

Exhibit L2a: Lake Charles Wastewater Ordinance Industrial Park East

Lake Charles, Louisiana, Code of Ordinances >> PART II - THE CODE >>
>> >> >>

DIVISION 1. - GENERALLY

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| Sec. 21-51. - First sewerage district—Created.

The first sewerage district of the city is created.

(Code 1956, § 10-1)

| Sec. 21-52. - Same—Boundary.

The boundary of the first sewerage district of the city shall be coextensive with the boundary of the city.

(Code 1956, § 10-2)

| Sec. 21-53. - Same—Powers.

The first sewerage district shall have and possess the following powers:

- (1) To contract, sue and be sued in its corporate name; to own and possess a seal and to change the same at will.
- (2) To contract for, install, maintain and operate a sewerage system within its limits and to exercise the power of expropriating, both within and without its limits, for the purpose of laying and installing and operating a sewerage plant and all appurtenances necessary thereto.
- (3) To incur indebtedness and to issue and sell negotiable bonds for the purpose of acquiring and installing such systems or plants agreeable to and in pursuance of the state constitution and the general laws of the state pertaining thereto.
- (4) To maintain and operate such systems and to use therefore such funds as may accrue from the tax voted in excess of the amount necessary to retire the bonds and the interest thereon; and to receive and use for such purpose such money as may be from time to time appropriated by the city under its powers to protect the public health.
- (5) To do all such things and to enact all such rules and regulations as may be necessary or advantageous to the installing, maintenance, operation and use of sewerage systems or plants.
- (6) To extend the sewerage pipes and mains outside of the district, and to use therefore such funds as may accrue from the tax levied in excess of the amount necessary to retire the bonds and the interest thereon.

(Code 1956, § 10-3)

State law reference— For similar provisions of the state law, see R.S. 33:3912.

| Sec. 21-54. - Same—Board of commissioners.

The powers conferred by this article on the first sewerage district shall be exercised and performed by the city council as the board of commissioners of the first sewerage district of the city.

(Code 1956, § 10-4)

| Sec. 21-55. - Same—Tax collector.

The tax collector of the city shall be the ex officio tax collector of the first sewerage district and he shall collect the taxes due the district in the same manner as is provided for the collection of other special taxes. The tax collector of the district shall be the ex officio assessor for the same and shall prepare the tax roll of the same by preparing and copying it from the assessments and rolls used by the state for the collection of taxes on the property within the first sewerage district.

(Code 1956, § 10-10)

| Sec. 21-56. - Same—Incurring indebtedness and issuing bonds.

All elections within the first sewerage district for incurring indebtedness and the issuance of negotiable bonds shall be called and the bonds shall be issued and sold by the city council as provided by state law and, for the payment of the principal and interest of such bonds, the city council shall levy annually ad valorem taxes on all the taxable property in the first sewerage district in the manner provided by state law.

(Code 1956, § 10-11)

| Sec. 21-57. - Connection outside of city prohibited.

- (a) Except as provided hereinbelow, the extension of utility services, water and sewer lines, or the providing of such services to property located outside of the corporate limits of the city shall be prohibited, and the same is declared to be unlawful.
- (b) This section shall not apply to the extension of services or providing of services approved prior to the effective date of this section.
- (c) When there presently exists a water or sewer line adjacent to applicant's property, the providing of utility services, water and/or sewer to property located outside of the corporate limits of the city may be approved by the mayor or the mayor's designee upon applicant's compliance with all of the relevant portions of this section. "Adjacent," for the purpose of this section, shall include a water or sewer line across a public road from applicant's property that would otherwise be on a right-of-way or easement contiguous to applicant's property but for the existence of a public road or right-of-way.
- (d) Notwithstanding the provisions of paragraph (c) hereinabove, the provision or extension of any water or sewer utility services to property located outside the corporate limits of the City of Lake Charles may be approved by the city council where any of the following circumstances exist:
 - (1) The applicant is requesting extension in length of a sewer or water main or an increase in delivery capacity of same;
 - (2) Applicant is requesting services to a parcel of property in excess of five acres;
 - (3) Applicant is requesting water or sewer utility services for a subdivision; or
 - (4) Applicant is requesting water and/or sewer services for multiple users.
- (e) (1) As a condition precedent to the initial connection into the city water and sewer line, or both, an applicant must donate a right-of-way and meet one of the following alternative conditions:
 - a. Applicant must sign a written agreement in which the applicant requests annexation to the city and agrees to pay the current rate charged at the time to city residents for sewer and water line connections and use. In the written agreement, the applicant must agree that if the request for annexation is withdrawn, his or her property will be disconnected from city water or sewer services, or
 - b. Applicant must sign a written agreement in which the applicant states that he or she has no objection to annexation to the city and that he or she agrees to pay all costs of providing water and/or sewer services to the property. Costs will normally be based on sizes not larger than an eight inch main, but, if for any reason it is necessary to install mains larger than eight inches to satisfy the requirement of the applicant, the costs shall be

based on the cost of the main size actually required. If larger than eight-inch mains are installed to satisfy requirements of the city, only the cost of installing the eight-inch mains will be charged to the applicant.

(2) In addition, applicant shall be charged by the city an increased rate for water consumed in an amount to be set by the mayor or the mayor's designee.

(f) Express authority is hereby granted to the mayor of the City of Lake Charles or the mayor's designee to execute the aforementioned contracts on behalf of the city.

(g) All new buildings or structures located within or outside the corporate limits, or any additions, modifications, alterations or repairs of existing buildings that utilize water or sewer facilities of the city shall comply with the requirements of section 6-176 of the Lake Charles Code of Ordinances relative to the plumbing code as adopted by the city.

(Ord. No. 7436, § 1, 10-6-82; Ord. No. 8861, § 1, 5-3-89; Ord. No. 9175, § 1, 10-17-90; Ord. No. 9962, § 1, 11-3-93; Ord. No. 10628, § 1, 12-20-95; Ord. No. 12064, §§ 1—4, 1-3-01)

| Secs. 21-58—21-60. - Reserved.

Editor's note— Section 14(B) of Ord. No. 7174, adopted Jan. 6, 1982, repealed, effective March 1, 1982, §§ 21-57—21-60, relative to connection charges, which provisions formerly derived from Ord. No. 1682, §§ 1—5, adopted June 1, 1966; Ord. No. 1801, §§ 1—3, adopted May 3, 1967; Ord. No. 6449, § 1, adopted Nov. 21, 1979; and Ord. No. 7114, § 1, adopted Nov. 18, 1981.

| Secs. 21-61—21-70. - Reserved.

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DIVISION 2. - USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS ^[58]

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| Sec. 21-71. - Definitions.

The following words, terms and phrases are hereby defined and shall be interpreted as such throughout this chapter. Terms not herein defined shall have the meaning customarily assigned to them.

Approving authority means the regional administrator of the Environmental Protection Agency (EPA) while the "control authority" means the director of public works of the city or his duly authorized deputy, agent or representative.

BMPs denoting best management practices are schedules of activities, prohibitions or practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5(a)(1) and (b) BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

B.O.D. (biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Centigrade, expressed in parts per million by weight or milligrams per liter (mg/l).

Building drain means that part of the lowest horizontal piping of a drainage system which received the discharge from soil, waste, and other drainage pipes (not including storm drains) inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the exterior wall of the building.

Building sewer (also house connection or service sewer) means the piping extending from the building drain to the point of connection with the public sewer or other place of disposal.

Bypass means the intentional diversion of wastewater from any portion of an industrial user's treatment facility.

City shall mean the City of Lake Charles, a municipal corporation of the State of Louisiana.

Clean Water Act (CWA) shall mean the Clean Water Act, Public Law 92-500, also known as the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251, et seq.

Commercial or institutional users shall mean all nonresidential users which introduce only sanitary sewage or primarily segregated domestic wastes into a building sewer.

Conventional pollutant means those pollutants that are generally biodegradable and readily handled within normal concentration ranges by conventional treatment processes. Conventional pollutants specifically include biochemical oxygen demand, total suspended solids, fecal coliform, pH, and oil and grease.

Director, director of public works means the person duly designated by the governing authority to oversee and supervise the activities incident to the operation and maintenance of the sewage works, or his authorized deputy, agent, or representative.

Floating oil shall mean oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility.

Garbage means the solid waste matter resulting from the preparation, cooking, or dispensing of food or from the handling, storage or sale of produce or other food products.

Grease trap waste means any disposed material obtained from grease traps.

Grease trap waste disposer means any facility which is identified as a commercial nondomestic source that generates grease from commercial food preparation.

Grease trap waste generator means any facility which is identified as a commercial nondomestic source that generates grease from commercial food preparation.

Grease trap waste transporter (or hauler) means any person engaged in the collection, transportation, processing or disposition of grease trap waste and includes the owner/operator of any equipment, facilities, vessels or vehicles engaged in grease trap waste hauling and/or processing activities and the employees, lessees, representatives or agents of such owner/operator.

Hazardous waste means a solid, liquid, or gaseous waste, or any combination thereof, which because of its quantity, concentration, physical, chemical, or infectious characteristics may (a) cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

Industrial user is any source of indirect discharge which is any nongovernmental or nonresidential user of a publicly owned treatment works, excluding domestic wastes or discharges from sanitary conveniences; and which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented under one of the following divisions:

Division A. Agriculture, Forestry, and Fishing

Division B. Mining

Division D. Manufacturing

Division E. Transportation, Communications, Electric, Gas, and Sanitary Services

Division I. Services

Industrial waste shall mean the water-carried wastes from industrial manufacturing or industrial processing as distinct from sanitary sewage. It shall include the trade wastes produced by, but not limited to, food processing and bottling plants, food manufacturing plants, slaughtering plants, tallow works, plating works, disposal services, industrial cleaning plants, fertilizer plants, car and truck washing operations, laundries, cleaning establishments, cooling plants, industrial plants, factories and chemical treatment installations.

Interference shall mean inhibition or disruption of the sewage works, treatment process, or operations which cause or significantly contribute to the violation of the requirements of other agencies having jurisdiction over discharges to the receiving waters. This term also includes contamination of municipal sludge.

Letter of intent shall mean notification from an industrial user to the City of that user's intent to utilize a publicly owned treatment facility for a given period of time.

Mass loading shall mean the total mass of any given pollutant discharged to the city's collection system over a specified period of time (i.e., pounds per day). Mass loading in pounds per day shall be determined as follows:

Mass Loading = Concentration X Flow X 8.34×10^{-6} where:

(1) Mass loading is in pounds per day;

(2) Concentration is the arithmetic mean of all analyses performed for the specified pollutant parameter over the 24-hour day (midnight to midnight) for which mass loading is to be determined. Concentration is in milligrams per liter (mg/l);

(3) Flow is the total number of gallons of wastewater containing the pollutant parameter for which mass loading is to be determined that have been discharged to the city's collection system over the 24-hour day (midnight to midnight) for which mass loading is to be determined.

