

ORDINANCE

An ordinance to amend Section 26.060 of the Manitowoc Municipal Code, regulating Wastewater Facilities.

The Mayor and Common Council of the City of Manitowoc do ordain as follows:

Section 1. Section 25.060 (4)(c) 5. is created to read as follows:

25.060 Control of Industrial Wastes Directed to Public Sewers.

(4) Accidental Discharges.

(c) 5. SIU is required to notify POTW immediately of any changes at its facility affecting the potential for a slug discharge.

Section 2. Sections 25.060 (6)(f)7. and 8. are amended to read as follows:

(6) Wastewater Discharge Permits.

(f) Reporting Requirements for Permittee.

7. Notice of Violation. If sampling performed by an industrial user indicates a violation, the industrial user must notify the POTW Wastewater Superintendent within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the POTW Wastewater Superintendent within 30 days after becoming aware of the violation. Resampling by, ~~except~~ the industrial user is not required if the City performs sampling ~~to resample if the POTW performs sampling~~ at the industrial user's at least once a month, or if the POTW performs sampling between the industrial user's initial sampling and when the industrial user receives the results of this sampling.

8. Signatory Requirements. All wastewater discharge permit applications and industrial user reports must contain the following certification statement and be signed by an authorized representative of the industrial user:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

An authorized representative is:

If the user is a corporation:

The president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

The manager of one or more manufacturing, production, or operation facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for

individual wastewater permit requirements, and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.

1. If the user is a federal, state or local governmental facility; a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
2. The individuals described in paragraphs 1 through 3, above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City of Manitowoc.

Section 3. Section 25.060 (7)(i) is amended to read as follows:

(7) Enforcement.

(i) Enforcement Actions – Annual Publication. The City shall annually publish, in the largest daily newspaper published in Manitowoc, a list of industrial users which, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards or requirements. An industrial user is in significant noncompliance if its violation meets one or more of the following criteria:

Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all the measurements taken during a six-month period exceed the daily maximum limit or average limit for the same pollutant parameter.

Technical review criteria (TRC) violations, which are violations in which 33 percent or more of all the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC equals 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH).

Any other violation that the City believes has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of City personnel or the general public).

Any discharge of a pollutant that has caused imminent endangerment to human health or welfare or to the environment or has resulted in the POTW's exercise of its emergency authority.

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

Failure to provide, within ~~30~~ 45 days of the due date, any required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.

Failure to accurately report noncompliance.

Any other violation(s) which the City determines will adversely affect the operation or implementation of the local pretreatment program.”

Section 4. This Ordinance shall take effect on the day after its publication.

Introduced JUL 20 2015 _____

Adopted _____

Approved _____

Justin M. Nickels, Mayor

This Ordinance was drafted by Kathleen M. McDaniel, City Attorney

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Fiscal Impact: n/a

Funding Source: n/a

Fin. Director Approval: /sc

Approved as to form: /kmm