other user containing contributions from only sanitary facilities.

- (17) Environmental Protection Agency, or EPA. The U.S. Environmental Protection Agency or where appropriate the term may also be used as a designation for Administrator or other duly authorized official of said agency.
- (18) Garbage. Shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.
- (19) Grab Sample. 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.
- (20) Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
- (21) Indirect Discharge. The discharge or the introduction of nondomestic pollutants from any source regulated under Section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).
- (22) Industrial User. A source of Indirect Discharge.
- (23) Interference. The inhibition or disruption of the POTW processes or operations, which contributes to a violation of any requirement of the City's NPDES Permit (including an increase in the magnitude or duration of a violation). The term includes prevention of sewage sludge use or disposal by the POTW in accordance with 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any State sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.
- (24) National Categorical Pretreatment Standard or Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) or (c) of the Act (33 U.S.C. 1347) which applies to a specific category of industrial user.
- (25) National Prohibitive Discharge Standard or Prohibitive Discharge Standard. Any regulation developed under the authority of 307 (b) of the Act and 40 CFR, Section 403.5.
- (26) Natural Outlet. Any outlet into a watercourse, ditch, lake or other body of surface or groundwater.
- (27) New Source. Any building, structure, facility or installation from which there 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: The building, structure, facility or installation is constructed at a site at which no other source is located; or the building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or the production of wastewater generating processes of the building, 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.
- (28) Noncontact Cooling Water. Water used for cooling which does not come into contact, direct contact, with any raw material, intermediate product, waste product, or finished product.
- (29) Non-conventional Pollutant. All pollutants, which are not included in the list of conventional or toxic pollutants in 40 CFR Part 401.
- (30) Nondomestic Source. Any source of discharge of wastewater from any facility other than a residential unit.
- (31) National Pollutant Discharge Elimination System or NPDES permit. A permit issued pursuant to section 402 of the Act. (33 U.S.C. 1342).

- (32) Pass Through. A discharge, which exits the POTW into the water 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 requirement of the POTW's NPDES, permit (including an increase in the magnitude or duration of a violation).
- (33) Person. 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. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.
- (34) pH. The logarithm (base 10) of the reciprocal of the concentration of the hydrogen ions measured in grams per liter of solution and expressed in Standard Units.
- (35) Pollution. The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.
- (36) Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.
- (37) Pretreatment or Treatment. 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 POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes other means, except as prohibited by 40 CFR Section 403.6(d).
- (38) Pretreatment Coordinator or Coordinator. The person in responsible charge of the daily activities of the Pretreatment Program. This person is also the Wastewater Treatment Plant Manager for the City of Chickasha.
- (39) Pretreatment Inspector or Inspector. The person responsible for the daily activities of the Pretreatment Program.
- (40) Pretreatment Requirements. Any substantive or procedural requirement related to the pretreatment, other than a National Pretreatment Standard imposed on an industrial user.
- (41) Process Wastewater. Any water which, during the manufacturing or processing, comes into contact with or results from production or use of any raw material, intermediate product, finished product, by-product, or waste product.
- (42) Publicly Owner Treatment Works (POTW). A treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the City. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment. For the purposes of this article, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the City of Chickasha who are, by contract or agreement with the City of Chickasha, users of the City of Chickasha's POTW.
- (43) POTW Treatment Plant. That portion of the POTW designed to provide treatment to wastewater.
- (44) Public Works Director or Director. The person in charge of the Public Works Department for the City of Chickasha. This person also acts as the Director of the Industrial Pretreatment Program.
- (45) Service Area. Any area serviced by the City of Chickasha POTW including but not limited to, those areas the city holds easements for such service.
- (46) Severe Property Damage. Substantial physical damage to property, damage to the treatment facilities which cause them to be inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

- (47) Shall is mandatory; May is permissive.
- (48) Significant Industrial User. Any industrial user of the city's wastewater disposal system who is subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter 1, Subchapter N; or
- (a) Has a discharge flow of 25,000 gallons or more per average workday of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater).
 - (b) Contributes a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant, or
 - (c) Is designed as such by the Control Authority as defined in 40 CFR 403.12(a) on the basis that the industrial user has reasonable potential for adversely affecting the POTW's operation, or
 - (d) For violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

Upon finding that a noncategorical industrial user meeting the criteria of this section has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the City may at any time, on its own initiative or in response to a petition received from an industrial user or POTW, and in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a significant industrial user.

(49) Slug. Any discharge of a non-routine episodic nature, including but not limited to an accidental spill or non-customary batch discharge or any discharge violating the specific prohibitions under 40 CFR 403.5(b).

(50) State. State of Oklahoma.

(51) Standard Industrial Classification (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

(52) Storm Sewer or Storm Drain. A sewer, which carries, storm water and drainage but excludes domestic wastewater and polluted industrial wastes.

(53) Storm Water. Any flow occurring during or following any form of natural precipitation and resulting therefrom.

(54) Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering by approved procedures according to 40 CFR 136.

(55) Toxic Pollutant. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of CWA 307(a) or other Acts.

(56) Unpolluted Water. Water not subject to man-made or man-induced alteration of the chemical, physical, biological, or radiological properties.

(57) User. Any person who contributes causes or permits the contribution of wastewater into the City's POTW.

(58) Wastewater. The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

(59) Waters of the State. All streams, lakes and 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.

(60) Wastewater Discharge Permit. A city permit authorizing limited discharge of pollutants as set forth in this article.

(61) Appeal Board. A committee comprised of seven (7) members, to be appointed by City Council. The committee will hear cases for potential escalated enforcement action referred by the City Pretreatment Staff per the Enforcement Response Plan and to act as a hearing board for appeals of administrative fines. The seven positions will be as follows:

- 2 Pretreatment Staff (Director and Coordinator)
- 2 Positions to be appointed from within the City Council.
- 3 Positions to be appointed from the regulated industrial users.

(62) Significant Noncompliance. An industrial user will be considered in significant noncompliance if its discharge meets one or more of the criteria following (re: 40 CFR 403.8(f)(2)(vii)).

- (a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all 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 measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average 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 Control Authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW 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 POTW's exercise of its emergency authority under paragraph (f)(1)(vi)(B) of 40 CFR 403.8, to halt or prevent such a discharge;
- (e) Failure to meet, within 90 days after schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, 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 scheduled;
- (g) Failure to accurately report noncompliance;
- (h) Any other violation or group of violations, which the Control Authority determines, will adversely affect the operation or implementation of the local pretreatment. (§ 18-45)

Sec. 18-2-4.

Abbreviations.

