

## Chapter 17.58

### REGULATION OF WASTEWATER DISCHARGE

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#### 17.58.010 Definitions.

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

**Authorized representative of industrial user** shall mean the president if the industrial user is a corporation; or, a general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; or a duly authorized representative of the individual designated above, if such representative is responsible for the overall operation of the facilities from which the discharge to the wastewater system originates.

**BOD (denoting biochemical oxygen demand)** shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed in milligrams per liter.

**Building** shall mean any single structure used for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

**Building drain** shall mean that part of the lowest piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of a building and conveys

it to the building wastewater service, the building wastewater service beginning three feet outside the outer wall of the building.

**City** shall mean the City of Lincoln, Nebraska.

**COD (denoting chemical oxygen demand)** shall mean the oxygen equivalent of that portion of organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant, expressed in milligrams per liter.

**Collector** shall mean a pipe or conduit for conveying wastewater or any other waste liquids, including storm, surface, and groundwater drainage, and is synonymous with the terms "sewer" and "drain".

**Director** shall mean the Director of Public Works and Utilities of the City of Lincoln, Nebraska, or his authorized deputy, agent, or representative.

**Dwelling unit** shall mean a room or rooms in which kitchen facilities are provided, located in a building or structure used by a family or household as a home or residence of the family or household.

**Effluent criteria** shall mean any restrictions established on quantities, rates, and concentrations of chemical, physical, biological, and other constituents which are discharged from an individual property, wastewater treatment plant, or private wastewater system.

**EPA** shall mean the United States environmental protection agency, its authorized representative, or its successor agency.

**Garbage** shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

**Industrial waste (or process waste)** shall mean any solid, liquid, or gaseous substance discharged, permitted to flow, or escaping from any industrial, manufacturing, commercial, or business establishment or process, or from the development, recovery, or processing of any natural resource as distinct from sanitary (or domestic) wastes.

**Industrial wastewater** shall mean that portion of industrial waste borne by liquid flow as distinct from sanitary (or domestic) wastewater.

**Lincoln Wastewater System (or wastewater system)** shall mean all facilities owned by the city for collecting, pumping, treating, and disposing of wastewater.

**"mg/l"** shall mean milligrams per liter, sometimes referred to as "parts per million" (ppm), by weight.

**Natural outlet** shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

**NDEC** shall mean the Nebraska Department of Environmental Control, its authorized representative, or its successor agency.

**Oil and grease** shall mean the quantity of synthetic or natural oils and greases or groups of similar compounds, such as fatty acids, soaps, fats, waxes, etc., which can be extracted by a solvent under standard laboratory procedure, expressed in milligrams per liter.

**Owner** shall mean any person who, alone or jointly or severally with others, has legal title to or has charge, care, or control in any capacity of property.

**Person** shall mean any individual, firm, company, association, society, municipal or private corporation, institution, enterprise, political subdivision, governmental agency, trust estate, or other legal entity or their legal representatives, agents, or assigns.

**"pH"** shall mean the logarithm of the reciprocal of hydrogen ions in grams per liter of solution.

**Premises** shall mean a single building and such accessory buildings as are necessary to and used exclusively with such building.

**Private sewers** shall mean all piping, conduits, and appurtenances associated with building drains, wastewater services, and non-public wastewater collectors, including the point of connection or tap to the Lincoln wastewater system, such private sewer not being directly operated and maintained or owned by the city.

**Private wastewater system** shall mean all facilities under the ownership of a person, industry, or legal entity other than the city for any combination of collecting, pumping, treating, and disposing of wastewater, including all associated private sewers that ultimately connect to the Lincoln Wastewater System.

**Properly shredded garbage** shall mean the solid 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 wastewater collectors, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

**Property** shall mean any piece or portion of real estate, including all buildings and structures located thereon, having a wastewater service or drainage system which directly or indirectly discharges into a public wastewater collector, natural outlet, or both.

**Public wastewater collector** shall mean a public sewer that conveys wastewater, and into which storm, surface, ground, and unpolluted waters are not intentionally admitted.

**Residence** shall mean property, or that portion of property, used exclusively as a dwelling unit or living quarters by one or more natural persons.

**Sampling station** shall mean a structure located on a wastewater service for the purpose of providing unrestricted access to city personnel to sample or measure wastewater discharge.

**Sanitary sewer** shall mean the same as the term "public wastewater collector."

**Sanitary wastes (or domestic wastes)** shall mean any solid, liquid, or gaseous substance discharged from residences, business buildings, institutions, commercial and industrial establishments contributed by reason of human occupancy.