Minor industrial users shall mean an industrial user not classified as a significant industrial user.

National Categorical Pretreatment Standard or *pretreatment standard* shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1317) which applies to a specific category of industrial users.

National Prohibitive Discharge Standard or *prohibitive discharge standard* shall mean any regulation developed under the authority of Section 307(b) of the Act and the General Pretreatment Regulations (40 CFR 403.5).

Natural outlet shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or groundwater.

New source shall mean any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that: (1) The building, structure, facility or installation is constructed at a site at which no other source is located; or (2) the building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or (3) the production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria above but otherwise alters, replaces, or adds to existing process or production equipment.

Construction of a new source as defined under this paragraph has commenced if the owner or operator has: (1) Begun or caused to begin as part of a continuous onsite construction program: (a) Any placement, assembly, or installation of facilities or equipment; or (b) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or (2) entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

Nonconventional pollutants means all other pollutants which are not specifically identified as either conventional or toxic and includes pollutants as chemical oxygen demand (COD), phosphorus, sulfates, chlorides, etc.

Objectionable pollutants or *items* are any materials which may cause interference with the operation or performance of the treatment works, or which may cause pass-through in such treatment works so as to cause the treatment works to violate terms of its discharge permit or provisions of federal, state or local laws.

Objectionable pollutant shall include but is not limited to those toxic and nonconventional pollutants causing an increase in the cost of managing the effluent or sludge of the treatment waste.

Owner or occupant shall mean the persons using the lot, parcel of land, building or premises connected to and discharging sewage into the sewage system of the city, and who pays or is legally responsible for the payment of water rates or charges made against the said lot, parcel of land, building or premises, if connected to the sewage system, or who would pay or be legally responsible for such payments.

Pass-through shall mean a discharge which exits the sewerage treatment plant into waters of the United States in quantities or concentrates which alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the sewerage treatment's National Pollutant Discharge Elimination System's permit (including an increase in the magnitude or duration of a violation).

Person shall mean any individual, firm, company, association, governmental agency, society, corporation, group or political subdivision.

pH shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams contained in one liter of solution.

Plumbing inspector shall mean the inspector of all new plumbing and gas installations, and of all reinspections of the same. The plumbing inspector shall serve as an inspector along with pretreatment personnel as the "control authority" may deem necessary.

Pollution prevention is source reduction and other practices that reduce or eliminate the creation of

pollutants through:

- (1) Increased efficiency in the use of raw materials, energy, water, or other resources; and
- (2) Protection of natural resources by conservation.

Premises shall mean all the parcels or land included in the city in a single assessor's parcel number.

Primarily segregated domestic wastes shall mean that sewage which is introduced into a building sewer and which contains no more than 50 per cent industrial waste, prior to any intentional dilution.

Prohibited hazardous material shall include those materials that would be corrosive and/or cause pass-through interference.

Prohibited pollutants means any toxic or nonconventional pollutants that would cause interference in the adequate treatment of the wastewater and would be required to be removed prior to any discharge into the wastewater system.

Properly shredded garbage shall mean 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 ½ inch (1.27 centimeters) in any dimension.

Public sewer means a sewer owned or controlled by the city to which property owners in the vicinity may have access. In general, the public sewer includes the main sewer in the street and the service branch, or the main sewer only in rights-of-way other than public streets, if any, to the curb or to the property line of the owner having access to the public sewer.

Sanitary sewage shall mean the water-carried wastes from residences, or from business establishments or premises engaged solely in the sale, storage or repair of goods, wares or merchandise, and which contains garbage, human wastes, or animal wastes.

Sanitary sewer means a sewer designed to carry sanitary sewage to which storm, surface, and groundwater are not intentionally admitted.

Sewage (also wastewater) means any combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwater as may be adventitiously present.

Sewage normal (normal wastewater concentrations) shall mean sewage having the following limiting characteristics:

BOD 5 day 20°C
240 mg/l (max.)
COD
1000 mg/l (max.)
Chlorine Demand 15 min. 68°F
20 mg/l (max.)
Suspended Solids
240 mg/l (max.)
Hydrogen ion Concentration (pH)
6.0 to 9.0
Grease
100 mg/l (max.)
(100 parts per million)
Temperature
150°F (max.)
NH₃N
20 mg/l (max.)

Sewage treatment plant (also wastewater treatment plant) means any arrangement of equipment, devices, and structures used for treating sewage.

Sewage works (also wastewater facilities) means any and all facilities for collecting, pumping, treating, and disposing of sewage.

Sewer means any pipe or other conduit outside a building for conveying sewage.

Shall is mandatory; *may* is permissive.

Significant industrial user shall mean:

- (1) All industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and
- (2) Any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the City of Lake Charles Wastewater Division (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up five per cent or more of the average dry weather hydraulic or organic capacity of the City of Lake Charles Wastewater Division treatment plant; or is designated as such by the control authority as defined in 40 CFR 403.12(a) on the basis that the industrial user has a reasonable potential for adversely affecting the City of Lake Charles Wastewater Division's operation or for violating any pretreatment standard or requirement; and
- (3) Any landfill operation which proposes to discharge into the sanitary sewer wastewaters other than sanitary, noncontact cooling and boiler blowdown is hereby deemed by the control authority to have a reasonable potential for adversely affecting wastewater facilities and is therefore designated a significant industrial user.

Slug shall mean any discharge of water, sewage, or industrial waste in which concentration of any given constituents or in which quantity of flows exceed for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flow during normal operation.

Small volume/quantity users is an industrial user(s) that does not classify as a significant or categorical user.

Special sewer shall mean any sewer or storm drain constructed under the authority of the city, the cost of which was not directly addressed to or borne by the abutting property and which has been or may hereafter be designated as such "special sewer" by resolution of the council.

State shall mean the State of Louisiana.

Storm drain (also storm sewer) shall mean a sewer or natural or manmade drainage channel which carries storm and surface waters and drainage, but which excludes sewage and industrial wastes other than uncontaminated cooling water.

Suspended solids (SS) shall mean 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 40 CFR 136.

Total toxic organic (TTO) compounds shall mean the sum of the masses or concentrations of specific toxic organic compounds found in the industrial user's process discharge at a concentration greater than 0.01 mg/l.

Toxic pollutants means those pollutants which have been designated as toxic under Section 307 of the 1972 Clean Water Act (P.L. 92-500), including all additions to the list.

Unpolluted water shall mean 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.

Waste manifest means a five-part form issued by the City of Lake Charles, Wastewater Pretreatment to document the transfer of waste. The copies shall be denominated:

Disposer's copy: The disposal site designated copy of the five-part waste manifest.

Generator copies: The generator's designated copies (top original and fifth page) of the five-part waste manifest.

Return copy: The transporter's designated copy of the five-part waste manifest to be returned to the City of Lake Charles, Wastewater Pretreatment upon acceptance of the waste at a disposal facility.

Transporter copy: The designated transporter copy of the five-part waste manifest.

Wastewater (see Sewage).

Wastewater facilities (see Sewage Works).

Wastewater treatment plant (see Sewage Treatment Plant).

Watercourse shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

(Ord. No. 9414, § 1, 8-21-91; Ord. No. 9439, § 2, 9-18-91; Ord. No. 12063, § 1, 1-3-01; Ord. No. 13366, § 1, 5-4-05; Ord. No. 13931,

§§ 1, 2, 10-4-06)

| Sec. 21-72. - Required use of public sewers.

- (a) *Unsanitary deposits.* It is unlawful for any person to cause to be deposited in an unsanitary manner, upon public or private property, any human or animal excrement, garbage, or other objectionable waste matter.
- (b) *Discharge to natural outlets.* It is unlawful to discharge to any natural outlet any sewage or other polluted liquid or solid except where such discharge is from sewage treatment facilities constructed in accordance with this division and in a manner approved by the Louisiana State Board of Health.
- (c) *Construction, maintenance of privies, septic tanks, etc.* Except as hereinafter provided, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the treatment or disposal of sewage.
- (d) *Mandatory connection to public sewer.* Within 90 days of receipt of notice from the plumbing inspector that a public sanitary sewer is accessible to a house or building used for human occupancy, employment, or recreation, the owner shall, at his own expense, install suitable toilet facilities therein and shall connect the facilities by means of a building drain and a building sewer to the said accessible public sanitary sewer.

(Ord. No. 9414, § 1, 8-21-91)

| Sec. 21-73. - Private sewage disposal.

- (a) *Unavailability of public sewer.* Where a public sanitary sewer is not available under the provisions of section 21-72(d), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.
- (b) *Permit—Required.* Before commencement of construction of a private sewage disposal system the owner shall obtain a written permit signed by an official of the board of health after first obtaining approval by the Calcasieu Parish Health Officer.
- (c) *Same—When effective; inspections; notification of readiness for inspection.* A permit for a private sewage disposal system shall not become completely effective until the installation has been completed to the satisfaction of the board of health, and the Calcasieu Parish Health Officer. They shall be allowed to inspect the work at any stage of construction, and in any event the applicant for the permit shall notify the health department when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the board of health, Saturdays, Sundays and holidays excepted.
- (d) *Type, capacity, location and layout.* The type, capacities, location and layout of a private sewage disposal system shall comply with all regulations of the Louisiana State Board of Health, Sanitary Code of State of Louisiana, Chapter X-A, Plumbing.
- (e) *Connection required when public sewer available.* At such times as a public sewer becomes available to a property served by a private sewage disposal system, as provided in section 21-72(d), a direct connection shall be made to the public sewer in compliance with this division; and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.
- (f) *Operation, maintenance generally.* The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.
- (g) *Additional requirements.* No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the plumbing code of the City of Lake Charles and the Louisiana State Board of Health.

(Ord. No. 9414, § 1, 8-21-91)

| Sec. 21-74. - Building sewer and connections.

- (a) *Permit required.* It is unlawful to uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the plumbing inspector's department.
- (b) *Classes of permits; application.* There are two classes of building sewer permits:
 - (1) For residential, commercial, minor industrial and institutional service; and
 - (2) For service to establishments producing industrial wastes.

In either case, the owner 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 plumbing inspector or director of public works.

(c) *Installation cost and expense to be borne by owner.* All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(d) *Separate building sewer required.* 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 and the whole considered as one building sewer.

(e) *Use of old building sewers.* Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the plumbing inspector, to meet all requirements of this division.

(f) *Materials and specifications generally.* The building sewer shall be cast iron soil pipe, ASTM specification (A74-42) or equal; vitrified clay sewer pipe, ASTM specification (C13-447) or equal; or other suitable material approved by the city plumbing code. Joints shall be tight and waterproof. Cast-iron pipe with leaded joints may be required by the plumbing inspector where the building sewer is exposed to damage by tree roots. If installed in filled or unstable ground, the building sewer shall be of cast-iron soil pipe, except that nonmetallic material may be accepted if laid on a suitable concrete bed or cradle as approved by the plumbing inspector.

