

ORDINANCE NO. 2016

AN ORDINANCE REGULATING THE USE OF THE WASTEWATER FACILITIES AND ESTABLISHING CHARGES FOR USERS AND PROVIDING FOR THE RECOVERY OF CAPITAL COSTS OF THE WASTEWATER TREATMENT AND COLLECTION FACILITIES OF THE SHETEK AREA WATER AND SEWER DISTRICT, MURRAY COUNTY, MINNESOTA

THE BOARD OF COMMISSIONERS
OF THE SHETEK AREA WATER AND SEWER DISTRICT,
ADOPTS AND ORDAINS THE FOLLOWING:

Section 1 - Sewer Use Ordinance

Section 1.00. General Recitals.

Subd. 1. The Shetek Area Water and Sewer District is established under Minnesota Statutes Sections 116A.01 et seq as a public water and sewer system, and has obtained by Court order the right to exercise all the rights and authority and to perform all the duties of a statutory city under Chapters 117, 412, 429, and 475, and Sections 115.46, 444.075, and 471.59. The District has or will undertake to construct a wastewater collection and conveyance system (the “Facilities”) within the District.

Subd. 2. The Board of Commissioners has entered into a Sanitary Sewer Interconnection Agreement with the City of Currie regarding the use of the Currie Discharge Permit to treat wastewater collected in the District under certain terms and conditions.

Subd. 3. As a condition of the Agreement, the Board of Commissioners must adopt this use ordinance.

Section 1.01. Purpose and Policy.

Subd. 1 This ordinance sets forth uniform requirements for discharges of wastewater to the District’s Facilities and enables the District to comply with all State (Minnesota Pollution Control Agency) and Federal (U.S. Environmental Protection Agency) laws.

Subd. 2 The objectives of this Ordinance are:

- a) To prevent the introduction of pollutants into the District’s Facilities which will interfere with the operation of the Facilities or the treatment or disposal of wastewater;

- b) To prevent the introduction of pollutants into the District’s Facilities which may be inadequately treated by the Murray County-owned treatment system and passed into receiving waters of the State, the land surface or the atmosphere or otherwise be incompatible with the Facilities; and
- c) To provide for the efficient and safe collection, conveyance and treatment of wastewater from the District.

Subd. 3 The ordinance provides for the regulation of discharges into the District’s wastewater Facilities through enforcement of the general requirements for all Users, authorizes monitoring and enforcement activities, provides for penalty relief, requires user reporting, and provides for the setting of fees necessary to carry out the program established herein.

Subd. 4 Unless otherwise declared in this ordinance, the ordinance shall apply to the entire District, and Users of the District’s Facilities.

Section 1.02. Definitions.

Subd. 1. Unless the context specifically indicates otherwise, the following terms, as used in this ordinance, shall have the meanings hereinafter designated.

Subd. 2. “Act” means the Federal Water Pollution Control Act, Public Law #92—500 and the Clean Water Act, Public Law #95-217 as amended.

Subd. 2. “Board” means the Shetek Area Water and Sewer District Commission.

Subd. 3. “Carbonaceous Biochemical Oxygen Demand (CBOD)” means the quantity of oxygen utilized in the biochemical oxidation of organic matter, in the presence of a nitrification inhibitor, under standard laboratory procedures in five (5) days at 20 degrees Centigrade expressed in terms of weight and concentration (milligrams per liter-mg/l).

Subd. 4. “Buildable” means any lot that is capable of building a Residence or Business Facility.

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

Subd. 6. “Building Sewer” means the extension from the building drain to the public sewer or other place of disposal.

Subd. 7. “Business Facility” means any structure that is used as a business or a place of business.

Subd. 8. “Capital Costs” means all reasonable and necessary costs and expenses incurred by the District in planning, designing, financing, and constructing the Facilities and obtaining service, including but not limited to costs and expenses for obtaining necessary permits, licenses, approvals and grants for design and construction costs; fees for legal and consulting services; or the acquisition of such Facilities and service.

Subd. 9. “Chemical Oxygen Demand” means the quantity of oxygen utilized in the chemical oxidation of organic matter, expressed in milligrams per liter, as determined in accordance with standard laboratory procedure as set out in the latest edition of Standard Methods of the Examination of Water and Wastewater.

Subd. 10. “Combined Sewer” means a sewer originally designed and currently designated to receive both surface water runoff and wastewater.

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

Subd. 12. “Debt Service” means the principal and interest necessary to pay bonded indebtedness.

Subd. 13. “Debt Service Charge” (DSC) means the charge for non- assessed amounts related to the principal and interest necessary to pay bonded indebtedness.

Subd. 14. “Director” means the Superintendent of Public Works.

Subd. 15. “District” means the Shetek Area Water and Sewer District established under Minnesota Statute Sections 116A.01 et seq for the purpose described in this ordinance.

Subd. 16. “Domestic Waste” means wastes from residential Users and from the sanitary conveniences of multiple dwellings, commercial buildings, institutions, and industrial facilities.

Subd. 17. “EPA” means the U.S. Environmental Protection Agency.

Subd. 18. “Facilities” means the system of trunk and lateral lines, gravity and force mains, pumps, lift stations and other appurtenance constructed to collect and convey wastewater from the District.