**Sanitary wastewater (or domestic wastewater)** shall mean that portion of sanitary wastes borne by liquid flow.

**Shall** is mandatory; **may** is permissive.

**Sludge** shall mean the semi-liquid or solid waste residue produced as a result of various wastewater treatment processes treating any combination of industrial and/or sanitary wastes.

**Slug** shall mean any discharge of water, wastewater, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration larger than fifteen minutes more than five times the average twenty-four hour concentration of flows during normal operation.

**Special waste** shall mean waste which is transported by vehicle for disposal at the Theresa Street treatment plant or other designated disposal sites which waste is not normal wastewater as defined in Section 17.60.005(b) of this code or is a waste as defined in Section 17.58.060 of this code and which waste requires a permit for disposal.

**Storm drain (or storm sewer)** shall mean a public sewer that carries storm, surface and groundwater drainage but excludes wastewater other than unpolluted water.

**Suspended solids** shall mean solids that either float on the surface of, or are in suspension in, water, wastewater, or other liquids and which are removable by a laboratory filtration device under standard laboratory procedure, expressed as milligrams per liter.

**Tap** shall mean the act of connecting to a public wastewater collector and/or the appurtenance required to make the point of connection thereto.

**Unpolluted water** shall mean water of quality equal or better than the applicable effluent criteria in effect under NDEC and/or EPA regulations or water that would not cause violation of

receiving water quality standards set forth by these agencies and would not be benefitted by discharge to the Lincoln Wastewater System.

**Wastewater** shall mean a combination of the water-carried wastes from property.

**Wastewater service** shall mean the extension from a building drain up to and including the tap to the public wastewater collector, or the extension from a building drain to another place of disposal.

**Wastewater treatment plant** shall mean any arrangement of devices and structures used for treating wastewater.

**Watercourse** shall mean a channel in which a flow of water occurs, either continuously or intermittently. (Ord. 16951 §140; March 11, 1996: prior Ord. 15128 §1; March 13, 1989: Ord. 13887 §1; July 9, 1984).

#### **17.58.015 Purpose and Policy.**

This chapter requires the Director to evaluate characteristics of wastewater discharged from various users of the Lincoln Wastewater System and to make decisions concerning industrial permits. In making such evaluations and decisions, the Director shall consider the practical operational limitations of the Lincoln Wastewater System and the current regulations in effect from NDEC and/or EPA. This chapter sets forth uniform requirements for direct and indirect contributors to the Lincoln Wastewater System to enable the city to safeguard the public welfare and to comply with all applicable NDEC and EPA regulations. The objectives of the provisions hereinafter are:

(a) To prevent the introduction of pollutants or substances into the wastewater system which will interfere with the operation and maintenance of the wastewater system or which will contaminate the resulting sludge.

(b) To prevent the introduction of pollutants into the wastewater system which will pass through the system, inadequately treated, into the receiving waters or the atmosphere or otherwise be incompatible with the system.

(c) To improve the opportunity to recycle and reclaim wastewaters and sludges from the wastewater system. (Ord. 13887 §2; July 9, 1984).

#### **17.58.020 Discharge of Untreated Wastewater; Unlawful.**

It shall be unlawful to discharge to any natural outlet within the city or within three miles of the corporate limits thereof, or in any area under the jurisdiction of the city, any wastewater, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter. (Ord. 12784 §3; December 17, 1979: prior Ord. 9965 §2; April 27, 1970).

#### **17.58.030 Discharges into Wastewater Collectors; Types Not Permitted.**

No person shall discharge or cause to be discharged any stormwater, surface water, ground-water, roof runoff, or subsurface drainage, including interior and exterior foundation drains, to any wastewater collector. Uncontaminated cooling water and unpolluted process waters, less than ten gallons per minute, may be discharged to a wastewater collector only if expressly authorized by the Director. (Ord. 12784 §4; December 17, 1979: prior Ord. 9965 §3; April 27, 1970).

