

**CHAPTER 14-41
REGULATION OF SEWER USE**

**ARTICLE IV
PUBLICLY OWNED TREATMENT WORKS**

Section 109-129.8

WATER AND SEWER SERVICE IN GENERAL

**DIVISION 1. GENERALLY (RESIDENTIAL, COMMERCIAL & INDUSTRIAL
USERS)**

14-41-109 ADMINISTRATION

Except as herein provided, the City of Brandon shall be charged with the administration of this article and shall be in full charge and control of the publicly owned treatment works.

Sources:

Ordinance of Sioux Falls, SD, 53.001, 12-16-14
Ordinance of Sioux Falls, SD, 47-81, 6-1-81
Ordinance of Sioux Falls, SD, 57-93, 7-12-93
Brandon City Ordinance 577, 3-5-19.

14-41-110 DEFINITIONS

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Act means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC §§ 1251 et seq.

Authorized representative of the user means:

- A. If the user is a corporation:
 - 1. The president, secretary, treasurer or a 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
 - 2. The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding 25 million dollars (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- B. If the user is a partnership or sole proprietorship: A general partner or proprietor, respectively.
- C. 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.

- D. The individuals described in paragraphs (A) through (C) 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.

Basic Charge means all users except industrial users shall be subject to a monthly or quarterly charge as set by the Brandon City Council through Resolution, and as may be amended from time to time. The charge shall be collected and added to the basic charge as set forth in Brandon City Ordinances Chapter 14-4.

Biochemical oxygen demand (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in milligrams per liter.

Building drain means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning four feet outside the inner face of the building wall.

Building sewer means the extension from the building drain to the public sewer or other place of disposal; also called house connection.

Categorical standards means any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with Sections §§ 307(b) and (c) of the Act, which apply to a specific category of industrial users and which appear in 40 C.F.R. §§ 405-471.

City means the City of Brandon.

City engineer means the city engineer or designee.

Composite Sample means a sample composited from an appropriate number of discrete samples collected over the designated monitoring period greater than 15 minutes. The sample may be flow- proportional or time-proportional composite as long as the sample has a minimum of four grab samples and represents the average quality of wastewater discharged.

Combined sewer means a sewer intended to receive both wastewater and storm water or surface water.

Daily Maximum means a limit indicating the maximum allowable discharge of a pollutant, monitored by a composite sampling, during a 24-hour period that corresponds to the designated monitoring period.

DENR means the state department of environment and natural resources.

Domestic only commercial user means a business or commercial establishment whose only uses of water are for sanitary, culinary, drinking, washing, bathing and other domestic purposes.

Easement means an acquired legal right for the specific use of land owned by others.

Existing source means any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with §307 of the Act.

Floatable oil & FOG means oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat or FOG if it is properly pre-treated and the wastewater does not interfere with the collection system.

Garbage means the animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.

Grab sample means a discrete sample which is taken from a wastewater stream without regard to the flow in the wastewater stream and over a period of time not to exceed 15 minutes.

Hazardous wastes means waste from generators containing materials or exhibiting specific properties identified in 40 CFR § 261.

Incompatible wastes means all waste other than those identified as hazardous wastes that interfere with, pass through or are incompatible with the City wastewater treatment facility.

Indirect discharge means introduction of pollutants to a POTW from any nondomestic source.

Industrial user or user means a source of indirect discharge.

Industrial waste means the wastewater from industrial processes, trade or business as distinct from domestic or sanitary wastes.

Instantaneous maximum means the limit indicating the maximum concentration of a pollutant, monitored by a grab sample, allowed to be discharged at any specific time.

Interference means a discharge which alone or in conjunction with a discharge or discharges from other sources:

- A. Inhibits or disrupts the POTW, its treatment process or operations, or its sludge processes, use or disposal; and
- B. Therefore is a cause of a violation of the City of Sioux Falls Surface Water Discharge Permit to operate its Regional Wastewater System, including an increase in the magnitude or duration of a violation or of the prevention of sewage sludge use or disposal in compliance with regulatory provisions or permits.

Liquid waste means all nonhazardous wastes that are mostly water, containing no more than 25 percent treatable contaminants not directly discharged to the sanitary sewer system.

Liquid waste generator (LWG) means any person, corporation, residence, commercial establishment, industry or institution, other than those holding a valid City of Sioux Falls industrial discharge permit, that produces a liquid waste that is not directly discharged, but is hauled, to the sanitary sewer collection system.

Liquid waste hauler means any person, corporation, residence, commercial establishment, industry or institution that engages in the activity of transporting liquid waste from a source or generator to a point of final disposal.

LWG Permit means an industrial wastewater discharge permit issued by City of Sioux Falls to a LWG for the discharge of hauled industrial liquid waste.

Manager means the Brandon City Administrator or designee.

Medical waste means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

Natural outlet means any outlet, including storm sewers, into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

New source means:

- A. 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 §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;
 - 2. The building, structures, 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 process 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 extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
- B. 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 of paragraph (1)b. or c. above, but otherwise alters, replaces or adds to existing process or production equipment.
- C. 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 on-site 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.

Non-contact cooling water means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product or finished product.

Official Having Jurisdiction means the official with authority to inspect, investigate, issue permits, regulate and enforce various conduct within this article. The manager (as defined above) is the Official Having Jurisdiction for all matters within this article except the Industrial Pretreatment Requirements in Division 3 of this article. The Official Having Jurisdiction for the Industrial Pretreatment Requirements in Division 3 is the Regional Wastewater Manager as defined below.

Pass-through means a discharge which exits in the POTW into waters of the U.S. in quantities or concentrations which, alone or in conjunction with a discharge from other sources, is a cause of a violation of any requirement of the City of Sioux Falls Surface Water Discharge Permit, including an increase in the magnitude or duration of a violation.

Permit unless otherwise specified means an industrial wastewater discharge permit issued to industrial users for the discharge of non-domestic wastes into the sanitary sewer collection system.

pH means the negative logarithm of the hydrogen ion concentration. The concentration is the weight of hydrogen ions in grams per liter of solution. Neutral water, for example, has a pH value of seven and a hydrogen ion concentration of ten to the minus seven power.

Pollutant means dredged spoil, solid waste incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity or odor).

POTW (publicly owned treatment works) means the Regional wastewater treatment plant owned and operated by the City of Sioux Falls, including all devices and systems used in the collection, storage, treatment, recycling and reclamation of wastewater or industrial wastes and any conveyances which transport wastewater to the Sioux Falls Regional Wastewater plant.

Pretreatment means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW.

Pretreatment standards or standards means absolute prohibitions against the discharge of certain substances; these prohibitions appear in §§ 14-41-119 through 14-41-119.3.

Properly shredded garbage means the wastes from the preparation, cooking and

dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

Public sewer means a common sewer controlled by a governmental agency or public utility.

Regional Wastewater Manager means the Sioux Falls Director of Public Works or his designee.

Sanitary sewer means a sewer that carries liquid and water- carried wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of groundwater, storm water and surface water that are not admitted intentionally.

Sewage means the spent water of a community. The preferred term is wastewater.

Sewer means a **pipe** or conduit that carries wastewater or drainage water.

Significant industrial user means:

- A. Industrial users subject to categorical standards; or
- B. Industrial users that:
 - 1. Discharge an average of 25,000 gallons per day or more of process wastewater;
 - 2. Contribute a process wastewater which makes up five percent or more of the average dry weather hydraulic or organic capacity of the wastewater treatment plant; or
 - 3. Are designated as significant by the Regional Wastewater Manager on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
- C. Upon a finding that a user meeting the criteria in subsection (2) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Regional Wastewater Manager may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

Significant noncompliance means the same as the definition of "significant noncompliance" under §14-41-128.

Slug or slug load means any substance release in a discharge at a flow rate and/or concentration which will adversely affect the wastewater treatment plant or hydraulically overloads the sanitary sewer collection system. This includes, but is not limited to, accidental spills and batch discharges.

Standard Industrial Classification (SIC) means the classification pursuant to the latest revision of the Standard Industrial Classification Manual published by the office of management and budget.

Storm drain, sometimes termed **storm sewer**, means a drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source.

Total Kjeldahl Nitrogen (TKN) means nitrogen in the form of organic proteins or their decomposition product ammonia, as measured by the Kjeldahl method.

Total Suspended Solids (TSS) means total suspended matter that either floats on the surface of or is in suspension in water, wastewater or other liquids and that is removable by laboratory filtering as prescribed in *Standard Methods for the Examination of Water and Wastewater* (jointly published by the American Public Health Association (APHA), the American Water Works Association (AWWA), and the Water Environment Federation (WEF)).