Subd. 19. “Flow” means the quantity of wastewater expressed in gallons or cubic feet per twenty-four (24) hours.

Subd. 20. “Garbage” means solid wastes resulting from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage of said meat, fish, fowl, fruit, vegetables, and condemned food.

Subd. 21. “General Pretreatment Regulations” means the general pretreatment regulations for existing and new sources of pollution promulgated by EPA under Section 307(b) and (c) of the Act and found at 40 CFR Part 403.

Subd. 22. “Indirect Discharge” means the introduction of pollutants or wastes into the Facilities from any nondomestic source regulated under Section 301 (b), (c), or (d) of the Act.

Subd. 23. “Industrial Waste” means solid, liquid, or gaseous wastes, including cooling water (except where exempted by a NPDES Permit), resulting from any industrial, manufacturing, or business process, or from the development, recovery, or processing of a natural resource.

Subd. 24. “Industrial User” means a source of indirect discharge.

Subd. 25. “Interference” means a discharge which alone or in conjunction with a discharge or discharges from other sources inhibits or disrupts the Facilities, Murray County-owned treatment processes or operations or Murray County-owned sludge processes, use or disposal and, therefore, is a cause of a violation of any requirement of any NPDES Permit or of the prevention of sewage sludge use or disposal with statutory provisions and regulations or permits.

Subd. 26. “MPCA” means the Minnesota Pollution Control Agency.

Subd. 27. “National Pollutant Discharge Elimination System (NPDES) Permit” means any permit or requirements issued by the Minnesota Pollution Control Agency (MPCA) pursuant to the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq); for the purpose of regulating the discharge of wastewater, industrial wastes, or other wastes under the authority of Section 402 of the Act.

Subd. 28. “Non-residential User” means any Person who discharges, causes, or permits the discharge of wastewater into the facilities from a structure other than a residence, seasonal residence or, in the case of a multiple unit user, some combination thereof, or served by a grinder station of a larger capacity than that provided for a normal residential user.

Subd. 29. “Ordinance” means the set of rules contained herein and in the District’s Sewer Rate and Cost Recovery Ordinance.

Subd. 30. “Operations, Maintenance, and Replacement Costs (OMR)” means the expenditures necessary to provide for the dependable, economical, and efficient functioning of the Facilities throughout their useful life, including operator training and permit fees, and the

cost of replacement of certain equipment appurtenant to the Facilities.

Subd. 31. “Other Wastes” shall mean other substances except wastewater and industrial wastes.

Subd. 32. “Person” means the State or any agency or institution thereof, any municipality, governmental subdivision, public or private corporation, individual, partnership, or other entity, including, but not limited to, association, commission or any interstate body, and including any officer or governing or managing body of any municipality, governmental subdivision or public or private corporation, or other entity.

Subd. 33. “pH” means the logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter of solution.

Subd. 34. “Pretreatment” means the process of reducing the amount of pollutants, eliminating pollutants, or altering the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the Facilities. The reduction, elimination, or alteration may be obtained by physical, chemical or biological processes, process changes or other means, except as prohibited by this ordinance.

Subd. 35. “Pretreatment Standards” means standards for industrial groups (categories) promulgated by EPA pursuant to the Acts which regulate the quality of effluent discharge to publicly owned treatment works and must be met by all users subject to such standards.

Subd. 36. “Public Utility” means the Shetek Area Water and Sewer District and its people responsible for the operation of the Facilities and this ordinance.

Subd. 37. “Publicly Owned Treatment Works (POTW)” means the treatment works as defined by Section 212 of the Act, which is owned by the municipality (as defined by Section 502(4) of the Act), and as it pertains to this ordinance, Shetek Area Water and Sewer District collection and conveyance system and Murray County-owned wastewater treatment system. This includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW plant. The term also means the municipality as defined in Section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works plant.

Subd. 38. “Residence” means a single family dwelling, home, cottage or cabin.

Subd. 39. “Rules” means the waste discharge rules for the Currie disposal system contained herein.

Subd. 40. “Sanitary Sewer” means a sewer which carries wastewater and to which storm, surface, and groundwater are not intentionally admitted.

Subd. 41. “Sewage Sludge” means solids and associated liquids in municipal wastewater which are encountered and concentrated by a municipal wastewater treatment plant.

Subd. 42. “Sewer” means a pipe or conduit for carrying wastewater, industrial waste, or other waste liquids.

Subd. 43. “Sewer Availability” means a main sewer line located within 800 feet of a dwelling or business building with toilet facilities or existing water hookup when located within the shoreland or located within 500 feet of a dwelling or business building with toilet facilities or existing water hookup when located outside the shoreland.

Subd. 44. “Sewer Availability Charge” (SAC) means a charge for the User’s proportionate share of the Capital Cost of the Facilities and services.

Subd. 45. “Sewer System” means pipelines or conduits, pumping stations, force mains, and all other devices and appliances appurtenant thereto, used for collecting or conducting wastewater.

Subd. 46. “Shall” is mandatory; “May” is permissive.

Subd. 47. “Shoreland” means land located within the following distances from public water: 1,000 feet from the ordinary high water level of a lake, pond or flowage; and 300 feet from a river or stream, or the landward extent of a flood plain designated by ordinance on a river or stream, whichever is greater.

