INDUSTRIAL PRETREATMENT ORDINANCE

REVISED November 2026

Western Lake Superior Sanitary District

Duluth, Minnesota

PRETREATMENT ORDINANCE GENERAL OUTLINE

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ARTICLE I – AUTHORITY AND GENERAL PROVISIONS

Section 1. Introduction

The Western Lake Superior Sanitary District (WLSSD or District) was created by the State of Minnesota through Minnesota Laws 1971, Chapter 478. It is currently codified in Minnesota Statutes, Chapter 458D and this statute gives the WLSSD delegated authority to operate a wastewater treatment district including the Industrial Pretreatment Program and supersedes any community rules or requirements related to federal pretreatment standards and requirements. The District is responsible for the ownership and operation of a network of interceptor sewers and a regional wastewater treatment facility. This regional system is responsible for the conveyance, treatment and disposal of industrial and domestic wastewater from sources throughout the District. To achieve the highest and best use of the District's facilities and maintain compliance with its NPDES permit, the District shall regulate the quantity and quality of discharges into the public sewers of local municipalities and the interceptor sewers of the District. The District shall also maintain a program to regulate, enforce, and charge for services necessary to implement its obligations under federal and state law.

Section 2. Authority

These rules and regulations are adopted by the Western Lake Superior Sanitary District pursuant to authority contained in Minnesota Statutes, Chapter 458D, and are declared necessary for the efficient, economic and safe operation of the District's wastewater disposal system, and for the protection of the health, safety, and general welfare of the public and environment throughout the District.

Section 3. Purpose

(a) These rules set forth requirements for industrial waste discharges into the District's sewerage system, and enable the District to comply with permit requirements under the National Pollution Discharge Elimination System and the provisions of applicable state and federal laws required by the Clean Water Act of 1977, as amended, and the General Pretreatment Regulations (40 CFR Part 403).

(b) This Ordinance shall not prevent industry from constructing and operating pretreatment facilities beyond those required by this ordinance.

Section 4. Objectives

(a) The objectives of this Ordinance are:

(1.) To prevent the introduction of pollutants into the District system that will cause or contribute to an interference with the normal operation of the system or contaminate the resulting sludge;

(2.) To prevent the introduction of pollutants into the District system that do not receive adequate treatment, and that will cause or contribute to a pass-through of the treatment system into receiving waters or the atmosphere or otherwise be incompatible with the treatment system; and

(3.) To improve the opportunity to recycle and reclaim wastewater and sludges from the District's system.

(b) This Ordinance provides for the regulation of discharges into the District Sewerage System through the enforcement of administrative regulations. This Ordinance also authorizes monitoring and enforcement activities, establishes industrial reporting requirements and provides for establishment of penalties for violation of the rules and regulations established herein.

Section 5. Definitions

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

(1.) Act - The Federal Water Pollution Control Act also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.

(2.) Authorized or Duly Authorized Representative of the User – The president, manager, or any other person who performs similar policy or decision-making functions for a corporation, manufacturing, production, or operating facility, government facility, or proprietorship.

(3.) Best Management Practices or BMPs - Are schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 403.5(a)(1) and (b). BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

(4.) Board - The governing Sanitary Board of the Western Lake Superior Sanitary District.

(5.) BOD5 or BOD - An analytical test procedure approved by the EPA and listed in 40 CFR Part 136. The procedure measures the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at 20 degrees F. Results are expressed in terms of concentration (milligrams per liter, mg/L).

(6.) Bypass - The intentional diversion of waste streams from any portion of User's treatment facility.

(7.) Categorical Industrial User or CIU – Industrial Users subject to categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, subchapter N.

(8.) Categorical Pretreatment Standards – Any regulation containing pollution discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1347) and which applies to a specific category of industrial Users.

(9.) CFR – The Code of Federal Regulations, which is the codification of general and permanent rules of departments and agencies of the federal government.

(10.) Cooling Water – The water discharged from any use such as air conditioning, cooling or refrigeration, or during which heat is the only pollutant added to the water.

(11.) Director – The Executive Director of the Western Lake Superior Sanitary District or their duly authorized representative.

(12.) District or WLSSD – The governmental entity with jurisdiction in Western Lake Superior Sanitary District.

(13.) District Sewerage System – The treatment works and the sewers and conveyance appurtenances discharging thereto, owned and operated by the District or by any municipality now or hereafter served by the District.

(14.) Enforcement Response Plan (ERP) – A WLSSD guidance document used to ensure enforcement responses are appropriate and that the WLSSD's actions are not arbitrary or capricious.

(15.) E.P.A. – The U.S. Environmental Protection Agency.

(16.) Existing Source – Any building, structure, facility or installation from which there is or may be a discharge, the construction of which commenced prior to promulgation of pretreatment standards which are applicable to each source.

(17.) General Pretreatment Regulations – The general pretreatment regulations for existing and new sources of pollution promulgated by EPA under Section 307(b) and (c) of the Act and found at 40 CFR Part 403.

(18.) Indirect Discharge or Discharge – Means the introduction of pollutants into a POTW, whether by sewer or other means.

(19.) Industrial User or IU – A person who discharges to the District's sewerage system, liquid wastes resulting from the processes employed in industrial, manufacturing, trade or business establishments.

(20.) Interference – A discharge which, alone or in conjunction with a discharge or discharges from other sources (1) inhibits or disrupts the District Sewerage System, its treatment processes or operations, or its sludge processes, use or disposal and/or (2) is a cause of or contributes to a violation, including an increase in the magnitude or duration of a violation, of any permit or rule controlling, prohibiting, or limiting the release of pollutants from the District Sewerage System into the environment.

(21.) Liquid Waste Hauler – Any User who hauls wastewater or sludge to the District's treatment plant via truck or train.

(22.) National Pollution Discharge Elimination System (NPDES) Permit – A discharge permit issued to the District for operation of its wastewater treatment facilities pursuant to the NPDES system established under the Act.

(23.) New Source – Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that Section, subject to the provisions of 40 CFR 403.3(m).

(24.) pH - A measure of the acidity or basicity of a waste. It is the logarithm of the reciprocal of the hydrogen ion concentration in moles per liter.

(25.) Pass-Through - A discharge that exits the District's wastewater treatment facilities in quantities or concentrations that, alone or in conjunction with a discharge or discharges from other sources, is a cause of violating a requirement of any permit, rule, regulation, or ordinance controlling, prohibiting, or limiting the release of pollutants from the District Sewerage System into the environment, including an increase in the magnitude or duration of a violation.

(26.) Permit - Industrial wastewater discharge permit issued by the District pursuant to these rules and regulations.

(27.) Pretreatment - The process of reducing 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 the District Sewerage System. Such reduction, elimination or alteration may be obtained by physical, chemical, or biological processes, process changes, BMPs, or other means except as prohibited by these rules and regulations.

