

ORDINANCE NO. 279

AN ORDINANCE AMENDING TITLE 7, CHAPTER 3 OF THE CITY CODE OF THE CITY OF EAST HELENA REGARDING SEWER REGULATIONS TO ALIGN THE REGULATIONS WITH CITY ENGINEERING STANDARDS AND CURRENT CITY POLICIES AND PROCEDURES

RECITALS

WHEREAS, the City of East Helena, Montana (the “City”), in Title 7, Chapter 3, of the City Code of the City, has established rules and regulations (the “Sewer Regulations”) for the City’s municipal sewer system (the “System”), including permits, service, connections, inspection, mains, and responsibilities; and

WHEREAS, the City Council (the “Council”) desires to amend the Sewer Regulations to align the regulations with the City Engineering Standards and current City policies and procedures.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF EAST HELENA, MONTANA:

Section 1. That Chapter 3 in Title 7 of the East Helena City Code is amended as follows:

**TITLE 7 HEALTH AND SANITATION
CHAPTER 3 SEWER REGULATIONS**

7-3-1: DEFINITIONS:

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

AASHO: The American Association of State Highway Officials.

~~—ASA: The American Standards Association.~~

ASTM: The American Society for Testing Materials.

AWWA: The American Water Works Association.

AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER: Either a principal executive officer of at least the level of vice president, if the industrial user is a partnership or proprietorship, or a duly authorized representative, if such a representative is responsible for the overall operation of the facilities from which any direct or indirect discharge originates.

AVERAGE SEWER STRENGTH: Sewage containing wastes in amounts less than or equal to two hundred fifty milligrams per liter (250 mg/l) BOD and two hundred ~~fifty-four~~fifty-four milligrams per liter (254 mg/l) total suspended solids (TSS).

BIOCHEMICAL OXYGEN DEMAND (BOD): The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees centigrade (20°C), expressed in milligrams per liter.

~~**BUILDING DRAIN:** 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 feet (5') (1.5 m) outside the inner face of the building wall.~~

BUILDING SEWER: The extension from the building drain to the public sewer or other place of disposal, also called house connection.

BYPASS: The intentional or unintentional diversion of waste streams from any portion of an industrial user's treatment facility.

COMBINED SEWER: A sewer intended to receive both wastewater and storm or surface water.

COMPOSITE SAMPLE: A representative flow proportioned or time proportioned sample collection within a ~~twenty-four~~ **twenty-four** (24) hour period composed of a minimum of twelve (12) individual samples (aliquots) collected at equally spaced intervals and combined according to flow or time.

EASEMENT: An acquired legal right for the specific use of land owned by others.

EDU: Equivalent dwelling unit.

~~**FLOATABLE OILFOG:** Oil, fat or grease~~ **Fats, oils and greases** in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

GARBAGE: The animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.

~~**HEARING BOARD:** That board appointed according to provisions of section 7-3-8 of this chapter.~~

INDUSTRIAL USER: Any user that discharges wastewater other than domestic wastes from industrial or commercial processes.

INDUSTRIAL USER, SIGNIFICANT: Any industrial user subject to a categorical effluent standard and noncategorical users whose process flows exceed ~~twenty-five~~ **twenty-five** thousand (25,000) gallons per day, have a waste stream flow greater than five percent (5%) of the wastewater treatment plant capacity or have a reasonable potential to adversely affect the POTW, including its effluent and biosolids.

INDUSTRIAL WASTES: The wastewater from industrial processes, trade or business as distinct from domestic or sanitary wastes.

MAY: Is permissive (see definition of Shall).

NATURAL OUTLET: Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or groundwater.

OSHA: The occupational safety health administration.

PERSON: Any individual, firm, company, association, society, corporation or group.

pH: The logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen ion concentration of 0.0000001 milligrams per liter.