Toxic pollutant means one of the 126 pollutants, or combinations of those pollutants, listed as toxic in regulations promulgated by the U.S. EPA under the provisions of §307 of the Act.

Unpolluted water means 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 benefitted by discharge into the sanitary sewers and wastewater treatment facilities provided.

U.S. EPA means United States Environmental Protection Agency (EPA).

User or industrial user means a source of indirect discharge.

Wastewater means the spent water of a community. Liquid and water-carried industrial waste and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities and institutions, whether treated or untreated that are contributed to the POTW.

Wastewater treatment plant means an arrangement of devices and structures for treating wastewater, industrial wastes and sludge.

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

Sources:

Revised Ordinance of Sioux Falls, SD, 47-81, 6-1-1981;
Revised Ordinance of Sioux Falls, SD, 125-84, (9-10-1984);
Revised Ordinance of Sioux Falls, SD, 111-85, (12-3019-85);
Revised Ordinance of Sioux Falls, SD, 23-86, (, 3-31-1986);
Ordinance of Sioux Falls, SD, 51-88, (6-20-1988)
Revised Ordinance of Sioux Falls, SD, 50-91, (6-3-1991);
Revised Ordinance of Sioux Falls, SD, 57-93, (7-12-1993)
Ordinance of Sioux Falls, SD, 102-96, (9-3-1996)
Ordinance of Sioux Falls, SD, 56-12, (8-7-2012)
Brandon City Ordinance 577, 3-5-19.

DIVISION 2. REGULATION OF SEWERS (RESIDENTIAL, COMMERCIAL & INDUSTRIAL USERS)

14-41-111 USE OF PUBLIC SEWERS REQUIRED

- A. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage or other objectionable waste; such prohibition does not apply to placement of domesticated animal waste or soiled diapers properly disposed of in a garbage bins to be periodically removed to a landfill.
- B. It shall be unlawful to discharge to any natural outlet within the City or in any area under the jurisdiction of the City any sewage or other polluted waters, except where suitable treatment has been provided in accordance with this article or permitted by the DENR or EPA.
- C. Except as provided in this article, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater.
- D. Where required by the City's zoning ordinances, the owner of each house, building or property used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley or right-of-way in which there is located or may be located a public sanitary (sewer) of the City, is hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article and City Ordinances, within 60 days after the date of official notice to do so, provided that the public sewer is within 200 feet of the property line and reasonably accessible as determined by the City engineer.

Sources:

Ordinance of Sioux Falls, SD, 47-81 (6-1-1981);
Ordinance of Sioux Falls, SD, 57-93 (7-12-1993)
Brandon City Ordinance 577, 3-5-19.

14-41-112 PRIVATE WASTEWATER DISPOSAL

- A. Private wastewater disposal systems are not permitted pursuant to Brandon City Ordinance 15-4-19, except when public sewer is not available.
- B. Private wastewater disposal systems shall be operated and maintained in a sanitary manner by the owner thereof at all times, as indicated in Brandon City Ordinance 15-4-19, and at no expense to the City.
- C. At such time as a public sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public sewer within sixty (60) days, and any septic tanks cesspools and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable materials, following which the City may inspect for compliance.

Legislative History:

Brandon City Ordinance 15-4-19, August 1991.
Brandon City Ordinance 116, Sec. 419, 6/6/87;
Brandon City Ordinance 15-4-19, August 1991;
Brandon City Ordinance 115, Sec. 3(e);

Authority:
SDCL 9-32-1, 8 & 9 and SDCL Ch. 9-48.

14-41-113 SANITARY SEWERS, BUILDING SEWERS AND CONNECTIONS

- A. No authorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written building permit from the City. No person shall make connections to, attach to, or tap any lateral Sanitary Sewer or Trunk Sewer for industrial purposes without first notifying the City Administrator and then the Regional Wastewater Manager and obtaining an industrial pretreatment permit from Sioux Falls if required by Sioux Falls.
- B. There shall be two classes of building sewer permits as follows:
 - 1. For residential and commercial service; and
 - 2. For service to establishment producing industrial wastes.

In either case, the owner or his agent shall make application on a building permit form furnished by the City. The building permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the City engineer. A building permit and inspection fee shall be established by the City Council by resolution and shall be paid to the City at the same time the application is filed.

- C. All costs and expenses incidental 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. The owner shall be responsible for the maintenance of the building drain and the building sewer service line up to and including the connection to the main.
- D. A separate and independent four-inch diameter sewer service shall be provided for every living unit where a separate ownership or billing is anticipated, and in units where separate water services are required, and for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. In lieu of a separate four-inch diameter sewer service for every living unit, a single building sewer of a size to be determined by the City engineer but in no event less than six-inch diameter, may be provided. The City does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection.
- E. Old building sewers may be used in connection with new buildings only when the City Engineer finds, through video camera footage of the sewer paid for by the applicant and/or other tests, information or evidence required by the City Engineer, that they meet all requirements of this article.
- F. The size, slope, alignment, materials or construction of all sanitary sewers including building sewers, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the

requirements of the building and plumbing codes and other applicable specifications or requirements of the City. In the absence of suitable code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing and Materials Methods (A.S.T.M.) and Water Pollution Control Federation (W.P.C.F.) Manual of Practice No. 9 shall apply.

- G. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer at the owner's expense.
- H. No person shall make connection of roof down spouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is specifically authorized by the City manager.
- I. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing codes and other applicable specifications and requirements of the City, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gas light and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the City engineer before installation.
- J. The applicant for the building sewer permit shall notify the City Building Inspection Department not less than 24 hours prior to the time when the building sewer will be ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the City engineer or designated representative.
- K. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Any work due to streets, sidewalks, parkways and other public property must be through a City's right of way and permitted process, and any such property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

Sources:

Revised Ordinance of Sioux Falls, SD, 47-81, 6-1-81;
Revised Ordinance of Sioux Falls, SD, 19-82. & 2, 3, 3-8-82;
Revised Ordinance of Sioux Falls, SD, 57-93, & 1, 7-12-93;
Brandon City Ordinance 577, 3-5-19.

14-41-114 RESOLUTION AND NOTICE TO OWNERS TO CONSTRUCT SEWER CONNECTIONS

- A. Whenever the Council shall deem it necessary to construct sewer service connections from the trunk or service sewers to the right of way or alleys, a resolution shall be passed by the Council requiring the property owners whose property has not been connected with the trunk or service sewers to construct such connecting sewers from the trunk or service sewers to the curb line in the streets or alleys within the time specified not less than 30 days from the passage of the resolution.
- B. The resolution shall contain a notice to the owners stating what work is to be done

and the time within which they are required to do it. Such notice may be general as to the owners but must be specified as to the descriptions of the lots or parcels of ground in front of which such sewer connections are to be constructed. The notice may be that the connection must be done within 30 days after the owner's existing septic system fails.

Sources:

Revised Ordinance of Sioux Falls, SD, 47-81, 6-1-81
Revised Ordinance of Sioux Falls, SD, 57-93, & 1, 7-12-93
Brandon City Ordinance 577, 3-5-19.

14-41-115 SPECIAL ASSESSMENT FOR SEWER CONNECTIONS

- A. If such sewer connections are not built, laid and constructed in the manner and within the time prescribed in the resolution described in §14-41-114, the City Council may order the construction to be done by such person as they may contract with and under the direction of the City engineer at the expense of the lots and parcels of land adjoining in front of and for the benefit of which the sewer connections have been laid, built and constructed. Such expense shall be assessed upon such lots and parcels of land so chargeable by the City Council.
- B. The City finance officer shall cause to be published the estimate of the City engineer, together with a notice of the time and place when the Council will meet to approve the construction, by one publication in the official newspaper at least one week prior to the meeting of the City Council to approve the construction.
- C. Payments therefore shall be due and payable from and after the filing of the assessment roll with the City finance officer and shall be collected in the same manner as other special assessments are now collected as provided by law.
- D. All steps taken for the charge of the property affected and the collecting of such assessment and the selling of such property in default of payment of such assessment shall be done and performed in the same manner as other special assessments for local improvements are now collected by the City.

Sources:

Revised Ordinance of Sioux Falls, SD, 47-81, 6-1-81
Revised Ordinance of Sioux Falls, SD, 57-93, & 1, 7-12-93
Brandon City Ordinance 577, 3-5-19.