The following abbreviations shall have the designated meanings:

<u>BOD</u>	Biochemical Oxygen Demand.
<u>CFR</u>	Code of Federal Regulations.
<u>COD</u>	Chemical Oxygen Demand.
<u>EPA</u>	Environmental Protection Agency.
<u>l</u>	Liter.
<u>mg</u>	Milligrams.
<u>Mg/l</u>	Milligrams per liter.
<u>NPDES</u>	National Pollutant Discharge Elimination System.
<u>POTW</u>	Publicly Owned Treatment Works.
<u>SIC</u>	Standard Industrial Classification.

<u>SWDA</u>	Solid Waste Disposal Act, 42 U.S.C. 6901, et. seq.
<u>USC</u>	United States Code.
<u>TSS</u>	Total Suspended Solids. (§ 18-46)

Sec. 18-2-5. General Prohibitions.

A user may not introduce into the POTW any pollutant(s), which cause pass through or interference. These general prohibitions and the specific prohibitions in 18-2-7 (§18-51.3) of this article apply to each user introducing pollutants into the POTW whether or not the user is subject to National Pretreatment Standards or any national, state or local pretreatment requirements. (§ 18-47)

Sec. 18-2-6. Affirmative Defense.

A user shall have an affirmative defense in any action brought against it alleging a violation of the general prohibitions established 18-3-5 (§18-47) and the specific prohibitions in 18-3-7(c), (d), (e), (f), and (g) (§18-49) of this section where the user can demonstrate that:

- (a) It did not know or have reason to know that its discharge, alone or in conjunction with a discharge or discharges from other sources would cause pass through or interference; and
- (b)(1) A local limit designed to prevent pass through and/or interference, as the case may be, was developed in accordance with 40 CFR 403.5(c) for each pollutant in the user's discharge that caused pass through or interference, and the user was in compliance with each such local limit directly prior to and during the pass through or interference; or
- (2) If a local limit designed to prevent pass through and/or interference, as the case may be, has not been developed in accordance with 40 CFR 403.5(c) for the pollutants that caused the pass through or interference, the user's discharge directly prior to and during the pass through or interference did not change substantially in nature and constituents from the user's prior discharge activity when the POTW was regularly in compliance with the POTW's NPDES permit requirements and, in the case of interference, applicable requirements for sewage sludge use or disposal. (§ 18-48)

Sec. 18-2-7. Specific Prohibitions.

In addition, the following pollutants shall not be introduced into the POTW:

- (A) Pollutants which create a fire or explosion hazard in the POTW, including but not limited to, waste streams with a closed cup flash point of less than 140 degrees Fahrenheit or 60 degrees centigrade using the test methods specified in 40 CFR 261.21.
- (B) Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0, or greater than or equal to 12.5 Standard Units, unless the works is specifically designed to accommodate such discharges;
- (C) Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in interference, such as, but not limited to, grease, garbage with particles greater than one-half inch in any dimension, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble, dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt, residues, residues from refining, or processing of fuels or lubricating oil, mud, or glass grinding or polishing wastes.

- (D) Any pollutant, including oxygen-demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration, which will cause interference with the POTW.
- (E) Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 40 degrees C (104 degrees F), unless the Approval Authority, upon request of the POTW, approves alternate temperature limits.
- (F) Petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin in amounts that will cause interference or pass through.
- (G) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- (H) Any trucked or hauled pollutants, except at discharge points designated by the POTW.
- (I) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the city manager in compliance with applicable state or federal regulations.
- (J) Any wastewater, which causes a hazard to human life or creates a public nuisance.
- (K) Any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters unless specific approval is obtained from the city manager. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the city manager and the state department of public health. Industrial cooling waters or unpolluted process waters may be discharged on approval of the city manager and the state department of public health, to a storm sewer or natural outlet.
- (L) The use of enzymes, hot water, emulsifiers, or other agents to cause oil and/or grease to pass through the user's grease trap or treatment unit designed to remove oil and/or grease.

When the city manager determines that a user(s) is contributing to the POTW, any of the above-enumerated substances, the city manager shall:

- (1) Advise the user(s) of the impact of the contribution on the POTW; and
- (2) Develop effluent limitation(s) for such user to correct the interference with the POTW. (§ 18-49)

Sec. 18-2-8. Federal Categorical Pretreatment Standards.

Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under this Article for sources in that subcategory, shall immediately supersede the limitations imposed under this Article. The city manager shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12. (§ 18-50)

Sec. 18-2-9. Specific Pollutant Limitations.

No person shall discharge wastewater, which at the point of entry to the City POTW, contains in excess of:

	Daily Maximum mg/l	Daily Average mg/l
Arsenic (Total)	0.06	0.05
Cadmium (Total)	0.14	0.12
Chromium (Total)	7.05	6.34
Copper (Total)	3.11	2.71
Cyanide (Total)	0.07	0.05
Lead (Total)	2.88	2.58
Mercury (Total)	0.08	0.07
Molybdenum (Total)	0.24	0.20
Nickel (Total)	0.42	0.36
Silver (Total)	17.29	15.55
Zinc (Total)	3.73	3.08
Selenium (Total)	0.11	0.09

(§ 18-51.) (Amended 07/17/2006, Ord. No. 2006-16).

Sec. 18-2-10. 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 article. (§ 18-52.)

Sec. 18-2-11. City's Right of Revision.

No statement in this article is intended or may be construed to prohibit the city manager from establishing specific wastewater discharge criteria more restrictive where wastes are determined to be harmful or destructive to the facilities of the POTW or to create a public nuisance or to cause the discharge of the POTW to violate effluent or stream water quality standards, or to interfere with the use or handling of sludge, or to pass through the POTW resulting in a violation of the NPDES permit, or to exceed industrial pretreatment standards for discharge to municipal wastewater treatment systems as imposed by the state department of public health and/or the United States Environmental Protection Agency. (§ 18-53)

Sec. 18-2-12. Excessive Discharge.

No user shall ever increase the use of process water or, in any way; attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the city or state. (§ 18-54)

Sec. 18-2-13. Accidental Discharges.

- (A) Protection from accidental discharge. All industrial users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental discharge into the in-plant transfer or processing and materials-handling areas, and from diked areas or holding ponds of any waste regulated by this article. The wastewater discharge permit of any user who has a history of significant leaks, spills or other accidental discharge of waste regulated by this article shall be subject on a case-by-case basis to a special permit

condition or the requirement for the construction of facilities and establishment of procedures which will prevent or minimize the potential for such accidental discharge. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's expense. Detailed plans showing facilities and operating procedures shall be submitted to the city manager before the facility is constructed. The review and approval of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility to provide the protection necessary to meet the requirements of this article.

