

ORDINANCE NO. 10-96

COUNTY OF GOODHUE, MINNESOTA

AN ORDINANCE ESTABLISHING USE AND RATE REGULATIONS FOR MUNICIPAL  
WASTEWATER TREATMENT FACILITIES

An ordinance regulating the use of and establishing a charge system for public and private sewers, establishing methods for a sewer service charge system, and providing penalties for violations of the regulations herein defined.

Be it ordained and enacted by the Commissioners of the County of Goodhue, Minnesota as follows:

ARTICLE I

Definitions

Unless the context specifically indicates otherwise, the terms used in this Article shall have the meanings hereby designated:

- Sec. 1. "Act" - The Federal Water Pollution Control Act, also referred to as the Clean Water Act, as amended, 33. U.S.C. 1251 et seq.
- Sec. 2. "BOD" or "Biochemical Oxygen Demand" - The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at 20 degrees Centigrade and as expressed in terms of milligrams per liter (mg/l).
- Sec. 3. "Building Drain" - The sewer or wastewater system which conveys wastewater to the building sewer, beginning one (1) ft. outside the building wall and including all the "sewer" inside the building.
- Sec. 4. "Village" - The area within the corporate boundaries of the Village of Welch, the Village Sewer Cooperative.
- Sec. 5. "Village Representative" - The village's authorized representative, or the authorized representative of the sewer district.
- Sec. 6. "Debt Service Charge" - A charge to users of the wastewater treatment facility for the purpose of repaying capital costs of construction of and maintenance of the private sewer system.
- Sec. 7. "Industrial User"

(a) Any entity as defined in the Standard Industrial Classification Manual (latest edition) as categorized, that discharge wastewater to the sewer.

Division A: Agriculture, Forestry and Fishing

Division B: Mining

Division D: Manufacturing

Division E: Transportation, Communications, Electric,  
Gas, and Sanitary Sewers

Division I: Services

(b) Any user whose discharges, singly or by interaction with other wastes:

- contaminate the sludge of the wastewater treatment system,
- injure or interfere with the treatment process,
- create a public nuisance or hazard,
- have an adverse effect on the waters receiving wastewater treatment plant discharges,
- exceed NDSW limitations,
- exceed normal residential unit volumes of wastewater.

Sec. 8. "Infiltration/Inflow (I/I)" - Water other than wastewater that enters the sewer system from the ground or from surface runoff, as defined in Minnesota Rules.

Sec. 9. "MPCA" - Minnesota Pollution Control Agency.

Sec. 10. "National Categorical Pretreatment Standards" - Federal regulations establishing pretreatment standards for introduction of pollutants in publicly owned wastewater treatment facilities. Section 307(b) of the Act.

Sec. 11. "National Pollutant Discharge Elimination System (NPDES) Permit" - A permit issued by the MPCA, setting limits on pollutants that a permittee may legally discharge pursuant to Sections 402 and 405 of the Act.

Sec. 12. "Natural Outlet" - Any outlet, including storm sewers and combined sewers, which flows into a body of surface water or ground water.

Sec. 13. "Normal Domestic Strength Waste" (NDSW) - Wastewater that is primarily introduced by residential users with BOD5 concentrations not greater than 200 mg/l

and total suspended solids (TSS) concentrations not greater than 200 mg/l.