14-41-116 REGULATION OF USE OF PUBLIC SEWERS

- A. No person shall discharge or cause to be discharged any unpolluted waters such as storm water, surface water, ground water, roof runoff, subsurface drainage or cooling water to any sanitary sewer, unless specifically authorized by the City engineer and manager.
- B. Storm water other than that exempted under subsection (a) of this section and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved in writing by the manager and other regulatory agencies. Unpolluted industrial cooling water or process water may be discharged, on approval of the manager, to a storm sewer or natural outlet.
- C. Groundwater collected by building subdrains, unless otherwise excepted by a sump pump permit issued by the City of Brandon, must discharge to the ground

surface outside of the building, a storm drain, a sump pump collection system, or a natural outlet. No sump pump discharge to the ground surface shall create a hazard or a nuisance including, but not limited to, ice accumulation on city streets, alleys, and sidewalks; damaging a city street or sidewalk, creating ponds of standing water or alga; or flowing over adjoining property

Sources:

Revised Ordinance of Sioux Falls, SD, 47-81, 6-1-81
Revised Ordinance of Sioux Falls, SD, 57-93, & 1, 7-12-93
Brandon City Ordinance 577, 3-5-19.

14-41-117 GREASE, OIL, AND SAND TRAPS

A. Grease, oil and sand interceptors shall be installed, at the owner's expense, when necessary for the proper handling of liquid wastes containing floating grease in excessive amounts, or oil, sand, or other harmful items. Such businesses include, but are not limited to car and truck washes, restaurants, auto repair shops, and parking facilities with floor drains. Interceptors shall be of the type, size and capacity recommended by the Uniform Plumbing Code, and updates thereto, and shall be in a location approved by the City. The owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal, which are subject to review by the City. Any removal and hauling of the collected materials not performed by the owner's personnel must be performed by currently licensed waste disposal firms. Nothing in this section waives any requirements in Division 3 of this Chapter applying to pretreatment permits or requirements pertaining to other permits or licenses such as liquid waste hauler licenses.

B. Definitions.

Best Management Practices (BMPs) means schedules of activities, prohibition of practices, maintenance procedures, and other management practices implemented including but not limited to practices to control site run-off, drainage from raw material storage, spills or leaks, and any other waste disposal.

Brown Grease means floatable fats, oils, grease, settled solids, and associated wastewater retained by grease interceptors and grease traps.

Bypass means the intentional diversion of wastestreams.

Contributor means any person, firm or corporation, except a significant industrial user, owning, renting or operating any lot, parcel of real estate or buildings where liquid or solid waste or sewage is produced which is discharged to the sewer system of the City.

Debris means something that has been broken into pieces such as garbage, trash and/or waste.

Domestic Strength means wastewater which has a total suspended solids (TSS) concentration less than three hundred parts per million (300mg/L), a five-day biochemical oxygen demand (BOD concentration less than two hundred fifty

parts per million (250 mg/L), and a fats, oil and grease (FOG concentration less than one hundred parts per million (100mg/L).

Drain Fixture Unit means any drain/fixture that has the potential of carrying grease or introducing grease into the drainage or sewage system.

Fats, oil and grease (FOG) means fats, oil and/or grease present in a contributor discharge measurable by standard laboratory extraction, results are expressed in milligrams per liter.

Food Service Establishment (FSE) means any building, vehicle, place, or structure, or any room or division in a building, vehicle, place, or structure where food is prepared, served, or sold for immediate consumption on or in the vicinity of the premises; called for, taken out, or consumed on property by customers, or prepared prior to being delivered to another location for consumption.

Grease Interceptor means an outside underground tank that separates and retains brown grease and solids from the wastewater before it discharges in to the sewer.

Grease Trap means inside, under-the-sink units, floor traps, and outdoor floor traps that separates and retains brown grease and solids from the wastewater before it discharges in to the sewer.

Hauler means a transporter of FOG that is licensed by the state of South Dakota and approved by the City.

Illicit discharge means any discharge into the City's storm sewer system prohibited by the City.

National Pollutant Discharge Elimination Permit (NPDES) is a program that controls water pollution by regulating point sources that discharge pollutants into waters of the United States.

Sanitary Sewer Overflow (SSO) means an episodic unintentional discharge causing but not limited to blockages, line breaks, and sewer defects that potentially may result in contamination of stormwater or groundwater.

Shall is mandatory. **May** is permissive.

Surcharge Strength means any discharge which has a total suspended solids (TSS) concentration greater than twelve hundred parts per million (1200 mg/L), a five-day biochemical oxygen demand (BOD) concentration greater than two thousand parts per million (2000 mg/L), or a fats, oil and grease (FOG) concentration greater than four hundred parts per million (400 mg/L).

Uniform Plumbing Code means a model code developed by the International Association of Plumbing and Mechanical Officials (IAPMO) to govern the installation and inspection of plumbing systems as a means of promoting the public's health, safety and welfare.

Yellow Grease means inedible, unadulterated, animal and vegetable-based fats, oils, and grease produced and removed by a food service establishment.

C. Fats, Oil and Grease (FOG) Program

1. Program description

- A. The Fats, Oil and Grease (FOG) Program will reduce sanitary sewer overflows and blockages thus protecting public health and the environment by minimizing exposure to unsanitary conditions. The program will also extend the life of sewer lines and reduce sewer line maintenance required as a result of these blockages.
- B. Program control will allow for an increase in sewer system efficiency, reduce sewer line blockages and overflows; ultimately minimize the impact on public activities and reduce maintenance costs.
- C. The program will require all FSEs to have a scheduled annual inspection unless otherwise deemed necessary by the City.
- D. The City reserves the right to conduct an inspection of any Contributor or FSE at any reasonable time with or without advanced notice for compliance.

2. General Requirements

A. Equipment

- 1. The Uniform Plumbing Code sets forth all requirements for a FOG disposal system to be upheld by all FSEs that discharge, directly or indirectly, to the public sewer system. The FSE must install, operate, and maintain grease control equipment. Every FSE shall obtain prior approval of type, size, and location of said equipment from the City Engineer.
 - a) Each FOG control mechanism shall be located as close as practical to the fixtures they serve.
 - b) No grease trap shall have the capacity of less than twenty (20) gallons per min (gpm) or more than fifty-five (55) gpm, if necessary additional units may be required in tandem or in series to address loading and/or flow volumes.
- 2. An FSE with four or fewer drain fixture units and that of a small volume discharge may install a grease trap, with the understanding that if the nature of their business is that of a heavy FOG generator they shall be required, by the City Engineer, to install consecutive units or an interceptor.
- 3. An FSE with more than four drain fixture units and that of a medium to large volume discharge shall install an outdoor grease interceptor, unless otherwise determined not necessary by the director.
 - a) Each interceptor shall have a minimum of two (2) compartments. The first compartment shall be two-thirds (2/3) of the total capacity of the interceptor, and a minimum liquid volume of three hundred thirty-three (333) gallons.

The minimum size of a grease interceptor for any qualified FSE shall be five hundred (500) gallons.

- b) The compartments shall be separated by partitions or baffles that extend at least six (6) inches above the water level.
 - c) The inlet and outlet fittings shall be a baffle tee, or similar flow device, that extends at least four (4) inches above the water level to within twelve (12) inches off the bottom of the interceptor. The outlet tee out of the sample box shall extend at least six (6) inches below the water surface.
 - d) Flow between the separate compartments is through a baffle tee or bend that extends down to within twelve (12) inches off the bottom of the interceptor.
 - e) The liquid depth shall be greater than or equal to two feet six inches (2'-6") and less than six feet (6').
4. Each FOG control mechanism shall have an approved flow control or restricting device installed in a readily accessible and visible location. The flow device shall be designed so that the flow through the device(s) at no time exceeds the rated capacity of the FOG control mechanism.
 5. All approved waste shall enter the FOG control mechanism through the inlet pipe only.
 6. Each FOG control mechanism shall be vented, in an approved manner to protect against siphonage and back-pressure, allowing for proper air circulation throughout the entire drain system.
 - a) The vent shall connect with the sanitary drainage vent system, and shall terminate through the roof of the building, and shall not terminate to the free atmosphere inside the building.

B. Additional Specifications:

1. All dishwasher units piping shall be constructed such that they do not flow into a grease interceptor, unless there is an adequate cooling time between dishwasher unit and grease interceptor, adequate screening of the dishwasher discharge shall be required.
2. All waste/wash water in excess of 140 degrees F and dishwashers with a minimum temperature of 160 degrees F shall not be discharged to any grease trap.
3. Water jacketed FOG control mechanisms are prohibited.
4. All fixtures shall have screens to reduce the amount of food disposal waste products into the interceptor or trap.
5. Following approval by the City Engineer, a FSE that has demonstrated that they only require a grease trap, and operate a food waste disposal, shall be required to have a stand-alone grease trap for the food waste disposal. While sizing for an interceptor, all FSEs shall account for the additional food disposal waste products.