- (B) Notification of accidental discharge. Any person causing or suffering from any accidental discharge shall immediately notify the POTW treatment plant by telephone to enable countermeasures to be taken by the city manager to minimize damage to the POTW, the health and welfare of the public, and the environment. This notification shall be followed, within five (5) days of the date of the occurrence, by a detailed written statement describing the cause of the accidental discharge and measures being taken to prevent future occurrence. Such notification will not relieve the user of liability for any expense, loss, or damage to the POTW, 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 article or state or federal law.
- (C) Notice to employees: Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.
- (D) Slug Control and Spill Prevention Plans. At least, once every two years all significant industrial users will be evaluated to determine if there is a need for plan to control slug discharges. If such plan is required it will 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 POTW of slug discharges, including any discharge that would violate a discharge prohibition under 40 CFR 403.5(b) with procedures for follow-up, written notification within five days.
 - (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 runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutant (including solvents), and/or measures and equipment for emergency response. (§ 18-55)

Sec. 18-2-14. Wastewater Discharge Administration.

- (A) shall be unlawful to discharge without a (city) permit to any natural outlet within the City of Chickasha, or in any area under the jurisdiction of said city, and/or to the POTW any wastewater except as authorized by the city manager in accordance with the provisions of this article.
- (B) All users or prospective users, which generate domestic or non-domestic wastewater, shall make application to the city manager for written authorization to discharge to the municipal wastewater treatment system. The application shall be in a form and require such information about the user as the city manager may prescribe. Applications shall be required from all new dischargers as well as for any existing discharger

desiring additional service. Connection to the municipal sewer shall not be made until the application is received and approved by the city manager and the building sewer is installed in accordance with applicable codes and an inspection has been performed by the proper city official

- (C) The receipt by the city of a prospective customer's application for service shall not obligate the city to render the service. If the service applied for cannot be supplied in accordance with the article and the city's rules and regulations and general practice, the application shall be rejected, and there shall be no liability of the city to the applicant for such service, except that conditional waivers for additional services may be granted by the city manager for interim periods if compliance may be assured within a reasonable period of time. (§ 18-56)

Sec. 18-2-15. Wastewater Contribution Permits.

(A) Determination of Significant Industrial Users.

(1) All users or prospective users which generate nondomestic wastewater shall, when making application for discharge pursuant to 18-3-14 (§18-56) provide the following information.

- (a) Name (owners and operators).
- (b) Address, and location, (if different from the mailing address)
- (c) The Standard Industrial Classification SIC of the operation(s) carried out by the applicant;
- (d) Wastewater volume;
- (e) Wastewater constituents and characteristics;
- (f) Discharge variations;
- (g) A description of all toxic materials handled on the premises;
- (h) Any other information deemed necessary by the city manager, including but not limited to, site plans, floor plans, mechanical and plumbing plans and details of existing and proposed pretreatment and/or equalization facilities;

(2) If the city manager determines that the applicant constitutes a significant industrial user, then the conditions of 18-3-15 (B) (§18-57) shall apply.

(B) Significant Industrial Users.

(1) All significant industrial users proposing to connect to or to contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW. All existing unpermitted significant industrial users shall apply for a wastewater discharge permit within thirty (30) days after the effective date of this article and shall be required to qualify for granting of the wastewater discharge permit within one hundred and eighty (180) days after the effective date of this article. Proposed new users shall apply at least ninety (90) days prior to connecting to or contributing to the POTW.

(2) The following additional information shall be required to obtain a wastewater discharge permit:

- (a) A list of any environmental control permits held by or for the facility.
- (b) A brief description of the nature and average rate of production of the facility. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
- (c) The user shall submit information showing the measured average daily flow and maximum daily flow, in gallons per day, to the POTW from each Regulated process stream and other streams as necessary to allow use of the combined wastestream formula of 40 CFR 403.6(3). The city may

- allow for verifiable estimates of these flows where justified by cost or feasibility considerations.
- (d) The user shall identify the Pretreatment Standards applicable to each regulated process.
 - (e) The user shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the city or Pretreatment Standards) of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations.
 - (f) A minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The city may waive flow-proportional composite sampling for any industrial user that demonstrates that flow-proportional sampling is infeasible. In such cases, samples may be obtained through time-proportional composite sampling techniques or through a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged.
 - (g) The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this section.
 - (h) For categorical industrial users: Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the user should measure the flows and concentrations necessary to allow use of the combined wastestream formula of 40 CFR 403.6(e) in order to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit, along with supporting data, shall be submitted to the city.

For non-categorical industrial users: Samples should be taken just prior to connection with the POTW. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the city.

- (i) Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto. Where 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the administrator determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the Administrator.
- (j) The city may allow the submission of a baseline report, which utilizes only historical data so long as the data is sufficient to determine the need for industrial pretreatment measures.
- (k) The baseline report shall indicate the time, date and place of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.

- (l) This report will contain a statement, reviewed by an authorized representative of the industrial user (as defined in 18-3-3 (§18-45) and certified to by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O and M) and/or additional pretreatment is required for the industrial user to meet the Pretreatment Standards and Requirements.
- (m) Any user who elects or is required to construct new or additional facilities for pretreatment shall as a part of the application for wastewater discharge permit submit plans, specifications and other pertinent information relative to the proposed construction to the city manager for approval. Plans and specifications submitted for approval must bear the seal of a professional engineer registered to practice engineering in the state. A wastewater discharge permit shall not be issued until such plans and specifications are approved. Approval of such plans and specifications shall 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 article.
- (n) If additional pretreatment and/or operation and maintenance will be required to meet the pretreatment standards; the application shall include 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. For the purpose of this paragraph, "Pretreatment Standards" shall include either a national pretreatment standard or a pretreatment standard imposed by this article. 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 nine (9) months.
 - (3) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the city manager 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 the 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 city manager.
- (o) Where the industrial user's categorical Pretreatment Standard has been modified by a removal allowance (40 CFR 403.7), the combined wastestream formula (40 CFR 403.6(e)), and/or Fundamentally Different factors variance (40 CFR 403.13) at the time the user submits the report required by paragraph (b) of this section, the information required by paragraphs (l) and (n) of this section shall pertain to the modified limits.
- (p) If the categorical Pretreatment Standard is modified by a removal of allowance (40 CFR 403.7), the combined wastestream formula (40 CFR 403.6(e)), and/or Fundamentally Different Factors variance (40 CFR 403.13) after the user submits the report required by paragraph (b) of

this section, any necessary amendments to the information requested by paragraphs (l) and (n) of this section shall be submitted by the user to the city within 60 days after the modified limit is approved.