- Sec. 14. "Non-residential User" - A user of the treatment facility whose building is not used as a private residence, and discharges NDSW.
- Sec. 15. "Operation, Maintenance and Replacement Costs" (OM&R) - Expenditures necessary to provide for the dependable, economical, and efficient functioning of the treatment facility throughout its design life, including operator training, and permit fees. Replacement refers to equipment replacement costs, not the cost of future replacement of the entire facility.
- Sec. 16. "Residential User" - A user of the treatment facility whose building is used primarily as a private residence and discharges NDSW.
- Sec. 17. "Sewer" - A pipe or conduit that carries wastewater or drainage water.
- (a) "Building Sewer" - The extension from the building drain to the sewer or other place of disposal, also referred to as a service connection.
  - (b) "Sanitary Sewer" - A sewer designed to carry only liquid and water-carried wastes from residential, non-residential, and industrial sources together with minor quantities of I/I.
  - (c) "Storm Sewer" - A sewer intended to carry unpolluted surface and sub-surface water from any source.
- Sec. 18. "Sewer Service Charge" - The total of the User Charge and the Debt Service Charge.
- Sec. 19. "Slug" - A discharge of water or wastewater which in concentration or in quantity of flow exceeds for any period of duration longer than 15 minutes, more than 5 times the average 24-hour concentration of flows during normal operation.
- Sec. 20. "State Disposal System (SDS) Permit" - A permit issued by the MPCA pursuant to Minn. Stat. §115.07 for a disposal system as defined by Minn. Stat. §115.01, subd. 8.
- Sec. 21. "Total Suspended Solids" (TSS) - The total suspended matter that either floats on the surface of, or is in suspension in water, wastewater or other liquids, and is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" (latest edition).

- Sec. 22. "Unpolluted Water" - Water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards. An example could be non-contact cooling water.
- Sec. 23. "User Charge" - A charge to users of a treatment facility for the user's proportionate share of the cost of operation and maintenance including replacement.
- Sec. 24. "Wastewater" - Liquid and water-carried wastes from residential, non-residential, and industrial users, together with any ground water, surface water, and storm water that may be present.
- Sec. 25. "Wastewater Treatment Facilities" or "Treatment Facilities" - The land, devices, facilities, structures, equipment and processes owned or used by the Village Sewer Cooperative for the purpose of the transmission, storage, treatment, recycling and reclamation of cooperative wastewater, and the disposal of residues resulting from such treatment.
- Sec. 26. "Village Sewer Cooperative" - The Cooperative established by the residents of the Village of Welch regarding sewage and wastewater treatment and facilities.

## ARTICLE II

### Control by the Authorized Representative

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The cooperative's governing council shall appoint an Authorized Representative who shall have control and general supervision of all sewers and service connections in the cooperative, and shall be responsible for administering the provisions of this Ordinance to ensure that a proper and efficient sewer is maintained. The authorized representative may delegate responsibilities to designated representatives.

## ARTICLE III

### Private Wastewater Disposal

- Sec. 1. Before construction of a private wastewater disposal system, a landowner(s) shall obtain a written permit signed by the Village Representative and the Goodhue County Sanitarian. The permit shall not become effective until the installation is completed to the Village Representative and Goodhue County Sanitarian's satisfaction. The Village Representative and Goodhue County Sanitarian shall be allowed to inspect any stage of construction. The applicant for the permit shall give notification to the Village Representative and Goodhue County Sanitarian when ready for the system's final inspection, and before any underground portions are covered. The inspection shall be made within 120 hours of the receipt of notice.

- Sec. 2. The type, capacities, location and layout of a private wastewater disposal system shall comply with all requirements of Minnesota Rules Chapter 7080, and applicable local ordinances.
- Sec. 3. The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times at no expense to the community or sewer district.
- Sec. 4. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the MPCA, the State Department of Health, or other responsible federal, state, local agencies.

#### ARTICLE IV

##### Building Sewers and Connections Design

- Sec. 1. No person(s) shall make any alterations to the sewer or any appurtenances thereof without first obtaining a written permit from the Cooperative. No private building drain shall extend beyond the limits of the building or property for which the permit has been given.

Any new connection to the sanitary sewer system shall be prohibited unless sufficient capacity is available in all downstream facilities including, but not limited to, capacity for flow, BOD5, and TSS as determined by the authorized representative.