(g) *Size and slope.* The size and slope of the building sewer shall be subject to the approval of the city plumbing code. In general, the building sewer shall be the same size as the service branch but in no event less than four inches in diameter. The slope of the building sewer shall in no event be less than $\frac{1}{4}$ inch per foot for four-inch pipe.

(h) *Elevation laying of sewer; changes in direction.* Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to and within three feet of any bearing wall which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings.

(i) *Procedure where building drain too low.* In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.

(j) *Excavations generally; pipe laying and backfill.* All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the plumbing inspector. Pipe laying and backfill shall be performed in accordance with ASTM specification (C-12) latest revision, except that no backfill shall be placed until the work has been inspected.

(k) *Joints and connections.* All joints and connections shall be made gas tight and watertight. Cast-iron pipe joints shall be firmly packed with oakum or hemp and filled with molten lead, Federal Specification QQ-L-156, not less than one-inch depth. Lead shall be run in one pouring and caulked tight. No paint, varnish or other coatings shall be permitted on the jointing material until after the joint has been tested and approved. All joints in vitrified clay pipe or between VC pipe and cast-iron pipe shall be made with an approved bituminous jointing material or a compression joint meeting ASTM-C425 specifications. Where a hot-poured joint is used, the joint shall first be caulked with jute, hemp or similar approved material. The bituminous material for hot-poured joints shall not soften sufficiently to destroy the effectiveness of the joint when subjected to a temperature of 160 degrees Fahrenheit nor be soluble in any of the wastes carried by the drainage system.

(l) *Connection of building sewer to public sewer generally.* The building sewer shall be connected into the public sewer at the property line, if a service branch is available at a suitable location. Where no properly located service is available a neat hole may be cut into the public sewer and a suitable wye or tee saddle installed to receive the building sewer. The invert of the saddle shall be in the upper quadrant of the main line of the public sewer. A net workmanlike connection shall be made and the saddle made secure and watertight by encasement in concrete.

(m) *Notification of readiness for inspection; supervision of connections.* The applicant for the building sewer permit shall notify the plumbing inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the director of public works or his representative.

(n) *Guarding of excavations; restoration of streets, sidewalks, etc.* 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.

(Ord. No. 9414, § 1, 8-21-91)

| Sec. 21-75. - Use of the public sewers.

(a) *General prohibitions.* A user may not introduce into the public sewer any pollutant(s) which may cause pass-through or interference. The general prohibitions and specific prohibitions of this section apply to each user introducing pollutants into the public sewer whether or not the user is subject to other National Pretreatment Standards or any national, state, or local pretreatment requirements.

(b) *Discharge of stormwater, surface water to sanitary sewer prohibited.* It is unlawful for any person to discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface water or unpolluted industrial process water to any sanitary sewer.

(c) *Designation of sewers for discharge of stormwater, etc.* In addition to other requirements of federal, state or local law stormwater and all other unpolluted drainage shall be discharged only to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the plumbing inspector or the director of public works. Industrial cooling water or unpolluted process water may be discharged, upon approval of the plumbing inspector or the director of public works, to a storm sewer or natural outlet.

(d) *Materials prohibited in sewers.* No person shall discharge or cause to be discharged objectionable items or any of the following described waters or wastes to any public sewers:

(1) Any gasoline, benzene, toluene, xylene, naphtha, fuel, oil, or other flammable or explosive liquid, solid or gas. Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius). Any liquid or vapor that causes the wastewater entering the sewage treatment plant to exceed 104 degrees Fahrenheit (40 degrees Celsius). The prohibitive discharge standard for these substances is zero discharge under all circumstances. Pollutants which create a fire or explosion hazard, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21.

(2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity (either singly or in 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 the receiving waters of the wastewater treatment plant.

(3) Any waters or wastes having a pH lower than 6.0 or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

(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 sewage works 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, either whole or ground by garbage grinders.

(5) Any pollutant, including oxygen demanding pollutants (BOD, COD, etc.) released in a discharge to a sewage treatment plant in such strength or volume which the industrial user knows or has reason to know will cause interference in the sewage treatment plant.

(6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass-through.

(7) Pollutants which result in the presence of toxic gases, vapors, or fumes in a quantity that may cause acute worker health and safety problems.

(8) Any trucked or hauled pollutants, except at discharge points designated by the City of Lake Charles Wastewater Division.

(e) *Materials director may prohibit in sewers.* No person shall discharge or cause to be discharged into any sewer the following described substances, materials, waters or wastes if it appears likely in the opinion of the director that such wastes can harm the sewers, wastewater treatment plant processes 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 will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the wastewater treatment plant, degree of treatability of wastes in the wastewater treatment plant, and other pertinent factors. All categorical users and significant industrial users are to be in compliance with applicable pretreatment standards and requirements. The substances prohibited are:

(1) Any water or wastes containing fats, wax, grease or oil in a quantity sufficient to cause pass-through or interference, whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between 32 degrees and 150 degrees Fahrenheit (zero and 65 degrees Celsius).

(2) Any garbage that has not been properly shredded.

(3) Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions whether neutralized or not.

(4) Any waters or wastes containing phenols or other taste or odor-producing

substances in such concentrations exceeding limits which may be established by the director.

(5) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the director in compliance with applicable state or federal regulations.

(6) Waste discharges which exert or cause:

a. Unusual concentrations of suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues and organic materials) or of dissolved solids (such as, but not limited to starch, sugar, sodium chloride and sodium sulfate).

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

c. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

d. Unusual flows or concentrations of wastes constituting "slugs" as defined herein.

(7) Waters or wastes containing substances which are not amenable to treatment or reduction by the process 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.

(8) Discharge of toxic materials or heavy metals shall be reviewed by the director of public works and special attention shall be given to those prohibited hazardous materials which are specified in the local limits.

(9) *Local limits.* The city has established local limits in accordance with the federal pretreatment regulations. The limits as listed in the tables below are either maximum industrial user headworks loading in lbs./day or maximum daily industrial user concentrations in milligrams per liter to each respective treatment plant. No industrial user will be allowed to discharge those pollutants limited by concentration (milligrams per liter) at daily maximum concentrations greater than values tabulated herein. The city, at its own discretion, will allocate a portion of the total headworks mass loading limits (lbs./day) to each permitted industrial user of the city's POTWs depending upon the particular treatment plant to which the industrial user discharges. The city, at its own discretion, may withhold from allocation to an industrial user(s) any portion of the total headworks loadings as listed below as a safety factor to ensure that the maximum loading is not exceeded and/or to provide for future growth and permitting of additional industrial users. In addition, the city may, at its own discretion, choose to allocate only portions of certain pollutant parameters listed in the tables below to specific industrial users. The city retains full authority, upon the approval of the EPA, to increase or decrease these local limits; establish local limits for additional pollutant parameters not herein listed; increase and/or decrease allocations of pollutants to industrial users as required to maintain the total industrial user contribution from exceeding the maximum headworks mass loading (lbs./day); and, to impose limitations on industrial users on a concentration basis or on a mass basis. Limits imposed on industrial users may be in the form of daily maximums and/or specific period (such as monthly) averages.

TABLE 1.0 TECHNICALLY BASED LOCAL LIMITS FOR PLANT A

The following pollutant limits are established to protect against pass through and interference for Plant A. No person shall discharge wastewater containing in excess of:

Pollutant	Concentration
Arsenic	0.31 mg/L
Cadmium	0.33 mg/L
Chromium	15.56 mg/L
Chromium VI	6.87 mg/L
Copper	2.78 mg/L
Mercury	0.001 mg/L
Lead	0.49 mg/L
Zinc	2.58 mg/L
Nickel	0.99 mg/L
Molybdenum	0.63 mg/L
Silver	2.00 mg/L
Pollutant	Concentration
Cyanide	1.55 mg/L
Selenium	0.24 mg/L
Chlordane	0.0001 mg/L
Oil & Grease	100 mg/L
Phenol	Report

pH	5.5 su—9.0 su
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Concentrations apply at the point where the industrial waste is discharged to the POTW, entry into the collection system. The city may allocate mass limits to industrial users discharging to Plant A not to exceed the total headworks loading limit.

TABLE 2.0 TECHNICALLY BASED LIMITS FOR PLANTS B, C AND D

The following pollutant limits are established to protect against pass through and interference for Plant B/C. No person shall discharge wastewater containing in excess of:

Pollutant	Concentration
Arsenic	0.12 mg/L
Cadmium	0.20 mg/L
Chromium	11.30 mg/L
Chromium VI	1.68 mg/L
Copper	0.26 mg/L
Mercury	0.002 mg/L
Lead	0.90 mg/L
Zinc	0.86 mg/L
Nickel	4.81 mg/L
Molybdenum	0.86 mg/L
Silver	0.49 mg/L
Cyanide	0.79 mg/L
Selenium	0.77 mg/L
Oil & Grease	100 mg/L
Phenol	Report
pH	5.5 su—9.0 su

Concentrations apply at the point where the industrial waste is discharged to the POTW, entry into the collection system. The city may allocate mass limits to industrial users discharging to Plant B/C not to exceed the total headworks loading limit.

Normal Wastewater Concentrations shall mean wastewater having the following limiting characteristics:

Pollutant	Maximum Concentration
BOD	240 mg/L
TSS	240 mg/L

Wastewater strength that is greater than the concentrations stated above shall pay an additional surcharge according to section 21-97.

Where an industrial user is subject to categorical pretreatment standard(s) that control pollutants not enumerated above, or contain limitations that are more stringent than indicated above, the industrial user is subject to the requirements of the categorical pretreatment standard(s). Under no circumstances shall the industrial user achieve compliance with the above limitations or categorical pretreatment standards by diluting its industrial waste with tap water, unpolluted water, sanitary sewage, or any other liquid diluent.

Discharge of heavy metals in excess of the quantities listed herein into the sewer system shall be prohibited. Dilution of heavy metals and toxic materials in lieu of treatment (removal) is prohibited.

(f) *Action resulting from deposit of deleterious wastes.* 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) and (e) of this section, and which in the judgment of the director of public works, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the director of public works may (subject to the limitations of subsections (d) and (e) of this section):

- (1) Issue a cease and desist order which shall order the immediate halt of such discharge; suspend the wastewater treatment service; reject the wastes; or physically sever the industry's connection to the public sewer.
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers.
- (3) Require control over the quantities and rates of discharge.
- (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes and sewer charges under the provisions of sections 21-95 and 21-96 of this division. If the director of public works permits the pretreatment or equalization of waste flows,

the design and installation of the plans and equipment shall be subject to his review and approval, and subject to the requirements of all applicable codes, ordinances and law.