- (q) 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 a wastewater discharge permit subject to terms and conditions provided herein.
- (r) The city manger will act only on applications containing all the information required in this section. Persons who have filed incomplete applications will be notified by the city manger that the application is deficient and the nature of such deficiency and will be given thirty (30) days to correct the deficiency. If the deficiency is not corrected within such extended period as allowed by the city manager, the city manager shall submit the application to the city council with a recommendation that it be denied and notify the applicant in writing of such action.

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 a Wastewater Contribution Permit subject to the terms and conditions provided herein.

- (C) Permit Modifications.
Within nine (9) months of the promulgation of the 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 as required by this article, the user shall apply for a Wastewater Contribution Permit within 180 days after the promulgation of the applicable Federal Categorical Pretreatment Standard. In addition, the user with an existing Wastewater Contribution Permit shall submit to the city manager within 180 days after the promulgation of an applicable Federal Categorical Pretreatment Standard the information required by paragraph (n) of 18-3-15 (B) (§18-57) (Significant Industrial Users).
- (D) Permit Conditions.
Wastewater Contribution Permits shall be expressly subject to all provisions of this article and all other applicable regulations, user charges and fees established by the city.

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 regulations and equalization;
- (3) Requirements for installation and maintenance of inspection and sampling facilities;
- (4) Compliance schedules;
- (5) Requirements for submission of technical reports or discharge reports.

Permits shall contain the following:

- (1) Limits of applicable wastewater constituents and characteristics;

- (2) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- (3) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by city, and affording city access hereto;
- (4) Requirements for notification of 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;
- (5) Requirements for notification of slug discharges as per 18-3-13 Accidental Discharges (§18-55);
- (6) A statement of applicable penalties for violation of pretreatment standards and requirements;
- (7) Other conditions as deemed appropriate by the city to ensure compliance with this article.

(E) Permit Duration

Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit re-issuance a minimum of 180 days prior to the expiration of the user's existing permit. 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 article are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of the change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(F) Permit Transfer.

Wastewater Contribution Permits are issued to a specific user for a specific operation. A wastewater contribution permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or 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.

(G) Regulation of Holding Tank Waste Disposal.

(1) Permit – No person, firm, association, or corporation shall clean out, drain, or flush any septic tank or any other type of wastewater or excreta disposal system, unless such person, firm, association, or corporation obtains a permit from the city manager to perform such acts or services. Any person, firm, association, or corporation desiring a permit to perform such services shall file an application on the prescribed form. Upon any such application, said permit shall be issued by the city manager when the conditions of this division have been met, and providing the city manager is satisfied the applicant has adequate and proper equipment to perform the services contemplated in a safe and competent manner.

(2) Fees – For each permit issued under the provisions of this division, an annual permit charge therefore shall be paid to the city. The applicable fee schedule shall be adopted by the city council by resolution.

(3) Designated disposal locations – The city manger shall designate approved locations for the emptying and cleansing of all equipment used

in the performance of the services rendered under the permit herein provided for, and it shall be a violation hereof for any person, firm, association or corporation to empty or clean such equipment at any place other than a place so designated.

(4) Revocation of permit - Failure to comply with all provisions of this article shall be sufficient cause for the revocation of such permit by the city manager. (§ 18-57)

Sec. 18-2-16. Reporting Requirements for Permittee.

(A) Compliance Date Report.

Within 90 days following the date of final compliance with applicable Pretreatment Standards or, in the case of a New Source, following commencement of the introduction of wastewater into the POTW, any user subject to Pretreatment Standards and Requirements shall submit to the city manager a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by Pretreatment Standards and Requirements and the average and maximum daily flow for these process units in the user facility which are limited by such Pretreatment Standards and Requirements. The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional O & M and/or pretreatment is necessary to bring the user into compliance with the applicable Pretreatment Standards and Requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional.

(B) Periodic Compliance Report.

(1) All Significant Industrial Users (SIU's) shall submit to the city manager during the months of June and December, unless required more frequently in the Pretreatment Standard, the user's Wastewater Contribution Permit, or by the city manager, a report of summarizing wastewater discharge activities. At the discretion of the city manager and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the city manager may agree to alter the months during which the above reports are to be submitted.

(2) The city manager may impose mass limitations on SIU's in cases where the imposition of mass limitations is appropriate. In such cases, the report required by subparagraph (1) of this paragraph shall indicate the mass of pollutants regulated by the Wastewater Contribution Permit and/or Pretreatment Standards in the effluent of the user.

(3) The reports required by this article 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 city manager, of the pollutants contained therein which are limited by the wastewater discharge permit and/or applicable pretreatment standards. The frequency of monitoring shall be prescribed in the wastewater discharge permit or in the pretreatment standards. All sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto. Where 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the administrator determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other

applicable sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the administrator.

(4) If the industrial user monitors any pollutant more frequently than required by the wastewater discharge permit, using test procedures approved under 40 CFR Part 136 or as specified by the permit, the results of such monitoring shall be included in the calculation and results will be reported on the next scheduled report to the city. Such increased monitoring frequency shall also be indicated on the report.

(5) If the industrial user receives any laboratory analysis, using test procedures approved under 40 CFR Part 136 or as specified by this article, that is in violation of the standards as set in this article or the wastewater discharge permit, the permittee will notify the city manager of this violation within 24 hours of the receipt of the report.

(6) If the industrial user receives any laboratory analysis, using test procedures approved under 40 CFR Part 136 or as specified by their wastewater discharge permit, that is in violation of the standards as set in their permit, the industrial user has 30 days to resample the wastestream for the parameter(s) in violation and submit the results of both sets of data to the city manager. This 30-day period begins on the day the industry receives the data in violation, except the industrial user is not required to resample if:

- (a) The city performs sampling at the industrial user at a frequency of at least once per month, or
- (b) The city performs sampling at the user between the time when the user performs its initial sampling and the time the user receives the results of this sampling.

(7) All reports required by this article shall be signed by an authorized representation of the industrial user as defined in 18-3-3. (§ 18-45).

(8) If an authorized representative is no longer accurate because of a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization must be submitted to the city prior to or together with any reports to be signed by an authorized representative.

(9) The following certification will accompany all reports submitted under this article:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information 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."

(10) The industrial user shall give notice to the city manager 90 days prior to any facility expansion, production increase, or process modifications, which results in new or substantially increased discharges or a change in the nature of the discharge.

(C) Retention of Records.

(1) The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete

the application for this permit, for a period of at least three years from the date of the sample, measurement, report or application. This period may be extended by request of the city manager at any time.