6. All FSEs which produce yellow grease shall recycle. All recycling shall be stored in an approved grease recycling container, which have tight-fitting lids and secondary containment, and shall be handled by a licensed recycling company. Small amounts of yellow grease may be disposed of in a landfill but may never be disposed of into the sanitary sewer.
7. All interceptors and/or traps shall be located where the equipment can be easily accessed for maintenance and clean out, no ladders or bulky equipment shall be needed to service an interceptor.
 - a) There shall be a minimum of one access point into each compartment of grease interceptor and no access point openings are greater than ten (10) feet apart.
 - b) Each access point opening shall be leak-resistant and can't slide, rotate, or flip.
 - c) No grease interceptor is allowed to be installed in any part of a building where food is handled.
 - d) The location of an interceptor shall be shown on the approved building plans.
8. Plumbing fixtures conveying human waste shall not drain into or through the FOG control mechanism.
9. Interceptors shall be permanently and legibly marked with the manufacturer's name or trademark, model number, and any other markings required by law.
10. Any slug discharge shall be reported to the director immediately; depending on the severity, a Notice of Violation and fine may be issued.

C. Pumping Frequency

1. It is herein stated that the 25% rule shall be the mandated universal order for all contributors. The 25% rule is as follows, when a FOG control mechanism is sampled the sum of the grease layer and the solids layer shall never exceed 25% of the tank depth volume. This is done via physical inspection by the contributor through the use of a sludge judge.
 - a) At a minimum, all grease traps shall be pumped out weekly. If it is found that this said schedule is insufficient to the nature of business, then one or more of the following may be required; more frequent clean outs of the existing equipment, modifications to the existing equipment and/or the installation of a new control mechanisms. The City may grant the FSE a wavier if the FSE agrees to a 12-month inspection program.
 - b) At a minimum, all grease interceptors shall be pumped and maintained every ninety (90) days or when the 25% rule is reached, whichever comes first. If it is found that this said schedule is insufficient to the nature of business, then one or more of the following may be required; more frequent pump

outs of the existing equipment, modifications to the existing equipment and/or the installation of a new control mechanisms. The City may grant the FSE a waiver if the FSE agrees to a 12-month inspection program.

- c) If an FSE is required by decision of the City Engineer to install a new, modify or replace an existing FOG control mechanism, a compliance schedule for the required equipment shall be issued with a compliance timeline not to exceed 6 months from the issuance of the compliance schedule, unless otherwise requested and approved by the City Engineer.
 - d) All FSEs shall be required to maintain onsite records retention of pumping manifests, to include volume of grease removed, for review and compliance determination.
 - e) A submission of clean out report for grease traps shall be sent to the City Engineer every January 1st and July 1st.
2. A submission of a grease interceptor pumping report shall be sent to the City Engineer within ten (10) days of pumping. An FSE with a grease trap may maintain their own unit; however, an FSE with an interceptor shall have it pumped by a hauler licensed by the state of South Dakota and certified by the City.
 3. All FSEs shall be required to maintain a six (6) month domestic strength average FOG discharge concentration of less than one hundred (100) mg/L.
 - a) If an FSE is found discharging in excess of surcharge strength FOG of four hundred (400) mg/L grease concentration, in a six (6) month period, fines, penalties, and/or other punitive actions may be issued by the City Engineer. Dependent on the level of severity, additional equipment and/or increased pumping frequency may also be required by the City Engineer.

D. Internal Best Management Practices that FSEs are required to follow to prevent unnecessary fat, oil, grease, and solids from discharging into the sewer include but are not limited to:

1. Initial and continued employee education.
2. Educational signage in appropriate areas.
3. Dispose of food wastes into trash receptacles.
4. Scrape and “dry wipe” all pots, pans, plates, utensil, and other cooking necessities into trash receptacles prior to washing.
5. Strainers in sink and screens on floor drains to capture food solids, to be emptied into trash receptacles daily.
6. Sweep all floor debris for solid waste disposal prior to wash down.
7. Clean all mats and dispose of mop water through a utility sink that is connected to the FOG control mechanism.

8. Use of absorbent pads or other non-free flowing materials to clean up spills and leaks.
9. Clean all vents and hood regularly.
10. Clean exhaust systems regularly.
11. Use wash water temperatures less than 140 degrees F.
12. Use all (3) sink dishwashing system.
13. Recycle waste cooking oil, if available.
14. Adhere to a strict maintenance schedule for cleaning of FOG control mechanism.
15. Witness all maintenance/cleaning of FOG control mechanism.
16. Keep a maintenance log.
17. Locate all outdoor dumpster and recycle containers away from stormwater catch basins.
18. Cover outdoor grease and oil storage containers.
19. Do not clean equipment outdoors as the run-off would lead to the issuance of a Notice of Violation and fine for illicit discharge.
20. Do not use hot water, acids, caustics, solvents, degreasers, or emulsifying agents when cleaning FOG control mechanisms.
21. Do not pour FOG waste directly into the grease interceptor.
22. The addition of any bio-augmentation chemical to a FOG control mechanism is prohibited, unless approved by the City Engineer.

E. Hauler Responsibilities

1. City approved haulers shall submit pump out reports monthly to the City Engineer.
2. No such collected grease shall be introduced into any drainage piping, public or private sewer, or stormwater inlet.
3. All City approved haulers interested in serving the FSE community shall be given a copy of the City ordinance 14-41-117 and a copy of all FOG maintenance logs.
4. A list of city approved haulers will be disseminated to the FSE community once annually.
5. FOG maintenance logs shall be signed by the FSE and the licensed hauler to ensure liability.
6. Any hauler or FSE found in violation of appropriately disposing of the wastes identified and regulated in this ordinance shall be subject to enforcement action including fines if applicable.
7. All pumping required by this ordinance shall be properly performed by a City approved hauler, any pumping done by a non-approved hauler will be considered null and void and may result in enforcement action.

F. Violations

Violations of any provision herein may result in a fine, penalty, and damages assessed through a court action, as well as termination of sewer services and/or a license to operate business in the City.

3. Authority of the City Engineer

A. Initial notification, inspection and records review.

1. An initial notification letter will be sent to all FSEs that use the public sewer, directly or indirectly, to inform them of the Fats, Oil and Grease Program and the responsibilities and requirements herein.
2. Annually an annual inspection letter shall be sent to all identified FSEs. It shall be the responsibility of the FSE to contract the Plumbing Inspector within ten (10) days of receipt of the annual inspection letter to set up an inspection and records review; failure to get in touch with the Plumbing Inspector shall result in an unscheduled inspection and records review.
3. A final inspection report will be sent to the FSE within thirty (30) days following an inspection.
 - a) Any issues of non-compliance identified during the inspection will be summarized in the final inspection report. The FSE shall submit an explanation of the violations, a plan for the satisfactory correction of the violation and prevention of future similarly violations. The response shall include specific required actions, and specific compliance schedules and it shall be submitted in writing to the Plumbing Inspector within ten (10) days of receipt of final inspection report.
 - b) Any non-compliant inspections shall require a follow-up inspection within ninety (90) days of non-compliance response.

B. Sampling

1. It is recommended that a sample box be located at the outlet end of all interceptors for periodic effluent compliance sampling.
2. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association.
 - a) For grease interceptors the sample location shall be the outfall piping.
 - b) For grease traps the sampling location shall be the nearest upstream and downstream manholes in the sewer from the point at which the building sewer is connected.
 - c) 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.
 - d) The particular analysis involved will determine whether a twenty-four-hour composite of all outfalls of a premise is

appropriate or whether a grab sample or samples should be taken.

C. Violations

1. It shall be the duty of the City Engineer to enforce the provision of this chapter.
2. Whenever the City Engineer finds that any person has violated or is violating the provisions of this chapter, the City Engineer may serve upon said person written notice of the violation and the City Engineer may designate a compliance schedule for corrections of the violation. Within ten (10) days of service of this notice, an explanation of the violation and a plan for the satisfactory correction of the violation and prevention of future similar violations, including specific required actions and specific compliance schedules, shall be submitted in writing to the City Engineer. Submission of this plan in no way relieves the person of liability for any violations occurring before or after receipt of the notice. Notwithstanding, the City may also pursue additional measures approved by the City Council to prosecute ordinance violations, commence a nuisance action, and/or pursue any other remedy available by law.
3. Any non-compliant inspection resulting in a SSO or illicit discharge traced back to the FSE may result in punitive damages and/or required modification to existing FOG control mechanism(s).
4. Blocking a sanitary sewer line is also a violation of the Federal Clean Water Act and may be subject to additional enforcement actions. A contributor identified as the cause of a sewer line blockage and/or SSO may be subject to cost recovery for damages incurred, to the City or to a third party. The contributor may also be responsible for all damages, costs and expenses, including attorney fees.