Subd. 48. “Slug” means any waste discharge which, in concentration of any given constituent or in quantity of flow, exceeds four (4) times the average twenty—four (24) hour concentration or flow during normal operation which may, by itself or in combination with other wastes, cause an interference within the POTW.

Subd. 49. “State” means the State of Minnesota or its designated agency, the Minnesota Pollution Control Agency (MPCA).

Subd. 50. “Storm Water” means any flow occurring during or following any form of natural precipitation and resulting therefrom.

Subd. 51. “Storm Sewer” (sometimes termed “storm drain”) means a sewer which carries storm and surface water and drainage, but excludes wastewater and industrial wastes, other than unpolluted cooling or process water.

Subd. 52. “Suspended Solids (SS)” means the 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 glass fiber filter.

Subd. 53. “Total Toxic Organics” means the summation of all values greater than 0.01 mg/l of toxic organics listed in Section 307 (A) of the Act.

Subd. 54. “Unbuildable” means any lot that is unable to build a Residence or Business Facility on them.

Subd. 55. “Unpolluted Water” means clean water uncontaminated by industrial wastes, other wastes, or any substance which renders such water unclean, or noxious, or impure so as to be actually or potentially harmful or detrimental or injurious to public health, safety, or welfare, to domestic, commercial, industrial, or recreational use, or to livestock, wild animals, bird, fish, or other aquatic life.

Subd. 56. “User” means any Person who discharges, causes, or permits the discharge of wastewater into the Facilities.

Subd. 57. “Waste Transport Hauler” means an Industrial User who transports industrial or domestic waste for the purpose of discharge into the POTW, being the Shetek Area Water and Sewer District collection and conveyance system and the Murray County-owned wastewater treatment system.

Subd. 58. “User Fee” means the fee paid by all Users of the Facilities to pay the treatment cost, cost of OM&R of the facilities, and any existing or future allocated debt service costs.

Subd. 59. “Wastewater” means 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 discharged into or permitted to enter the Facilities.

Section 1.03. Mandatory Connection, Abandonment of Private Wastewater Disposal Systems.

Subd. 1. Except as set forth herein, every owner of property having a dwelling or business building with toilet facilities or existing water hook-up with Sewer Availability as defined herein, shall connect with said main sewer line. Except as set forth herein, all private septic systems and other similar systems shall be properly abandoned, or removed at the time service to the District System is made available to the real estate.

Notwithstanding the previous paragraph, every owner of property having a dwelling or business building with toilet facilities or existing water hookup within the District with Sewer

Availability, who would have been required to hook up to the initial main sewer line, but was outside the initial centralized sewer construction project approved by the Minnesota Public Facilities Authority, are granted a temporary exemption from the mandatory hookup requirement. Those owners (who do not voluntarily hook up to the initial main sewer line) shall be included in Phase II of the centralized sewer construction project and shall be required to connect with the main sewer line upon completion of Phase II.

Subd. 2. Every new subdivision created within the District that is capable of having Sewer Availability, shall be connected to said main sewer line.

Subd. 3. Every new lot created within the District that is capable of having Sewer Availability, shall connect to said main sewer line.

Subd. 4. All private septic systems and other similar facilities shall be abandoned, or removed at the time the property is connected to the System's main sewer line. The abandonment requirement may be delayed for all complying private septic systems in existence as of the date of the enactment of this ordinance, provided the property owner complies with the following requirement; the applicable property owner delivers to the Board, at the owner's sole cost and expense, a Certificate of Compliance issued by a licensed subsurface sewage treatment system professional, certifying that the existing private septic system complies with all applicable laws, rules and regulations in effect at the time the Certificate of Compliance is issued; this Compliance Inspection requirement must be completed every three years or within a timeline required in MN Rules 7080-7083.

Any delay of abandonment however ceases if;

- (a) the applicable property owner sells, conveys or otherwise transfers their interest in the real estate upon which any structure serviced by a private septic system is located, unless said conveyance or transfer is a conveyance or transfer to an immediate family member for no consideration ("immediate family member" being defined as an owner's parent, child or grandchild); or
- (b) it is determined that, at any time following substantial completion of the Facilities, any existing private septic system servicing any structure serviceable by the Facilities fails to comply with all applicable laws, rules and regulations then in effect.

Subd. 5. Representatives of the District may enter any property having a private wastewater disposal system for the purpose of inspecting such system and making such other investigations and tests as are deemed necessary. Entry shall be made during the daylight hours unless abnormal or emergency circumstances require otherwise.

Section 1.04. Building Sewers and Connections.

Subd. 1. No person, unless authorized by the District, shall uncover, make any connections with, or disturb any portion of the Facilities, except in accordance with the applicable provisions of this Ordinance.

Subd. 2. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify and hold harmless the District from any loss or damage to the Facilities that may directly or indirectly be occasioned by the installation of the building sewer.

Subd. 3. A separate and independent building sewer shall be provided for every building, unless a special permit is issued by the District for extenuating circumstances. Such a permit shall require a written agreement between the property owners and the District as to the share of the costs of construction and maintenance that each will contribute.

Subd. 4. Old building sewers may be used in connections with new buildings only when they are found, upon examination and testing by the District, to meet all requirements of this ordinance.

Subd. 5. The size, slope, alignment, materials of construction of a building sewer, and the method to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of Water Pollution Control Federation Manual of Practice No. 9 and applicable American Society of Testing and Materials (ASTM) standards shall apply.