(g) *National pretreatment standards.* Any industry falling within any industrial category subject to categorical pretreatment standards promulgated pursuant to Section 307(b) and (c) of the Clean Water Act of 1977 shall comply with all regulations, pretreatment requirements, and/or discharge limits applicable to that particular industrial category. National pretreatment regulation take precedent over this article; provided, however, such industry shall continue to meet specific discharge limits set forth in this article which are not inconsistent with the categorical pretreatment standards applicable to its industry, and more stringent approved local limits.

(1) *Pretreatment facilities.* All (categorical, significant and small volume/quantity) users shall provide the installation of wastewater treatment, pollution control, or construction of appropriate containment devices as necessary to comply with this ordinance and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in section 21-75(e) of this article within the time limitations specified by EPA, the state, or the control authority, whichever agent is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the users expense, in continuously efficient operation at all times. Detailed plans describing such facilities and operating procedures shall be submitted to the control authority for review, and shall be acceptable to the control authority before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the city under the provisions of this article.

(h) *Pollution prevention.* The Pollution Prevention Act enacted in 1990 set forth a policy from which best management practice guidelines can be established in order to facilitate pollution prevention. Best management practices (BMPs) are inherently pollution prevention practices.

The methodology involved in pollution prevention may include but is not necessarily limited to the following:

- (1) Source reduction
 - a. Good operating practices
 - 1. Inventory control
 - 2. Employee training
 - 3. Spill control
 - 4. Segregating waste streams
 - 5. Efficient production scheduling
 - b. Input material substitutions
 - c. Product changes
 - d. Technology changes
 - 1. Process changes
 - 2. Equipment changes
- (2) Recycling
 - a. Reuse
 - 1. Closed loop recycling
 - 2. Other recycling
 - b. Reclamation

(i) *Review and approval of certain wastes; preliminary treatment generally.* The admission into the public sewers of any water or waste having:

- (1) A five-day biochemical oxygen demand greater than 240 parts per million by weight (240 mg/l); or
- (2) More than 240 parts per million by weight of suspended solids; or
- (3) Any quantity of substances having the characteristics described in subsections (d) and (e); or

(4) An average daily flow greater than two per cent of the average daily sewage flow of the city's receiving wastewater treatment plant;

shall be subject to the review and approval of the director of public works. Where necessary, in the opinion of the director of public works, the owner shall provide, at his expense, such preliminary treatment as may be necessary to:

- a. Reduce the biochemical oxygen demand to 240 parts per million and the suspended solids to 240 parts per million by weight; or
- b. Reduce the objectionable characteristics or constituents to within the maximum limits provided for in subsection (d); or
- c. Control the quantities and rates of discharge of such waters or wastes.

Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the health officer of the Louisiana State Board of Health, and no

construction of such facilities shall be commenced until said approvals are obtained in writing.

(j) *Additional pretreatment measures.* In plants processing fruits, vegetables and similar produce, screens shall be provided when, in the opinion of the director, they are necessary to reduce the concentration of industrial wastes to acceptable levels. Screens shall be of a type and capacity approved by the director and shall be located so as to be readily and easily accessible for cleaning and inspection. Failure by the owner to properly clean and maintain these units shall be considered sufficient cause for disconnection of premises from the public sewer, or punitive actions as provided for in this article.

(1) Whenever deemed necessary, the control authority may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this division.

(2) The control authority may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure the equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.

(3) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

(k) *Industrial waste permit.*

(1) No significant industrial user shall discharge wastewater to the public sewers without having a valid industrial waste permit approved by the city council and issued by and on the form prescribed by the director. A permit may be required for any industrial user as deemed necessary by the director. National categorical pretreatment standards may be imposed as a permit condition along with other provisions of this chapter.

(2) Industrial users shall comply fully with the terms of their permits; the provisions of this chapter; and, all applicable state, federal and local pretreatment standards or requirements. Violation of a permit condition is deemed a violation of this chapter.

(3) All significant industrial users shall apply for an industrial waste permit within 30 days after the effective date of this provision. Other persons proposing to connect to the sewer system and determined by the director as requiring an industrial waste permit shall apply at least 90 days prior to commencing discharges to the public sewer. All users shall be notified of their status as significant industrial users within 30 days of making the determination. All permittees shall reapply for a new permit between 90 and 180 days prior to the expiration of the old permit.

(4) All applications shall be in the form prescribed by the director. The applicant shall submit, in units and terms suitable for evaluation, all information requested in the application form, including the industrial waste questionnaire, and any relevant supplemental information requested by the director. All applications, reports, documents, and other writings submitted to the approving authority by applicant or permittee must be signed by a principal executive officer, ranking elected official or other duly authorized employee if such employee is responsible for overall operation of the sewerage treatment plant.

(5) An applicant or permittee shall notify the director of any new or increased contribution of pollutants or changes in the nature of pollutants not indicated in the permit application.

(6) Industrial waste permits shall include, but not be limited to, the following terms:

a. Prohibitions on discharge of certain materials, determined by the director pursuant to subsection (e).

b. Notice of the general and specific prohibitions required by subsection (d).

c. Notice of applicable National Categorical Pretreatment Standards, effective under subsection (r).

d. Notice of applicable requirements of 204(b) and 405 of the Clean Water Act and Subtitles C and D of the Resource Conservation and Recovery Act.

e. Requirements for installation of treatment technology necessary to achieve compliance with the requirements of this chapter including, but not limited to that which may be required by the director pursuant to subsections (e), (g) and (j). (The design and installation of such technology shall be subject to the review, inspection, and approval of the director, and is also subject to the requirements of all applicable codes, ordinances, and laws.)

f. Compliance schedules as per subsection (r).

g. Accidental discharge/slug control plans. The control authority shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan or other action to control slug discharges. For purposes of this subsection, a slug discharge is any discharge of a nonroutine, episodic nature, including but not limited to an accidental spill or a noncustomary batch discharge, which has a reasonable potential to

cause interference or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions. The results of such activities shall be available to the approval authority upon request. Significant industrial users are required to notify the POTW immediately of any changes at its facility affecting potential for a slug discharge. The control authority may require any user to develop, submit for approval, and implement such a plan. Alternatively, the control authority may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

1. Description of discharge practices, including non-routine batch discharges.
 2. Description of stored chemicals;
 3. Procedures for immediately notifying the control authority of any accidental or slug discharge, as required by section 21-75(o)(5) of this article; and
 4. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.
- h. Monitoring, sampling, recordkeeping, reporting, notice, control manhole, and measuring requirements specified under subsections (o) and (r).
 - i. Special requirements regarding unusual strength sewage as per agreement authorized by subsection (q).
 - j. Requirements for additional payments as per subsection (f)(4).
 - k. Other conditions necessary to carry out the requirements of this division and applicable federal and state laws and regulations of which failure to carry out such requirements could violate federal, state and local laws.

(7) Initial permits issued to significant industrial users are valid for up to one year of the date of issuance or permit modification, whichever is later, unless revoked. Upon recommendation of the director and approval of the city council permits subsequently issued to significant industrial users are valid for up to five years of the date of issuance or permit modification, whichever is later, unless revoked. Permits issued to all other industrial users are valid for up to five years from date of issuance or permit modification, whichever is later, unless revoked.

(8) Permits are not transferrable.

(9) Permits may be modified for just cause upon 30 days notice. Just cause shall include, but not be limited to:

- a. Promulgation of a new applicable National Categorical Pretreatment Standard;
- b. Changes in the requirements of this division;
- c. Changes in processes used by the permittee or changes in discharge volume or character;
- d. Changes in design or capability of receiving sewage treatment plant.

(10) Wastewater discharge permit revocation. The Control Authority may revoke a wastewater discharge permit for good cause, including but not limited to, the following reasons:

- a. Failure to notify the control authority of significant changes to the wastewater prior to the changed discharge;
- b. Failure to provide prior notification to the control authority of changed conditions pursuant to section 21-75(k)(5) of this division;
- c. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- d. Falsifying self-monitoring reports;
- e. Tampering with monitoring equipment;
- f. Refusing to allow the control authority timely access to the facility premises and records;
- g. Failure to meet effluent limitations;
- h. Failure to pay fines;
- i. Failure to pay sewer charges;
- j. Failure to meet compliance schedules;
- k. Failure to complete a wastewater survey or the wastewater discharge permit application;
- l. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or

- m. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this ordinance.

Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

(11) The annual fee for industrial waste permits shall be determined by a schedule of fees fixed by the director which shall be revised annually and approved annually by the city council. In fixing the schedule of fees the director shall consider the actual costs of scientific/analytical testing, sample collection and on site inspection.

(l) *Maintenance of preliminary treatment facilities.* Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense. The city may require appropriate operation and maintenance pretreatment maintenance certification for industrial users by a qualified professional and said certification shall be signed by a duly authorized representative of a particular industrial user.

(m) *Control manholes.* When required by the director, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the director. The manhole 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.

(n) *New connections.* New connections shall be properly designed and constructed in such a manner that sources of inflow will be prevented from entering the sewer system.

(o) *Monitoring, sampling, recordkeeping, reporting, notice, control manhole, and flow measure requirements.*

(1) Industrial users may be required, at their own expense, to install, calibrate, use, and maintain monitoring equipment or methods necessary to determine compliance with pretreatment standards and requirements as specified by the director.

(2) All significant industrial users are required to conduct self-monitoring at least semiannually and shall submit reports concerning the same to the City of Lake Charles Wastewater Division. The city may elect to conduct sampling and analysis in lieu of the required self monitoring. The City of Lake Charles Wastewater Division shall sample and inspect the discharge of each significant industrial user at least annually and shall randomly sample and analyze the effluent from other users.

(3) Industrial users subject to National Categorical Pretreatment Standards shall be required, and all other industrial users may be required, to take samples of effluents in accordance with specified methods at such locations, at such intervals, and in such a manner as may be prescribed by the director, which are necessary to determine compliance with pretreatment standards and requirements.

(4) Industrial users subject to National Categorical Pretreatment Standards shall be required, and all other industrial users shall be required, to keep records as described in 40 CFR 403.12.

(5) *Industrial users subject to the National Categorical Pretreatment Standards shall be required, and all other industrial users may be required, to submit to the director the reports described in 40 CFR 403.12(b), baseline report; 403.12(c) (3), compliance schedule progress reports; 403.12(d), report on compliance with categorical pretreatment standard deadline; 403.12 (e), periodic reports on continued compliance; 40 CFR 403.12(f), notice of potential problems, including slug loading. All categorical and noncategorical industrial users shall notify the City of Lake Charles Wastewater Division immediately of all discharges that may cause a violation of this article or the terms and conditions of its permit, including any slug loadings, as defined by 403.5 (b), and shall resample for those parameters found to be in violation. Industrial users are also required to submit data accuracy certificates with an authorized signature for all reports sent to the city. Every report shall identify the name and address of the facility, including name(s) of the operator and owner. All reports shall be retained for a minimum of three years and such reports shall be made available for inspection and copying by the director and regional administrator.*

(6) Any information submitted pursuant to this section to the approving authority may be claimed as confidential by the submitter. If no claim of confidentiality is made at the time of submission said information may be made available to the public without further notice. The city shall observe all confidential requests if the request meets the prescribed criteria of 40 CFR 403.8 (f) (1) (vii), 40 CFR 403.14 and 40 CFR 2.