(28.) Shall – Mandatory.

(29.) Significant Industrial User - Any non-residential User of the District's sewage system which (i) is subject to Categorical Pretreatment Standards; or (ii) has a discharge of 25,000 gallons per day or more per average workday; or (iii) has a flow or load greater than 5% of the flow or load in the District sewerage system; or (iv) that has a reasonable potential, in the opinion of the District, either singularly or in combination with other contributing industrial Users, to adversely affect the wastewater disposal system, the quality of sludge, effluent quality or the air emissions generated by the system.

(30.) Significant Non-Compliance (SNC) – A major violation which is defined in 40 CFR 403.8 (f)(2)(viii) or any violation listed as such in the District's ERP.

(31.) Slug or Slug Discharge – Any waste discharge, either purposeful or accidental, which has the potential to exceed prohibitions in 40 CFR 403.5, or in any other way could violate the District's regulations or permit conditions either alone or conjunction with other sources, or violates the permit conditions of the User.

(32.) Standard Industrial Classification (SIC) - An industrial classification system pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, for use in the classification of establishments by types of business and the primary and economic activity involved.

(33.) Toxic Pollutants - Any pollutant or combination of pollutants listed as toxic by the Administrator of the E.P.A. under the provisions of Section 301(a) of the Act.

(34.) Total Suspended Solids (TSS) – An analytical test procedure approved by the

EPA and listed in 40 CFR Part 136. The procedure measures total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids, and which is removable by a standard 0.45 um glass fiber filter.

(35.) Upset - An exceptional incident in which a User unintentionally and temporarily is in a state of non-compliance with the standards adopted by these regulations, the Federal Regulations, or established as part of its permit (if required), due to factors beyond the reasonable control of the User. Upsets do not include non-compliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, and lack of preventative maintenance or careless or improper operation thereof.

(36.) User - Any person who discharges, causes, or permits the discharge of wastewater into the District Sewerage System.

(37.) Wastewater - Industrial or domestic wastewaters from dwellings, commercial buildings, industrial facilities, and institutions together with any groundwater, surface water or storm water that may be present, whether treated or untreated, which is discharged to the District Sewerage System.

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ARTICLE II- REGULATIONS

Section 1. General Discharge Prohibitions

No User shall discharge or cause to be discharged any pollutant or wastewater that could pass through or interfere with the operation or performance of the District Sewerage System, or violate any provision of this ordinance, or a specific condition of a User's Permit. These general prohibitions shall apply to all Users of the District's sewerage system whether or not the User is subject to federal categorical pretreatment standards or any other federal, state, or District pretreatment standard or requirement.

Section 2. Prohibited Substances and Authority of Director

(a) The following are prohibited from entering the District Sewerage System:

(1.) Any liquids, solids, or gases which by reason of their nature or quantity, either alone or with interaction with other substances, create a substantial likelihood of a fire or explosion or may be injurious in any other way to the operation of the District Sewerage System. Prohibited materials include, but are not limited to, gasoline, benzene, kerosene, naptha, fuel oil, lubricating oil, toluene, xylene, ethers, alcohols, tetrachloroethene, and ketones and any other substance with a close cup flash point of less than 140 degrees Fahrenheit.

(2.) Solids or viscous substances in quantity or of such size which will or may cause obstruction to the flow in a sewer or interfere with or otherwise inhibit the operation of the District Sewerage System. These include grease, foam or foam causing materials, garbage with particles greater than one-half (1/2) inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshes, entrails, feathers, ashes, sand, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, waste paper, wood, plastic, gas tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, glass grinding or polishing waste.

(3.) Any wastewater having a pH less than 5.5 or greater than 12 units.

(4.) Any wastewater having any corrosive property capable of causing damage or hazards to structures, equipment, or personnel of the District Sewerage System unless the system is specifically designed to accommodate such discharges.

(5.) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the system, or to exceed the limitations set forth in applicable Categorical Pretreatment Standards (Appendix A). A toxic pollutant shall include but not be limited to those pollutants identified in the Toxic Pollutant List set forth in Appendix B.

(6.) Noxious or malodorous solids, liquids or gases, which, either singly or by interaction with other wastes, will or are likely to create a public nuisance, hazard to life, or worker health safety problems, or are sufficient to prevent entry into the District sewage system using normal confined space entry procedures for maintenance or repairs.

(7.) Any substance that may cause the District Sewerage System's treatment residues, sludge or scums to be unsuitable for reclamation and reuse or to interfere with or otherwise inhibit the reclamation process.

(8.) Any substance that has the reasonable potential to cause or contribute to a violation of the District's NPDES Discharge Permit.

(9.) Any wastewater which will or is likely to cause excessive discoloration in treatment plant effluent, including but not limited to; dye wastes, vegetable tanning solutions, and printing inks.

(10.) Any wastewater having a temperature that will inhibit biological activity in the District's treatment plant resulting in interference; but in no case, wastewater with heat in such quantities that the temperature is greater than 65 degrees Celsius (C) (150 degrees Fahrenheit (F)) at its point of discharge to the District Sewerage System, or causing either individually or in combination with other wastewater, the influent at the District treatment facility to have a temperature exceeding 40 degrees C (104 degrees F).

(11.) Any Slug or Slug Discharge, including oxygen demanding pollutant (BOD, etc.), released at a flowrate or concentration that could interfere with and/or diminish the efficient operation or performance of the District Sewerage System, that violates the terms of conditions of a user Permit issued by the District, or otherwise has the reasonable potential to cause or contribute to a violation of the District's NPDES Discharge Permit.

(12.) Any wastewater containing radioactive wastes or isotopes of such a half-life or concentration that they are in non-compliance with standards issued by the appropriate authority having control over their use and which will or are likely to cause damage or hazards to the District Sewerage System or personnel operating throughout the system.

(13.) Any stormwater, surface water, ground water, roof runoff, subsurface drainage, cooling water or other unpolluted water unless prior approval has been given by the Director for such discharge. Such discharge shall not cause a User to exceed contractual limitations as established by capacity allocation agreements or industrial discharge permits.

(14.) Any wastewater containing more than 100 mg/L of petroleum oil, cutting oil, coolants, or products of mineral oil origin.

(15.) Any wastewater containing more than 100 mg/L of oil or grease of animal or vegetable oil origin.

(16.) Any wastewater containing floatable solids, oils, fat or grease in sufficient quantity, either singly or by interaction with other pollutants, which could cause an obstruction of the District Sewerage System.

(17.) Any trucked or hauled wastes, except in quantities and concentrations authorized by the District at discharge points designated and approved by the District.