(2) All records that pertain to matters that are the subject of special orders or any other enforcement or litigation activities brought by the city manager shall be retained and preserved by the permittee until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

(D) Records Contents.

Records of sampling information shall include:

- (1) The date, exact place, time, and methods of sampling or measurements, and sample preservation techniques or procedures;
- (2) Who performed the sampling and measurements;
- (3) The date(s) analyses were performed;
- (4) Who performed the analyses;
- (5) The analytical techniques or methods used; and
- (6) The results of such analyses (§ 18-58)

Sec. 18-2-17. Monitoring Facilities.

The city shall require to be provided and operated at the user's own expense, monitoring facilities to allow inspection, and 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 location would be impractical or cause undue hardship on the user, allow the facility to be located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such a sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the 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. (§ 18-59)

Sec. 18-2-18. Inspection and Sampling.

All users generating wastewater classified as a nondomestic source (as defined in §18-45) shall allow the city manager and/or his authorized representative, the approval authority, state and EPA upon presentation of proper credentials:

- (a) To enter upon the user's premises where a discharge source to the POWT is located or where records are required to be kept under the terms and conditions of this article, and at reasonable times to copy these records;
- (b) To inspect at reasonable times any monitoring equipment or method or any collection, treatment, pollution management, or discharge facilities required under this article; and
- (c) To sample at reasonable times any discharge of pollutants to the POTW.
- (d) At least annually, the city shall sample and inspect the facilities of all significant industrial users to ascertain whether the purpose of this article is being met and all requirements are being complied with. The city, state, approval authority, and EPA 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 the necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the city, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

- (e) All expenses associated with field activities relating to compliance monitoring activities, including sampling and laboratory expenses, shall be recovered from the user. Such assessments may be added to the user's next scheduled sewer service charge and the city manager shall have such other collection remedies as he has to collect other service charges.
- (f) The city manager or authorized official and other duly authorized employees of the City of Chickasha, bearing proper credentials and identification, shall be permitted to enter all private properties through which the City of Chickasha holds duly negotiated easement for the purposes 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.
- (g) All schedules related to compliance monitoring are considered on-going investigations and are not available to the public. (§ 18-60)

Sec. 18-2-19. Pretreatment

(A) Proper Operation and Maintenance.

The industrial user shall, at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes but is not limited to: effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back up or auxiliary or similar system only when necessary to achieve compliance with the conditions of this permit.

(B) Duty to comply.

Upon reduction, loss, or failure of the pretreatment facility, the industrial user shall, to the extent necessary to maintain compliance with its permit, control production or all discharges or both until the operation of the treatment facility is restored or an alternate method of treatment is provided. This requirement applies, for example, when the primary source of power of the treatment facility fails or is reduced. It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(C) Bypass of treatment facilities.

(1) An industrial user may allow a bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the reporting requirements of this section.

(2) If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the city, if possible, at least ten days before the date of the bypass.

(3) An industrial user shall submit oral notice of an anticipated bypass that exceeds applicable Pretreatment Standards to the city within 24 hours when the industrial user becomes aware of the bypass. A written submission shall also be provided within 5 days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The city may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

(4) Bypass is prohibited unless;

- (a) It was unavoidable to prevent loss of life, personal injury or severe property damage;
- (b) There was no feasible alternative, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
- (c) The industrial user submitted the notices as required by paragraph (2) and (3) of this section.

(5) The city may approve an anticipated bypass, after considering its adverse effects, if the city determines that it will meet the three conditions listed in (4) of this section. (§ 18-61)

Sec. 18-2-20. Confidential information.

Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be made available to the public or other governmental agency 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.

All confidential business information will be available for review for the State of Oklahoma and USEPA officials that are in direct control of the industrial pretreatment program upon request, provided the requesting agency cites the authority under which it is making the request and adequate arrangements are made to safeguard this material. Such release of information will require a signature of an authorized representative of the appropriate agency. If such information is released to a regulatory agency, the affected business will be notified in writing of such release within 10 days of such release. The information released will be clearly marked as Confidential Business Information. Rules governing handling of confidential business information requested by the USEPA will be according to 40 CFR 2.215(b).

No employee or officer of the City of Chickasha or the Chickasha Municipal Authority may disclose or use for his or her private advantage, any business information which came into his or her possession, or to which he or she gained access, by virtue of his or her official position or employment, except in relation to activities of the industrial pretreatment program. (§ 18-62)

Sec. 18-2-21. Order for entry.

Upon the failure or refusal of the user to permit entry to his premises by the city manager and/or his authorized representative for purposes of determining compliance with this article or to conduct compliance sampling as provided for by 18-3-18 (§18-60) of this article, the city manager, or his designated representative, through counsel shall apply to the District Court of Grady County for an order authorizing entry to the premises for purposes of determining compliance with this article. Such application shall be brought pursuant to the authorization of Title 63 Oklahoma Statutes, Section 1-909A, Section 308 of the Federal Water Pollution Control Act as amended by the Clean Water Act of 1977, 40 CFR Section 403, and other applicable federal and state laws, regulations, amendments, and supplements thereto. (§ 18-63)

Sec. 18-2-22. Harmful contributions.

The city may suspend the wastewater treatment service and/or Wastewater Contribution Permit when such a 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, causes interference to the POTW or causes the city to violate any condition of its NPDES permit.

Any person notified of suspension of the wastewater treatment service and/or Wastewater Contribution Permit shall immediately stop or eliminate the contribution. In the event of a 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 POTW system or endangerment to any individuals. The city shall reinstate the Wastewater Contribution Permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge, unless revocation procedures set forth in this article are initiated against the user. 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. (§ 18-64)

Sec. 18-2-23. Revocation of permit.

Any user, who violates the following conditions of this article, or applicable state and federal regulations, is subject to having his permit revoked in accordance with the procedures of this section.

- (a) Failure of a user to factually report the wastewater constituents and characteristics of his discharge;
- (b) Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;
- (c) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or,
- (d) Violation of conditions of the permit. (§ 18-65)

Sec. 18-2-24. Notification of violation.

Whenever the city finds that any user has violated or is violating this Article, Wastewater Contribution Permit, or any prohibition, limitation of requirements contained herein, the city may serve upon such person a written notice stating the nature of the violation. Within 30 days of the date of the notice, a plan for the satisfactory correction thereof, to include specific required actions, shall be submitted to the city by the user. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. (§ 18-66)

Sec. 18-2-25. Show cause hearing.