PRETREATMENT OR TREATMENT: The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of the pollutants' properties in wastewater to an acceptable level prior to or in lieu of discharging or otherwise introducing such pollutants into the wastewater utility, which may be obtained by physical, chemical or biological processes or other means exclusive of dilution.

PROPERLY SHREDDED GARBAGE: The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch ($1/2$ " (1.27 cm) in any dimension.

PUBLIC SEWER: A common sewer controlled by a governmental agency or public utility.

SANITARY SEWER: A sewer that carries liquid and water carried wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of ground, storm and surface waters that are not admitted intentionally.

SEWAGE: The spent water of a community. The preferred term is "wastewater" as herein defined.

SEWER: A pipe or conduit that carries wastewater or drainage water.

SHALL: Is mandatory (see definition of May).

SLUG: Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average ~~twenty-four~~ twenty-four (24) hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

STORM DRAIN: Sometimes termed "storm sewer" shall mean a drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source.

~~SUPERINTENDENT: The superintendent of wastewater facilities, and/or of wastewater treatment works, and/or of water pollution control of the city of East Helena or his authorized deputy, agent or representative.~~

SUSPENDED SOLIDS: Total suspended matter that either floats on the surface of, or is in suspension in water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods For The Examination Of Water And Wastewater" and referred to as nonfilterable residue.

UNPOLLUTED WATER: Water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

~~WPCF: The Water Pollution Control Federation. WEF: Water environment federation.~~

WASTEWATER: The spent water of a community. From the standpoint of source, it may be a combination of the liquid and water carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water and stormwater that may ~~be present~~ enter into sewer collection system.

WASTEWATER FACILITIES: The City owned structures, equipment and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.

WASTEWATER TREATMENT WORKS: An arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant".

WATERCOURSE: A natural or artificial channel for the passage of water either continuously or intermittently.

7-3-2: USE OF PUBLIC SEWERS REQUIRED:

A. It shall be unlawful for any person to place, deposit ~~or permit to be deposited in~~ any unsanitary manner on public or private property within the city, or in any area under the jurisdiction of said city, any human or animal excrement, garbage or other objectionable waste.

B. It shall be unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of said city, any sewage wastewater or other polluted waters, ~~except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.~~

C. ~~Except as hereinafter provided, i~~ It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, private wastewater treatment works, or other facility intended or used for the disposal of wastewater within the wastewater service area of said city, with the exception of industrial pretreatment facilities as required by the provisions of this chapter.

D. The owner(s) of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the city and abutting on any street, alley or right of way in which there is now located or may in the future be located a public sanitary or combined sewer of the district, except as may presently be utilized in the city, is hereby required at the owner(s) expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within one hundred eighty (180) days after date of official notice to do so, ~~provided that said public sewer is within two hundred feet (200') of the property line.~~

~~7-3-3: PRIVATE WASTEWATER DISPOSAL:~~

~~A. Where a public sanitary or combined sewer is not available under the provisions of subsection 7-3-2D of this chapter, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section. Where the user has been identified as a significant industrial user or is discharging pollutants subject to limitations, or is subject to pretreatment standards and requirements, private wastewater treatment works may be required to meet pretreatment standards and requirements and are subject to the conditions of this chapter.~~

~~—B. Before commencement of construction of a private wastewater disposal system the owner(s) shall first obtain a written permit signed by the superintendent. The application for such permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the city. A permit and inspection fee of one hundred fifty dollars (\$150.00) shall be paid to the district at the time the application is filed.~~

~~—C. A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the superintendent. The superintendent shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within forty eight (48) hours of the receipt of notice by the superintendent.~~

~~—D. The type, capacities, location and layout of a private wastewater disposal system shall comply with all recommendations of the state of Montana. No permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than forty three thousand five hundred sixty (43,560) square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.~~

~~—E. At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in subsection D of this section, a direct connection shall be made to the public sewer within one hundred eighty (180) days in compliance with this chapter, and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material.~~