- Sec. 2. A separate and independent building sewer shall be provided for each village building. Old building sewers may be used to service new buildings only when they are found to meet all requirements of this Ordinance. 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, wastewater shall be lifted by an approved means and discharged to the building sewer.
- Sec. 3. The construction and connection of the building sewer to the Cooperative sewer shall conform to the requirements of the State of Minnesota Building and Plumbing Code, applicable rules and regulations of the Cooperative and the materials and procedural specifications set forth in the American Society of Testing Materials (ASTM) and the Water Pollution Control Federation (WPCF) Manual of Practice No. 9. All such connections shall be made gas and watertight, and verified by proper testing to prevent I/I.
- Sec. 4. No unpolluted water sources shall be connected to the sanitary sewers

- Sec. 5. The applicant for the building sewer permit shall notify the Cooperative when the building sewer is ready for connection to the Cooperative sewer. The connection shall be made under the supervision of the Village Representative.
- Sec. 6. An appropriate construction license is required to install a service connection. Any person desiring a license, shall apply in writing to the Cooperative, providing satisfactory evidence of the applicant's qualifications. If approved by the Cooperative, the license shall be issued by the Village Representative upon the filing of a bond as hereinafter provided.
- Sec. 7. A license for sewer service connection installation shall not be issued until a \$10,000.00 bond to the Cooperative is filed and approved by the Cooperative. The licensee will defend and indemnify the Cooperative from all suits, accidents and damage that may arise by reason of any opening in any street, alley or public ground, or other Cooperative property, made by the licensee or by those in the licensee's employment.
- Sec. 8. The cost of a license for making service connections is \$1,000.00 for all hookups performed after the initial hookups at the time of the original sewer construction project. All licenses shall expire on December 1 of the license year unless the license is suspended or revoked by the Cooperative for any reasonable cause.
- Sec. 9. The Cooperative may suspend or revoke any license issued under this article for any of the following causes:
- (a) Giving false information in connection with the application for a license.
  - (b) Incompetence of the licensee.
  - (c) Willful violation of any provisions of this Article or any rule or regulation pertaining to the making of service connections.
  - (d) Failure to adequately protect and indemnify the Cooperative and the user.

## ARTICLE V

### Use of Wastewater Treatment Facilities

- Sec. 1. No unpolluted water or storm water shall be discharged to the sanitary sewer. Such water shall be discharged only to storm sewers or to natural outlets approved by the Cooperative and other regulatory agencies.

- Sec. 2. No person(s) shall discharge any of the following substances to the sewer.
- (a) Liquids, solids, gases, or other substances which singly or by interaction with others may cause fire or explosion.
  - (b) Solid or viscous substances which may cause obstruction to the flow in a sewer.
  - (c) Wastewater having a pH of less than 5.0 or greater than 9.5 or having any other corrosive or caustic property capable of causing damage or hazard.
  - (d) Wastewater containing toxic pollutants, as defined in section 307(a) of the Water Pollution Control Act and Minn. Stat. §115.01 subd. 14.

Sec. 3. Wastewater discharges of the following substances shall be limited to concentrations or quantities which will not harm the wastewater facility, streams, soils, vegetation, ground water, and will not otherwise create a hazard or nuisance. The Village Representative may set limitations lower than the prohibition limits outlined below. Consideration will be given to such factors as the quantity of waste in relation to flows and velocities, materials of construction, the community's NPDES and SDS permits, capacity of the treatment plant, degree of treatability of wastes and other pertinent factors.

- (a) Wastewater having a temperature greater than 150° F (65.6° C), or causing, individually or in combination with other wastewater, the influent at the treatment facilities to have a temperature exceeding 104° F (40° C), or having heat in amounts which will be detrimental to biological activity in the treatment facilities.
- (b) Wastewater containing fats, wax, grease or oils in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32° F and 150° F (0° C and 65.6° C).
- (c) A discharge of water or wastewater which in concentration or in quantity of flow exceeds for any period of duration longer than 15 minutes, more than 5 times the average 24-hour concentration of flows during normal operation.
- (d) Food wastes not properly shredded to such a degree that all particles will be carried freely under normal flow conditions with no particle greater than ½ inch in any dimensions.
- (e) Noxious or malodorous liquids, gases, or solids.
- (f) Wastewater with objectionable color not removed in the treatment process.