#### **17.58.050 Discharges into Public Sewers; Types Not Permitted.**

No person shall discharge or cause to be discharged any of the following described waters or wastes into any public wastewater collector or into any private sewer ultimately connected to any public wastewater collector:

- (a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- (b) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes to deteriorate any public wastewater collector, injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant, including but not limited to the following (in case of conflict, the most stringent condition shall apply):
  - (i) Cyanides in excess of two mg/l as CN in the wastes as discharged to the public collector, or
  - (ii) Wastes in concentrations or quantities in excess of that set forth in a discharge permit issued to a user as provided hereinafter, or
  - (iii) Wastes in excess of maximum concentrations established by NDEC and/or EPA for certain wastes, including but not limited to the following: Arsenic, cadmium, chromium, copper, cyanide, lead, mercury, nickel, zinc, and identifiable chlorinated hydrocarbons.
- (c) Any waters or wastes having a pH lower than 5.5 or having any other corrosive or harmful property capable of causing damage to structures, equipment, or collectors or constituting a potential hazard to personnel of the wastewater system.
- (d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in wastewater collectors, or other interference with the proper operation of the wastewater system such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, paint, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, towels, milk containers, etc., either whole or ground by garbage grinders. (Ord. 13887 §4; July 9, 1984).

**17.58.060 Discharges into Public Wastewater Collectors; Types Permitted at Discretion of Director.**

No person shall discharge or cause to be discharged to any public wastewater collector the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Director that such wastes can harm the public wastewater collectors, wastewater treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Director shall give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the wastewater collectors, material of construction of the wastewater collectors, nature of the wastewater treatment process, capacity of the wastewater treatment plant, degree of treatability of wastes in the wastewater treatment plant, and other pertinent factors. The terms and conditions relating to the acceptability of subject wastes shall be covered through a valid agreement or permit pursuant to Sections 17.58.120, 17.58.130, and 17.58.135 hereinafter. The substances otherwise prohibited are:

- (a) Any liquid or vapor having a temperature higher than one hundred eighty degrees (180°F)(82°C).
- (b) Any water or waste containing fats, wax, grease, or oils whether emulsified or not, in excess of one hundred (100) mg/1 or containing substances which may solidify or become viscous at temperatures below one hundred eighty degrees (180°F)(82°C).
- (c) Any garbage that has not been properly shredded.
- (d) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions, whether neutralized or not.

(e) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; wastes exerting an excessive chlorine requirement; or such material received in the composite wastewater at the wastewater treatment plant exceeding the limits established by the Director for such materials.

(f) Any waters or wastes containing phenols or other taste- or odor-producing substances exceeding limits which may be established by the Director as necessary, after treatment of the composite wastewater, to meet the requirements of NDEC, EPA, or other public agencies of jurisdiction for such discharge to the receiving waters.

(g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Director in compliance with applicable NDEC or EPA regulations.

(h) Any waters or wastes having a pH in excess of 9.5.

(i) Materials which exert or cause:

(1) Unusual concentrations of inert suspended solids (such as, but not limited to, Fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride, sodium sulfate, and other metallic salts).

(2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(3) Unusual volume of flow or concentration of wastes constituting slugs.

(j) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amendable 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.

(k) Any waters or wastes, excluding sanitary wastes, having:

(1) A BOD greater than 52 pounds per day or a concentration of 250 mg/l, whichever is more stringent, or

(2) A COD greater than 83 pounds per day or a concentration of 400 mg/l, whichever is more stringent, or

(3) Suspended solids greater than 63 pounds per day or a concentration of 300 mg/l, whichever is more stringent, or

(4) An average daily flow greater than 25,000 gallons per day shall be subject to review by the Director. Where necessary in the opinion of the Director, the owner shall provide, at his expense, such pretreatment as may be necessary to meet the above limitations or such flow equalization as may be necessary to control the rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be prepared by a registered professional engineer and shall be submitted for the approval of the Director and no construction of such facilities shall be commenced until said approvals are obtained in writing pursuant to Sections 17.58.120, 17.58.130, and 17.58.135 hereinafter. (Ord. 15128 §2; March 13, 1989; prior Ord. 13887 §5; July 9, 1984).

### **17.58.065 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 pretreatment to achieve compliance with the limitations contained in this chapter without specific approval through a valid agreement or permit from the Director pursuant to Sections 17.58.120 and 17.58.130 of this chapter. (Ord. 13887 §6; July 9, 1984).

**17.58.070 Prohibited Discharges; Nature of Director's Discretion With Respect To.**

If any waters or wastes are discharged, or are proposed to be discharged to the public wastewater collectors, which waters contain the substances or possess the characteristics enumerated in Section 17.58.060 of this chapter, and which in the judgment of the Director may have a deleterious effect upon the wastewater system, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Director may:

- (a) Reject the wastes;
- (b) Require pretreatment to an acceptable condition for discharge to the public wastewater collectors;
- (c) Require control over the quantities and rates of discharge, and/or
- (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or wastewater service charges under the provisions of Chapter 17.60 of this title.