(18.) Residual solids, including sludges, skimmings, etc., generated by a pretreatment facility shall not be disposed, directly or indirectly, into the District Sewerage System without prior written approval of the Director. The selected transportation, containment, and disposal methods shall be in

accordance with all federal, state, and local regulations.

Section 3. Federal Categorical Pretreatment Standards

(a) Categorical pretreatment standards as promulgated by the U. S. Environmental Protection Agency ("EPA") pursuant to the Act shall be met by all affected industrial Users within the time limits set forth in 40 CFR 403.6(b). Users who are regulated by both a federal categorical pretreatment standard and the standards established within this Ordinance are required to meet the more stringent limitation(s). The District shall notify all affected Users of applicable reporting requirements under 40 CFR 403.12 as indicated in paragraph (b). The District shall process all required reports and shall conduct follow-up on said reports as required.

(b) Applicable reporting requirements under 40 CFR 403.12 are as follows:

(1.) At least 90 days prior to the commencement of discharge, New Sources, and sources that become industrial Users subsequent to the promulgation of an applicable Categorical Standard shall be required to submit to the District a report which contains the information listed in paragraphs (b)(1) through (5) of 40 CFR 403.12. New Sources shall also include in such report information on the method of pretreatment the New Source intends to use to meet the applicable pretreatment standards and may give estimates of the information requested.

(2.) Within 180 days of the date of promulgation of a Federal Categorical Pretreatment Standard, any User discharging a wastewater from a process that is regulated by such standard shall submit to the District a baseline monitoring report in accordance with the general pretreatment regulations, 40 CFR 403.12 (b) and (c).

(3.) Within 90 days following the date for final compliance with a federal categorical pretreatment standard or, in the case of a New Source, following commencement of the introduction of wastewater into the District Sewerage System, any User subject to a federal categorical pretreatment standard shall submit to the District a report in accordance with the general pretreatment regulations, 40 CFR 403.12 (d) and (g).

(4.) Any User subject to a federal categorical pretreatment standard, after the compliance date of such standard, or, in the case of a new source, following commencement of the introduction of wastewater into the District Sewerage System, shall submit to the District periodic reports on continued compliance in accordance with the general pretreatment regulations, 40 CFR 403.12 (e) and (g).

(5.) All compliance schedules shall be developed between the District and the affected industrial User to ensure compliance with local, state, and federal limitations in a timely manner as provided by the preceding sections of the general pretreatment regulations.

(c) Federally adopted pretreatment standards, as of the date of adoption of this Ordinance are listed in Appendix A. The appropriate standards will apply to all affected Industrial Users. As Federal Categorical Pretreatment Standards for particular industrial subcategories are promulgated, the Federal Standard, if more stringent than limitations imposed under this Ordinance for sources in that subcategory shall immediately supersede the limitations imposed under this Ordinance. Violation of

these Federal Standards shall be a violation of this Ordinance.

(d) If the District achieves consistent removal of pollutants limited by pretreatment standards, the District may apply to EPA for modification of specific limits of the pretreatment standards. The District shall modify pollutant discharge limits applicable to an industrial User in the pretreatment standards if the requirements contained in 40 CFR 403.7 of the General Pretreatment Regulations relating to credits for the removal of pollutants are fulfilled and prior approval from EPA is obtained. However, nothing herein shall require the District to apply to EPA for removal credits, nor shall it be construed to in any way limit the applicability of other rules and regulations contained within this Ordinance.

(e) The District may determine that an Industrial User subject to Categorical Pretreatment Standards under § 403.6 and 40 CFR chapter I, subchapter N is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met*:)*

(1.) The Industrial User, prior to the District's finding, has consistently complied with all applicable Categorical Pretreatment Standards and Requirements;
(2.) The Industrial User submits the certification statement required in § 403.12(q) together with any additional information necessary to support the certification statement; and
(3.) The Industrial User never discharges any untreated concentrated wastewater.

Section 4. Specific Discharge Limitations

No User shall discharge wastewater containing concentrations of the following pollutants in excess of the limitation set forth opposite each such pollutant, or in excess of the limitations for such pollutants and/or additional pollutants included in any wastewater discharge Permit issued by the District to enable the District to meet the limitations contained in its NPDES Permit except as authorized pursuant to a compliance schedule contained in a wastewater discharge Permit:

Pollutant	Limitation (ug/L)*
Copper	260
Zinc	1600
Nickel	1500
Cadmium	30
Chromium	1000
Lead	220
Mercury	0.05

*The District may include effluent limits in District issued user permits that are more restrictive than the above limits or for other pollutant parameters, including flow, that are not listed here.

(a) The District may, in its sole discretion, choose to implement a mass based limit for that Significant Industrial User. This limit will not increase the permitted mass of a pollutant discharged by such Significant Industrial User and may not exceed a Categorical Pretreatment Standard.

Section 5. Dilution

No User shall increase the use of potable or process water in any way, for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this Ordinance or applicable federal and state pretreatment standards.

Section 6. Accidental and Slug Discharges

(a) All Industrial Users shall provide adequate protective procedures to prevent accidental or Slug Discharges of any waste prohibited in Article II, Section 2; any waste in excess of the limitations provided in Article II, Section 4 or any waste in violation of an applicable pretreatment standard or other provision of this ordinance.

(b) Any person who has knowledge of an accidental or Slug Discharge into the District Sewerage System of any waste referred to in paragraph (a) above shall immediately notify the Director of such a discharge. In the event the person reporting the accidental discharge is not the person responsible for the discharge, the Director shall immediately notify the responsible party. The responsible person shall take immediate action as soon as is reasonably possible to minimize or abate the prohibited discharge.

(c) The responsible person shall send a letter describing the prohibited discharge to the District within five (5) calendar days after learning of the discharge. The letter shall include the following information:

(1.) The time and location of the accidental or Slug Discharge;

(2.) Description of the accidental or Slug Discharge waste, including estimate of pollutant concentrations;

(3.) Time period and volume of wastewater discharged;

(4.) Action taken to correct or control the accidental or Slug Discharge; and

(5.) A schedule of corrective measures to prevent further accidental or Slug Discharge occurrences.

(d) Written notification as required under paragraph (c) above shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage of the District Sewerage System; nor shall such notification relieve the User of any fines, civil penalties or other liabilities that may be imposed by these regulations or any other applicable law.

(e) The letter as required in paragraph (b) shall be signed by an Authorized Representative of the User.

(f) Each Industrial User shall develop internal emergency notification procedures to ensure that the District will be notified immediately once an accidental or slug discharge has occurred.

(g) If the District's evaluation determines an industrial slug control plan is needed, the District will require such a plan in the Industrial User permit as required in 40 CFR 403.8(f)(2)(vi).