4. Categorization

Each FSE will be categorized as a Small, Medium or Large Contributor based different criteria determined by the City Engineer.

- A. Other contributors operating, maintaining, or cleaning oil/water separators or settling pits for the intent of pollutant capture, or as identified, including but not limited to: hospitals, nursing homes, hotels, equipment manufacturers, schools, daycares, grocery stores, implement dealers/repair, maintenance garages/repair.
 1. Additional treatment technologies shall be required, if deemed necessary, to all that apply within the category. This shall be at the discretion of the City Engineer, including but not limited to screen, grinder pump, catch basin, or strainer.

5. Closure/Foreclosure/Abandonment

- A. All FSEs shall be required to complete the following appropriate steps in the event that a closure is imminent:
 1. Notification to the City Engineer.
 2. Complete system cleanout and capping in accordance with the Uniform Plumbing Code or as requested by the City Engineer.
 - a) The proper cleanout procedure shall include pumping out the FOG control mechanism, jetting the line, and pumping the FOG control mechanism dry.
 - b) If circumstances arise which may lead to the demolition of the FSE building, with no intent to build new, the FSE will also be responsible for having a city approved hauler cap the existing FOG control mechanism to prevent backflow.
 3. A letter of the clean out, once completed, shall be sent to the City Engineer.
 4. A final inspection shall be completed by the Plumbing Inspector and a termination letter to file.

Sources:

Revised Ordinance of Sioux Falls, SD, 47-81, 6-1-81
 Revised Ordinance of Sioux Falls, SD, 57-93, & 1, 7-12-93
 Brandon City Ordinance 577, 3-5-19.
 Brandon City Ordinance 605, 5-19-20.

14-41-118 PROTECTION OF PROPERTY

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the POTW. Any person violating this section shall be subject to immediate arrest under charge of disorderly conduct.

Sources:

Revised Ordinance of Sioux Falls, SD, 57-93, & 1, 7-12-93
 Brandon City Ordinance 577, 3-5-19.

DIVISION 3. PRETREATMENT (INDUSTRIAL USERS)

14-41-119 PROHIBITED DISCHARGE STANDARDS

- A. General prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state or local pretreatment standards or requirements. Any industrial user must comply with the more stringent standards of either the City of Brandon or the City of Sioux Falls pretreatment standards established in Title V, Chapter 53, of the Ordinances of Sioux Falls (as may be amended from time to time) and must pay all fees set by Sioux Falls ordinance as established in Title IX, Chapter 110, Section 110.036 of the Ordinances of Sioux Falls (as may be amended from time to time).

- B. Specific prohibitions. No user shall introduce or cause to be introduced into the POTW pollutants, substances, or wastewater prohibited by Section 53.04(b) of the Ordinances of Sioux Falls (as may be amended from time to time). 1
- B. Prohibited pollutants, substances or wastewater. Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

Sources:

Revised Ordinance of Sioux Falls, SD, 47-81, 6-1-81
Revised Ordinance of Sioux Falls, SD, 23-86, & 2, 3-31-86
Revised Ordinance of Sioux Falls, SD, 51-91, & 5, 6-3-91
Revised Ordinance of Sioux Falls, SD, 57-93, & 1, 7-12-93
Brandon City Ordinance 577, 3-5-19.

14-41-119.1 NATIONAL CATEGORICAL PRETREATMENT STANDARDS

The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405471 are hereby incorporated.

- A. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Regional Wastewater Manager may impose equivalent concentration or mass limits in accordance with 40 CFR §403.6(c).
- B. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Regional Wastewater Manager shall impose an alternate limit using the combined wastestream formula in 40 CFR §403.6(e).
- C. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR §403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
- D. A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR §403.15.

Sources:

Revised Ordinance of Sioux Falls, SD, 47-81, 6-1-81;
Revised Ordinance of Sioux Falls, SD, 57-93, & 1, 7-12-93
Brandon City Ordinance 577, 3-5-19.

14-41-119.2 STATE PRETREATMENT STANDARDS

South Dakota pretreatment standards found at §74:52:11 of the Administrative Rules of South Dakota are hereby incorporated.

Sources:

Revised Ordinance of Sioux Falls, SD, 57-93, & 1, 7-12-93
Brandon City Ordinance 577, 3-5-19.

14-41-119.3 REGIONAL WASTEWATER LIMITS

In order to protect the POTW, receiving water quality, worker health and safety, and improve opportunities for beneficial use of biosolids from nondomestic discharges, the

City hereby adopts the pollutant limits established by the City of Sioux Falls for the POTW as set forth in §53.043 of the Revised Ordinances of Sioux Falls, South Dakota, and authorizes the Regional Wastewater Manager to adopt site specific permit limits for pollutants that are specific to an industrial user or user group.

Sources:

Revised Ordinances of Sioux Falls, SD, 53.043;
Brandon City Ordinance 577, 3-5-19.

Reference:

Amended and Restated Joint Powers Agreement for Use of Regional Wastewater System (May 18, 2018)

14-41-119.4 RIGHT OF REVISION

The City reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW. Such standards and requirements will be established in conjunction with the City of Sioux Falls.

Sources:

Revised Ordinance of Sioux Falls, SD, 57-93, & 1, 7-12-93
Brandon City Ordinance 577, 3-5-19.

14-41-119.5 DILUTION

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Regional Wastewater Manager may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

Sources:

Revised Ordinance of Sioux Falls, SD, 57-93, & 1, 7-12-93
Brandon City Ordinance 577, 3-5-19.

14-41-120 PRETREATMENT FACILITIES

Users shall provide wastewater treatment as necessary to comply with this article and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in § 14-41-119 within the time limitations specified by EPA, the state DENR, or the Regional Wastewater Manager, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Regional Wastewater Manager for review, and shall be acceptable to the Regional Wastewater Manager 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 or Regional Wastewater Manager under the provisions of this article.

Sources:

Revised Ordinance of Sioux Falls, SD, 47-81, 6-1-81
Revised Ordinance of Sioux Falls, SD, 57-93, & 1, 71-12-93
Brandon City Ordinance 577, 3-5-19.

14-41-120.1 ADDITIONAL PRETREATMENT MEASURES

- A. Whenever deemed necessary, the manager or Regional Wastewater Manager 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 wastestreams from industrial wastestreams and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this article.
- B. The manager or Regional Wastewater Manager 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 equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
- C. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

Sources:

Revised Ordinance of Sioux Falls, SD, 57-93, & 1, 7-12-93
Brandon City Ordinance 577, 3-5-19.

14-41-120.2 WASTEWATER ANALYSIS

When requested by the Regional Wastewater Manager, a user must submit information on the nature and characteristics of its wastewater within 30 days of the request. The Regional Wastewater Manager is authorized to prepare a form for this purpose and may periodically require users to update this information.

Sources:

Revised Ordinance of Sioux Falls, SD, 57-93, & 1, 7-12-93
Brandon City Ordinance 577, 3-5-19.

14-41-121 ACCIDENTAL DISCHARGE/SLUG CONTROL PLANS

At least once every two years, the Regional Wastewater Manager shall evaluate whether each significant industrial user needs an accidental discharge/slugin control plan. The Regional Wastewater Manager may require any user to develop, submit for approval, and implement such a plan. Alternatively, the Regional Wastewater Manager may develop such a plan for any user. An accidental discharge/slugin control plan shall address, at a minimum, the following:

- A. Description of discharge practices, including non-routine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying the Regional Wastewater Manager of any accidental or slug discharge, as required by §14-41-125.5; and
- D. 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.

Sources:

14-41-122 WASTEWATER DISCHARGE PERMIT REQUIREMENT

- A. No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Regional Wastewater Manager, except that a significant industrial user that has filed a timely application pursuant to §14-41-122.1 may continue to discharge for the time period specified therein.
- B. The Regional Wastewater Manager may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this article.
- C. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in section of this article. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state and local law.