If the Director 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 Director, and subject to the requirements of all applicable codes, ordinances, and laws. (Ord. 12784 §8; December 17, 1979; prior Ord. 9965 §7; April 27, 1970).

**17.58.080 Grease, Oil, and Sand Interceptor; When Required.**

Grease, oil, and sand interceptors shall be provided by the owner of a property when, in the opinion of the Director, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for residences. All interceptors shall be of a type and capacity approved by the Director, and shall be located as to be readily and easily accessible for cleaning and inspection. (Ord. 9965 §8; April 27, 1970).

**17.58.095 Private Wastewater Systems.**

(a) Operation and maintenance. Private wastewater systems, including all preliminary treatment facilities, flow-equalizing facilities, and private sewers shall be maintained continuously in satisfactory and effective operation by the owner at his sole responsibility and expense. Within the scope of such responsibility shall be the requirement to meet all applicable effluent criteria and operating conditions set forth in this chapter or in a valid agreement or discharge permit issued by the city pursuant to Sections 17.58.120, 17.58.130, and 17.58.135 hereinafter. Further, it shall be the responsibility of the owner to repair all structural deficiencies on private sewers that contribute to the deterioration or settlements of pavement, curb and gutter, sidewalks, adjacent utilities, and appurtenances in the public right-of-way to the extent that the normal or intended uses of the same have been impaired or prevented; or that directly or indirectly have caused the introduction of unwanted stormwater, surface water, groundwater, or unpolluted water into the Lincoln Wastewater System as prohibited under Section 17.58.030 of this chapter; or that otherwise constitute a public nuisance.

(b) Additional provisions. No person shall attempt to construct or alter a private wastewater system or any portion thereof, including private sewers, without the approval of a duly authorized representative of the city's Director of Building and Safety. Acceptable materials, installation, inspection, operation and maintenance, and permits and fees pertaining to private sewers and their connection to the Lincoln Wastewater System are, in addition to the provisions set forth in this chapter, regulated under the applicable Sections of Title 24 of the Lincoln Municipal Code. All taps to wastewater collectors, whether public or private, and abandonments of existing

wastewater services, shall be made by the Lincoln Wastewater System pursuant to Chapter 24.60 of said Title 24. (Ord. 18366 §2; May 17, 2004: prior Ord. 15128 §3; March 13, 1989: Ord. 13887 §8; July 9, 1984).

**17.58.100 Sampling Stations; When Required; Installation and Maintenance.**

The owner of any property serviced by a building wastewater service carrying industrial wastes shall, at the request of the Director, install a suitable sampling station or stations upon each and every building wastewater service or shall combine said building wastewater services into one common building wastewater service upon which one sampling station shall be placed. The sampling station or stations shall be furnished with such necessary meters and other appurtenances in the building wastewater service or wastewater collectors to facilitate observation, sampling, and measurement of wastes. Such sampling station or stations shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Director. The sampling station or stations 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. (Ord. 12784 §9; December 17, 1979).

**17.58.110 Sampling of Waters and Wastes; Method Of.**

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, and the latest edition of the laboratory procedures manual prepared for the laboratory at the city's wastewater treatment plant at 2400 Theresa Street, and shall be determined at the sampling station provided, or upon suitable samples taken at said sampling station. At least one copy of the latest edition of each volume shall be kept on file in the office of the City Clerk of the city for use and examination by the public. In the event that no special sampling station has been required, the sampling station shall be considered to be the nearest downstream manhole in the public wastewater collector from the point at which the building wastewater service is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the wastewater system and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four hour composites of outfalls, whereas pHs are determined from periodic grab samples.) (Ord. 13887 §9; July 9, 1984).

**17.58.120 Treatment of Industrial Waste; Special Agreement with City.**

No statement contained in this chapter shall be construed as preventing a special agreement or arrangement between the city and the owner of any property whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefore by the owner under the provisions of Chapter 17.60 of this title. (Ord. 13887 §10; July 9, 1984).

**17.58.130 Permit Required.**

(a) General requirements. No person shall discharge or cause to be discharged to any public wastewater collector any industrial wastes or such wastes as described in Section 17.58.060 of this chapter, without a valid permit from the Director. When the Director has reason to believe that an owner of property has been discharging, is discharging, or is about to discharge any industrial wastes into a public wastewater collector, he may request such person to file an application for such

a permit, which application shall be completed and returned to the Director within thirty days after the receipt thereof.