Section 7. Bypass

(a) Prohibited Bypass. A Bypass is prohibited unless:

(1.) The Bypass was unavoidable to prevent loss of life, personal injury or substantial physical damage to property, damage to the User's treatment facilities which would cause them to become inoperable, or reasonably expected substantial and permanent loss of natural resources; and

(2.) There are no feasible alternatives to the Bypass, such as use of auxiliary treatment facilities which should be, or have been, installed in the exercise of reasonable engineering judgment, BMPs, or maintenance during normal periods of equipment downtime; and

(3.) The User has submitted the reports required by subsection (b) hereof.

(b) Notice of Bypass

(1.) Any User who knows in advance of the need for a Bypass shall notify the District at least ten (10) days in advance of such Bypass, if possible.

(2.) Any User shall orally notify the District of an unanticipated Bypass within 24 hours of becoming aware of such Bypass and, unless waived by the District, submit a written report to the District within 5 days of becoming aware of a Bypass containing 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 recurrence of the Bypass.

(c) Permitted Bypass. An Industrial User may allow any 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 and the District approves an anticipated Bypass if it determines the Bypass will meet the conditions of subsection (a) above.

(d) This Section 7 is intended to apply the rules contained in 40 CFR 403.17 and shall be interpreted consistent therewith. Severe property damage shall not be interpreted to mean economic loss caused by delays in production.

Section 8. Operating Upsets

(a) Any User that experiences an upset in operations that places the User in a temporary state of noncompliance with this Ordinance or a wastewater discharge permit issued pursuant hereto shall inform the Director thereof within twenty-four (24) hours of first awareness of commencement of the upset.

(b) Where such information is given orally, a written follow-up report may be requested by the Director and shall be filed by the User with the Director within five (5) days, providing the following:

(1.) Description of the upset, the cause thereof and the upset's impact on the User's compliance status.

(2.) Duration of noncompliance, including exact dates and times of noncompliance,

and if the noncompliance continues, the time by which compliance is reasonably expected to occur.

(3.) All steps taken or to be taken to reduce, eliminate, and prevent recurrence of such an upset or other conditions of noncompliance.

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ARTICLE III

WASTEWATER DISCHARGE PERMITS

Section 1. Industrial Wastewater Discharge Permit Application

Upon request by the Director, a User shall complete an Industrial Wastewater Discharge Permit Application to enable the District to determine the User's compliance with this Ordinance and the limitations and requirements established herein.

(a) The Industrial Wastewater Discharge Permit Application shall be completed in a form provided by the District and shall include the following information:

(1.) Facility Name, address, and location of the discharge;

(2.) Environmental Permits. A list of any environmental control permits held by or for the facility.

(2.) Standard Industrial Classification (SIC) number according to the Standard Industrial Classification Manual, and/or National American Industry Classification System (NAICS) number, DOC Office of Federal Statistical Policy and Standards , 1987, as amended;

(3.) Wastewater constituents and characteristics, including but not limited to those mentioned in this Ordinance. Sampling and analysis shall be performed in accordance with procedures established by the U.S. EPA and contained in 40 CFR, part 136, as amended;

(4.) Time and duration of discharges;

(5.) Average daily and peak daily wastewater flow rates (gallons per day) to WLSSD from regulated and other streams, including daily, monthly, and seasonal variations, if any. All flows shall be measured by acceptable methods unless other verifiable methods are approved by the Director;

(6.) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, inspection manholes, sampling chambers and appurtenances by size, location, and elevation as they relate to enforcement of the District's Pretreatment Ordinance.

(7.) General description of activities, facilities and plant processes on the premises including all materials which are or may be discharged to the District Sewerage System; including a brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the District Sewerage System from the regulated processes.

(8.) The nature and concentration of any pollutants or materials prohibited by this Ordinance in the discharge, together with a statement regarding whether or not compliance with this Ordinance is being achieved on a consistent basis, and if not, whether additional operation and maintenance activities and/or additional treatment is required for the User to comply with this Ordinance; The User

shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph. 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 waste stream formula in 40 CFR 403.6(e) 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 District. Sampling and analysis shall be performed in accordance with Article III Sections (8) and (9). The District may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures; 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 District Sewerage System.

(9.) Where additional pretreatment and/or operation and maintenance activities will be required to comply with this Ordinance, the User shall provide a declaration of the shortest schedule by which such additional pretreatment and/or operation and maintenance activities will be provided; Users shall provide wastewater treatment as necessary to comply with this Ordinance and shall achieve compliance with all Categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Section 2.1 of this Ordinance within the time limitations specified by EPA, the State, or the District, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the District for review, and shall be acceptable to the District before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable under the provisions of this ordinance.

(i) The compliance schedule shall contain milestone dates for commencement and completion of major events leading to the construction and operation of additional pretreatment facilities needed to comply with the requirements of this Ordinance. This shall include dates relating to the selection of an engineer, completion of preliminary plans, completion of final plans, equipment purchases, commencement and completion of construction, and all other acts necessary to comply with this Ordinance.

(ii) Under no circumstances shall the District allow any single step toward compliance to exceed nine (9) months.

(iii) Not later than fourteen (14) calendar days following each milestone date in the preceding schedule, the User shall submit a progress report to the District, including no less than a statement as to whether or not it complied with the increment of progress represented by that milestone date. If unable to comply, the User shall indicate the date on which it expects to comply, the reason for the delay, and the steps being taken to return to the approved schedule. Progress reports shall be submitted to the District at intervals of not greater than nine (9) months.

(10.) Disclosure of each general end product for sale and shipment;

(11.) Disclosure of type and amount of principal raw materials used (average and maximum per day);

(12.) All reports and compliance schedules, if applicable, shall be signed by an Authorized representative such as permitted by 40 CFR 403.12(l);

(13.) The District reserves the right to request any other information necessary to evaluate a particular User's sewerage system discharge.

(14.) Any other information deemed necessary by the District to evaluate the permit application and ensure compliance with all applicable federal, state, and local laws and regulations and protect human health and the environment.

Section 2. Determination of Need for Permit

(a) All Users regulated by Federal Categorical Pretreatment Standards (Appendix A) are required to obtain a wastewater discharge permit prior to any discharge into public sewers. No Industrial User shall discharge into public sewers until the Industrial User has been issued a permit.

(b) All Users affected by Article III, Section 1(a) will be reviewed by the District to determine whether a wastewater discharge permit is required. Users will be issued wastewater discharge permits when their process wastewater discharges contain significant amounts of those pollutants regulated by Article II, Section 4 (Specific Discharge Limitations) or if the User's discharge could have significant impact on the District's operations. The District shall determine the need for a permit within ninety (90) days of receipt of a completed Industrial Wastewater Discharge Permit Application.

Section 3. Permit Conditions

(a) Wastewater discharge permits shall be subject to all provisions of this Ordinance and all other regulations and applicable fees established by the District and must conform to all EPA and Minnesota Pollution Control Agency rules.