- (A) city may order any user, who causes or contributes to violation of this article or wastewater permit, or order issued hereunder, to show cause before the Appeal Board why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of the hearing to be held by the Appeal Board, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the Appeal Board, 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 ten (10) days before the hearing. Such notice may be served on any principal executive, general partner or corporate officer. Whether or not a duly notified industrial user appears as noticed, immediate enforcement action may be pursued.
- (B) The Appeal Board shall conduct the hearing and take the evidence, or may designate any of its members or Pretreatment Program Personnel of the City of Chickasha to:
- (1) Issue in the name of the city notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
 - (2) Take the evidence;
 - (3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Appeal Board for action thereon.
- (C) any hearing held pursuant to this article, testimony taken must be under oath and recorded. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof;
- (D) The findings of the show cause hearing will be presented to the city council at the next regularly scheduled meeting. (§ 18-67)

Sec. 18-2-26. Legal action.

If any person discharges sewage, industrial wastes, or other wastes into the city's disposal system contrary to the provisions of this article, federal or state pretreatment requirements, or any order of the city, the city may commence an action for appropriate legal and/or equitable relief in the District Court of Grady County. (§ 18-68)

Sec. 18-2-27. Compliance order.

When the Appeal Board finds that an industrial user has violated the article or a permit or order issued hereunder, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service shall be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued. (§ 18-69)

Sec. 18-2-28. Consent orders.

The city manager is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the industrial user responsible for the noncompliance. Such orders will include specific action to be taken by the industrial user to correct the noncompliance within a time

period also specified by the order. Consent orders will have the same force and effect as administrative orders issued pursuant to §18-69. (§ 18-70)

Sec. 18-2-29. Cease and desist orders.

When the city manager finds that an industrial user has violated or continues to violate this article or any permit or order issued hereunder, the city manager may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

- (a) Comply forthwith;
- (b) Comply in accordance with a time schedule set forth by the city manager.
- (c) Take such appropriate remedial or preventative action in the event of a threatened violation; or
- (d) Surrender his applicable user's permit if ordered to do so after show cause hearing.

Failure of the city to issue a cease and desist order to a violating user shall not in any way relieve the user from any consequences of a wrongful or illegal discharge. (§ 18-71)

Sec. 18-2-30. Publication of violation.

The city shall annually publish in the Chickasha Daily Express-Star newspaper a list of the users, which are found to be in significant noncompliance, with their Wastewater Contribution Permit and/or any Pretreatment Requirement or Standards during the previous 12 months. The notification shall summarize any enforcement actions taken against the user(s) during the same 12 months.

All records relating to compliance with Pretreatment Standards shall be made available to officials of the EPA or Approval Authority upon request. (§ 18-72)

Sec. 18-2-31. Criminal penalties.

Notwithstanding any other section of this article, any user who is found to have violated any provision of this article, and the orders, rules, regulations and permits issued hereunder, upon conviction, may be fined no more than One Thousand Dollars (\$1,000.00) per violation per day in accordance with the approved Enforcement Response Plan. Each violation shall be deemed a separate and distinct offense. These fines shall be assessed by the City of Chickasha Municipal Court. These fines will be issued according to the approved Enforcement Response Plan. Industrial users desiring to dispute such fines shall be able to appeal such ruling to a court of competent jurisdiction.

In addition to the above-described penalty and damages, the city manager may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement activities. The city manager shall petition the court to impose, assess, and recover such sums. In determining the amount of liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the industrial user's violation, corrective actions by the industrial user, the compliance history of the user, and any other factor as justice requires. (§ 18-73)

Sec. 18-2-32. Falsifying information.

Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this article, or Wastewater Contribution Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this article, shall, upon conviction be punished by a fine of not

more than One Thousand Dollars (\$1,000.00) or by imprisonment for not more than 30 days or both for each offense. In addition to the above, the reports and other documents required to be submitted or maintained under 40 CFR 403.12 shall be subject to:

- (a) The provisions of U.S.C. Section 1001 relating to fraud and false statements.
- (b) The provisions of Section 309(c)(4) of the Act, as amended, governing false statements, representation or certification; and
- (c) The provisions of Section 309(c)(6) regarding the responsible corporate officers. (§ 18-74)

Sec. 18-2-33. Remedies cumulative.

- (A) All remedies set forth in this article are cumulative. The use of one remedy shall not be a bar to the use of any other remedy provided by law or by this article. (§ 18-75)

Sec. 18-2-34. Charges and fees.

The city may adopt charges and fees, which may include:

- (a) Fees for reimbursement of costs setting up and operating the city's Pretreatment Program;
- (b) Fees for monitoring, inspections, and surveillance procedures;
- (c) Fees for reviewing accidental discharge procedures and construction;
- (d) Fees for permit applications;
- (e) Fees for filing appeals;
- (f) Other fees as the city may deem necessary to carry out the requirements contained herein.

These relate solely to the matters covered by this chapter and are separate from all other fees chargeable by the city. (§ 18-76)

Article 3. Use of Public Sewers

Sec. 18-3-1. Requirements for proper wastewater disposal.

- (A) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the service area of the city, any human or animal excrement, garbage or other objectionable waste.
- (B) It shall be unlawful to discharge to any waters of the state within the service area of the city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article.
- (C) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended for the disposal of sewage.
- (D) Where a public sanitary system is not available under the provisions of this section, the building shall be connected to a private sewage disposal system complying with all local and state regulations.
- (E) Except as provided in this section, the owner of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes situated within the service area and abutting on any street, alley, or right-of-way in which there is located a public sanitary sewer, is

hereby required at his 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 article and the plumbing ordinance of this city within ninety (90) days after the date of official notice to do so, provided that said sewer is within three hundred (300) feet of the property. Any residence, business or industrial establishment having had sewers available for ninety (90) days shall be considered a user whether connected or not and shall be subject to paying the appropriate user fees and charges or industrial recovery charges as set by ordinance or resolution.

- (F) An industrial facility may discharge wastewater to the waters of the state provided that it obtains an NPDES permit and meets all the requirements of the Federal Clean Water Act, the NPDES permit, and any other applicable local, state, or federal statutes and regulations. Such facility shall be considered a user of the public sewers or the POTW only if it contributes, causes or permits the contribution of wastewater into the city's POTW.
- (G) Grease, oil and sand interceptors shall be provided when, in the opinion of the city manager, or designated official, they are necessary for the proper handling of liquid wastes 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 city manager or designated official, and shall be located as to be readily and easily accessible for cleaning and inspection.

Truck and interceptor lines and appurtenances outside the city limits must be installed to meet the code specifications then in effect. Upon completion and prior to acceptance each project or addition must be inspected to ensure code compliance. The transfer of each addition must include easements for maintenance and the exclusive right to control the lines and appurtenances as set forth in the governing codes. (§ 18-77)

Sec. 18-3-2. Physical connections to public sewers.