(b) Application information. All applications for a permit under this section shall require the applicant to provide the following information as a minimum:

- (1) Name, address, and telephone number of applicant;
- (2) Title of authorized representative;
- (3) The location and legal description of the property to be covered by the permit;
- (4) A general statement of the type of operations conducted and to be conducted on the property;
- (5) A site plan of the property showing accurately all wastewater collectors, storm drains, property lines, wastewater services, and other utilities;
- (6) Plans, specifications, and any other pertinent information relating to proposed pretreatment facilities or covering any work proposed to be performed under the permit. Such information shall be prepared by a professional engineer registered in Nebraska.
- (7) A complete schedule of all process waters and industrial wastes produced or expected to be produced for discharge from the property, including a description of the character of each waste, the daily volume of discharge, the times and rates of maximum discharges, and representative laboratory analyses; the latter of which shall be performed by an independent testing laboratory unless expressly waived by the Director.
- (8) Name, address, and telephone number of the person who will actually perform the work covered by the permit.

(c) Permit terms.

(1) If, after examination by the Director of the information contained in an application for a permit hereunder, it is determined by the Director that the characteristics of the proposed discharge do not conflict with the provisions of this chapter, a permit shall forthwith be issued allowing the discharge of such wastes to the public wastewater collectors. But, if it is determined by the Director that the characteristics of the wastes are not in compliance with the provisions of this chapter, the application shall be denied by the Director and the applicant forthwith advised by the Director of steps which must be taken to ensure compliance with the provisions of this chapter.

(2) All wastewater discharge permits or special agreements shall be expressly subject to all provisions of this chapter and rates and charges established by the city. Permits shall be granted for a period of time not to exceed five years and shall be renewed thereafter. The Director shall establish an expiration date, which shall be stated in the permit. The permittee shall file with the Director an application for renewal of the permit at least ninety days prior to the expiration of the existing permit. The information required for renewal of the permit shall consist of an updating of all information previously submitted under the existing permit.

(d) Permit conditions. Wastewater discharge permits may contain any or all of the following conditions, as determined by the Director:

(1) For discharges which will require pretreatment to meet the permit requirements:

(i) Pretreatment facilities approval and reporting. Users shall provide necessary wastewater pretreatment as required to comply with this chapter and shall achieve compliance with the time limitations as specified by the permit. Any facilities required to pretreat wastewater to a level acceptable to the city shall be provided, operated, and maintained at the owner's expense. All required permit application information shall have been submitted to the city for review and approval subsequently granted before any construction of the facilities is commenced. The review and approval of such permit application information, including plans,

specifications, and operating procedures, shall in no way relieve the user (permittee) from the responsibility of modifying the facilities as necessary to produce an acceptable effluent under the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to the city at least ninety days prior to the user's initiation of the changes.

All records relating to compliance with the permit shall be made available to officials of the city, EPA, or NDEC upon request. Wastewater constituents and characteristics shall not be recognized as confidential information.

(ii) Facilities maintenance and records. Pretreatment facilities shall be maintained continuously in satisfactory and effective operation at the owner's expense and shall be subject to periodic inspection by the city. The owner shall maintain operating records and shall submit to the city a monthly effluent summary report.

(2) Limits on rate and time of discharge or requirements for flow regulation and equalization.

(3) Requirements for a sampling station(s), including city access to such facilities.

(4) A self-monitoring program which may include: Sampling locations; frequency and method of sampling; number, types, and standard of tests; and establishing a reporting schedule. The discharger assigned a self-monitoring program in conformance with this chapter shall be responsible for all expenses incurred as a result of the self-monitoring program, including all applicable city charges.

(5) Submission of technical reports or discharge reports.

(6) Maintenance of plant records relating to wastewater discharges, as specified by the Director, and affording city access thereto.

(7) Other conditions as deemed appropriate by the Director to ensure compliance with this chapter or the terms and conditions of the permit, including the agreement of the permittee to furnish at the request of the Director any additional information relating to the installation or use of the wastewater service for which the permit is sought; to accept and abide by all of the provisions of this chapter and all other pertinent ordinances and regulations which may be adopted in the future; to cooperate at all times with the Director in the inspecting, sampling, and study of the industrial wastes and in the facilities provided for pretreatment; and to notify the Director immediately in the event of any accident, negligence, or other occurrence which causes discharge to the public wastewater collectors of any wastes or process waters not covered by the permit or in violation of the permit limitations.

(e) Change of discharge permit terms and conditions. The Director may change the terms, conditions, or pollutants covered under the wastewater discharge permit, including changing the average or maximum limits on the elements of wastewater strength, from time to time as circumstances may require. The Director may require the development of a compliance schedule and shall allow a discharger reasonable time to comply with any required changes in the permit, as applicable to the situation.