(b) Industrial wastewater discharge permits shall specifically include the following conditions as applicable:

(1.) Limits on the average and/or maximum wastewater constituents and characteristics which may be discharged;

(2.) Limits on average and maximum rate and time of discharge, and/or requirements for flow regulation and equalization;

(3.) Requirements for installation and maintenance of sampling and monitoring facilities;

(4.) Specifications for monitoring programs (which may authorize self-monitoring at the District's discretion), which include sampling locations, frequency and method of sampling, number and types of tests as well as reporting schedules;

(5.) Compliance schedules;

(6.) Pretreatment requirements;

(7.) Requirements for submission of special technical reports, discharge reports, BMP reports, or other reports than those prescribed herein;

(8.) Requirements for access to Permittee's wastewater records and premises pursuant to Article III, Section 9;

(9.) Requirements for submission of plans and maintenance of records for the prevention and control of accidental or Slug Discharges pursuant to Article II, Section 6;

(10.) Requirements for notification of the Director of any substantial change in the volume or characteristics of the wastewater constituents being introduced to the District Sewerage System which the Permittee knows or has reason to believe will or is likely to have, either singly or by interaction with other wastes, a negative impact on the District's treatment process.

(11.) Requirements for notification of Slug Discharge and/or bypass monitoring;

(12.) Requirements related to enforcement of this Ordinance including, but not limited to, the imposition of fines, penalties, surcharges, corrective actions or other conditions deemed appropriate by the District to ensure compliance with this Ordinance.

(13.) Individual wastewater discharge permits may contain, but need not be limited to, the following conditions: Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.

Section 4. Permit Modifications

The terms and conditions of a wastewater discharge permit are subject to modification by the District to address changes in federal or state law, the District's NPDES permit, or any limitations or requirements identified in Article II, or for other just cause as determined by the District.

Section 5. Permit Duration

(a) Permits shall be issued for a specified time period, not to exceed five (5) years.

(b) The Permittee shall apply for a permit re-issuance at least ninety (90) days prior to the permit's expiration date. Reapplication shall consist of a written request for re-issuance, including a statement that all terms and conditions of the existing permit and this Ordinance are being met. The permit renewal application shall be in a form issued by the District and shall be signed by and sworn to by an Authorized representative.

Section 6. Permit Transfer

(a) Wastewater discharge permits are issued to a specific User for a specific operation and are not assignable to another User or transferable to any other location without prior written approval of the Director.

(b) In the event there is a change in the ownership of a User for which there is an industrial discharge permit, the prior owner shall notify the District of said change in ownership, and notify the succeeding owner of the provisions of the permit and the rules and regulations contained herein.

(c) The new owners shall not discharge to the District until a the District approves new wastewater discharge permit application under Article III, Section 1, or the new owner submits to the District an executed statement agreeing to be bound by the terms and conditions of the existing permit which, with approval of the District, could continue until its expiration date.

Section 7. Periodic Reporting Requirements

(a) Any User whose permit requires compliance with a Federal Categorical Pretreatment Standard shall submit periodic compliance status reports in accordance with Article II, Section 3(b)(3) and any applicable terms and conditions contained in the Users Permit.

(b) Any User whose permit requires compliance with standards contained in Article II, Section 1; Article II, Section 2; Article II, Section 4 shall submit periodic compliance status reports in accordance with the terms and conditions of their wastewater discharge permit. At a minimum this report shall indicate the nature and concentrations of pollutants in the wastewater discharge which are specified in the User's permit.

(c) All wastewater samples must be representative of the User’s discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.

(d) Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

(e) If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the District using the procedures prescribed in this ordinance, the results of this monitoring shall be included in the report.

Section 8. Monitoring Facilities

(a) At the request of the District, a User may be required to provide and operate at the User's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of each sewer discharge to the WLSSD system. The District may adopt charges and fees for sampling or analysis to be reimbursed to the District at the cost of the User.

(b) Each monitoring facility shall be situated on the Users premises, except where such location would be impractical or cause undue hardship to the User, the District may concur with the facility being constructed in the public street or sidewalk area. Construction in these public right-of-ways would require prior approval from the local governmental unit in which the User is located. There shall be sufficient room and adequate access in or near such monitoring facility to allow for accurate sampling and preparation of samples for analysis. The facility shall be maintained at all times in a safe and proper operating condition at the expense of the User.

(c) Monitoring facilities shall be provided in accordance with the Director's requirements and all applicable local construction standards and specifications. Construction shall be completed within a time frame established by the Director.

(d) If sampling performed by a User indicates a violation of this Ordinance or any local limit in the User's Permit, the User must notify the District within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the District within thirty (30) days after becoming aware of the violation. Resampling by the Industrial User may not be required if District performs sampling at the User's facility at least once a month, or if the District has performed the sampling and analysis in lieu of the Industrial User.

Section 9. District Inspection and Sampling

(a) The District shall have the right to inspect the monitoring facilities and pretreatment facilities of any User to determine compliance with the requirements of this Ordinance and the industrial discharge permit. The User shall allow the District to enter upon the premises of the User at all reasonable hours for the purpose of inspection, sampling or records examination. Reasonable hours shall include any time the User is operating any process which results in a process wastewater discharge to the District Sewerage System.

(b) The District shall have the right to set up on the User's property necessary devices to conduct sampling, inspection, compliance monitoring and metering operations.

(c) It shall be the User's responsibility to make the necessary arrangements with their employees to assure that, upon presentation of suitable identification, District employees will be allowed to enter the premises, without delay, for the purpose of performing the necessary tasks.

(d) All Users subject to this Article shall retain and preserve for no less than three (3) years, any records, books, documents, memoranda, reports, correspondence, and any and all summaries thereof, relating to monitoring, sampling and chemical analysis made by or on behalf of a User in connection with its regulated

discharge. The District shall have the right to copy such User documents as necessary to determine compliance with the requirements of this Ordinance and the Industrial User's Permit.

Section 10. Pretreatment Facilities

(a) Users shall provide necessary wastewater treatment as required to comply with this Ordinance, the limits and conditions in user Permits, and all Categorical Pretreatment Standards within the time limitations as specified in Article II, Section 3.

(b) All facilities required to pretreat wastewater to a level acceptable to the Director shall be provided, operated, and maintained at the User's expense.

(c) Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the District for review, and shall be approved by the Director prior to commencement of construction of the facility. Review of plans and operating procedures will in no way relieve the User from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Director under the provisions of this Ordinance.

(d) Each User must notify the District of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least ninety (90) days before the change.

(1.) The District may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 4.5 of this ordinance.
(2.) The District may issue an individual wastewater discharge permit under Article III of this ordinance or modify an existing wastewater discharge permit.