- (g) Wastewater containing inert suspended solids in such quantities that would cause disruption to the wastewater treatment facilities.
- (h) Radioactive wastes or isotopes in concentrations that exceed limits established by applicable state and federal regulations.
- (i) Wastewaters with BOD5 or suspended solids levels that require additional treatment except as may be permitted by specific written agreement with the city subject to Article V, Sec. 11 of this ordinance.
- (j) Wastewater containing substances which cannot be treated to produce effluent quality required by the permit or causes a violation of any applicable local, state, or federal regulation.

Sec. 4. In the event of discharges to the sewer which contain substances or possess characteristics prohibited in Secs. 2 and 3 of this Article or which in the judgment of the Village Representative, may have a deleterious effects to the treatment facility, receiving waters, soils, vegetation, or which create a hazard or nuisance, the Village Representative may:

- (a) Refuse to accept the wastes.
- (b) Require pretreatment to an acceptable condition for discharge to the sewer, pursuant to Section 307(b) of the Act and all addenda thereof.
- (c) Require control over the quantities and rates of discharge.
- (d) Require payment to cover all the added costs of handling, treating, and disposing of wastes not covered by existing taxes or sewer charges.

If the Village Representative permits the pretreatment or equalization of waste flows, the design, installation, maintenance and efficient operation of the facilities and equipment shall be at the owner's expense and shall be subject to review and approval by the Cooperative pursuant to the requirements of the MPCA,

Sec. 5. No user shall increase the use of process water or in any manner attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in this Article, the National Categorical Pretreatment Standards, and any state or local requirement.



Sec. 6. Grease, oil and sand interceptors shall be provided at the owner's expense when, in the opinion of the Village Representative, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, any flammable wastes, sand or other harmful ingredients. All interceptors shall be readily and easily accessible for cleaning and inspection. The owner shall be responsible for the maintenance of interceptors, including proper removal and disposal of the captured materials by appropriate means, and shall maintain a record of dates and means of disposal which are subject to review by the Village Representative.

Any material removal and hauling must be performed by the owner's personnel or a currently licensed waste disposal firm and in compliance with all applicable laws and regulations.

Sec. 7. Where required by the Village Representative, industrial users shall install and maintain at their own expense a suitable structure or control manhole with such necessary meters and other testing equipment needed to facilitate observation, sampling, and measurement of wastewater. The manhole will be safe and accessible at all times. The Cooperative may require submission of laboratory analyses to illustrate compliance with this ordinance and any special conditions for discharge established by the Cooperative or responsible regulatory agency. All measurements, tests and analyses to which reference is made in this ordinance shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association and kept for a period of 5 years.

Sec. 8. Where required by the Village Representative, users shall provide protection from an accidental discharge of substances regulated by this Ordinance. Where necessary, facilities to prevent accidental discharges of prohibited materials shall be provided and maintained at the owner's expense. Detailed plans and operating procedures of said facilities shall be submitted to the Village Representative for review and approval prior to construction of the facility. Approval of such plans and operating procedures shall not relieve user from the responsibility of modifying the facility as necessary to meet the requirements of this Ordinance.

Users shall notify the Village Representative immediately if a slug or accidental discharge of wastewater occurs in violation of this ordinance. Notification will allow measures to be taken to minimize damage to the treatment facilities. Notification will not relieve users of liability for any expense, loss or damage to the treatment facilities, or for fines imposed on the Cooperative by any state or federal agency as a result of their actions.

A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees of the emergency notification procedure in the event of a

slug or accidental discharge.

- Sec. 9. No person shall permit any substance or matter which may form a deposit or obstruction of flow to be discharged into the sewer. Whenever any service connection becomes clogged, obstructed, detrimental to the use of the sewer, or unfit for the purpose of drainage, the owner shall make repairs as directed by the Village Representative.

Each day after 15 days that the owner neglects to make said repairs, shall constitute a separate violation of this Section. The Village Representative may then cause the work to be done and recover related expenses from the owner or agent by an action in the name of the Cooperative.

- Sec. 10. In addition to penalties that may be imposed for violation of any provision of this Article, the Cooperative may assess against the user/owner the cost of repairing or restoring sewers and associated facilities damaged as a result of the discharge of prohibited wastes and may collect the assessment as an additional charge for the use of the sewer system.