(f) Transfer of discharge permit prohibited. A wastewater discharge permit shall not be assigned or transferred.

(g) Termination. The Director may terminate any wastewater discharge permit for violation of the terms and conditions of the permit or the provisions of this chapter. A person whose permit has been terminated shall apply for a new permit within thirty days of notice of termination in order to be considered for a new permit. Any person whose permit has been terminated shall pay all applicable wastewater user charges based upon his former permit until a new permit has been applied for, approved, and issued. (Ord. 13887 §11; July 9, 1984).

**17.58.135 Treatment of Special Waste; Permit for Disposal Required.**

(a) It shall be unlawful for any person to dispose of special waste as defined in Section 17.58.010 at any point directly or indirectly connected to the Lincoln Wastewater System unless said point of disposal has been approved through a valid special waste disposal permit or otherwise expressly authorized by the Director. It shall not be necessary for the city to obtain a sample of the waste or to evaluate its characteristics in the event the waste is disposed of in an unauthorized manner.

(b) General requirements for special waste disposal permits. No special waste shall be accepted for disposal at designated dump stations located in the city's wastewater treatment facilities or other designated points of disposal within the wastewater system, from sources other than direct connections to the wastewater collection system unless the person disposing of such wastes has first obtained a special waste disposal permit as provided herein. Special wastes shall be subject to the following general requirements:

(1) Unless otherwise expressly authorized by the Director, special wastes shall only be accepted from waste generation sources within Lancaster County, Nebraska;

(2) The special wastes must be amenable to proper waste handling and treatment and shall meet the objectives and policies of this chapter; and

(3) Each load shall be accompanied by an executed copy of a valid special waste disposal permit as described hereinafter and shall be subject to payment therefor by the owner's authorized waste hauler as designated on said permit under the provisions of Chapter 17.60 of this title.

(c) Special waste disposal permit application information. Special waste disposal permit application forms are available through the Lincoln-Lancaster County Health Department (Health Department) and require the applicant to provide the following information as a minimum:

(1) Name and address of applicant (waste generator or responsible party);

(2) Name, title, and telephone number of authorized representative;

(3) Name, address, and telephone number of liquid waste hauler;

(4) Waste characterization information, including, but not limited to: estimated quantity of waste per load, estimated number of loads per year, type (category) of waste as listed on the permit form, and physical waste characteristics. Other supporting documentation and independent testing laboratory analysis may be required by the Director or other review agencies. Wastewater characteristics shall not be considered confidential information.

(5) Separate permits shall be required for each type of waste proposed for disposal.

(6) Separate permits shall be required for each location (source) of waste.

(d) Special waste disposal permit terms:

(1) If after examination of the special waste disposal permit application by the Lincoln Wastewater System, the Nebraska Department of Environmental Control and Health Department, it is determined by the Director that the quantity and characteristics of the special waste do not conflict with applicable regulations and the provisions of this chapter, a permit shall be forthwith issued allowing the waste to be transported to a designated dump station at one of the city's wastewater treatment facilities or a designated point within the wastewater system.

(2) Special waste disposal permits shall be granted for a period of time not to exceed three years, beginning on the date of permit approval and expiring at the close of established operating hours of the designated dump station or other authorized point of disposal on the expiration date listed on the permit form. The permittee shall file with the Health Department an application for a new permit or a renewal at least thirty calendar days prior to the intended time of waste disposal, unless such time limitation has been waived by the Director.

(e) Permit conditions.

(1) The director may provide special conditions reasonably related to the handling or disposal of any permitted waste by providing the same in writing on the permit;

(2) Dump station operating hours and disposal fees. Special wastes shall be disposed of only during dump station operating hours and shall be subject to fees for permitted disposal. The operating hours and disposal fees shall be as set by resolution of the City Council pursuant to Chapter 17.60 of this title.

(3) Incoming loads may be rejected without prior notice to protect the wastewater system for appropriate reasons, such as, but not limited to, the following:

(i) Wastewater characteristics or volumes which are not representative of those described on the executed special waste disposal permit, whether intentional or not;

(ii) Wastewater having characteristics which are prohibited under Section 17.58.050 of this chapter;

(iii) Wastewater having characteristics which are prohibited under Section 17.58.060 of this chapter and not specifically exempted or otherwise conditionally approved by a valid special waste disposal permit;

(iv) Failure to present a suitable copy of a valid special waste disposal permit with each incoming load to the city representative receiving the waste;

(v) Failure to cooperate with city representatives with the inspection and testing of the incoming waste load;

(vi) Previous abuse of or damage to city property or creation of nuisances from spillage of wastes on city property through negligence or carelessness while using the city's facilities;

(vii) Operational problems or constraints that may exist in the wastewater system, which in the opinion of the Director, preclude the acceptance of additional waste loading at that time;

(viii) Delinquent payments of disposal fees; or

(ix) Failure to comply with the conditions of the special waste disposal permit.