Subd. 6. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, such building drain shall be provided with a lifting device approved by the District and discharged to the building sewer.

Subd. 7. No Person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain that is connected directly or indirectly to the Facilities.

Subd. 8. The construction of the building sewer and its connection to the Facilities shall conform to the requirements of the building and plumbing code, the sewer specifications included herein, or other applicable rules and regulations and the procedures set forth in appropriate specifications of the Water Pollution Control Federation Manual of Practice No. 9, and the American Society for Testing and Materials (ASTM). All such construction shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the District before installation.

Subd. 9. The District shall be allowed to inspect the work at any stage of the Building Sewer Drain construction and, in any event, the applicant for the connection shall notify the District when the work is ready for final inspection and no underground portions shall be covered before the final inspection is completed. The connection shall be made under the supervision of the District or its representative.

Subd. 10. Any new connections to the Facilities shall be prohibited unless sufficient capacity is available in all downstream portions of the Facilities and at the POTW, including, but not limited to capacity for flow, CBOD and suspended solids, as determined by the District.

Section 1.05. Connections, Alterations, Main and Lateral Sewers.

Subd. 1. No Person, unless authorized, shall uncover, make any connections with or opening into, use, alter, or disturb any portion of the Facilities without first obtaining a written permit from the District. The District may charge a reasonable permit fee to cover the costs of inspections associated with alterations or connections to the Facilities as well as administrative expenses incurred by the District on account of such alterations and connections.

Subd. 2. No main or lateral sewer shall be constructed in the District (except house or building service sewers) except by the District. No such main or lateral sewer shall be considered to be a part of the Facilities unless accepted by the District.

Subd. 3. No lift station or check valve shall be installed on any portion of the Facilities (except house or building service sewers) except by the District. No such lift station or check valve shall be considered to be a part of the Facilities unless accepted by the District.

Subd. 4. The size, slope, alignment, material of construction, methods to be used in excavation, placing of pipe, jointing, testing, backfilling and other work connected with the construction of sewers shall conform to the requirements of the District.

Section 1.06. Protection from Damage.

It is unlawful for any Person to maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, attachment, appurtenance, machinery, equipment, apparatus, or fixture, which is part of the Facilities, or commit any act tending to obstruct or impair the use of any part of the Facilities.

Section 1.07. Use of Public Sewers.

Subd. 1. It shall be unlawful to discharge into any natural outlet within the District or in any area under the jurisdiction of the District any wastewater or other polluted water.

Subd. 2. As set forth in Section 1.03., it shall be unlawful within the District to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater. Temporary portable toilet facilities shall not remain on the premises for more than 30 days within a calendar year, with the exception of construction sites where they may remain for the duration of the construction project.

Subd. 3. Construction of any new structures within the District from which wastewater is or shall be discharged shall not occur without first submitting a plan prior to securing a connection to the Facilities.

Subd. 4. The owner of any building or property which is located within the District, or in any area under the jurisdiction of the District, and from which wastewater is discharged, shall be required to connect to the Facilities, if mandated under this Ordinance, at the owners expense, within sixty (60) days after service of official notice to do so, provided that said public sewer is reasonably available for connection. Additionally, if the building or property is used for human occupancy, employment or recreation, the owner shall be required to install at the same time toilet facilities in accordance with the State Building Code and this ordinance. Said official notice shall be given by the District, or its designated agent, and shall be served upon the owner personally or by certified mail.

Subd. 5. In the event an owner shall fail to connect to a public sewer in compliance with a notice given under this section, the District may undertake to have said connection made and shall charge the cost thereof against the property and said charge shall be assessed against said property so benefited. After such installation and connection is completed, the District shall serve a written notice of completion upon the owner and its intention to make an assessment therefore. If such assessment is not paid within ten (10) days, the District shall certify the amount thereof to the County Auditor in the same manner as other special assessments, provided that the District may, by resolution, provide that the assessment be spread over a term no longer than five (5) years, and with an interest rate equal to the interest rate charged by the County on delinquent taxes and assessments. The rights of the District under this subdivision shall be in addition to any other remedial or enforcement provisions of this ordinance.

Subd. 6. No Person shall discharge or cause to be discharged directly or indirectly any storm water, surface water, groundwater, roof runoff, subsurface drainage, unpolluted cooling or process water (except water softener discharge) to the Facilities unless as approved by the District. This water, runoff and drainage shall be discharged to a storm sewer or other appropriate outlet, subject to existing regulatory requirements of the EPA and the MPCA.

Section 1.08. Industrial Uses and Users Prohibited.

Subd.1. All Industrial Users proposing to connect or to commence a new discharge to the wastewater treatment system shall obtain a wastewater discharge permit before connecting to or discharging into the wastewater treatment system if the discharge would result in the industry

being classified as a significant Industrial User. All existing Industrial Users or Industrial Users subject to national categorical pretreatment standards under Section 307(b) and (c) of the Act connected to or discharging into the wastewater treatment system shall obtain a wastewater discharge permit within one hundred eighty (180) days after the effective date of this ordinance.

Subd.2. All industrial users required to obtain a wastewater discharge permit shall complete and file an application in a form prescribed by the System and approved by the City of Currie.