(7) The director may require an industrial user to install at its own expense a suitable control manhole to facilitate observation and sampling of industrial waste. Such manhole and any monitoring or measuring devices required under paragraphs (1) and (7) of subsection (n) shall be accessible and safely located and shall be constructed in accordance with plans approved by the director. They shall be of such design and construction as to prevent infiltration by ground and surface waters, or introduction of slugs and solids to the sewer. The installation of screens with a

maximum opening of one inch, but of sufficient fineness to prevent the entrance of objectionable slugs of solids to the sewer, may be required. The facilities shall be so maintained by the person discharging industrial waste that any authorized representative or employee of the city may readily and safely measure the volume or obtain samples of the flow at all times.

(8) If not already required by this section, the director may require any industrial user to install, at the owners expense, a suitable device for continuously recording the flow discharged to the city's sewer. The measuring device may be installed on the source of the water to the industrial plant if that quantity is to be used as the measurement for the sewage produced. If sufficient evidence is presented to the director that not all water used reaches the sewer, an estimate will be made by the director of the proper amount to be deducted to compute the sewage flow.

(p) *Testing and sampling procedures.* All test procedures should be in accordance with 40 CFR 136. The methods listed should be used first, however, if no method is listed then the City of Lake Charles Wastewater Division may allow another procedure to be utilized. Suitable samples shall be taken at the control manhole and in the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property.

(q) *Special agreements for unusual strength sewage.* No statement contained in this division shall be construed as preventing any special agreement or arrangement between the city and industrial user whereby an industrial waste of unusual strength, concentration or character may be accepted by the city for treatment; subject to payment by the industrial user of agreed additional charges.

(r) *Authority to require compliance with Federal Categorical Pretreatment Standards.* Upon promulgation of the Federal Categorical Pretreatment Standards (authorized by Section 307 of the Clean Water Act) for a particular industrial subcategory, the Federal Standard, if more stringent than the limitations imposed under this division, or in the absence of the applicable pretreatment limitations in this division, shall become applicable. The director shall promptly notify all affected industrial users of the reporting requirements contained in 40 CFR 403.12 and shall require that such reports be signed by a duly authorized representative of the industrial user who certifies as to the completeness of the report.

The director shall have the authority to place all affected industrial users on compliance schedules, receive and analyze reports on progress toward compliance, and insure that all applicable industrial users install the technology necessary to achieve the required levels of treatment specified by this division and the categorical pretreatment standard on or before the deadline specified in the standard. This authority shall also be applicable to those industrial users who discharge substances identified as prohibited discharges. A compliance order shall become final and not subject to further review by the control authority unless respondent files no later than 15 calendar days after receipt of said compliance order a written request for a hearing before the control authority.

(s) *Publication of users in significant noncompliance.* The Control Authority shall publish annually in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW, a list of industrial users which, at any time during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. For the purposes of this provision, a significant industrial user (or any industrial user) is in significant noncompliance if its violation meets one or more of the following criteria:

(1) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of wastewater measurements taken during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement including instantaneous limits, as defined by 40 CFR 403.3(1).

(2) Technical review criteria (TRC) violations, defined here as those in which 33 percent or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by 40 CFR 403.3(1) multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);

(3) Any other violation of a pretreatment standard or requirement as defined by 40 CFR 403.3(1) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the POTW determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;

(4) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;

(5) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(6) Failure to provide within 45 days after the due date, any required reports, including baseline-monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and

reports on compliance with compliance schedules;

(7) Failure to accurately report noncompliance; or

(8) Any other violation(s), which may include a violation of best management practices, which the POTW determines, will adversely affect the operation or implementation of the local pretreatment program.

(Ord. No. 9414, § 1, 8-21-91; Ord. No. 9439, § 3, 9-18-91; Ord. No. 13196, §§ 1, 2, 10-20-04; Ord. No. 13366, §§ 2, 3, 5-4-05; Ord. No. 13495, § 1, 9-21-05; Ord. No. 13931, §§ 4—8, 10-4-06)

| Sec. 21-75.1. - Bypass.

(a) Bypass is prohibited, and the city's wastewater superintendent may take enforcement action against a user of a bypass, except under the following circumstances:

(1) A bypass occurs which does not cause pretreatment standards or requirements to be violated, and the bypass is for essential maintenance to assure efficient operation; or

(2) A bypass occurs and the following conditions are met:

(i) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage. Severe property damage shall include substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in absence of a bypass. Severe property damage does not mean economic loss caused by delays in production;

(ii) 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 back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(iii) The user submits notice of the bypass to the wastewater superintendent. If the user knows in advance of the need for a bypass, prior notice shall be submitted to the wastewater superintendent at least ten days before the date of the bypass, if possible. A user shall submit oral notice to the wastewater superintendent of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time that the user becomes aware of the bypass. A written submission of an unanticipated bypass shall also be submitted within five days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The wastewater superintendent may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

(b) The wastewater superintendent shall determine whether or not the conditions set forth in this section have been met.

(Ord. No. 12063, § 2, 1-3-01)

| Sec. 21-75.2. - Best management practices.

There exist small volume/quantity discharges that typically have reasonable potential for violating a pretreatment standard or requirement. Therefore, the implementation of best management practices, as stipulated by the City of Lake Charles, are required to control and reduce target pollution. The reduction of the target pollutants at many facilities will have a significant impact on the total contribution through the sheer number of facilities involved. When the City of Lake Charles determines it is necessary to regulate a group of small volume/quantity users, based on the pollutants of concern, the following minimum requirements are established to accomplish the goal:

(1) All small volume/quantity users within the specified grouping must either be regulated by the BMP guidelines or be permitted.

(2) Small volume/quantity users that are permitted are expected to comply with all of the pretreatment regulations pertaining to large volume and categorical SIUs.

(3) A list of small volume/quantity users being regulated under the BMP guidelines shall be maintained by the City of Lake Charles and the City of Lake Charles shall issue letters of authorization to each facility indicating the facilities intent to comply with the BMP guidelines.

- (4) In the event that a small volume/quantity user fails to comply with the BMP guidelines, they will be permitted and expected to comply with all of the pretreatment regulations pertaining to large volume and categorical SIUs.
- (5) The City of Lake Charles will require records from the small volume/quantity users, demonstrating compliance with the BMP guidelines, such as copies of maintenance records for silver recovery equipment or manifests for restaurants that have grease hauled, etc.
- (6) Materials removed from pretreatment facilities including storage, handling, disposal and transportation of these wastes shall be done according to all applicable federal, state, and local regulations that pertain to the type and/or class of waste generated.
- (7) When directed, the small volume/quantity user shall furnish documentation on a schedule established by pretreatment personnel certifying that all waste removed from the facility has been disposed of properly. The documentation shall include the date of the removal, firm or person who performed the service, method of disposal, amount and type of waste removed.
- (8) The City of Lake Charles will conduct independent inspections to verify the information supplied by the industrial user to ensure compliance with the pretreatment standards or best management practices. These inspections will be a reduced number from the entire universe, such as a percentage of facilities regulated by the guidelines (the facilities inspected will change year to year to eventually allow for full coverage).
- (9) When necessary, a sample shall be collected, at the owner's expense, to verify eligibility for best management practices program in lieu of an industrial user permit or to ensure compliance of an already established best management practices program.
- (10) The BMP guidelines shall include but are not limited to methods such as:
 - (a) General housekeeping and maintenance;
 - (b) Proper handling of hazardous mater;
 - (c) Employee training;
 - (d) Proper labeling, segregation and storage of hazardous waste; and (e) Proper disposal of hazardous waste.
- (11) When directed, the small volume/quantity user shall be required to submit reports and/or policies concerning hazardous material and waste practices that include but are not limited to:
 - a. Communication and education;
 - b. Identification of sources;
 - c. Proper handling;
 - d. Recycling/disposal; and
 - e. Substitutes and alternatives.
- (12) Eligibility for the Best Management Practices Program shall be evaluated either a minimum of every two years or if a significant change should occur that may adversely affect the sanitary sewer system.

(Ord. No. 13366, § 4, 5-4-05; Ord. No. 13931, § 3, 10-4-06)

| Sec. 21-75.3. - Grease trap or interceptor.

Grease traps or interceptors shall be provided when, in the opinion of the plumbing inspector or the pretreatment supervisor, they are necessary for the proper handling of waste containing grease in excess of the amounts defined herein as normal sewage concentrations and/or other material deemed harmful to the treatment plant and/or collection system. However, interceptors and traps are not required for private living quarters or dwellings. All interceptors and traps shall meet the standards prescribed in the rules and procedures established by the required regulatory agencies. All interceptors and trap basins shall be located so as to be readily and easily accessible for easy cleaning and inspection. Grease and oil interceptors shall be at a minimum size of 500 gallons and constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction and equipped with easily removable covers or grates. Where installed, the owner or occupant shall maintain all grease and oil traps or interceptors at his own expense, in continuously efficient operation at all times.

- (a) *Waste manifests:* The City of Lake Charles shall provide a waste manifest form, to the grease trap waste transporter, for a nominal fee for completion and signature by the grease trap waste generator, the grease trap waste transporter, and the grease trap waste disposal site for each load of waste. The transporter shall be allowed to generate an identical waste manifest form but must obtain approval from the City of Lake Charles prior to use.
- (b) *Responsibilities of grease trap waste generators:*
 - (1) The grease trap waste generator shall complete and sign the generator's section of the waste manifest, as appropriate, prior to removal of waste. These

shall include:

- a. Business name;
- b. Business address;
- c. Telephone number;
- d. Waste capacity of interceptor;
- e. Date of delivery to transporter;
- f. Name and signature of manager or owner.

(2) It shall be the responsibility of the generator to ensure that the generator section and the transporter section of the manifest are complete and accurate, with signatures. The fifth copy of the manifest shall be left with the generator.

(3) The generator must insure that the transporter provides the final original top copy of the manifest that includes the disposal facility's signature after the waste has been disposed of at the final disposal site. The generator shall receive this copy within 30 days of the grease trap cleaning.

(4) Generators shall retain, on site, the fifth copy and the final original top copy (that includes the legal disposal site) of the manifest for a period of three years from the date specified on the manifest as the date the waste was transported from the generator site.

(5) Generator shall ensure that the interceptor(s) are pumped out, removing all water, floating grease, and any other visible signs of grease anywhere within the grease trap, at a minimum of every three months. Any other schedule is subject to approval by the City of Lake Charles, Pretreatment [Supervisor].