(4) Change of special waste disposal permit terms and conditions. The Director may change the terms, conditions, and acceptable amounts of pollutants covered under the special waste disposal permit in order to comply with regulations governing the city's wastewater system operations or for other appropriate causes which protect the best interests of the wastewater system. The Director may require the development of a compliance schedule and shall allow a special waste permittee a reasonable time to comply with any required changes in the special waste permit, as applicable to the situation.

(5) Transfer of special waste disposal permit prohibited. A special waste disposal permit shall not be assigned or transferred.

(6) Termination. The Director, at his discretion, may terminate any special waste disposal permit for violation of the terms and conditions of this permit, including the aforesaid causes for rejection of incoming loads; or other provisions of this chapter. The Director may also terminate a special waste disposal permit when changes in regulations which govern the city's wastewater system operations prohibit the acceptance of the pollutants covered by said permit. (Ord. 17125 §1; January 13, 1997: prior Ord. 16467 §1; September 13, 1993: Ord. 15985 § 1; October 7, 1991: Ord. 15128 §4; March 13, 1989).

**17.58.140 Unauthorized Use of Wastewater System and Damaging of Equipment; Unlawful.**

It shall be unlawful for any person unauthorized by the city to damage, destroy, uncover, deface, tamper with any structure, appurtenance, or equipment which is a part of the wastewater system, or to dispose of wastes of any kind or nature by way of unauthorized access to any structure or appurtenance of the wastewater system. (Ord. 15128 §5; March 13, 1989; prior Ord. 12784 §12; December 17, 1979).

**17.58.150 Right of Entry; Authority of Director.**

The Director shall be permitted to enter any property other than residences at any time, and residences at such times as may be provided in the uniform inspections code as now existing in the Lincoln Municipal Code or as may hereafter be amended, for the purpose of inspection, observation, measurement, sampling, or testing in accordance with the provisions of this chapter; provided, that (a) if such property be occupied, he shall first present proper credentials to the occupant and request entry, explaining his reasons therefor, and

(b) If such property be unoccupied, he shall first make a reasonable effort to locate the owner of such property and request entry, explaining his reasons therefor. If such entry is refused or cannot be obtained because the owner of such property cannot be found after due diligence, the Director shall have recourse to every remedy provided by law to secure lawful entry for the above-stated purposes.

Notwithstanding the foregoing, if the Director has reasonable cause to believe that waters or wastes of the types referred to in Sections 17.58.050 and 17.58.060 of this chapter are being discharged from any property into a public wastewater collector or natural outlet, and has reasonable cause to believe that such discharge is so dangerous, hazardous, or unsafe as to require immediate inspection to safeguard the public health or safety, he shall have the right to immediately enter and inspect such property, and may use any reasonable means required to effect such entry and make such inspection, whether such property be occupied or unoccupied and whether or not permission to inspect has been obtained. If the property be occupied, he shall first present the proper credentials to the occupant and demand entry, explaining his reasons therefor and the purpose of his inspection. No person shall fail or refuse, after proper demand has been made upon him as provided in this paragraph, to promptly permit the Director to make any inspection provided for by this paragraph. Any person violating this paragraph shall be guilty of a misdemeanor.

The Director shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the wastewater collectors or waterways or facilities for waste treatment.

While performing the necessary work on property referred to in this section, the Director shall observe all applicable safety rules established by the owner of the property. (Ord. 12784 §13; December 17, 1979).

**17.58.160 Director Relieved From Personal Liability.**

The city shall hold harmless the Director, when acting in good faith and without malice, from all personal liability for any damage that may accrue to any person or property as a result of any act required by this chapter or by reason of any act or omission of the Director in the discharge of his duties hereunder. Any suit brought against the Director because of any such act or omission in the carrying out of the provisions of this chapter shall be defended by the city's Law Department through final determination of such proceedings. (Ord. 9965 §16; April 27, 1970).

**17.58.170 Penalties.**

Any person upon whom a duty is placed by the provisions of this chapter who shall fail, neglect, or refuse to perform such duty, or who shall violate any of the provisions of this chapter, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed \$500.00 for each violation, together with the costs of prosecution. Each day that a violation of this chapter continues shall constitute a separate and distinct offense and shall be punishable as such.