Section 11. Public Access to Information Provided by Users

(a) Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge permits, and monitoring programs, and from the District's inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the District, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data.

(b) When requested by the User furnishing a report, the portions of the report that may disclose trade secrets or secret processes shall not be made available for inspection by the general public, but shall be made available upon written request to governmental agencies for uses related to this Ordinance, the District's NPDES Permit or the national pretreatment program, provided , however, that such portions of a report shall be available for use by the State of Minnesota or any agency thereof in judicial review or enforcement proceedings involving the person furnishing the report, provided that such proceedings are directly related to matters involving enforcement of these regulations. Wastewater constituents and characteristics will not be recognized as confidential information.

(c) Public access to information submitted to the District pursuant to these regulations shall be in accordance with the procedures outlined in 40 CFR Part 2 (Public Information) and as provided by 40 CFR 403.14 of the General Pretreatment Regulations.

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ARTICLE IV - ENFORCEMENT

Section 1. Introduction

(a) The District shall undertake the enforcement actions necessary to promote the purposes set forth in Articles II and III. The District has the primary responsibility for enforcing all applicable pretreatment standards and requirements.

(b) The District may take any enforcement action at any time as appropriate to the circumstances of the case. The District is not required to take enforcement action in the order in which they are presented in this Article.

Section 2. Enforcement Response Plan

(a) The District shall develop and implement an enforcement response plan (ERP). The ERP shall contain procedures for investigating and eliminating noncompliance with pretreatment standards or requirements. At a minimum, the ERP shall describe violations and the range of appropriate enforcement which will be used, and the timing of these responses.

(b) The procedures set forth in the ERP are intended for the guidance of District personnel. It does not create any rights, either substantive or procedural, that are enforceable by any party in litigation with the District.

Section 3. Violations

A violation may include noncompliance with any prohibition or limit described in this Ordinance, any limit, term, or condition contained in a permit issued by the District, or any limit, term, or condition of the District's NPDES permit. Notwithstanding any provision of law, regulation, permit, or ordinance to the contrary, the Director may find and enforce a violation, issue applicable penalties, and require corrective actions, regardless of whether said violation caused the District to violate a term or condition of its NPDES permit. The following rules apply to counting violations:

(a) A separate violation occurs for each pollutant that exceeds an applicable pretreatment standard.

(b) Each day on which a violation occurs is a separate violation.

(c) If a User is in noncompliance with any pretreatment standard that is a monthly average, 30-day average, or 4-day average, then the user has one violation on each day of the averaging period.

(d) If for any period a User has violated both a maximum and an average pretreatment standard for a particular pollutant, then the total number of violations is the sum of the days on which the maximum standard was violated and the days in the averaging period

(e) One violation occurs on each day that a report is late and each day after an action required to be completed is not completed.

Section 4. Response to Violations

(a) Oral Notification (Phone Call) or Informal Meeting

For certain cases the District may simply call the User to inform them of the violation. Certain violations may be corrected at an informal meeting.

(b) Letter of Warning (LOW)

If the District has determined that a User has violated, or is violating this Ordinance, the User's industrial discharge permit, or any other applicable local, state, or federal law, then the District may issue a LOW. The LOW shall identify the violation and the consequences of further violation(s). Any required response would have a deadline of forty-five (45) days and require description of the nature and cause of the violation and a description of the remedy.

(c) Notice of Violation (NOV)

Whenever the Executive Director finds that any person has violated or is violating this Ordinance, an industrial discharge permit, or any other applicable prohibition, limitation or requirement, the Director shall serve or cause to be served upon such User a written notice either personally or by certified mail, return receipt requested, stating the nature of the alleged violation. Within thirty (30) days of the date of receipt of the notice, the User shall respond personally or in writing to the Director, advising of its position in respect to the allegations. The Director and the User may meet to ascertain the accuracy of the allegations and, where necessary, establish a plan for satisfactory correction thereof. If sampling performed by a User indicates a violation, the User must notify the District within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the District within thirty (30) days after becoming aware of the violation. Resampling by the Industrial User may not be required if the District has performed the sampling and analysis in lieu of the Industrial User.

(d) Administrative Order (AO)

The District has the authority to issue Administrative Orders to any or all dischargers to the sanitary sewer system. Such Orders may contain numerical discharge values limiting the volume, concentration, or mass loadings from dischargers. Whenever the Director finds that a User has violated, or continues to violate, any provision of this Ordinance, an individual wastewater discharge permit, or order issued here under, or any other Pretreatment Standard or Requirement, the District has the authority to issue an Administrative Order to any User responsible for non-compliance. Such Orders shall include specific action to be taken by the User to correct the noncompliance within a period specified by the Order and can include (1) Cease and Desist Orders, (2) Consent Orders, (3) Show Cause Orders, and (4) Compliance Orders.

Compliance Orders also may contain other requirements to address the non-compliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A Compliance Order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing

violation. Issuance of a Compliance Order shall not be a bar against, or a prerequisite for, taking any other action against the User.

(e) Civil Administrative Fines

Notwithstanding any other section of this Ordinance, any User who is found to have violated any provision of this Ordinance, or any condition of permits and orders issued hereunder, shall be subject to a civil fine in an amount of not more than $1,000 per day per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation.

(f) Criminal Penalties

Any person who continues any violation of any provision of this Ordinance or any provisions of a permit or order issued by the District hereunder beyond the time limit provided for in the Director's written Notice of Violation (NOV) shall be subject to criminal prosecution and criminal fines and penalties consistent with Minn. Stat. sec. 458D.18, subd. 4. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation.

(g) Compliance Schedule

The District may issue Compliance Schedules to Dischargers who fail to achieve compliance with Notice of Violations issued by the District or numerical limitations of the District or other regulatory agencies. The Compliance Schedule will outline required specific tasks and deadlines that the User must meet to achieve compliance. A Compliance Schedule may consist of a standalone document or can be an addendum to a User's Permit to address specific items of non-compliance.

(h) Show Cause Hearing

Where a violation is not corrected by timely compliance, the Director may order any User which causes or allows conduct prohibited by this Ordinance, to show cause before the Board why the proposed permit revocation action should not be taken. A written notice shall be served on the User specifying the time and place of a hearing to be held by the Board regarding the violation, the reason why the enforcement action is being taken, the proposed enforcement action, and directing the User to show cause before the Board why the proposed enforcement action should not be taken. Notice of the hearing shall be served no less than ten (10) days before the hearing. Service may be made on any agent, office, or authorized representative of a User. Proceedings of the hearing shall be considered by the Board which shall then issue appropriate orders with respect to the alleged improper activities of the User. The decision or order of the Board shall be the final administrative determination.

(i) Judicial Proceedings

If any person discharges wastewater, industrial wastes, or other wastes contrary to the provisions of this Ordinance, federal or state pretreatment requirements or any order of the Board, the attorney for the District may, following authorization of such action by the Board, commence an action for appropriate legal and/or equitable relief.