Section 1.09. Limitations on Wastewater Strength.

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

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

Subd. 3. District's Right of Revision. The District reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the Facilities if deemed necessary to comply with the objectives of this ordinance.

Subd. 4. Dilution. No User shall increase the use of process water, or in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in any local or state requirements or federal pretreatment standards.

Subd. 5. Reports. Reports specified in Code of Federal Regulations, Title 40, Section 403.12 of the General Pretreatment Regulations shall be submitted to the District by affected Users.

Section 1.10. Discharge of Certain Materials Prohibited.

Subd. 1. No person shall discharge or cause or allow to be discharged, directly or indirectly, into the Facilities any of the following waste pollutants containing concentrations in excess of the following maximum limitations for any operating day:

- (a) All waste of any type generated from any source outside the designated sewer service area.
- (b) All waste generated from septic tank contents, privy vault contents, dump station, sewage holding tanks and the like generated from within the limits of the designated sewer service area.
- (c) Any wastes which may directly or indirectly impair the proper functioning of the District's POTW.
- (d) Any wastes the strength or pollutional effects of which are not effectively altered by ordinary treatment processes, or the presence of which in the receiving stream would violate State and Federal water quality standards.
- (e) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the District's POTW or to the operation of the Facilities. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides, and any wastes with a closed cup flash point of less than 140 degrees Fahrenheit (60 degrees Centigrade).
- (f) Solid or viscous substances that will or may cause obstruction to the flow in a sewer or other interference with the operation of the District's POTW such as, but not limited to, grease, garbage with particles greater than one-half inch (1/2 in.) in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshing, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, gas, tar asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.
- (g) Any wastewater having a pH less than 6.0 or more than 10.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the District's POTW.
- (h) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to inhibit or disrupt any wastewater treatment process, constitute a hazard to humans or animals, or create a toxic effect in the receiving waters of the wastewater treatment system. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Federal Water Pollution Control Act as amended.
- (i) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.
- (j) Any wastewater with objectionable color not removed in the treatment process, such as, but, not limited to, dye wastes and vegetable tanning solutions.

- (k) Any wastewater which creates conditions at or near the District's POTW that violate any statute or any rule, regulations, or ordinance of any public agency or State or Federal regulatory body.
- (l) Any wastewater with CBOD in excess of two hundred sixty (260) mg/l and TSS in excess of two hundred eighty (280) mg/l.
- (m) Any wastewater having a temperature greater than 150 degrees Fahrenheit (65.6 degrees Centigrade), or causing, individually or in combination with other wastewater, the influent at the District's POTW to have a temperature exceeding 104 degrees Fahrenheit (40 degrees Centigrade) or having heat that will inhibit biological activity in the District's POTW resulting in interference.
- (n) Any slug load, which shall mean any pollutant, including oxygen demand pollutants (CBOD, etc.), released in a discharge of such volume or strength as to cause inhibition or disruption in the District's Treatment Works.
- (o) Non-contact cooling water or unpolluted storm or groundwater.
- (p) Any wastewater containing fats, wax, grease, or oils whether emulsified or not, in excess of fifty (50) mg/l or containing substances that may solidify or become viscous at temperatures between 32 degrees Fahrenheit (0 degrees Centigrade) and 150 degrees Fahrenheit (65.6 degrees Centigrade); and any wastewater containing oil and grease.
- (q) Concentrations of mineral or animal origin of greater than fifty (50) mg/l whether or not emulsified.
- (r) Wastewater containing inert suspended solids (such as, but not limited to, Fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate) (in such quantities that they would cause disruption with the District's POTW.
- (s) 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's POTW or the personnel operating it.
- (t) Wastewater containing the following substances in excess of the limits shown herein.

<u>Pollutants</u>	<u>Maximum Allowable Concentration* (mg/l)</u>
Arsenic	0.13
Cadmium	0.091
Chromium, Total	2.28
Copper	2.76
Cyanide, Total	3.11
Lead	0.79
Mercury	0.016
Molybdenum	0.11
Nickel	0.75
Selenium	0.19
Silver	0.56

*Based on a 24—hour flow proportional composite sample of a total discharge from the Facilities.

Subd. 2. Discharges in excess of those prescribed in Subd. 1 may be accepted into the District's POTW pursuant to a written agreement between the discharger and the City of Currie, which agreement shall provide that:

- (a) The discharger will pay all costs incurred by the City of Currie arising out of the discharge including fines and penalties;
- (b) Discharge shall, in no event, exceed functional capacity of the District's POTW;
- (c) Provision be made for constant monitoring of discharge as may be necessary;
- (d) There exists the capability of shutting the discharge off before it enters the District's POTW
- (e) The permit may be revoked or modified where necessary as the needs of the District's or the City of Currie's POTW dictate in connection with the demands placed on the Facility, its capabilities and emergencies affecting its operation in compliance with the applicable requirements for its operation by the District;
- (f) The discharger shall hold the District and the City of Currie harmless for such discharge;
- (g) Such other terms may be deemed appropriate to ensure the safe and verifiable granting of permission to place such excess loadings in the system. No permit shall be granted hereunder where such discharge would violate applicable Federal or State laws or regulations or adversely impact upon the City of Currie's ability to comply with applicable terms of its NPDES permit or applicable regulations governing its POTW.