~~—F. The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the district. Sludge removal from private disposal systems to be performed by licensed operators and disposed of properly. (See subsection 7-3-5C5 of this chapter.)~~

~~—G. No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the state.~~

7-3-4: SANITARY SEWERS, BUILDING SEWERS AND CONNECTIONS:

~~A. No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent. To obtain said permit, the applicant must pay the required fee of fifty dollars (\$50.00), and deposit with the city cash in the amount of five hundred dollars (\$500.00) or provide a bond with surety or sureties licensed to do business in the state in the amount of five hundred dollars (\$500.00), made payable to the city. If applicant complies with all provisions of this chapter, said cash or bond shall be returned to applicant. If however, said applicant shall fail to comply with all provisions of the sewer regulations contained in the city ordinances, then the city shall use such funds as are necessary to ensure compliance, and the balance of the funds returned to applicant. Such permit shall be shown any officer in authority on demand.~~

~~BA. There shall be two (2) classes of building sewer permits: 1) for residential and commercial service, and 2) for service to establishments producing commercial and industrial wastes. In either case, the owner(s) or his agent shall make application on a special form~~

furnished by the city. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the ~~superintendent city~~. ~~A permit and inspection fee of one hundred fifty dollars (\$150.00) for a residential or commercial building sewer permit and one hundred fifty dollars (\$150.00) for an industrial building sewer permit shall be paid to the district at the time the application is filed. Residential is a permit fee of ten dollars (\$10.00) and a one hundred- and fifty-dollar (\$150.00) inspection fee. Commercial and Industrial is a permit fee of fifty dollars (\$50.00) and a two-hundred-dollar (\$200.00) inspection fee.~~

~~EB.~~ All costs and expense incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the ~~City~~district from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. ~~The owner shall be solely responsible for the care, maintenance and operation of their service pipes, apparatus and connection to the City's main.~~

~~C.~~ The city is not responsible for service pipes, internal plumbing and fixtures; all owners at their own expense must keep service pipes to city mains and all their apparatus in good working order and properly protected from plugging, freezing or other dangers. No claims may be made against the city on account of the plugging, freezing or breaking of any service pipes or apparatus. No reduction from the regular rates shall be made for any time that service pipes or fixtures may be frozen.

D. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer, but the city does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

~~E.~~ Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this chapter.

~~FE.~~ The size, slope, alignment, materials of construction of all sanitary sewers including building sewers, and the methods to be used in excavating, placing of the pipe, joining, testing and backfilling the trench, shall all conform to ~~the following~~City of East Helena Engineering Standards and uniform plumbing code.

1. Size: The minimum size allowed shall be four inches (4"). ~~Pipes less than 8" must follow City of East Helena Engineering standards. Pipe size 8" and greater must follow City of East Helena Engineering standards and all DEQ requirements.~~

2. Slope: The minimum slope for the following size pipe shall be required:

a. One and twenty five one-hundredths foot (1.25') drop for each one hundred feet (100') of run of four inch (4") pipe;

b. Sixty two one-hundredths foot (0.62') drop for each one hundred feet (100') of run of six inch (6") pipe;

c. Forty one-hundredths foot (0.40') drop for each one hundred feet (100') of run for eight inch (8") pipe;

d. The slope of larger diameter pipe shall conform to the specifications contained in "Recommended Standards For Wastewater Treatment Systems" paragraph 24.31.

3. Materials:

a. The pipe material may be polyvinyl chloride (PVC) conforming to ASTM specification D3034 type PSM polyvinyl chloride sewer pipe and fittings with compression ring jointing or solvent weld jointing.

b. Or the pipe material may be cast iron pipe and fittings conforming to ASTM specification A 74, of heavy strength, with jointing of rubber compression rings.

c. No other material shall be allowed.

~~—4. Method Of Construction: The method of construction shall conform with the procedures set forth in appropriate specifications of the ASTM and WPCF "Manual Of Practice No. 9".~~

GE. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted at owner(s) expense by an approved means and discharged to the public sewer.