(6) No generator shall allow a transporter to skim the waste in an interceptor(s). Interceptors shall be cleaned to the bottom at all times as per item (5).

(7) Upon request by an authorized representative of the City of Lake Charles, [Wastewater] Pretreatment, the generator shall make any or all original generator copies of the waste manifest available for review.

(8) A generator of grease trap waste within the City of Lake Charles city limits shall have all liquid waste material picked up from his premises by a grease trap waste transporter who is licensed (or permitted) by the City of Lake Charles. One primary license will be issued to each transporter in the name of the owner, operator, or chief officer. It shall be the responsibility of the transporter to provide proof of this license to each generator. The grease trap waste shall be transported for disposal to a site approved by the appropriate local, state, and/or federal agencies.

(9) A generator of liquid wastes shall not have liquid waste in combination with hazardous waste removed from the premises by a liquid waste transporter who is not licensed for the transport of hazardous waste.

(10) A generator shall:

- a. Install or provide collection device of size and type specified by the approval authority;
- b. Maintain collection device in continuous proper operations;
- c. Supervise proper cleaning of collection device;
- d. Report spills and accidents involving a collection device to the proper local, state and/or federal agencies within 24 hours; and
- e. Clean up spills and accidents immediately and have all waste material properly disposed of by a licensed transporter.

(11) Penalties for generators. Failure to comply with the specifications of the BMP will result in the issuance of a wastewater discharge permit, which includes, but is not limited to reporting requirements, and quarterly or semi-annual sampling of the final effluent of the grease trap.

(c) *Grease trap waste transporter responsibilities:*

(1) No person shall engage in hauling grease trap waste in the City of Lake Charles unless the owner/operator of such vehicle or vessel for grease trap waste hauling operations has applied for and been granted a grease trap waste transporter license (or permit) for such activities and has paid a permit fee so authorized by the City of Lake Charles, Wastewater Pretreatment Division.

(2) All permits shall expire on December 31 of each year. Applications for renewal must be received no later than November 1 of each year in order to insure timely renewal. Initial applications received between January 1 and October 31 will receive a license for that year (January 1 through December 31); those initial applications received after October 31 will receive a license for the remainder of that year in addition to the next year. Hauler permits are effective only for the person and vehicle named therein and may not be transferred or assigned.

(3) The City of Lake Charles shall develop a vehicle registration system and shall issue a decal for each registered vehicle. All decals shall be prominently placed on the driver's side insuring the tag can be easily seen. These decals are not transferable from one vehicle to another.

(4) One primary license will be issued to each company in the name of the owner, operator, or chief officer. It shall be the responsibility of the owner to provide a copy of this license to each of the drivers, but each truck must have a separate tag. Each company will pay a minimum of \$100.00 or \$25.00 per truck, whichever is greater.

(5) It shall be the responsibility of the transporter to provide proof of the waste transporter license to each generator or customer.

(6) Before accepting a load of liquid waste for transportation, a grease trap waste transporter shall:

a. Determine the nature of the material to be transported;
and

b. Ensure that the equipment is sufficient to properly handle the job without spillage, leaks, or that causes or could cause spillage or leaks of waste from the vehicle.

(7) A transporter shall ensure that all liquids and solids are completely removed from the grease trap and shall not return any material to the grease trap once the trap has been cleaned.

(8) Upon delivery of the waste to the grease trap waste disposer, the transporter shall inform the disposer of the nature of the waste.

(9) A transporter who holds a grease trap waste transporter license with the City of Lake Charles shall not transport hazardous materials in combination with grease trap waste in vehicle for disposal.

(10) A transporter is responsible for the proper disposal of all waste, both solid and wastewater that is removed from a grease trap. The liquid waste shall be transported for disposal to a site approved by the appropriate local, state, and/or federal agencies. Under no circumstances will a liquid waste transporter discharge any liquid waste into the municipal collection system.

(11) Waste manifests. A transporter who collects liquid waste within the jurisdiction of the City of Lake Charles must satisfy the liquid waste transport manifest system requirements. The City of Lake Charles, Wastewater Pretreatment shall provide a waste manifest form to the transporter for a nominal fee. The transporter shall be allowed to generate an identical waste manifest form but must obtain approval from the City of Lake Charles prior to use.

(12) The transporter shall complete and sign the transporter and secondary transporter (when applicable) sections of the waste manifest form, as appropriate, when removing waste. These shall include:

- a. Business name;
- b. Business address;
- c. Truck number;
- d. Truck capacity;
- e. Wastehauler permit number;
- f. Total waste volume removed;
- g. Waste description;
- h. Name and signature of driver.

(13) No grease trap waste hauler shall remove grease trap waste from the site of a generator unless the generator, or his agent, completes and signs a grease trap waste manifest as required by this regulation. It shall be the responsibility of the transporter to ensure that the generator section and the transporter section of the manifest are complete and accurate, with signatures. The fifth copy shall be left with the generator.

(14) The transporter is responsible for the completion and signature by the generator, the transporter, the secondary transporter (when applicable) and the liquid waste disposal site for each load of waste. The transporter shall be required to submit completed copies of all food service facilities serviced in the Lake Charles city limits to the City of Lake Charles, Wastewater Pretreatment personnel on a monthly basis.

(15) The transporter shall be responsible to provide the final original top copy of the manifest, with the disposal facility's signature, to the generator after the waste has been disposed of at the final disposal site. The transporter shall insure that the generator receives this copy within 30 days of the grease trap cleaning.

(16) Vehicle requirements for grease trap waste transporters.

a. A vehicle used for the transportation of grease trap waste shall be maintained in good working order. All hoses, tanks, pumps, pipes,

valves and gauges shall be in good repair and free of any leaks, which could cause a spillage or discharge of waste from the vehicle.

b. No vehicle shall be operated except by the owner/operators thereof or by a duly authorized agent and/or employee of the owner.

c. The City of Lake Charles shall have the authority to inspect any vehicle used for the transportation of grease trap waste at any time during normal working hours for the purpose of determining the condition or content of said vehicle.

(d) *Enforcement plan for grease trap transporters:*

(1) *Written notice of violation.* A written notice will be issued as a response to all violations except where the violation is recurring; and/or fines and criminal action (may) be taken. The written notice will list each violation of the grease trap waste transporter license and/or violation of the article individually and give a brief description of facts surrounding each violation. The written notice shall be served to the owner, operator or the chief officer personally and the written notice shall give a specific date (deadline) in order to bring the transporter in compliance.

(2) *Citations and fines.* Any person who shall continue any violation beyond the time limit provided by written notice shall be issued a citation punishable by fines in the amount of \$50.00 for the first violation \$100.00 for the second violation and \$200.00 for the third violation within a two-year period. Continuous violations shall result in an increase in penalty of \$500.00 and may also result in termination of permit. Refusal to correct violation within five days of citation and/or failure to pay fines in the time frame specified on the citation shall result in the revocation of the permit issued to the violator and/or discontinuance of service.

(3) *Violation categories.* The different categories and number of violations allowed for each permit year are indicated below. Transporters that exceed the number of violations specified for each category shall be considered a habitual violator, which may result in the revocation of the permit issued to the violator and/or discontinuance of service. Upon revocation of a license, a grease trap waste hauler shall not be eligible to reapply for the same license for a period of six months to two years from the date of revocation for cause.

a. Permitting violations - two.

1. Transporting grease trap waste with an expired grease trap waste transporter license.

2. Driver of vehicle transporting grease trap waste is not registered with the grease trap waste transporter license.

3. Vehicle transporting grease trap waste that is not registered with the grease trap waste transporter license.

4. Changing disposal sites without notifying the City of Lake Charles and filling out the appropriate paperwork.

b. Reporting violation, part I - ten.

1. Failed to insure completion and signature by the generator, the transporter, the secondary transporter (when applicable) and the liquid waste disposal site for each load of waste.

2. Failure to use the waste manifest provided or approved by the City of Lake Charles.

c. Reporting violation, part II - ten.

1. Manifest is not submitted on a monthly basis.

2. Manifest is late 30 days or more.

3. Failure to submit all manifests for grease traps cleaned during the reporting period.

d. Reporting violation part III - ten.

1. Failure to provide the final original copy of the manifest to the food service within 30 days of the grease trap cleaning.

2. Failure to leave fifth copy of the manifest with the food service when removing grease from grease trap.

e. Vehicle violations - two.

1. Insufficient equipment that causes or could cause spillage or leaks of waste from the vehicle.

2. Refusing inspection of vehicle by authorized personnel during normal working hours for the purpose of determining the condition or contents of said vehicle.

3. Absence of decal on truck or not displayed in the proper place.
 4. Using a decal not assigned to specific truck.
 5. Copy of grease trap waste transporter license not present on vehicle.
 6. Failure to provide proof (when required) of the waste hauler license to each generator or customer.
 - f. Grease trap waste violation - three.
 1. Not completely pumping out the grease trap and removing all water, floating grease, and any other visible signs of grease from within the grease trap.
 2. Failure to clean up any spills while transporting or pumping out grease trap waste.
 - g. Violations subject to immediate fines/and or revocation of permit.
 1. Hauling grease trap waste in combination with hazardous waste.
 2. Grease trap waste that is disposed at a site that is not approved by the appropriate local, state and/or federal agencies.
 3. Returning any material (liquid, etc.) to the grease trap once the trap has been cleaned.
 4. Falsifying information. Any person who knowingly makes a false statement, representation, or certification in any application, record, report, manifest, or other document filed or required to be maintained pursuant to this regulation shall be subject to the penalties as set out above and may result in the suspension or revocation of permit.
- (4) *Show-cause order.* The show-cause order will direct the transporter to appear before the control authority, explain its noncompliance and show why the City of Lake Charles should continue the grease trap waste transporter license. This order will be used after the transporter has been served with a fine and citations and said transporter has, within the time frame set out in the citation, failed to correct the noncompliance or if the transporter exceeded the number of violations allowed in one of the given categories. The show-cause hearing will be conducted before the control authority's attorney, the superintendent of the wastewater division, and the pretreatment coordinator. The transporter may be accompanied by his attorney and any call witnesses as well. The record of such hearings may be preserved by audiotape. Parties may at their own expense secure the services of a court reporter for preservation of the record.
- (5) *Illegal discharge.* No transporter shall discharge or cause to be discharged to the sanitary sewer system any liquid or solids removed from a grease trap. Any unauthorized discharges of grease trap waste shall result in the imposition of civil and/or criminal penalties of at least \$1,000.00 per day for each violation. The transporter shall also be liable to the city for any expense, loss, or damage caused by such violation or discharge. The city shall bill the violator for the cost incurred by the city for any cleaning, repair, or replacement work caused by the violation or discharge.
- (6) *Transporting grease trap waste without a grease trap waste transporter license.* Any grease trap waste hauler collecting waste from within the City of Lake Charles who has not been issued a grease trap waste transporter license is operating illegally. All transporters hauling grease trap waste illegally shall be issued a written warning to cease all grease trap waste hauling activity until a permit has been obtained. A transporter that continues collecting grease trap waste after a warning has been issued shall receive a \$500.00 civil penalty per day. Any transporter who refuses to pay the fine and continues to transport grease trap waste shall have his vehicle impounded immediately by the appropriate law enforcement.