Subd. 3. It is unlawful for any Person to make or maintain a connection between eaves trough, rainspouts, footing drains, or any other conductor used to carry natural precipitation or ground water, and the sanitary system or any part thereof.

Any property owner in violation of this section and upon receiving notice of said violation, shall disconnect the conductor from the Facilities. Any property owner in violation of this section shall be assessed a monthly surcharge, the amount of which will be established by the Board, for each month that the conductor is not permanently disconnected. Failure to permanently disconnect the conductor, or reconnection of a disconnected conductor, may result in the suspension of Facilities.

Subd.4. It is unlawful for any person to construct, alter or extend any Sewer connected or proposed to be connected to the Facilities without first having the plans and specifications therefor approved by the District.

Subd.5. It is unlawful for any owner, tenant, agent, occupant, or other person having charge of any premises to maintain thereon any drain or sewer connected with the Facilities in a clogged, obstructed, broken or damaged condition, or not in conformance with the existing Plumbing Code.

Subd.6. It is unlawful for any person to discharge, or cause or permit to be discharged, any Sewage or unhealthful matter into any lake, natural ravine, or public waters.

Section 1.11. Accidental Discharges.

Subd. 1 Accidental discharges of prohibited waste into the Facilities, directly or through another disposal system, or to any place from which such waste may enter the Facilities, shall be reported to the District by the persons responsible for the discharge, or by the owner or occupant of the premises where the discharge occurred, immediately upon obtaining knowledge of the fact of such discharge. Such notification will not relieve users of liability for any expense, loss or damage to the wastewater disposal system or treatment process, or for any fines imposed on the District on account thereof under any state or federal law. The responsible Person shall take immediate action as is reasonably possible to minimize or abate the prohibited discharge.

Subd. 2 The responsible Person shall send a letter describing the prohibited discharge to the District within seven (7) days after obtaining knowledge of the discharge. The letter shall include the following information:

- (a) the time and location of the spill;
- (b) description of the accidentally discharged waste, including estimate of pollutant concentrations;
- (c) time period and volume of wastewater discharged;
- (d) actions taken to correct or control the spill;
- (e) a schedule of corrective measures to prevent further spill occurrences.

Section 1.12. Monitoring.

Subd. 1. Monitoring Facilities. When required by the District, a User shall install a suitable control structures, together with such necessary meters and other appurtenances at or near the service connection, to facilitate observation sampling, flow measurement, and measurement of the wastes. Such structure and equipment when required shall be constructed at the User's expense in accordance with plans approved by the District and shall be maintained by the User so as to be safe and accessible at all times.

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

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

Meters and flow records shall be maintained at the User's expense in good operating condition at all times. The User shall verbally notify the District immediately (and followed in writing no later than five (5) days) in the event that the User becomes aware that the meter or flow recorder has failed to accurately register the flow. The User shall also notify the District of the User's intention to alter the installation of a meter or flow recorder so as to affect the accurate recording of industrial waste entering the Facilities.

Subd. 3. District's Self-Monitoring Analyses. All measurements, tests, and analyses of the characteristics of water and wastes shall be determined in accordance with guidelines established in 40 CFR Part 136 and 40 CFR 403.12 (g) of the General Pretreatment Regulations. Representative samples of the District's waste shall be collected on a normal operating day.

Subd. 4. Self-Monitoring Reports. The District shall complete and submit accurate routine self-monitoring reports to the City of Currie in a form and at a frequency as reasonable required by the City of Currie.

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

Duly authorized employees of the District, MPCA, and EPA bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance. Those employees shall have no authority to inquire into any processes except as is necessary to determine the kind and source of the discharge to the Facilities.

While performing the necessary work on private properties referred to in this section, the authorized employees of the District shall observe all safety rules applicable to the premises established by the User.

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

Subd. 6. Testing Procedures. Testing procedures for the analysis of pollutants shall conform to the guidelines established in Code of Regulations, Title 40, Part 136 and Code of Federal Regulations, Title 40, Section 403.12 (g) of the Federal Pretreatment Regulations.

Subd. 7. Wastewater Discharge Records. Wastewater discharge records of the District shall be kept by the District for a period of not less than five (5) years or as otherwise required by law.

Section 1.13. Pretreatment.

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

Section 1.14. Confidential Information.

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

When requested by the person furnishing a report, the portions of a report that might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this ordinance, the NPDES permit, state disposal system permit, and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the District as confidential, shall not be transmitted to any governmental agency or to the general public by the District until and unless a ten (10) day notification is given to the User, unless a shorter period of time is mandated by state law.

Section 1.15. Falsifying Information.

It is unlawful for any Person to knowingly make 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 who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance.

Section 1.16. Severability.

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

Section 1.17. Enforcement.

Subd. 1. Remedies Available. The District may suspend service when such suspension is necessary, in the opinion of the District, in order to stop an actual or threatened discharge that presents or may present an imminent or substantial endangerment to the health or welfare of humans, to the environment, or to the Facilities, or would cause the District to violate any condition of its NPDES or state disposal system permits, or any other law or regulation. Any User notified of a suspension of service shall immediately stop discharging to the Facilities. In the event of a failure of the User to comply voluntarily with the suspension order, the District shall take such steps as deemed necessary, including immediate severance of the User's connection to the Facilities, to prevent or minimize damage to the Facilities or endangerment to any individuals. The District shall reinstate service upon proof of the elimination of the noncomplying discharge.