Sources:

Revised Ordinance of Sioux Falls, SD, 125-84, & 4, 9-10-84
Revised Ordinance of Sioux Falls, SD, 57-93, & 1, 7-12-93

14-41-122.1 WASTEWATER DISCHARGE PERMITTING: EXISTING CONNECTIONS

Any non-permitted user required to obtain a wastewater discharge permit who was discharging wastewater into a POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within 60 days after said effective date, apply to the Regional Wastewater Manager for a wastewater discharge permit in accordance with §14-41-122.3, and shall not cause or allow discharges to the POTW to continue after 180 days of the effective date of this article except in accordance with a wastewater discharge permit issued by the . Regional Wastewater Manager

Sources:

Revised Ordinance of Sioux Falls, SD, 57-93, & 1, 71-12-93
Brandon City Ordinance 577, 3-5-19.

14-41-122.2 WASTEWATER DISCHARGE PERMITTING: NEW CONNECTIONS

Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit from the City of Sioux Falls prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with §14-41-122.3, must be filed at least 90 days prior to the date upon which any discharge will begin or recommence.

Sources:

Revised Ordinance of Sioux Falls, SD, 57-93, & 1, 71-12-93
Brandon City Ordinance 577, 3-5-19.

14-41-122.3 WASTEWATER DISCHARGE PERMIT APPLICATION CONTENTS

- A. All users required to obtain a wastewater discharge permit must submit to the City of Sioux Falls a complete and accurate permit application. The Regional

Wastewater Manager may require all users to submit as part of an application the following information:

1. All information required by §14-41-125(B);
2. Description of activities, facilities and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
3. Number and type of employees, hours of operation and proposed or actual hours of operation;
4. Each product produced by type, amount, process or processes, and rate of production;
5. Type and amount of raw materials processed (average and maximum per day);
6. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains and appurtenances by size, location and elevation, and all points of discharge;
7. Time and duration of discharges; and
8. Any other information as may be deemed necessary by the Regional Wastewater Manager to evaluate the wastewater discharge permit application.

B. Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

Sources:

Revised Ordinance of Sioux Falls, SD, 57-93, & 1, 7-12-93
Brandon City Ordinance 577, 3-5-19.

14-41-122.4 APPLICATION SIGNATORIES AND CERTIFICATION

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

“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.”

Sources:

Revised Ordinance of Sioux Falls, SD, 57-93, & 1, 7-12-93
Brandon City Ordinance 577, 3-5-19.

14-41-122.5 WASTEWATER DISCHARGE PERMIT DECISIONS

The Regional Wastewater Manager will evaluate the data furnished by the user and may require additional information. After receipt of a complete wastewater discharge permit application, the Regional Wastewater Manager will determine whether or not to issue a wastewater discharge permit. The Regional Wastewater Manager may deny any application for a wastewater discharge permit.

Sources:

Revised Ordinance of Sioux Falls, SD, 57-93, & 1, 7-12-93
Brandon City Ordinance 577, 3-5-19.

14-41-122.6 WASTEWATER DISCHARGE PERMIT DURATION

A wastewater discharge permit shall be issued for a specified time period, not to exceed five years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five years, at the discretion of the Regional Wastewater Manager. Each wastewater discharge permit will indicate a specific date upon which it will expire.

Sources:

Revised Ordinance of Sioux Falls, SD, 57-93, & 1, 7-12-93
Brandon City Ordinance 577, 3-5-19.

14-41-122.7 WASTEWATER DISCHARGE PERMIT CONTENTS

A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Regional Wastewater Manager to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

- A. Wastewater discharge permits must contain:
1. A statement that indicates wastewater discharge permit duration, which in no event shall exceed five years;
 2. A statement that the wastewater discharge permit is nontransferable unless prior notification is provided to the Regional Wastewater Manager in accordance with §14-41-122.12;
 3. Effluent limits based on applicable pretreatment standards;
 4. Self-monitoring, sampling, reporting, notification and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state and local law; and
 5. A statement of applicable civil and criminal penalties for violation or pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state or local law.
- B. Wastewater discharge permits may contain, but need not be limited to, the following conditions:

1. Limits on the average and/or maximum rate of discharge, time of discharge and requirements for flow regulation and equalization;
2. Requirements for the installation of pretreatment technology, pollution control, or construction or appropriate containment devices, designed to reduce, eliminate or prevent the introduction of pollutants into the treatment works;
3. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated or non-routine discharges;
4. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
5. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
6. Requirements for installation and maintenance of inspection and sampling facilities and equipment;
7. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and
8. Other conditions as deemed appropriate by the Regional Wastewater Manager to ensure compliance with the ordinance, and state and federal laws, rules and regulations.

Sources:

Revised Ordinance of Sioux Falls, SD, 57-93, & 1, 7-12-93
Brandon City Ordinance 577, 3-5-19.

14-41-122.8 WASTEWATER DISCHARGE PERMIT APPEALS

The Regional Wastewater Manager shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the Regional Wastewater Manager to reconsider the terms of a wastewater discharge permit within 30 days' notice of its issuance.

- A. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- B. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
- C. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
- D. If the Regional Wastewater Manager fails to act within 30 days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.
- E. The final administrative wastewater discharge permit decision is subject to judicial review as provided by law.

Sources:

Revised Ordinance of Sioux Falls, SD, 57-93, & 1, 7-12-93
Brandon City Ordinance 577, 3-5-19.

14-41-122.9 WASTEWATER DISCHARGE PERMIT MODIFICATION

The Regional Wastewater Manager may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- A. To incorporate any new or revised federal, state or local pretreatment standards or requirements;
- B. To address significant alteration or addition to the user's operation, processes or wastewater volume or character since the time of wastewater discharge permit issuance;
- C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- D. Information indicating that the permitted discharge poses a threat to the POTW, City or Regional Wastewater System personnel or the receiving water;
- E. Violation or any terms or conditions of the wastewater discharge permit;
- F. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- G. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR §403.13; and
- H. To correct typographical or other errors in the wastewater discharge permit.

Sources:

Revised Ordinance of Sioux Falls, SD, 57-93, & 1, 7-12-93
Brandon City Ordinance 577, 3-5-19.

14-41-122.10 WASTEWATER DISCHARGE PERMIT REVOCATION

- A. The Regional Wastewater Manager may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:
 1. Failure to notify the Regional Wastewater Manager of significant changes to the wastewater prior to the changed discharge;
 2. Failure to provide prior notification to the Regional Wastewater Manager of changed conditions pursuant to §14-41-125.4;
 3. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
 4. Falsifying self-monitoring reports;
 5. Tampering with monitoring equipment;
 6. Refusing to allow the Regional Wastewater Manager timely access to the facility premises and records;
 7. Failure to meet effluent limitations;
 8. Failure to pay fines;
 9. Failure to pay sewer charges;
 10. Failure to meet compliance schedules;
 11. Failure to complete a wastewater survey or the wastewater discharge permit application;
 12. Failure to provide advance notice of the transfer of business ownership of a permitted facility;

or

13. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this article.

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

Sources:

Revised Ordinance of Sioux Falls, SD, 57-93, & 1, 7-12-93
Brandon City Ordinance 577, 3-5-19.

14-41-122.11 WASTEWATER DISCHARGE PERMIT REISSUANCE

A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete and accurate permit application, in accordance with §14-41-122.3, a minimum of 90 days prior to the expiration of the user's existing wastewater discharge permit. If the application is submitted 90 days in advance of expiration, the existing permit may be extended beyond its expiration date, when through no fault on the part of the industrial user, a permit is not yet reissued by the expiration date of the previous permit.

Sources:

Revised Ordinance of Sioux Falls, SD, 57-93, & 1, 7-12-93
Brandon City Ordinance 577, 3-5-19.

Reference:

ARSD 74:52:01:12

14-41-122.12 WASTEWATER DISCHARGE PERMIT TRANSFER

Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least 30 days advance notice to the Regional Wastewater Manager and is approved by the Wastewater Manager. The notice to the Regional Wastewater Manager must include an authorized representative designation form and a written certification by the authorized representative which:

- A. States that the new company has no immediate intent to change facility's operations and processes;
- B. Identifies the specific date on which the transfer is to occur; and
- C. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to provide advanced notice of a transfer terminates the wastewater discharge permit as of the date of facility transfer.