- (A) All connections to the sanitary sewer system of the city shall be made under the direction of the city.
- (B) No person shall uncover, make any connections with opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the city.
- (C) No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment, which is part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.
- (D) All costs and expenses incident to the installation, connection, and inspection 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.

- (E) Each building connected with a sanitary sewer shall have its own separate building sewer connecting it with the sanitary sewer main.
- (F) Building sewers and service lines shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city.
- (G) All excavations for building sewer installations shall be adequately guarded 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 city.
- (H) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, basement drains, or other sources of surface runoff or groundwater to a building sewer or service line, which in turn is connected directly or indirectly to a public sanitary sewer.
- (I) Each individual property owner or user of the POTW shall be entirely responsible for the maintenance of their service line and lateral that leads to the public sewer collector line. This maintenance will include repair or replacement of the service line as deemed necessary by the building official.
- (J) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural water course approved by the city manager; and
- (K) Industrial, non-contact cooling water may be discharged, on approval of the city manager, to a storm sewer or natural watercourse. (§ 18-78)

Sec. 18-3-3. New sewer lines.

The City of Chickasha, as a public, certifies that all new sewer lines whether it be laterals, service lines, or mains will be constructed in accordance with the standards set forth by the Oklahoma Department of Health. (§ 18-79)

Sec. 18-3-4. Private Sewer Line Connections.

All private service lines connected to the City of Chickasha public sewer system shall include a pop-off device, or other city-approved backflow prevention device, connected to the sanitary sewer clean out, to protect against backflow. Said device shall be of sufficient size and quality to prevent backflow to individual residences or businesses. All installed pop-off devices shall be registered with the City of Chickasha and properly maintained and secured by said property owner. (Amended 02/07/2005, Ord. No. 2005-002).

Sec. 18-3-5. Exempting Liability.

Failure to meet the conditions of this ordinance effectively exempts the City of Chickasha from all liability in the event of a sanitary sewer back-up. (Amended 02/07/2005, Ord. No. 2005-002).

Sec. 18-3-6. Severability.

If any provision, paragraph, word, section, or article of this is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and chapters shall not be affected and shall continue in full force and effect. (§ 18-80) (Amended 02/07/2005, Ord. No. 2005-002).

Sec. 18-3-7. Conflict.

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this ordinance are hereby repealed to the extent of such inconsistency or conflict. (§ 18-81) (Amended 02/07/2005, Ord. No. 2005-002).

Article 4. Sewer Service

Sec. 18-4-1. Purpose.

It is the purpose of this article to provide for the recovery of costs from users of the city's wastewater disposal system for the operation and maintenance of the POTW and implementation of the program established herein. The applicable charges or fees shall be set forth in the City's Schedule of Charges and Fees. (§ 18-82)

Sec. 18-4-2. Payment of wastewater discharges.

- (A) All persons who discharge domestic sewer waste into the municipal wastewater system shall be assessed a monthly fee for services in an amount established by a resolution of the City Council. (Ord. No. 2004-02, 01/20/2004.)
- (B) The fee shall be assessed against each individual residence, separate living unit, apartment, or business. (Ord. No. 2004-02, 01/20/2004.)
- (C) Apartments shall be assessed per occupied unit. Apartment owners are required to file an occupancy report on January 1 and July 1 of each year. (Ord. No. 2004-02, 01/20/2004.)
- (D) "Domestic wastewater" is defined as wastewater, which has strengths of less than 225 mg/l BOD, 225/l suspended solids (Ord. No. 2004-02, 01/20/2004.)
- (E) In cases in which domestic sewer waste is discharged, but the user has no meter, the City Manager or his designee shall determine the quantity and strength of discharge into the POTW and establish the appropriate charges. (Ord. No. 2004-02, 01/20/2004.)
- (F) All persons, may at their option and at their expense, install sanitary sewer metering devices meeting the specifications established by the City of Chickasha, in which case the fee shall be charged based upon actual sewer flow as determined by reading the sewer meter and calculating charges as provided by resolution of the City of Chickasha. (Ord. No. 2004-02, 01/20/2004.)

Sec. 18-4-3. Charges outside the city limits.

- (A) All sewer services furnished outside the corporate city limits of the City of Chickasha shall be furnished to the user double the rates, which are charged within the city limits.
- (B) The users shall be subject to all code provisions herein relating to the sewer service charge. (§ 18-84)

Sec. 18-4-4. Billing and penalties.

- (A) All water customers of the City of Chickasha shall be billed a sewage charge, if that customer has access to the municipal sewage system.

This service charge shall be billed together with the water and sanitation bills of the City of Chickasha.

- (B) Procedures and penalties established for the payment of water and sanitation bills shall apply to payment of sewer service charges. (§ 18-85)

Sec. 18-4-5. Charges due; delinquent bills.

- (A) The fee for the sanitary sewer shall be billed to each user, monthly, along with the bill for water and other services
- (B) Upon failure to pay by the 10th day of the month, in full, the user shall be subject to have the sewer service disconnected, water service disconnected or both water and sewer services cut off, without notice, and a penalty of five dollars (\$5.00) shall be charged to all sewer bills becoming delinquent and the amount of the sewer bill and the penalty shall be paid before sewer service is restored. (§ 18-86)
- (C) In addition to all other reconnection charges, any hotel [as defined in Section 7-7-2(A)(2)] shall be charged an additional reconnection fee of \$200.00 if the hotel utilities have been disconnected pursuant to Section 7-7-11 for delinquent payment of hotel tax more than once in a twelve month period. (Ord. No. 2008-10, 03/03/2008.)