Section 5. Falsifying Information

Any person who knowingly makes false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this ordinance, or industrial discharge permit, or who falsifies, tampers with, or knowingly

renders inaccurate any monitoring device or method required under this ordinance, shall upon conviction, be punished by a fine of at least $1,000 a day, or both, for each violation or by imprisonment for not more than ninety (90) days, or both

Section 6. Significant Non-Compliance

For the purpose of this provision, an Industrial User is in significant non-compliance if its violations meet one or more of the following criteria:

a) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits;

b) Technical review criteria (TRC) violations, defined here as those in which 33 percent or more of all the measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of a numeric pretreatment standard or requirement, including instantaneous limits times the applicable TRC (TRC = 1.4 for CBOD, SS, fats, oil and grease and TRC = 1.2 for all other pollutants except pH);

c) Any other violation of a pretreatment (daily maximum or longer-term average, instantaneous limit or narrative standard) that the Executive Directors determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of District employees or the general public);

d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment and has resulted in the necessity for the District to exercise its emergency authority under 40 CFR 403.8(F)(1)(vii)(b) to halt or prevent such a discharge;

e) Violation, by ninety (90) days or more after the schedule date, of 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 required reports such as baseline monitoring reports, self-monitoring reports, and reports on compliance with compliance schedules, within 45 days of the due date;

g) Failure to accurately report noncompliance; or

h) Any other violation or group of violations, which may include Best Management Practices specific to the discharger or set forth in the discharger's permit the Executive Director determines will adversely affect the operation or implementation of the local pretreatment program

Section 7. Emergency Suspension of Service

The Director may immediately suspend a User's discharge and/or discharge permit, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge, which presents or may present an imminent or substantial danger to human health, to the environment, or to the District Sewerage System or would cause or

contribute to a violation of any conditions of the District's NPDES permit. Nothing in this Section shall be interpreted as requiring a hearing prior to any Emergency Suspension under this Section.

(a) Any User notified of a suspension of its discharge and/or permit shall immediately stop or eliminate its discharge to the District Sewerage System. In the event of a

User's failure to immediately comply voluntarily with the suspension order, the Director may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the District Sewerage System, its receiving waters or endangerment to any individuals. The Director may allow the User to re-commence its discharge when the User has demonstrated to the satisfaction of the Director that the period of endangerment has passed, unless revocation proceedings are initiated against the User.

(b) A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful discharge and the measures taken to prevent any future occurrence, to the Director prior to the date of any show cause or termination hearing under Article IV of this Ordinance.

(c) The Director shall reinstate the wastewater treatment service or Permit upon proof by the User of the elimination of the non-complying discharge.

Section 8. Revocation of Permit

The Director may revoke the permit of any user which fails to factually report the wastewater constituents and characteristics of their discharge, which fails to report significant changes in wastewater constituents or characteristics, which refuses reasonable access to the user's premises for the purpose of inspection or monitoring, or for violation of conditions of its permit, this chapter, or applicable state and federal regulations. Noncompliant industrial users will be notified of the proposed termination of their wastewater permit and be offered an opportunity to show cause, as outlined under this chapter, why the proposed action should not be taken.

Section 9. Injunctions

Any violation of these rules or any provision or condition of any Permit issued by the District hereunder which causes, or threatens to cause, an imminent endangerment to the health or welfare of persons, an endangerment to the environment, or interference with the operation of the District Sewerage System may be enjoined by the District in the manner as provided by law.

Section 10. Remedies, Penalties, and Cost Recovery

Any person discharging waste in violation of these rules or any provision or condition of any Permit issued by the District thereunder shall be subject to civil liability to the District for

any or all of the following:

(a) In addition to the penalties provided herein, the District may recover attorney's fees, court costs, court reporter's fees and other expenses of litigation by an appropriate action against the person found to have violated this Ordinance or the orders, rules, regulations, and permits issued hereunder.

(b) If a User's discharge obstructs, damages, or impairs the sewerage system or the POTW, then the User shall be liable to the District for the cost of cleaning, repairing, or replacing the affected assets.

(c) Any costs or penalties imposed upon the District by regulatory authorities by reason of the violating discharge.

Section 11. Annual Publication

The Director shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the District, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (C), (D) or (H) of this Section) and as defined in defined in 40 CFR 403.8 (f)(2)(viii) or any violation listed as such in the District's ERP.

Section 12. Appeals

Any person affected by any decision or order made by the Director or the Board in interpreting or administering the provisions of this Ordinance, may file with the Director, a written notice of appeal within ten (10) days after receipt of the decision or action of the Director or the Board. Notice of a scheduled hearing shall be mailed to the appealing User by the Director. The decision by the Board on such appeal shall be the final administrative determination.

Section 13. Publication of Users in Significant Noncompliance

The District shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the District Sewerage System, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates Section 5 Article IV of the Ordinance and ….or as defined in 40 CFR 403.8 (f)(2)(viii), or any violation listed as such in the District's Enforcement Response Plan.

ARTICLE V - FEES

Section 1. Purpose

It is the purpose of this Article to provide for the recovery of costs from Users of the District Sewerage System for the implementation of the industrial pretreatment program established herein.

Section 2. Charges and Fees

The District may adopt charges and fees which may include:

(1.) Fees for monitoring, inspection and surveillance procedures. (These fees will be variable pursuant to the specifications of a permit or other variables).

(2.) Fees for Permit issuance or renewals.
(3.) Fees for Appeals
(4.) Other charges the District may deem necessary to carry out the requirements contained herein and comply with Minn. Stat. 458D.09.

ARTICLE VI - EFFECTIVE DATE AND SEVERABILITY

Section 1. Severability

If any provision, paragraph, word, section or article of this Ordinance is invalidated or held to be unconstitutional by a Court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, or articles shall not be affected and shall continue in full force and effect.

Section 2. Conflicts

All other ordinances and parts of other ordinances previously adopted by the District that are inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

Section 3. Adoption and Effective Date

(a) This Ordinance was approved and adopted by the Western Lake Superior Sanitary District on the 17th day of June, 1985 and revised by the Sanitary Board of the Western Lake Superior Sanitary District on the 13th day of November, 2006, the 27th day of June 2016, and the 23rd day of November 2026.

(b) The rules and regulations contained herein shall become effective 30 days after the date of adoption and publication of the Ordinance.

Section 4. District's Rights of Revision

The District reserves the right to amend this Ordinance where deemed necessary to comply with the objectives presented in Article I, Section 4 of this Ordinance.