(Ord. No. 13366, § 5, 5-4-05)

Sec. 21-76. - Administrative enforcement remedies.

In order to insure compliance with the requirements of the Code of Ordinance of the City of Lake Charles, this enforcement response plan is implemented by the City of Lake Charles.

- (1) *Notice of violation.*
 - a. A Notice of violation (NOV) will be issued as a response to all

violations of the article, wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, except where the violation is recurring; then an appropriate administrative order, civil action, and/or criminal action (may) be taken. The NOV will list each violation of the permit and/or violation of the article individually and give a brief description of facts surrounding each violation. The NOV shall be served upon the industrial user personally or by registered or certified mail (return receipt requested) and the NOV shall give a specific date (deadline) in order to bring the I.U. into compliance. Within ten days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the control authority.

b. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the control authority to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

(2) *Administrative orders.* Other enforcement responses fall under the title of administrative orders (AO). Administrative orders for the City of Lake Charles's Control Authority's use are enforcement documents that direct industrial users to undertake or to cease specified activities. The control authority may use AO's to negotiate with industrial users. Also the control authority may use AO's as a second formal response to a significant noncompliance (unless judicial proceedings are deemed necessary), and may incorporate schedules and termination of service orders. For our specific purposes we will use the following administrative orders:

a. Show cause hearing.

1. A show cause hearing order will direct the I.U. to appear before the Superintendent, explain its noncompliance, and show why more stringent enforcement actions against the user should not be instituted. This Order will be used after the user has been served with a notice of violation, continues to violate any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement and failed to correct the noncompliance. This order or hearing may also be used to investigate violations of previous orders. The show cause hearing will be conducted before the city's attorney, the director of public works, the superintendent of the wastewater division, and the pretreatment coordinator.

2. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least 15 days prior to the hearing. Such notice may be served on any authorized representative of the user.

3. The I.U. may be accompanied by his attorney and may call witnesses as well. The record of such hearings may be preserved by audiotape. Parties may at their own expense secure the services of a court reporter for preservation of the record. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

b. Compliance orders.

1. The control authority will use compliance orders, which will direct the i.u. to achieve compliance by a date specified in the order. Such order will be issued when noncompliance cannot be resolved without construction, repair or process changes and for developing sufficient management plans, spill prevention programs or related pretreatment program requirements. Each order will list the proposed compliance plan, giving reasonable milestone dates for each major step and dates for any necessary reporting. The control authority will closely document and follow up all milestone dates prior to said deadlines.

2. The compliance order may also be employed when the control authority finds that a user has violated, or continues to violate, any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the control authority may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time.

3. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. The superintendent may also seek any and all remedies available, including civil and/or criminal penalties. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a

pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

c. Cease and desist orders.

1. The cease and desist order will direct the noncomplying user to cease illegal or authorized discharges immediately or to terminate its discharge altogether. In situations where a discharge may cause interference or pass-through or some other emergency situation, this order (may) be used; or

2. When the control authority finds that a user has violated, or continues to violate, any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the control authority may issue an order to the user directing it to cease and desist all such violations and directing the user to:

i. Immediately comply with all requirements;

and

ii. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

This order may be issued immediately upon discovery of the problem or following a hearing. Should the I. U. fail to comply with this order, the control authority may halt the discharge by terminating service or blocking the user's connection point and/or take judicial action. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(3) Administrative fines.

a. When the control authority finds that a user has violated, or continues to violate, any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent may fine such user in an amount not to exceed \$1,000.00. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.

b. Unpaid charges, fines, and penalties shall, after 30 calendar days of timeframe specified on the administrative fine, be assessed an additional penalty of one percent of the unpaid balance, and interest shall accrue an additional rate of one percent for each month the fine is not paid. The unpaid charges, fines and penalties shall not exceed more than 90 days of the timeframe specified on the administrative fine. If the user should exceed 90 days, a lien against the user's property will be sought for unpaid charges, fines, and penalties.

c. Users desiring to dispute such fines must file a written request for the control authority to reconsider the fine along full payment of the fine amount within 30 days of being notified of the fine. Where a request has merit, the control authority may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The control authority may add the costs of preparing administrative enforcement actions such as notices and orders, to the fine.

d. Issuance of an administrative fine shall not be a bar against, or a prerequisite for taking any other action against the user.

(4) Emergency suspensions.

a. The control authority may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The control authority may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

b. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the control authority may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The control authority may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the control authority that the period of endangerment has passed, unless the termination proceedings in Section 21-76(5) of this article are

initiated against the user.

c. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the control authority prior to the date of any show cause or termination hearing under sections 21-76(2)a. or (5) of this article.

d. Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

(5) Termination of discharge. In addition to the provisions in section 21-75(k)(10) of this article, any user who violates the following conditions is subject to discharge termination:

a. Violation of wastewater discharge permit conditions;

b. Failure to accurately report the wastewater constituents and characteristics of its discharge;

c. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;

d. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or

e. Violation of the pretreatment standards in Section 21-75 of this article.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under section 21-76(2)a. of this article why the proposed action should not be taken. Exercise of this option by the control authority shall not be a bar to, or a prerequisite for, taking any other action against the user.

(Ord. No. 9414, § 1, 8-21-91; Ord. No. 13931, § 9, 10-4-06)

| Sec. 21-76.1. - Judicial enforcement remedies.

(a) *Injunctive relief.* When the control authority finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the control authority may petition the [insert name of appropriate court] through the city's attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the user. The control authority may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

(b) *Civil penalties.* Another avenue of the enforcement response plan is the use of civil action, which will be used to secure court ordered action to correct violations and to secure penalties for violations, including the recovery of costs to the P.O.T.W. of the noncompliance. The proceeding to recover any civil penalty shall be commenced by petition of the control authority calling upon the city attorney to maintain an action for injunction to cause correction of any such violation and for assessment and recovery of the civil penalty. Civil litigation, for the control authority's purpose, will be pursued when corrective action is costly and complex or when the I.U. is considered to be unwilling to cooperate.

(1) Every user who has violated or who shall continue any violation of any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, shall be liable to the city for a maximum civil penalty of \$1,000.00 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

(2) The Control Authority may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the city. In addition, the said violator shall indemnify the control authority for all fines and penalties issued against the control authority for violation of its national pollutant discharge elimination system permit issued by the U.S. Environmental Protection Agency.

(3) In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

(4) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

(c) *Criminal prosecution.* Criminal prosecution is another tool in the enforcement response plan which is a formal process charging individuals and/or corporate business with violations of the sewer use ordinance and which may result in the violator being found guilty of a misdemeanor.

- (1) A user who willfully or negligently violates any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$1,000.00 per violation, per day, or imprisonment for not more than 30 days, or both.
- (2) A user who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least \$1,000.00, or be subject to imprisonment for not more than 30 days, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.
- (3) A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be punished by a fine of not more than \$1,000.00 per violation, per day, or imprisonment for not more than 30 days, or both.
- (4) In the event of a second conviction, a user shall be punished by a fine of not more than \$1,000.00 per violation, per day, or imprisonment for not more than 30 days, or both.
- (d) *Remedies nonexclusive.* The remedies provided for in this ordinance are not exclusive. The control authority may take any, all or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the city's enforcement response plan. However, the control authority may take other action against any user when the circumstances warrant. Further, the control authority is empowered to take more than one enforcement action against any noncompliant user.

(Ord. No. 13931, § 9, 10-4-06)

Sec. 21-76.2. - Supplemental enforcement action.

- (a) *Liability insurance.* The control authority may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this ordinance, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.
- (b) *Water supply severance.* Whenever a user has violated or continues to violate any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

(Ord. No. 13931, § 10, 10-4-06)

Sec. 21-77. - Powers and authority of inspectors.

- (a) The director of public works, his deputy, agent or representative, the plumbing inspector and other duly authorized employees of the City of Lake Charles Wastewater Division bearing proper credentials and identification shall be permitted to enter upon all properties at reasonable times for the purpose of copying and inspection of records, physical inspection for general compliance, observation, measurement, sampling and testing in accordance with provisions of this division.
- (b) An hourly cost for inspection services and testing will be charged to industrial users. If outside services are needed the cost of said services shall be charged to the industrial user.

(Ord. No. 9414, § 1, 8-21-91)

Sec. 21-78. - Penalties.

- (a) Any person who shall continue any violation other than a violation of section 21-75 beyond the time limit provided for in section 21-76(b), or any extensions thereof duly authorized by the plumbing inspector or the director of public works, or who shall violate subsection 21-76(c) or (d), shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not exceeding \$100.00 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
- (b) Any unauthorized person who shall maliciously or willfully break, damage, destroy, uncover,

deface, or tamper with any structure, appurtenance or equipment which is a part of the municipal sewerage works, or who shall unlawfully remove a notice posted under section 21-76(c) hereof shall be deemed to have committed a breach of the peace and shall be subject to immediate arrest.

(c) Whoever shall knowingly make a false statement that is:

(1) Calculated to obtain from the plumbing inspector any approval or permit required under section 21-73(b) or 21-74(a); or

(2) Submitted in any information return, application, or other paper filed pursuant to section 21-73 or 21-74,

shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in an amount not exceeding \$100.00. Any person who has made a statement described in (c) (1) or (2) of this section while believing the statement to be true, but who subsequently learns of a material error therein, shall be deemed to have violated this section if he fails to notify the plumbing inspector within ten days of said discovery.

(d) It shall be a misdemeanor for any person to knowingly allow sewerage facilities to be used, or to place sewerage facilities in operation by connecting them, directly or indirectly; to liquid carrying conduits, before a permit required by either section 21-73(b) or 21-74(a) hereof has been issued, and said misdemeanor shall subject any person convicted thereof to a fine of not more than \$100.00. Each day in which a person allows facilities to be used in violation of this section shall be deemed a separate offense.

(e) Any person who shall continue any violation of section 21-75 beyond the time limit provided for in section 21-76(b) or any extension thereof duly authorized by the director of public works, and who:

(1) Discharges or causes to be discharged objectionable pollutants into the public sewers;

(2) Discharges or causes to be discharged into the public sewer waters or wastes prohibited by section 21-75(b), (d), (e), (i);

(3) Violates terms and conditions of any permit issued pursuant to section 21-75(k);

(4) Fails to fulfill sampling and reporting and notification guidelines as set forth in section 21-75(o);

(5) Knowingly makes false statements: a. Calculated to obtain any approval or permit under this section; or b. submitted in any information return, applications or other paper filed pursuant to this section. Any person who has made such statements while believing the statements to be true, but who subsequently learns of a material error therein, shall be deemed to have violated this subsection if he fails to notify the plumbing inspection within ten days of said discovery;

(6) Violates terms and conditions of compliance schedule imposed pursuant to section 21-75(r);

shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of at least \$1,000.00 per day per violation. Each day in which a person allows facilities to be used in violation of this section shall be deemed a separate offense.