HF. No person(s) shall make connection of roof downspouts, foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer, ~~or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the superintendent for purposes of disposal of polluted surface drainage.~~

I.G. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code and City of East Helena Engineering Standard. ~~or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the ASTM and the WPCF "Manual Of Practice No. 9". All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.~~

~~—JH.~~ The applicant for the building sewer permit shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of ~~the superintendent or his city~~ representative.

KI. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city per city engineering standards.

7-3-5: USE OF THE PUBLIC SEWERS:

A. No person(s) shall discharge or cause to be discharged any unpolluted waters such as stormwater, surface water, groundwater, roof runoff, subsurface drainage or cooling water to any sewer, ~~except stormwater runoff from limited areas, which stormwater may be polluted at times, may be discharged to the sanitary sewer by permission of the superintendent.~~

~~B. Stormwater other than that exempted under subsection A of this section, and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the superintendent and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the superintendent, to a storm sewer, combined sewer or natural outlet.~~

CB. No user, whether or not subject to national categorical pretreatment standards, shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater that may interfere with the operation or performance of the wastewater utility or pass through the treatment facility untreated including, but not limited to, any of the following water or wastes to any public sewers:

1. Any pollutants which create a fire or explosion hazard in the wastewater utility, including, but not limited to, waste streams with a closed cup flashpoint of less than one hundred forty degrees Fahrenheit (140°F) using the test methods specified in 40 Code of Federal Regulations (CFR) 261.21. Prohibited materials include, without limitation, gasoline, fuel oils, mineral oil, lubricating oil, benzene, naphtha, ethers, carbides, perchlorates and xylene.

2. Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to contaminate the sludge of any municipal system, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in or have an adverse effect on the waters receiving any discharge from the treatment works.

3. Any waters or wastes having a pH lower than 5.5, ~~or higher than 10.0~~, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater works system.

4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities, ~~such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.~~

5. Any waters emanating from a private wastewater treatment system such as septic tanks, cesspools or other private wastewater treatment systems.

6. Any pollutant, including oxygen demanding pollutants (e.g., BOD), released in a discharge at a flow rate and/or pollutant concentration which will interfere with the ability of the wastewater utility to meet MPDES permit requirements; or that exceeds the limitations set forth in a national categorical pretreatment standard.

DC. The following described substances, materials, waters or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The superintendent-city may set limitations lower than the limitations established in the regulations below if in his opinion such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, the superintendent will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in

the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the ~~superintendent-city~~ are as follows:

1. Wastewater having a temperature higher than one hundred fifty degrees Fahrenheit (150°F) (65°C) or heat in amounts which will inhibit biological activity in the wastewater treatment facility resulting in interference, but in no case heat in such quantities that the temperature at the wastewater treatment facility exceeds one hundred four degrees Fahrenheit (104°F).
2. Wastewater containing more than ~~twenty-five~~twenty-five milligrams per liter (25 mg/l) of petroleum oil, nonbiodegradable cutting oils, or product of mineral oil origin.
3. Wastewater from industrial plants containing floatable oils, fats or grease in excess of (25 mg/l).
4. Any garbage that has not been properly shredded (see definition, section 7-3-1 of this chapter). Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
5. Any waters or wastes containing heavy metals and similar objectionable or toxic substances to such degree that causes treatment or operational difficulties, any such material received in the composite wastewater at the wastewater treatment works exceeds the city's limits established by the superintendent in accordance with the requirements of 40 CFR 403.5(c) and (~~dc~~).
6. Any waters or wastes containing odor producing substances exceeding limits which may be established by the superintendent.
7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the ~~superintendent-city~~ in compliance with applicable state or federal regulations.
8. Quantities of flow, concentrations, or both which constitute a "slug" as defined in section 7-3-1 of this chapter.
9. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
10. Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious or toxic gases in a quantity that may cause acute worker health and safety problems, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.
11. Any waters or wastes with a reasonable potential to adversely affect the POTW, including its effluent and biosolids.