APPENDIX A - REGULATED INDUSTRIAL CATEGORIES

40 CFR Part:	Industrial Category
405	Dairy products processing point source category
406	Grain mills point source category
407	Canned and preserved fruits and vegetables processing point source category
408	Canned and preserved seafood processing point source category
409	Sugar processing point source category
410	Textile mills point source category
411	Cement manufacturing point source category
412	Concentrated animal feeding operations (CAFO) point source category
413	Electroplating point source category
414	Organic chemicals, plastics, and synthetic fibers
415	Inorganic chemicals manufacturing point source category
417	Soap and detergent manufacturing point source category
418	Fertilizer manufacturing point source category
419	Petroleum refining point source category
420	Iron and steel manufacturing point source category
421	Nonferrous metals manufacturing point source category
422	Phosphate manufacturing point source category
423	Steam electric power generating point source category
424	Ferroalloy manufacturing point source category
425	Leather tanning and finishing point source category
426	Glass manufacturing point source category
427	Asbestos manufacturing point source category
428	Rubber manufacturing point source category
429	Timber products processing point source category
430	The pulp, paper, and paperboard point source category
432	Meat and poultry products point source category
433	Metal finishing point source category
434	Coal mining point source category BPT, BAT, BCT limitations and new source performance standards
435	Oil and gas extraction point source category
436	Mineral mining and processing point source category
437	The centralized waste treatment point source category
438	Metal products and machinery point source category
439	Pharmaceutical manufacturing point source category

40 CFR Part:	Industrial Category
440	Ore mining and dressing point source category
442	Transportation equipment cleaning point source category
443	Effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources for the paving and roofing materials (tars and asphalt) point source category
444	Waste combustors point source category
445	Landfills point source category
446	Paint formulating point source category
447	Ink formulating point source category
449	Airport deicing point source category
450	Construction and development point source category
451	Concentrated aquatic animal production point source category
454	Gum and wood chemicals manufacturing point source category
455	Pesticide chemicals
457	Explosives manufacturing point source category
458	Carbon black manufacturing point source category
459	Photographic point source category
460	Hospital point source category
461	Battery manufacturing point source category
463	Plastics molding and forming point source category
464	Metal molding and casting point source category
465	Coil coating point source category
466	Porcelain enameling point source category
467	Aluminum forming point source category
468	Copper forming point source category
469	Electrical and electronic components point source category
471	Nonferrous metals forming and metal powders point source category

APPENDIX B - TOXIC POLLUTANT LIST

Chemical Name
ACENAPHTHENE
ACENAPHTHYLENE
ACROLEIN
ACRYLONITRILE
ALDRIN
ALPHA-ENDOSULFAN
ALPHA-LINDANE
ANTHRACENE
ANTIMONY
AROCLOR 1016
AROCLOR 1221
AROCLOR 1232
AROCLOR 1242
AROCLOR 1248
AROCLOR 1254
AROCLOR 1260
ARSENIC
ASBESTOS (FRIABLE)
BENZ(A)ANTHRACENE
BENZENE
BENZIDINE
BENZO(A)PYRENE
BENZO(B)FLUORANTHENE
BENZO(GHI)PERYLENE
BENZO(K)FLUORANTHENE
BENZYL BUTYL PHTHALATE
BERYLLIUM
BETA-ENDOSULFAN
BETA-LINDANE
BIS(2-CHLORO-1-METHYLETHYL) ETHER
BIS(2-CHLOROETHOXY)METHANE
BIS(2-CHLOROETHYL) ETHER
BIS(2-CHLOROISOPROPYL) ETHER
BIS(2-ETHYLHEXYL)PHTHALATE
BIS(CHLOROMETHYL) ETHER
4-BROMOPHENYL PHENYL ETHER
CADMIUM
CAMPHECHLOR
CARBON TETRACHLORIDE
4-CHLOR-M-CRESOL
CHLORDANE
CHLOROBENZENE
CHLORODIBROMOMETHANE

Chemical Name
CHLOROETHANE
2-CHLOROETHYL VINYL ETHER
CHLOROFORM
CHLOROMETHANE
2-CHLORONAPHTHALENE
2-CHLOROPHENOL
4-CHLOROPHENYL PHENYL ETHER
CHROMIUM
CHRYSENE
COPPER
CYANIDE
DDD
DDE
DDT
DELTA-LINDANE
DI-N-OCTYL PHTHALATE
DI-N-PROPYLNITROSAMINE
DIBENZ(A,H)ANTHRACENE
1,2-DIBROMOETHANE
DIBUTYL PHTHALATE
1,2-DICHLOROBENZENE
1,4-DICHLOROBENZENE
1,3-DICHLOROBENZENE
3,3'-DICHLOROBENZIDINE
DICHLOROBROMOMETHANE
1,1-DICHLOROETHANE
1,2-DICHLOROETHANE
1,1-DICHLOROETHYLENE
DICHLOROMETHANE
2,4-DICHLOROPHENOL
1,2-DICHLOROPROPANE
1,3-DICHLOROPROPENE (MIXED ISOMERS)
DIELDRIN
DIETHYL PHTHALATE
DIMETHYL PHTHALATE
2,4-DIMETHYLPHENOL
4,6-DINITRO-O-CRESOL
2,4-DINITROPHENOL
2,6-DINITROTOLUENE
2,4-DINITROTOLUENE
1,2-DIPHENYLHYDRAZINE
ENDOSULFAN SULFATE
ENDRIN

Chemical Name
ENDRIN ALDEHYDE
ETHYLBENZENE
FLUORANTHENE
FLUORENE
GAMMA-LINDANE
HEPTACHLOR
HEPTACHLOR EPOXIDE
HEXACHLORO-1,3-BUTADIENE
HEXACHLOROBENZENE
HEXACHLOROCYCLOPENTADIENE
HEXACHLOROETHANE
INDENO(1,2,3-CD)PYRENE
ISOPHORONE
LEAD
MERCURY
METHANAMINE, N-METHYL-N-NITROSO
METHYL BROMIDE
N-NITROSODIPHENYLAMINE
NAPHTHALENE
NICKEL
NITROBENZENE
2-NITROPHENOL
4-NITROPHENOL
PENTACHLOROPHENOL
PHENANTHRENE
PHENOL
PYRENE
SELENIUM
SILVER
2,3,7,8-TETRACHLORODIBENZO-P-DIOXIN (TCDD)
1,1,2,2-TETRACHLOROETHANE
TETRACHLOROETHYLENE
2,3,4,6-TETRACHLOROPHENOL
THALLIUM
TOLUENE
1,2-TRANS-DICHLOROETHYLENE
TRIBROMOMETHANE
1,2,4-TRICHLOROBENZENE
1,1,2-TRICHLOROETHANE
1,1,1-TRICHLOROETHANE
TRICHLOROETHYLENE
2,4,6-TRICHLOROPHENOL
VINYL CHLORIDE
ZINC