A detailed written statement submitted by the User describing the causes of the Slug or accidental discharge and the measures taken to prevent any future occurrence shall be submitted to the District within seven (7) working days of the date of occurrence.

Subd. 2. Notification of Violation. Whenever the District finds that any Person has violated or is violating this ordinance, or any prohibition, limitation or requirement contained herein, the District may serve upon such Person a written notice stating the nature of the violation. Within ten (10) days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the District by the Person.

Subd. 3. Show Cause Hearing.

- (a) Notice of Hearing. If the violation is not corrected by timely compliance, the District may order any User, which causes or allows an unauthorized discharge, or persists in a violation of this ordinance, to show cause before the District why an enforcement action should not be taken. A notice shall be served on the User

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

- (b) Hearing Officials. The District may itself conduct the hearing and take the evidence, or may designate any of its members, administrative law judge, or any officer or employee to:
 - 1. Issue, in the name of the District, notices of the hearing requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
 - 2. Take the evidence; and,
 - 3. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the District for action thereon.
- (c) Transcripts. At any hearing held pursuant to this ordinance, 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 therefore.
- (d) Issuance of Orders. After the District has reviewed the evidence, it may issue an order to the User responsible for the discharge directing that, following a specified time period, the User's connection to the Facilities will be served unless adequate treatment facilities, devices or other related appurtenances have been installed or existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

Subd. 4. Legal Action. Notwithstanding the above, if any Person discharges wastewater, industrial wastes, or other wastes into the District's Facilities contrary to the provisions of this ordinance, federal or state pretreatment requirements or any order of the District, the District's attorney may commence a legal action in the appropriate court of jurisdiction for the appropriate legal and/or equitable relief. In addition to the penalties provided herein, the District may recover court costs, court reporter's fees and other expenses of litigation by an appropriate action against the person found to have violated this ordinance or the Orders, Rules, Regulations, and Permits issued hereunder.

Section 1.18. Penalties.

Subd. 1. Administrative Fines. Notwithstanding any other Section of this ordinance, any User who is found to have violated any provision of this ordinance, or orders issued hereunder, shall be fined in an amount not to exceed \$1,000 per violation. Each day on which

noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such fine shall be assessed against User to be first added to User's next scheduled User Fee, and if not paid with said User Fee, then the District may certify said assessment to the County Auditor in which the land is situated to be collected in the same manner as assessments for local improvements, and shall bear interest at the rate the County charges on delinquent taxes.

Subd. 2. Criminal Penalties. Any Person willfully violating any of the provisions of this ordinance shall be guilty of a misdemeanor punishable by a fine of not more than \$1,000.00 or imprisonment of not more than 90 days or both.

Subd. 3. Costs of Damage. Any person violating any of the provisions of this ordinance shall become liable to the District for any expense, loss, or damage occasioned the District by reason of such violation. The District may add to the User's charges and fees the costs assessed for any cleaning, repair, or replacement work caused by the violation or discharge. Said costs shall be added to User's next scheduled User Fee, and if not paid with said User Fee, then the District may certify said assessment to the County Auditor in which the land is situated to be collected in the same manner as assessments for local improvements, and shall bear interest at the rate the County charges on delinquent taxes.

Subd. 4. The penalties provided in Subdivision 1, Subdivision 2 and Subdivision 3 of this Section shall not be exclusive, and the District may pursue any or all of the penalties set forth herein.

Section 2 - Sewer Rate and Cost Recovery Ordinance

Section 2.00. General Recitals.

Subd. 1. The Shetek Area Water and Sewer District is established under Minnesota Statutes Sections 116A.01 et seq as a public water and sewer system and has obtained by Court order the right to exercise all rights and authority and to perform all the duties of a statutory city under Chapters 117, 412,429, and 475 and Sections 115.46,444.075 and 471.59 The District has or will undertake to construct a wastewater collection and conveyance system (the "Facilities") within the District.

Subd. 2. The District has entered into a Sewage Treatment Agreement with the City of Currie to discharge wastewater collected in the District under certain terms and conditions.

Subd. 3. The District requires an ordinance to provide for the lawful, fair and equitable recovery of the cost of construction of the District's wastewater facilities as well as the lawful, fair and equitable charges for operations, maintenance and replacement of the facilities and the treatment of wastewater generated in the District.

Section 2.01. Purpose and Policy.

This Ordinance sets forth a uniform system for charges and user fees for the procurement, operations, maintenance and replacement of wastewater facilities within the District.

The objectives of this Ordinance are:

- a) To provide a system of charges to users of the Facilities in order to recover capital costs associated with procurement of the facilities and the providing of wastewater treatment within the District;
- b) To provide a system of User Fees or charges in order to pay for the treatment of wastewater generated by Users of the Facilities and to provide for the operations, maintenance and replacement of the Facilities; and
- c) To provide a system of charges to Future Users of the Facilities in order to recover and offset the initial capital costs paid by the initial users.

The Ordinance shall apply to the District and users of the District's facilities.

Section 2.02. Mandatory Connection, and Charges.

Subd. 1. Connection to the Facilities by all Users within the District is mandatory prior to the production of wastewater by the User.