~~—ED.~~ If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in subsection D of this section, and which in the judgment of the superintendent, may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the ~~superintendent~~ city may:

1. Reject the wastes;
2. Require pretreatment to an acceptable condition for discharge to the public sewer as described in section 7-3-11 of this chapter;
3. Require flow equalization control over the quantities and rates of discharge; and/or
4. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of subsection J of this section. ~~When considering the above alternative the superintendent shall give consideration to the economic impact of each alternative on the discharger.~~ If the ~~superintendent~~ City of East Helena permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the ~~superintendent~~ city.

~~FE.~~ ~~Grease, oil and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts as specified in subsection D3 of this section, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captivated material and shall maintain records of the dates, and means of disposal which are subject to review by the superintendent. Any removal and hauling of the collected materials not performed by owner(s)/personnel must be performed by currently licensed waste disposal firms.~~

~~No person operating a filling station, garage, or similar place having wash or grease racks shall discharge to the public sewer unless such place is provided with a sand and grease trap of a size and construction as required by the current edition of the uniform plumbing code or plumbing regulations in effect at the time. No person operating a restaurant or food preparation establishment that discharges wastewater containing greater than one hundred milligrams per liter (100 mg/l) of oil and grease or that has a recurring problem with grease buildup or blockage of wastewater lines shall fail to install an adequate grease trap. All sand and grease traps shall be properly maintained and serviced at the owner's expense. Records of maintenance and service shall be made available to the city upon request by the city.~~

~~GF.~~ Where pretreatment or flow equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at his expense.

~~—HG.~~ When required by the ~~superintendent~~ city, the owner(s) of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation,

sampling and measurement of the wastes. Such structures, when required, ~~shall be accessible and safely located, and shall be constructed in accordance with plans approved by the superintendent. The structure shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.~~ are required to meet all current building codes and meet City of East Helena Engineering, Zoning and building standards.

1. The monitoring facility shall normally be situated outside the building on the user's premises. All domestic wastewaters from restrooms, showers, drinking fountains, etc., shall be kept separate from all industrial wastewaters until the industrial wastewaters have passed through a monitoring facility.

2. There shall be ample room in or near such monitoring manhole or facility to allow accurate sampling and preparation of samples for analysis. The industrial user shall maintain the facility and all sampling and measuring equipment at all times in a safe and proper operating condition at the industrial user's expense.

3. Whether constructed on public or private property, the industrial user shall construct the sampling and monitoring equipment and facilities in accordance with monitoring requirements and all applicable local construction standards and specifications within sixty (60) days following written notification by the superintendent-city or before final inspection approval.

4. All industrial users shall obtain a written permit with the superintendent's-citys approval for all sampling and measuring equipment prior to its installation or use. All measuring, tests, and analyses and all sampling shall be at the expense of the industrial user.

III. The superintendent-city may require a user of sewer services to provide information needed to determine compliance with this chapter. These requirements may include:

1. Wastewaters' discharge peak rate and volume for hour, day, month, and year, over a specified time period.

2. Chemical analyses of wastewaters.

3. Information on raw materials, processes, and products affecting wastewater volume and quality.

4. Quantity and disposition of specific liquid, sludge, oil, solvent or other materials important to sewer use control.

5. A plot-plan-of-sewersdrawing of the user's property showing sewer and pretreatment facility location.

6. Details of wastewater pretreatment facilities.

7. Details of system to prevent and control the losses of materials through spills to the Municipal sewer.

8. A slug prevention plan, including a spill prevention plan where appropriate, when a significant industrial user has a potential to discharge slugs or spills. Where a slug prevention plan is required, the industrial user shall update the plan every two (2) years and ensure that the plan contains at least the minimum elements required in 40 CFR 403.8(f)(2)(v).

J. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods For The Examination Of Water And Wastewater", published by the American Public Health Association. Sampling methods, location, times, durations, and frequencies are to be based on approved methods and approved in writing by the superintendentcity.

KJ. The city may execute an agreement with a facility discharging to the POTW which provides special provisions on pollutant levels, flow rates, and pretreatment if the city finds that:

1. The industrial user is making reasonable progress toward eliminating the violation;

~~— 2. Compliance with the specific pollutant limitation during a time period agreed upon for installation of proper pretreatment equipment would impose undue hardship; and~~

~~32.~~ Acceptance of the discharge does not adversely affect the wastewater utility nor cause violation of the city's MPDES discharge permit and applicable federal and state laws, or national categorical pretreatment standards.

~~— 43.~~ The industrial user agrees to a compliance schedule including milestones with specific dates which will bring the industrial user into compliance with this chapter within a reasonable time frame.

7-3-6: PROTECTION FROM DAMAGE:

No person(s) shall maliciously, ~~wilfully~~willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities. Any person(s) violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

7-3-7: POWERS AND AUTHORITY OF INSPECTORS:

A. ~~The superintendent and other duly authorized employees of the city~~City employees bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing pertinent to discharge to the community system in accordance with the provisions of this chapter.

1. The city has the authority to enter and inspect, at least twice per year, the facilities of all industrial users. The city's authorized personnel have the right of entry to, upon or through any premises in which an effluent source is located or in which records required to be maintained by the industrial user are located, and, at all reasonable times, have access to and copy any records, inspect any monitoring equipment or methods required of the industrial user, and sample any effluents which the owner or operator of such source is generating.

2. The city has the authority to randomly sample and analyze the effluent from industrial users, conduct surveillance activities in order to identify, independently of information supplied by the industrial users, occasional and continuing noncompliance with pretreatment standards, and inspect and sample the effluent from each significant industrial user at least twice per year. After an effluent sample has been taken, the sample ~~will~~can be split at the request of the industrial user, and made available to the industrial user so that it can conduct its own analysis.

B. ~~The superintendent or other duly authorized employees are~~The city is authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source

of discharge to the wastewater collection system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

C. While performing the necessary work on private properties referred to in subsection A of this section, the ~~superintendent-city or duly authorized employees of the district~~ shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the city employees, and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in subsection 7-3-5H of this chapter.

D. ~~The superintendent and other duly authorized employees of the city~~ City employees bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

~~7-3-8: HEARING BOARD:~~

~~—A. A hearing board shall be appointed as needed for arbitration of differences between the superintendent and sewer users on matters concerning interpretation and execution of the provisions of this chapter by the superintendent. The cost of the arbitration will be divided equally between the city and the sewer user.~~

~~—B. One member of the board shall be a registered professional engineer; and a practicing sanitary engineer; one member shall be a representative of industry or manufacturing enterprise; one member shall be a lawyer, and two (2) members shall be selected at large for their interest in accomplishing the objectives of this chapter.~~

7-3-9: PENALTY:

A. Civil Penalty: A violation of a provision of this chapter, an industrial user permit, or any order issued hereunder is a municipal infraction punishable by a civil penalty of not more than three hundred dollars (\$300.00) for each violation or if the infraction is a repeat offense, a civil penalty not to exceed five hundred dollars (\$500.00) for each repeat violation. Each day on which a violation occurs or continues shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the city may recover, as a municipal infraction, its costs for abatement or correction of the violation and such other costs allowed by law.

~~Any person who is found to have violated any provision of this chapter, except section 7-3-6 of this chapter, or who wilfully or negligently (wilful or negligent violations will be treated as criminal offenses) fails to comply with any provision of this chapter, and the orders, rules, regulations, and permits issued thereunder shall be fined not less than one thousand dollars (\$1,000.00) for each violation, with the exception that a violation of the provisions of subsection 7-3-5C5 of this chapter (dumping of private wastewater) where a graduated fine of one hundred dollars (\$100.00) for the first offense, two hundred fifty dollars (\$250.00) for the second offense, and one hundred fifty dollars (\$150.00) for the third and subsequent offense shall~~

~~be levied. Each day on which any such violation shall occur or continue shall be deemed a separate and distinct offense.~~

B. Criminal Penalty: A person who violates any provision of this chapter, an industrial user permit, or any order issued hereunder is guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000.00) per day per violation, or imprisonment for not more than six (6) months or both.