Sec. 18-4-6. Payment for industrial waste discharges

- (A) If the city manager determines that an industrial waste is acceptable under the discretionary powers given him under this chapter, the contributor of the industrial waste shall be required to make payment of a charge to cover the cost of handling and treating the wastes. As permitted by this chapter, if the city accepts the waste, the city and the industrial concern contributing the waste shall enter into an agreement whereby the city will accept the waste and the industrial concern will make payment therefore by one of the methods set forth in subsection (b) or (c) of this section.
- (B) If the volume or character of the waste to be accepted by the city is such that wastewater collection, pumping, handling, treating or disposal facilities of the city must be improved, expanded, enlarged or added to in order to take care of such waste, then prior to such acceptance, the industrial concern shall enter into an agreement whereby the industrial concern shall make full payment for all added costs the city may incur due to acceptance of the waste. Added costs to the city shall include:
 - (1) Amortization of all capital outlay for handling and treating the waste, including new capital outlay and the proportionate part of the value of the existing system used in handling and treating the wastes. The amortization shall be completed in a fifteen (15) year period and payments shall include all debt service costs.
 - (2) All operation and maintenance costs including salaries and wages, power costs, costs of chemicals and supplies, proper allowance for maintenance depreciation, overhead and other office expense.
- (C) If the volume or character of the waste to be accepted by the city is such that it will not overload the sewage collection, pumping, handling, treating or disposal facilities of the city, then prior to such acceptance, the city and industrial concern shall enter into an agreement whereby the industrial concern shall make payments of an industrial waste charge to be calculated according to the following procedures:

$$C_u = (V_u \times V_c) + (S_c \times S_u) + (B_u \times B_c)$$

Where:

- C_u = Total user charge per unit of time.
 V_c = Base charge for transportation and treatment of 1000 gallons of wastewater volume (as established by 18-5-2 above).
 V_u = Volume contribution per unit of time in 1000 gallons.
 B_c = Total cost for treatment of one pound of biochemical oxygen demand (BOD).
 B_u = Total BOD contribution (in pounds) above the base level from a user per unit of time calculated as follows: (if the BOD concentration is below 225 mg/l this shall be equal to zero; BOD in formula below expressed in mg/l).

$$B_u = V_u \times (BOD - 225) \times 8.34$$

- S_c = Total cost for treatment of one pound of suspended solids.
 S_u = Total suspended solids (TSS) contribution (in pounds) above the base level from a user per unit of time calculated as follows: (if the suspended solids concentration is below 225 mg/l this shall be equal to zero; TSS in formula below expressed in mg/l).

$$S_u = V_u \times (TSS - 225) \times 8.34$$

- (1) BOD = 5 day BOD in mg/l, and TSS – Suspended Solids in mg/l, as defined elsewhere, and shall be determined from a 24-hour composite sample;
 - (2) The determination of flow, BOD, and suspended solids shall be made by an independent firm or laboratory selected by the city;
 - (3) The time of selection of the sample shall be at the sole discretion of the city, but at least on an annual basis to adjust the industrial charge to reflect current costs of wastewater treatment; and
 - (4) The applicable surcharge determined by such tests shall be retroactive for two (2) billing periods and shall continue for six (6) billing periods unless subsequent tests determine that the surcharge should be further increased.
- (D) The basis for determining the surcharge shall be reviewed annually and shall be adjusted to reflect any increase or decrease in wastewater treatment costs based on the previous year's experience.
- (E) Billing shall be by the month and shall be shown as a separate item on the regular bill for water and sewer charges and shall be paid monthly in accordance with existing practices. (§ 18-87)

Article 5. Extension of water and sewer lines

Sec. 18-5-1. Compliance with building and fire regulations; master plan, etc.

- (A) No new connection to, or extension of, either the water or sewer system to the City of Chickasha shall be made within or outside the corporate limits of the city for the purpose of furnishing water or sewer service to any building or premises, unless such service has been constructed in accordance with all of the provisions of the building and fire codes and regulations of the City of Chickasha and in accordance with all of the elements of the officially adopted master plan, zoning regulations, and

major streets and highway plans; and further provided, that said building or premises shall be located on lots which comply with the subdivision regulations of the City of Chickasha.

- (B) All of the permits, plans, and inspection fees required by the applicable ordinances of the City of Chickasha shall be applicable to buildings and structures located outside the corporate limits and receiving sewer or water service from the City of Chickasha.
- (C) No permit to connect such buildings or premises to either the water or sewer system of said city, or extension thereof, shall be issued until there has been compliance with these regulations. *(Ord. 1428, Sec. 18-75.)*

Article 6. Utility Meters

Sec. 18-6-1. Utility meter installation.

- (A) All utility meters or regulatory devices within the City of Chickasha, including electric, water, and gas shall be installed in appropriate locations, which shall be unobtrusive, and in a manner not to endanger public health, safety, and welfare.
- (B) In no case, shall any utility meter of any type be installed on a public street right-of-way, unless said meter shall be placed underground or in an area, which is unobtrusive and acceptable to the city inspector of the City of Chickasha.
- (C) Gas and electric meters shall be placed on or adjacent to the structure to which a service is being provided, or on or in the utility or alley easements, or in a location approved by the city inspector of the City of Chickasha.
- (D) Exceptions to this rule may be granted only by the city manager under unusual circumstances whereby the utility meter or regulatory devices must be located in a public right-of-way. *(Ord. 1428, Sec. 18-76.)*

Article 7. Limited Access Facilities System

Sec. 18-7-1. Utility meter installation.

- (A) Certain streets within the City of Chickasha as may be designated and specified by this article and all subsequent amendments thereto, are declared to be streets within and limited access facilities system of the City of Chickasha as hereby created.
- (B) The following streets are specifically designated and included in their entirety within the limited access facility system within the City of Chickasha, to wit:

Chickasha Avenue	21 st Street
23 rd Street	Country Club Road
16 th Street	14 th Street
9 th Street	Idaho Avenue
4 th Street	3 rd Street
12 th Street	Frisco Avenue
Grand Avenue	Choctaw Avenue
Carolina Avenue	

- (C) These streets as so designated and this limited access facilities system is created in accordance with the authority granted the city under Title 69 of the Oklahoma Statutes, Section 1302, (O.S. 1991), and the City of Chickasha shall hereafter exercise and enjoy any and all rights provided for such limited access facilities systems under the laws of the State of Oklahoma.
- (D) The City of Chickasha shall hereafter make such improvements as it may deem necessary to any and all such streets included within this limited access system and shall further provide for the financing of such improvements by such means as it may deem reasonable and necessary as provided under the statutes of the State of Oklahoma. (*Ord. 1428, Sec. 18-77.*)

Article 8. Penalties

Sec. 18-8-1. Penalties.

- (A) Any person found to be violating any provision of this chapter shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof.
- (B) Any person who shall be convicted of violating any provision of this chapter provided for in subsection (a) of this section shall be fined an amount not to exceed the maximum amount allowed by law for non-jury trials and court costs. Each day in which any such violation shall continue shall be deemed a separate offense.
- (C) Any person violating any of the provisions of this chapter shall become liable to the city for any expense by reason of such violation.
- (D) Failure to pay monthly bills for water or sanitary sewer services when due or failure to pay the established sewer charge for industrial waste when due shall result in disconnection of any and all services to the water and/or sanitary sewer lines of the city. Repeated discharge of prohibited waste to the sanitary sewer shall be penalized as provided in Sec. 18-66 et. seq.