14-41-123 REGULATION OF WASTE RECEIVED FROM OTHER JURISDICTIONS

- A. No connections shall be made to any trunk sewer or force main connecting the systems of Brandon with the wastewater treatment system of the City of Sioux Falls, SD by any party, person or concern not a resident of the City of Brandon, without the prior written approval of the governing bodies of both Brandon and Sioux Falls, pursuant to the Amended and Restated Joint Powers Agreement for Use of Regional Wastewater System entered into between the City of Brandon and the City of Sioux Falls on or about May 14, 2018 and as may be from time-to-time amended by the parties thereto.
- B. Before an industrial user located outside the boundaries of Brandon or Sioux Falls discharges into the POTW via the Brandon wastewater system, Brandon and Sioux Falls will jointly determine whether accepting such discharge is feasible and, if so, will enter into an agreement with the jurisdiction in which such industrial user is located. Such agreement shall be substantially equivalent to the requirements of the "Brandon/Sioux Falls Wastewater Agreement," referenced in § 14-41-123(a) herein above insofar as Industrial Pretreatment requirements and regulation thereof are concerned, and must be fully secured before the Regional Manager issues an Industrial Pretreatment Permit and before any discharge is allowed from any user in the outside jurisdiction.

Sources:

Revised Ordinance of Sioux Falls, SD, 57-93, & 1, 71-12-93
Amended and Restated Joint Powers Agreement for Use of Regional Wastewater System (May 18, 2018)
Brandon City Ordinance 577, 3-5-19.

14-41-124 HAULED WASTEWATER

- A. It is unlawful for any person, corporation, residence, commercial establishment, industry or institution to engage in the practice of pumping or hauling liquid waste within the City limits of the City of Brandon unless a current license issued by any municipality or other governmental entity is held to engage in such practice.
- B. It is unlawful for any person, corporation, residence, commercial establishment, industry or institution to dispose of hauled liquid waste into the sanitary sewer system of the City of Brandon.
- C. It is unlawful for any person, corporation, residence commercial establishment, industry or institution to discharge or dispose of hazardous wastes or incompatible wastes into the sanitary sewer system of the City of Brandon, unless all current applicable federal, state and local permits have been issued and are in good standing.
- D. The provisions of this §[14-41-124 (a)(b) and (c)] do not apply to wastewater hauled in vehicles owned by the City engaged in work as authorized by the manager or its authorized representative.

Sources:

Revised Ordinance of Sioux Falls, SD, 51-88, & 2, 6-20-88
Revised Ordinance of Sioux Falls, SD, 33-90, & 1, 4-9-90
Revised Ordinance of Sioux Falls, SD, 57-93, & 1, 7-12-93
Brandon City Ordinance 577, 3-5-19.

14-41-125 BASELINE MONITORING REPORTS

- A. Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the Regional Wastewater Manager a report which contains the information listed in subsection (b) below. At least 90 days prior to commencement of their discharge, new sources and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the Regional Wastewater Manager a report which contains the information listed in subsection (b) below. A new source shall report the method or pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- B. Users described above shall submit the information set forth below.
 - 1. Identifying information. The name and address of the facility, including the name of the operator and owner.
 - 2. Environmental permits. A list of any environmental control permits held by or for the facility.
 - 3. Description of operation(s). A brief description of the nature, average rate of production and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
 - 4. Flow measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).

C. Measurement of pollutants.

1. The categorical pretreatment standards applicable to each regulated process.
2. The results of sampling and analysis identifying the nature and concentration and/or mass, where required by the standard or by the Regional Wastewater Manager of pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in §14-41-125.9.
3. Sampling must be performed in accordance with procedures set out in §14-41-125.10.
4. Certification. A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent bases, and, if not whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.
5. Compliance schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in §14-41-125.1.
6. Signature and certification. All baseline monitoring reports must be signed and certified in accordance with §14-41-122.4.

Sources:

Revised Ordinance of Sioux Falls, SD, 57-93, & 1, 7-12-93
Brandon City Ordinance 577, 3-5-19.

14-41-125.1 COMPLIANCE SCHEDULE PROGRESS REPORTS

The following conditions shall apply to the compliance schedule required by §14-41-125(b)(7):

- A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- B. No increment referred to above shall exceed nine months;
- C. The user shall submit a progress report to the Regional Wastewater Manager no later than 14 days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
- D. In no event shall more than nine months elapse between such progress reports to the Regional Wastewater Manager.

Sources:

Revised Ordinance of Sioux Falls, SD, 57-93, & 1, 7-12-93
Brandon City Ordinance 577, 3-5-19.

14-41-125.2

REPORTS ON COMPLIANCE WITH CATEGORICAL PRETREATMENT STANDARD DEADLINE

Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Regional Wastewater Manager a report containing the information described in §14-41-125(B)(4) through (B)(6). For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR §403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with §14-41-122.4.

Sources:

Revised Ordinance of Sioux Falls, SD, 57-93, & 1, 7-12-93
Brandon City Ordinance 577, 3-5-19.

14-41-125.3 PERIODIC COMPLIANCE REPORTS

- A. All significant industrial users shall, at a frequency determined by the Regional Wastewater Manager but in no case less than twice per year (in July and January), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with §14-41-122.4.
- B. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
- C. If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Regional Wastewater Manager, using the procedures prescribed in §14-41-125.10, the results of this monitoring shall be included in the report.

Sources:

Revised Ordinance of Sioux Falls, SD, 57-93, & 1, 7-12-93
Brandon City Ordinance 577, 3-5-19.

14-41-125.4 REPORTS OF CHANGED CONDITIONS

Each user must notify the Regional Wastewater Manager of any planned significant changes to the user's operations or system which might alter the nature, quality or volume of its wastewater at least 30 days before the change.

- A. The Regional Wastewater Manager may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under §41-122.3.
- B. The Regional Wastewater Manager may issue a wastewater discharge permit under §14-41-122.5 or modify an existing wastewater discharge permit under §14-41-122.9 in response to changed conditions or anticipated changed conditions.
- C. For the purposes of this requirement, significant changes include, but are not limited to, flow increases of 20 percent or greater, and the discharge of any previously unreported pollutants.

Sources:

Revised Ordinance of Sioux Falls, SD, 57-93, & 1, 7-12-93
Brandon City Ordinance 577, 3-5-19.

14-41-125.5 REPORTS OF POTENTIAL PROBLEMS

- A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the Regional Wastewater

Manager of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

- B. Within five days following such discharge, the user shall, unless waived by the Regional Wastewater Manager submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties or other liability which may be imposed pursuant to this article.
- C. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in subsection (A). Employers shall ensure that all employees who may cause such a discharge to occur are advised of the emergency notification procedure.

Sources:

Revised Ordinance of Sioux Falls, SD, 57-93, & 1, 7-12-93
Brandon City Ordinance 577, 3-5-19.

14-41-125.6 REPORTS FROM UN-PERMITTED USERS

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Regional Wastewater Manager as the Regional Wastewater Manager may require.

Sources:

Revised Ordinance of Sioux Falls, SD, 57-93, & 1, 7-12-93
Brandon City Ordinance 577, 3-5-19.

14-41-125.7 NOTICE OF VIOLATIONS; REPEAT SAMPLING AND REPORTING

If sampling performed by a user indicates a violation, the user must notify the Regional Wastewater Manager 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 Regional Wastewater Manager within 30 days after becoming aware of the violation. The user is not required to re-sample if the Regional Wastewater Manager monitors at the user's facility at least once a month, or if the Regional Wastewater Manager samples between the user's initial sampling and when the user receives the results of this sampling.

Sources:

Revised Ordinance of Sioux Falls, SD, 47-81, 6-1-81
Revised Ordinance of Sioux Falls, SD, 57-93, & 1, 7-12-93
Brandon City Ordinance 577, 3-5-19.

14-41-125.8 NOTIFICATION OF THE DISCHARGE OF HAZARDOUS WASTE

- A. Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA regional waste management division director, and state hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch or other). If the user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months. All notifications must take place no later than 180 days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under §14-41-125.4.

The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of §§14-41-125, 14-41-125.2 and 14-41-125.3.

- B. Dischargers are exempt from the requirements of subsection (a), during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.3-(d) and 261.33(e). Discharge of more than 15 kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.
- C. In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the Regional Wastewater Manager, the EPA regional waste management waste division director, and state hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.
- D. In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- E. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this article, a permit issued thereunder, or any applicable federal or state law.

Sources:

Revised Ordinance of Sioux Falls, SD, 57-93, & 1, 7-12-93
Brandon City Ordinance 577, 3-5-19.

14-41-125.9 ANALYTICAL REQUIREMENTS

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.

Sources:

Revised Ordinance of Sioux Falls, SD, 57-93, & 1, 7-12-93
Brandon City Ordinance 577, 3-5-19.

14-41-125.10 SAMPLE COLLECTION

- A. Except as indicated in subsection (b) below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Regional Wastewater Manager may authorize the use of time proportional sampling or a minimum of four grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
- B. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides and volatile organic compounds must be obtained using grab collection techniques.