CB. Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss, or damage occasioned the city by reason of such violation.

7-3-10: WASTEWATER SERVICE AREA:

A. Adoption Of Service Area: The official wastewater service area for the city is that area within the boundaries of the city and currently served by city sewer and any subsequently approved amendments thereto.

~~—B.— Map: A map depicting the wastewater service area adopted herein, and any enlargements that may be from time to time approved by the city council, shall be made available at all times for public inspection during regular working hours at city hall.~~

CB. Description: The description for the service district is legally described as consisting of the following: the current townsite of East Helena, as amended.

7-3-11: PRETREATMENT OF INDUSTRIAL WASTEWATERS:

A. General Guidelines: The discharging of any toxicants into the sanitary sewer system is subject to the guidelines set forth in the city's local limits as established by the superintendent city. The superintendent city may make the established local limits more stringent, and additional toxicants may be added to the local limits guidelines upon determination that a toxicant is harmful to human health, the wastewater collection system, treatment facility, or prevents economical disposal of sludge. An industrial wastewater pretreatment system or device may be required by the superintendent city to treat industrial flows prior to discharge to the sewer system when it is necessary to restrict or prevent the discharge to the sewer of certain waste constituents, to distribute more equally over a longer time period any peak discharges of industrial wastewaters or to accomplish any pretreatment result required by the superintendent city. Any pretreatment systems or devices shall not be installed or operated without the prior approval of the superintendent but such approval shall not absolve the industrial discharger of the responsibility of meeting any industrial effluent limitation required by the city. If inspection of pretreatment systems or devices by authorized personnel of the city reveals such systems are not installed or operating in conformance with the plans and procedures submitted to the city, or are not operating in compliance with the effluent limitations required by the city, the industrial discharger shall make those modifications necessary to meet city requirements. In special cases, the superintendent city may require construction of sewer lines by the discharger to convey certain industrial wastes to a specific sewer. All pretreatment systems judged by the superintendent city to require engineering design shall have plans prepared and signed by an engineer of suitable discipline licensed by the state of Montana. Normally, a gravity separation interceptor, equalizing tank, neutralization chamber and control manhole or other monitoring facility will be required respectively to remove prohibited settleable and floatable solids, to equalize wastewater streams varying greatly in quantity and/or quality, to neutralize low or high pH flows, and to facilitate inspection, flow measurement and sampling. Floor drains from

commercial or manufacturing buildings, warehouses or multiuse structures shall not discharge directly to the sewer, but shall first discharge to a gravity separation interceptor.

B. National Pretreatment Standards: The city has the authority to and will comply with the public participation requirements of 40 CFR part 25 in the enforcement of national pretreatment standards. This will include at least annual public notification of industrial users which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment requirements.

C. Reporting Requirements: Significant noncategorical industrial users shall submit to the city, at least once every six (6) months (on dates specified by the city), a description of the nature, concentration, and flow of the pollutants required to be sampled by the city. These reports shall be based on sampling and analysis performed in accordance with the techniques described in 40 CFR part 136 and amendments thereto. This sampling and analysis may be performed by the city in lieu of the significant industrial user. Where the wastewater treatment facility itself collects all the information for the report, the significant industrial user will not be required to submit a report.

D. Bypasses: An industrial user may allow bypass to occur which does not cause pretreatment standards or requirements to be violated but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of subsections E and F of this section.

E. Notice:

1. When an industrial user knows in advance of the needs for a bypass, it shall submit prior notice to the superintendent, if ~~possible~~possible, at least ten (10) days before the date of the bypass.