(Ord. No. 9414, § 1, 8-21-91)

Secs. 21-79—21-89. - Reserved.

FOOTNOTE(S):

⁽⁵⁸⁾ **Editor's note**— Ord. No. 9414, § 1, adopted Aug. 21, 1991, amended Art. II, Div. 2 of Chapter 21 to read as herein set out in §§ 21-71—21-78. Prior to inclusion of said ordinance, Art. II, Div. 2, §§ 21-71—21-78 pertained to similar subject matter and derived from Ord. No. 4992, §§ 1—8, adopted Feb. 16, 1972; Ord. No. 7174, §§ 1, 2, adopted Jan. 6, 1982; Ord. No. 8742, § 1, adopted Sept. 21, 1988; Ord. No. 9194, § 1, adopted Nov. 7, 1990; Ord. No. 9234, § 1, adopted Dec. 19, 1990. (Back)

⁽⁵⁸⁾ **Cross reference**— Building, construction and occupancy codes and regulations, Ch. 6; plumbing code, § 7-176 et seq.; plumbing inspection, § 6-186 et seq. (Back)

⁽⁵⁸⁾ **Charter reference**— Public works department, director, § 4-12 et seq. (Back)

Lake Charles, Louisiana, Code of Ordinances >> PART II - THE CODE >>**DIVISION 3. - RATES, CHARGES AND SURCHARGES ^[59]**

Sec. 21-90. - Sewer use charge imposed.
Sec. 21-91. - Definitions.
Sec. 21-92. - Sewer user rate.
Sec. 21-93. - Seasonal rate.
Sec. 21-94. - Rate increases.
Sec. 21-95. - Water leaks.
Sec. 21-96. - Estimation and metering of sewer usage.
Sec. 21-96.1. - Wastewater treatment rates.
Sec. 21-97. - Surcharge.
Sec. 21-98. - Enforcement of sewer user's charge and surcharge.
Sec. 21-99. - Penalties.
Sec. 21-100. - Severability clause.

| Sec. 21-90. - Sewer use charge imposed.

In order to provide for the health and welfare of all residential, commercial and industrial producers of wastewater in the city, there is hereby levied a service fee to defray the expenses of operating, maintaining, improving and expanding a sanitary sewerage system for the city.

(Ord. No. 12304, § 1, 10-17-01)

| Sec. 21-91. - Definitions.

The following words, terms, and phrases, when used in this division, shall have the following meanings ascribed to them:

- (1) *Sewer user* shall mean any residential, commercial, business, or revenue-producing establishment and shall include all privately and publicly owned and/or operated enterprises.
- (2) *Residential user* shall mean any residential dwelling unit serving a single family or household, serviced by one meter.

(Ord. No. 12304, § 1, 10-17-01)

| Sec. 21-92. - Sewer user rate.

- (a) Except as provided otherwise in this chapter the following rates, effective beginning January 1, 2010, the monthly sewer user fee for sewer users shall be as follows:
 - (1) If a sewer user consumes 0 to 1,999 gallons of water during a month, the charge shall be \$10.50.
 - (2) In addition, if a sewer user consumes between 2,000 and 19,999 gallons of water during the month, the charge shall be \$2.35 per thousand gallons consumed.
 - (3) In addition, if a sewer user consumes in excess of 20,000 gallons of water during the month, the charge shall be \$3.24 per thousand gallons consumed.
- (b) For those properties located outside the municipal limits of the City of Lake Charles and connected to the city system, the monthly sewer user fee for such sewer users shall be two times the amount set forth in subsection (a) of this section.

(Ord. No. 12304, § 1, 10-17-01; Ord. No. 15065, § 1, 6-17-09)

| Sec. 21-93. - Seasonal rate.

When a residential user's water usage has not exceeded an average of 20,000 gallons per month for the prior four-month period of January through April, the user may make application to the finance department to receive a seasonal rate for the calendar months of May, June, July, August, September and October only. The maximum seasonal rate shall be equal to the sewer fee of 20,000 gallons of water consumption.

(Ord. No. 12304, § 1, 10-17-01; Ord. No. 12547, § 1, 8-21-02; Ord. No. 15065, § 2, 6-17-09)

| Sec. 21-94. - Rate increases.

The fees set forth in Section 21-92 and 21-93 shall increase at the rate of eight per cent beginning on January 1, 2011, and shall continue to increase at the same rate on this same day of each year thereafter until December 31, 2014.

(Ord. No. 12304, § 1, 10-17-01; Ord. No. 14012, § 1, 12-20-06; Ord. No. 15065, § 3, 6-17-09)

| Sec. 21-95. - Water leaks.

- (a) When a sewer user's water usage during any three month period is artificially high or low due to leaking water lines, the mayor or the mayor's designee shall have the authority to estimate water usage for that three month period and to charge the user in accordance with the estimated water usage.

(Ord. No. 12304, § 1, 10-17-01)

| Sec. 21-96. - Estimation and metering of sewer usage.

- (a) Where a user of the sewerage system is not connected to the water system of the city, or has no city-approved water metering (such as for new water company customers), the mayor or the mayor's designee shall have the authority to estimate actual water consumption on the basis of such factors as past water consumption at the same location, the building's square footage, water consumption by other water customers of the same type, business, or usage in the surrounding area, and the number of occupants.

- (b) At the option of the mayor or the mayor's designee, water used from private wells, or obtained other than from the city, shall be metered or estimated as set forth in subsection (a). Where water is used for the service of persons or property, but is not discharged into the sewerage system, the sewer charge may be adjusted by either estimation or by placing meters in the sanitary sewerage system line, or by a special use line, in order to determine the use of the sewerage service. All piping for such purposes shall be provided by the owner, who shall provide approved locations for meters acceptable to the mayor or the mayor's designee. Where such metering is not practical, or where a reasonably accurate estimation of water usage is possible, the mayor or the mayor's designee shall make proper adjustment to the sewer charge, based on estimated discharge into the sewerage system.

(Ord. No. 12304, § 1, 10-17-01)

| Sec. 21-96.1. - Wastewater treatment rates.

- (a) *Pretreatment charges and fees.* The city may adopt reasonable reimbursement fees for the cost of development, operating and processing paperwork for the city's pretreatment program. The cost may include but is not limit to the following:

- (1) Fees for wastewater discharge permit applications including the cost of processing such applications;
- (2) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a users discharge, and reviewing monitoring reports submitted by users;
- (3) Fees for reviewing and responding to accidental discharge procedures and construction;
- (4) Fees for filing appeals; and
- (5) Fees for notice of violations, administrative orders, show cause order or any similar penalties issued by the city.

- (6) Other fees as the city may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this article and are separate from all other fees, fines, and penalties chargeable by the city.
- (b) *Determination of fees.* Whereas, section 21-96.1 authorized the director to fix the annual industrial waste permit fees based on reimbursement of costs of setting up and operating the city's pretreatment program, permit fees shall be determined based on the following amounts:
- (1) Discharge permit applications, including the cost of processing such applications \$30.00
 - (2) Permit maintenance fee (annual) 25.00
 - (3) Inspection fee (one) 75.00
 - (4) Sampling fee:
 - a. Composite 75.00
 - b. Grab 30.00
 - c. Grab sample with a composite 80.00
 - (5) Analytical costs shall be fixed in accordance with an annual price list provided by the preferred lab utilized by the city.

(Ord. No. 13931, § 11, 10-4-06)

| Sec. 21-97. - Surcharge.

- (a) Nongovernmental and nonresidential sewer customers whose waste water strength is greater than sewage normal limitations as set forth in section 21-71 of this article shall pay an additional surcharge for the increased costs of operation and maintenance attributable to the collection and treatment of such waste water. Such users shall pay a surcharge of \$2.00 per 1,000,000 gallons for each mg/l over 240 mg/l of BOD and 2.00 per 1,000,000 gallons for each mg/l over 240 mg/l of suspended solids.
- (b) Where the city consents to the discharge of objectionable pollutants or other nonconventional pollutants, pursuant to section 21-75 of this article, a surcharge shall be imposed in the amounts and rates sufficient to cover the increased costs of operation, and maintenance attributable to the collection and treatment of such pollutants. Nothing contained herein shall authorize the discharge of toxic materials or prohibited hazardous materials.

(Ord. No. 12304, § 1, 10-17-01)

| Sec. 21-98. - Enforcement of sewer user's charge and surcharge.

- (a) No sewer user shall refuse or fail to pay the sewerage charge or surcharge set forth in the preceding sections.
- (b) In the event that any sewer user shall fail to pay the sewer user charge or surcharge, as imposed in this division, the mayor or the mayor's designee is hereby authorized to disconnect water service to said sewer user.
- (c) Where water service is not supplied by the city, and where a sewer user refuses or fails to pay the sewer user's charge or surcharge imposed in this division, the mayor or the mayor's designee shall, in addition to the other remedies provided for in this division, have the authority to disconnect the sewerage lines of the sewer user from the sewage collection system of the city. Prior to any such disconnection, written notice shall be sent to the sewer user, with opportunity for a public hearing given.

(Ord. No. 12304, § 1, 10-17-01)

| Sec. 21-99. - Penalties.

Any person who violates the provisions of any special discharge permit or who fails to pay the sewer user charge or surcharge levied by this division, or who violates any of the provisions of this division, shall be guilty of a misdemeanor, and shall be punishable in accordance with the provisions of section 1-8 of the Code of Ordinances of the City of Lake Charles.

| Sec. 21-100. - Severability clause.

If any provision, paragraph, word, section or article of this chapter is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, and sections shall not be affected and

shall continue in full force and effect.

(Ord. No. 12304, § 1, 10-17-01)

FOOTNOTE(S):

⁽⁵⁹⁾ **Editor's note**— Ord. No. 12304, § 1, adopted Oct. 17, 2001, amended former Div. 3, §§ 21-90—21-96, 21-99—21-101, in its entirety to read as herein set out. Former Div. 3 pertained to similar subject matter and derived from the following: Ord. No. 7174, §§ 4—10, 13, 14, 1-6-82; Ord. No. 7393 § 1, 9-1-82; Ord. No. 7408, § 1, 9-1-82; Ord. No. 8364, §§ 2—4, 6, 12-3-86; Ord. No. 8563, 1, 12-2-87; Ord. No. 9414, § 2, 8-21-91; Ord. No. 11715, § 1, 10-20-99. (Back)