Sources:

Revised Ordinance of Sioux Falls, SD, 57-93, & 1, 7-12-93
Brandon City Ordinance 577, 3-5-19.

14-41-125.11 TIMING

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt

of the report shall govern.

Sources:

Revised Ordinance of Sioux Falls, SD, 57-93, & 1, 7-12-93
Brandon City Ordinance 577, 3-5-19.

14-41-125.12 RECORD KEEPING

Users subject to the reporting requirements of this article shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this article and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the user or the City, or where the user has been specifically notified of a longer retention period by the Regional Wastewater Manager.

Sources:

Revised Ordinance of Sioux Falls, SD, 57-93; & 1, 7-12-93
Brandon City Ordinance 577, 3-5-19.

14-41-126 RIGHT OF ENTRY; INSPECTION AND SAMPLING

With notification to the City manager (unless prior notification is not possible due to an emergency), the Regional Wastewater Manager shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this the Industrial Pretreatment ordinances contained in this article and any wastewater discharge permit or order issued hereunder. Users shall allow the Regional Wastewater Manager ready access to all parts of the premises for the purposes of inspection, sampling records examination and copying, and the performance of any additional duties.

- A. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Regional Wastewater Manager will be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The Regional Wastewater Manager shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.
- C. The Regional Wastewater Manager may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper cooperating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated at least annually or as needed to ensure and maintain their accuracy.
- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of Regional Wastewater Manager and shall not be replaced. The costs of clearing such access shall be borne by the user.
- E. Unreasonable delays in allowing the Regional Wastewater Manager access to the user's premises shall be a violation of this article.

Sources:

Revised Ordinance of Sioux Falls, SD, 57-93, & 1, 7-12-93
Brandon City Ordinance 577, 3-5-19.

14-41-126.1 SEARCH WARRANTS

If the Regional Wastewater Manager has been refused access to a building, structure or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this

article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this article or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Regional Wastewater Manager may seek issuance of a search warrant from the circuit court.

Sources:

Revised Ordinance of Sioux Falls, SD, 57-93, & 1, 7-12-93
Brandon City Ordinance 577, 3-5-19.

14-41-127 CONFIDENTIAL INFORMATION

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits and monitoring programs, and from the manager's or Regional Wastewater Manager's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the manager or Regional Wastewater Manager, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable state law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the DENR Surface Water Treatment program or DENR Industrial pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data", as defined by 40 CFR § 2.302 will not be recognized as confidential information and will be available to the public without restriction.

Sources:

Revised Ordinance of Sioux Falls, SD, 57-93, & 1, 7-12-93
Brandon City Ordinance 577, 3-5-19.

Authority:

SDCL 34A-2-94

14-41-128 PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

The Regional Manager shall publish annually, a list of the users which, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements as required by state and federal law. The term significant noncompliance shall mean:

- A. 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 the daily maximum limit or average limit for the same pollutant parameter by any amount;
- B. 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 daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- C. Any other discharge violation that the Regional Wastewater Manager believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;
- D. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Regional Wastewater Manager's exercise of its emergency authority to halt or prevent such a discharge;
- E. 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;
- F. Failure to provide within 30 days after the due date, any required reports, including baseline monitoring reports on compliance with categorical pretreatment standard deadlines, periodic self-

monitoring reports and reports on compliance with compliance schedules;

- G. Failure to accurately report noncompliance; or
- H. Any other violation(s) which the Regional Wastewater Manager determines will adversely affect the operation or implementation of the local pretreatment program.

Sources:

Revised Ordinance of Sioux Falls, SD, 50-91, & 6(41-129.2), 6-3-91
Revised Ordinance of Sioux Falls, SD, 57-93, & 1, 7-12-93
Brandon City Ordinance 577, 3-5-19.

DIVISION 4. ENFORCEMENT

14-41-129 NOTIFICATION OF VIOLATION

When the Official Having Jurisdiction 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 Official Having Jurisdiction may serve upon that user a written notice of violation. Within fourteen 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 Official Having Jurisdiction. 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 Official Having Jurisdiction to take any action over matters within its jurisdiction including emergency actions or any other enforcement action, without first issuing a notice of violation. The Regional Wastewater Manager may waive the written reporting requirement for isolated, minor violations where the user has complied with the notification requirements in §14-41-125.7.

Sources:

Revised Ordinance of Sioux Falls, SD, 57-93, & 1, 7-12-93
Brandon City Ordinance 577, 3-5-19.

14-41-129.1 CONSENT ORDERS

The Official Having Jurisdiction may enter into consent orders, assurances of voluntary compliance or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to §§14-41-129.3 and 14-41-129.4.

Sources:

Revised Ordinance of Sioux Falls, SD, 57-93, & 1, 7-12-93
Brandon City Ordinance 577, 3-5-19.

14-41-129.2 SHOW CAUSE HEARING

The Official Having Jurisdiction may order a user which 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, to appear before the Official Having Jurisdiction to show cause why the proposed enforcement action should not be taken. 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 30 days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

Sources:

Revised Ordinance of Sioux Falls, SD, 57-93, & 1, 7-12-93
Brandon City Ordinance 577, 3-5-19.

14-41-129.3 COMPLIANCE ORDERS

When the Official Having Jurisdiction 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 Official Having Jurisdiction may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. 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. 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.

Sources:

Revised Ordinance of Sioux Falls, SD, 57-93, & 1, 7-12-93
Brandon City Ordinance 577, 3-5-19.

14-41-129.4 CEASE AND DESIST ORDERS

- A. When the Official Having Jurisdiction 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 Official Having Jurisdiction may issue an order to the user directing it to cease and desist all such violations and directing the user to:
1. Immediately comply with all requirements; and
 2. 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.
- B. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

Sources:

Revised Ordinance of Sioux Falls, SD, 57-93, & 1, 7-12-93
Brandon City Ordinance 577, 3-5-19.

14-41-129.5 VIOLATIONS; PENALTIES

- A. Any person found to be violating any provision of this article or requirement imposed pursuant to this article except §14-41-118 may be served by the Official Having Jurisdiction with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- B. Any person found to be violating any provision of this article, requirement imposed pursuant to this article, and/or any time limit set forth in the notice provided in this section shall be guilty of a violation of City ordinances. Each day in which any such violation shall continue is a separate offense.
- C. Any person violating any of the provisions of division 3 of this article shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violation.
- D. In addition to any other fine and/or penalty authorized by this article, any industrial user or any significant industrial user who is found to be violating any provision of division 3 of this article, requirement imposed pursuant to division 3 of this article, and/or any time limits set forth in the notice provided in this section, is subject to a civil penalty not to exceed \$1,000.00 per violation per day of violation.

Sources:

Revised Ordinance of Sioux Falls, SD, 47-81, 6-1-81
Revised Ordinance of Sioux Falls, SD, 107-92, & 1, 12-21-92
Revised Ordinance of Sioux Falls, SD, 57-93, & 1, 7-12-93
Brandon City Ordinance 577, 3-5-19.

14-41-129.6 EMERGENCY SUSPENSIONS

- A. The Official Having Jurisdiction 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 manger 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.
1. 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 Official Having Jurisdiction 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 Official Having Jurisdiction may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Official Having Jurisdiction that the period of endangerment has passed, unless the termination proceedings in §14-41-129.7 are initiated against the user.
 2. 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 Official Having Jurisdiction prior to the date of any show cause or termination hearing under §§14-41-129.2 or 14-41-129.7.
- B. Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

Sources:

Revised Ordinance of Sioux Falls, SD, 57-93, & 1, 7-12-93
Brandon City Ordinance 577, 3-5-19

14-41-129.7 TERMINATION OF DISCHARGE

- A. In addition to the provisions in §14-41-122.10, any user who violates the following conditions is subject to discharge termination:
1. Violation of wastewater discharge permit conditions;
 2. Failure to accurately report the wastewater constituents and characteristics of its discharge;
 3. Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge;
 4. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling; or
 5. Violation of the pretreatment standards in §14-41-119.
- B. Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under §14-41-129.2 why the proposed action should not be taken. Exercise of this option by the manger shall not be a bar to, or a prerequisite for, taking any other action against the user.

14-41-129.8 ENFORCEMENT BY CITY OF SIOUX FALLS

As to any industrial user, enforcement of violations of this Chapter may be administered by the Regional Wastewater Manager and prosecuted by the City of Sioux Falls at its discretion.

Sources: Revised Ordinance of Sioux Falls, SD, 57-93, & 1 7-12-93