2. An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the ~~superintendent~~City within twenty four (24) hours from the time the industrial user becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause, the duration of the bypass, including exact dates and times, and if the bypass has not been corrected, the anticipated time of the correction and steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass. The ~~superintendent~~city may waive the written report on a case by case basis if the oral report has been received within twenty four (24) hours.

F. Prohibition Of Bypass:

1. Bypass is prohibited and the superintendent may take enforcement action against an industrial user for bypass unless:

a. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been

installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

c. The industrial user submitted notices as required under subsection E of this section.

2. The superintendent-city may approve an anticipated bypass, after considering its adverse effects, if the superintendent-city determines that it will meet the three (3) conditions listed in subsection F1 of this section.

G. Dilution Of Discharge: No industrial 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 any applicable limitations. The superintendent-city in consultation with the user shall determine whether a dilution has occurred.

H. Accidental Discharge:

1. Each industrial user shall provide to the superintendent written procedures for handling accidental discharges to the city wastewater utility of materials or substances regulated by this chapter.

a. Each industrial user shall permanently post a spill prevention and notification procedure in compliance with this section on its bulletin board and prominently display the procedure at each area of possible accidental discharge.

b. In the case of an accidental discharge, no industrial user shall fail to notify immediately by telephone the superintendent-city of the location of the discharge, type of waste, concentration, volume, and corrective actions.

c. Within five (5) working days following an accidental discharge, the industrial user shall submit to the superintendent-city a detailed written report describing the cause of the discharge and measures to be taken by the industrial user to prevent similar future occurrences. Such notification does not relieve the industrial user of any expense, loss, damage, or liability that may be incurred from damage to the wastewater utility or quality of receiving stream, or any other damage to persons or property. Nor does such notification relieve the industrial user from any fines, civil penalties, or other liabilities that may be imposed by this chapter or other applicable law.

2. The superintendent-city may require installation, operation, and maintenance of facilities to prevent accidental discharge of such materials or substances, at the user's expense.

3. The superintendent-city has the authority to evaluate whether each significant industrial user needs a plan to control slug discharges. For purposes of this subsection, a slug discharge is any nonroutine, episodic event, including, but not limited to, accidental spills or noncustomary batch discharges. The results of such activities shall be available to the city upon request. If the city determines a slug control plan is necessary, the plan shall contain, at a minimum, the following elements:

a. A description of discharge practices, including nonroutine batch discharges;

b. A description of stored chemicals;

c. Procedures for immediately notifying the city of slug discharges, including any discharge that would violate a prohibition under 40 CFR 403.5(b), with procedures for follow up written notification within five (5) days; and

d. If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures for equipment, and measures for containing toxic materials, and equipment for emergency response.

I. Reporting Requirements:

1. Within ninety (90) days following the date for final compliance with applicable pretreatment standards including local limits or, in the case of a new source, following commencement of the introduction of wastewater into the wastewater utility, any user subject to pretreatment standards and requirements shall submit to the ~~superintendent-city~~ a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user and certified by a qualified professional.

2. All industrial users that discharge prohibited substances or specific pollutants that may cause a significant impact on the wastewater utility shall submit to the ~~superintendent-city~~ during the months of June and December or other months designated by the superintendent a report containing information and data specified by the superintendent and signed by an authorized representative of the industrial user and certified by a qualified professional.

Section 2. This Ordinance shall be effective thirty (30) days after the date of its final passage and approval.

First passed by the Council of the City of East Helena, Montana, and approved by the Mayor, the 19th day of April, 2022.

Kelly Harris, Mayor

ATTEST:

Amy Thorngren, City Clerk/Treasurer

Finally passed by the Council of the City of East Helena, Montana, and approved by the Mayor, this 3rd day of May, 2022.

Kelly Harris, Mayor

ATTEST:

Amy Thorngren, City Clerk/Treasurer