Subd. 2. Immediately prior to the time a connection is made to the Facilities, each User shall pay a SAC, and a connection charge to the District unless such charge has been included within any special assessments as part of the initial construction of the system.

Subd. 3. The SAC paid by each future User shall be in accordance with the SAC Schedule adopted by the District.

Subd. 4. Every new subdivision created within the District that is capable of having Sewer Availability, shall be responsible for paying their portion of SAC charges for each lot prior to the final plat being recorded.

Subd. 5. Every new lot within a subdivision created within the District, either by splitting an existing lot, through the subdivision process, or by any other method possible, that is capable of having Sewer Availability, shall be responsible for paying their portion of SAC charges for each lot prior to the sale of the lot or the lot being recorded.

Subd. 6. Every existing Unbuildable lot within the District that is capable of having Sewer Availability, but currently is not hooked to the said main sewer line, shall be responsible for paying their portion of SAC charges at the time when the lot becomes Buildable.

Subd. 7. Users shall bear the entire cost of extending the facilities from the dwelling / structure to their property line unless a User has previously paid the SAC or has previously paid for the extension of service within any special assessments as part of the initial construction of the system.

Subd. 8. Any owner of property within the District, passed whose property the Facilities run or against whose property the Facilities abut, who is currently not a User, but who may become a future User, may have the Facilities extended to the property line at the point of future use by providing notice to the District prior to the construction of the Facilities and by paying to the District, either as an assessment or a one-time payment, the full amount of the cost of the extension of the Facilities to the property line.

Subd. 9. In the event an owner fails to connect to the Facilities, as required by this Ordinance, the District may undertake to have said connection made and shall charge the cost thereof against the property and said charge shall be an assessment against said property. Such charge, when made, shall bear interest at the rate of eight percent (8%) per annum and shall be certified to the auditor of the County in which the land is situated and shall be collected and remitted to the District in the same manner as assessments for local improvements. The rights of the District under this subdivision shall be in addition to any other remedial or enforcement provisions of this Ordinance.

Section 2.03. User Fees.

Subd. 1. User Fees shall be set by the District, reviewed annually and adjusted as necessary to pay the cost of treatment and to cover OMR and DSC costs. The User Fees shall be adopted by resolution upon enactment of this Ordinance and shall be published in the local newspaper and shall be effective upon publication. Subsequent changes in the sewer service rates and charges shall be adopted by the District by resolution and published in the official newspaper.

Subd. 2. User Fees shall be charged monthly and be payable within 15 days of the date of billing. Users may prepay fees in advance. All users that have prepaid fees will receive a monthly statement indicating the credit balance and any amounts due upon exhaustion of the credit balances. An account for services will be kept for each user and a separate account for separate premises. Each user will be liable for service to his premises. Bills for service will be rendered monthly and will be due within fifteen days of their date, but failure of the District to render a bill or of user to receive a bill will not excuse payment. Bills will be mailed to users at the addresses shown on applications of the day of their application for service.

Subd. 3. The utility services and charges shall be the primary responsibility of the owner of

the premises served and shall be billed to him unless otherwise authorized in writing. The District may collect the same in a civil action, or, in the alternative and at the option of the District, as provided in Subdivision 6 of this Section.

Subd. 4. Unpaid User Fees shall become an assessment on the property that is served by the Facilities. In the event an owner shall fail to pay User Fees, as required by this ordinance, the District may undertake to have said fees certified as an assessment against the property at an interest rate of eight percent (8%) per annum to be collected and remitted to the District in the same manner as assessments for local improvements. The rights of the District under this subdivision shall be in addition to any other remedial or enforcement provisions of this ordinance.

Section 2.04. Other Connection and Inspection Fees.

Subd. 1. Curb Stop Connections. Following construction of the Shetek Area Water and Sanitary District Sewer System, a fee shall be paid before a permit may be issued permitting any connection to any curb stop or isolation valve connection to the Shetek Area Water and Sanitary District Sewer System. The Curb Stop Connection fee paid by each future User shall be in accordance with the rate schedule adopted by the District.

Subd. 2. Hot Tap Connections. Following construction of the Shetek Area Water and Sanitary District Sewer System, a fee shall be paid before a permit may be issued permitting any “hot tap” or “live” connection to the Shetek Area Water and Sanitary District Sewer System. The Hot Tap Connection fee paid by each future User shall be in accordance with the rate schedule adopted by the District.

Subd. 3. Permit Applications. The application for a permit for any such curb stop or isolation valve or hot tap or live connection shall be accompanied by plans and drawings prepared by a qualified engineering firm and all such connections shall be supervised by such engineers as may be selected by the Board of Managers, and the cost of the same shall be paid by the applicant. Any permit issued pursuant to this subsection shall not be valid until all such costs, and permit fees are paid in full.

Section 2.06. Notice of Amendment. Prior to any amendment of this ordinance or any amendment to the system of user charges established under this ordinance, the District shall publish notice of the proposed amendment, at least once per week for two successive weeks, in a qualified newspaper in general circulation in the District.

Section 2.07. Severability. If the provisions of any section, paragraph, or sentence of this ordinance shall for any reason be held to be unconstitutional or invalid by any court of competent jurisdiction, the provisions of the remaining sections, paragraphs, and sentences shall nevertheless continue in full force and effect.