Provided, however, that any person upon whom a duty is placed by the provisions of Sections 17.58.020, 17.58.030, 17.58.050(d), 17.58.060, 17.58.080, 17.58.100, and 17.58.130 of this chapter who shall fail, neglect, or refuse to perform such duty, or who shall violate any of the provisions of said sections, may be served by the city with written notice stating the nature of such duty or of such violation and providing a reasonable time limit for the satisfactory correction of such duty or violation. Such person shall, within such period of time, perform such duty or cease such violation; otherwise, for each day after such period of time that such person fails, neglects, or refuses to perform such duty or violates such provisions, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished as above provided.

In addition to, or in lieu of, other remedies provided the city by this section to correct or abate a failure, neglect, or refusal to perform a duty imposed by this chapter or a violation of a provision of this chapter, the Director may revoke any permit issued under the provisions of this chapter, and may effect the discontinuation of water or wastewater service, or the discontinuation of both such services, to the owner of the property. The Director may also institute injunction or other appropriate action or proceeding. However, with the exception of repeated nonaccidental discharges to the public wastewater collectors of waters or wastes of the types referred to in subsections (a), (b), and (c) of Section 17.58.050 of this chapter, the Director shall give the owner at least fifteen days' written notice before revoking such permit or discontinuing water or wastewater service; except, that if within said fifteen-day period such owner requests a hearing before the hearing board as hereinafter provided, the Director shall not revoke such permit nor discontinue such water or wastewater service unless authorized by said board or by a court of competent jurisdiction upon appeal from said board.

Any person who accidentally discharges into a public wastewater collector any waters or wastes of the types referred to in subsections (a), (b), or (c) of Section 17.58.050 of this chapter shall immediately notify the Director by the quickest means available, supplying him with all information pertaining to such discharge as the Director may request to enable the Director to take proper action to protect persons, public wastewater collectors, and wastewater treatment processes which may be endangered by such discharge.

Any person upon whom a duty is placed by the provisions of this chapter who shall fail, neglect, or refuse to perform such duty, or who shall violate any of the provisions of this chapter, or who is responsible for an accidental discharge as aforesaid, may be held liable to the city for any expense, loss, or damage occasioned the city by reason thereof. (Ord. 12784 §14; December 17, 1979).

#### **17.58.180 Hearing Board.**

The Mayor of the city shall appoint a hearing board to arbitrate differences between the Director and any person aggrieved by any decision of the Director concerning the interpretation and execution of any provision of this chapter. Such board shall be appointed within five days after request therefor, setting forth the specific matter in dispute, has been filed with the Mayor by such person. All costs of arbitration shall be divided equally between the city and the person requesting the board. The rate or amount of pay to be received by the board members shall be determined by the Mayor before the board convenes.

All hearing boards shall be appointed ad hoc, but in selecting a given hearing board, the Mayor may appoint one or more members of any such prior appointed board. The Mayor may consult with the Director and with the person requesting the board concerning the appointment of board members, but he shall make a reasonable effort not to appoint anyone who is employed by, retained by, or otherwise subject to control or influence of the Director, the person requesting the board, or the city. The Mayor's decision as to choice of board members shall be final.

One member of each board shall be a registered professional engineer; one member shall be a practicing sanitary engineer; one member shall be a representative of industry or manufacturing enterprise; one member shall be a lawyer; and one member shall be selected at large for his interest in accomplishing the objectives of this Chapter. No board shall have any other members.

Each hearing board shall convene within ten days after it is appointed and elect its chairman and such other officers as it desires from among its members and shall establish its own rules of procedure, provided that three members shall constitute a quorum for the transaction of business and three affirmative votes shall be required for final action on any matter acted upon by the board. The board shall make specific findings and conclusions based upon the testimony and evidence properly presented to it, and shall render its decision based upon such findings and conclusions within thirty days after the date the board convenes, and at the end of such period of time the board shall automatically cease to exist. Such decision shall be in full resolve of the said dispute. Neither the hearing board nor any member thereof shall in any way be liable to the city or to any person whomsoever for any such decision rendered by it. The decision of the board shall be binding upon the city and upon the person requesting the board, and its decision may be appealed by either or both parties to the district court of Lancaster County, Nebraska.

Nothing contained in this section shall be construed to preclude any person aggrieved by any decision of the Director concerning the interpretation and execution of any provision of this chapter from appealing such decision to the district court of Lancaster County, Nebraska. (Ord. 9965 §18; April 27, 1970).