- Sec. 11. No statement contained in this Article shall prevent any special agreement or arrangement between the Cooperative and any industrial user. Industrial waste of unusual strength or character may be accepted by the facility for treatment, subject to adequate payment by the industrial user, providing that National Categorical Pretreatment Standards and the County's NPDES and SDS permit limitations are not violated.

## ARTICLE VI

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

## ARTICLE VII

### Powers and Authority of Inspectors

Duly authorized employees or agents of the Cooperative, bearing proper credentials and identification, shall be permitted to enter all properties for inspection, observations, measurement, sampling, testing, repair and maintenance in accordance with the provisions of this Ordinance.

Industrial users shall be required to provide information concerning industrial processes which have a direct bearing on the type and source of discharge to the collection system. An industry may withhold information considered confidential. However, the industry must establish that the information in question might result in an advantage to competitors and that the industrial process does not have deleterious results on the treatment process.

## ARTICLE VIII

### The Sewer Service Charge System

Sec. 1. The Cooperative hereby establishes a Sewer Service Charge System. All revenue collected from users of the wastewater treatment facilities will be used for annual operation, maintenance, replacement, and capital costs. Each user shall pay a proportionate share of operation, maintenance and replacement costs based on the number of users of the wastewater treatment facilities.

Charges to users of the wastewater treatment facility shall be determined and fixed in a Sewer Service Charge System (SSCS) developed according to the provisions of this Ordinance. The SSCS adopted by resolution upon enactment of this Ordinance shall be effective upon adoption by the Cooperative. Subsequent changes in the sewer service rates and charges shall be adopted by the Cooperative and provided by U.S. Mail to all users.

Revenues collected through the SSCS shall be deposited in a separate fund known as the Sewer Service Fund (SSF).

Sec. 2. The Cooperative hereby establishes a Sewer Service Fund as an income fund to receive all revenues generated by the SSCS and all other income dedicated to the wastewater treatment facility.

The SSF shall be separate and apart from all other accounts. Revenue received by the SSF shall be transferred to the following accounts established as income and expenditure accounts.

- 1) Operation and Maintenance
- 2) Equipment Replacement
- 3) Debt Retirement for the treatment facility (if any)

Sec. 3. Administration of the Sewer Service Fund

The Village Representative shall maintain a proper system of accounts and records

suitable for determining the operation, maintenance, replacement (OM&R) and debt retirement costs of the treatment facilities, and shall furnish the Cooperative with a report of such costs annually.

Annually, the Cooperative shall determine whether sufficient revenue is being generated for the effective management of the facilities and debt retirement. The Cooperative will also determine whether the user charges are distributed proportionately. If necessary, the SSCS shall be revised to insure proportionality of user charges and sufficient funds.

In accordance with State requirements, each user will be notified annually in conjunction with a regular billing of that portion of the Sewer Service Charge attributable to OM&R.

Sewer Service Charges shall be billed on a quarterly basis. Any bill not paid in full 30 days after the due date will be considered delinquent. At that time the user will be notified regarding the delinquent bill and subsequent penalty. The penalty shall be computed as 10% of the original bill and shall be increased by the same percent for every quarter the bill is outstanding. Delinquencies shall be lien on the real property where the sewer is located and collected annually with the tax bill from Goodhue County.

## ARTICLE IX

### Penalties

- Sec. 1. Upon determination that a user has violated or is violating applicable provisions of this ordinance or related permits, the Village Representative may issue a Notice of Violation. Within 10 days of such notification, the violator shall submit to the Village Representative an adequate explanation for the violation and a plan for the correction and prevention of such occurrences, including specific actions required. Submission of such a plan in no way relieves the violator of liability for any violations occurring before or after the issuance of the Notice of Violation.
- Sec. 2. Any violation is subject to a fine not exceeding \$100.00. Each day in which any such violation occurs shall be deemed as a separate offense. Such fines may be added to the user's next sewer service charge, and will hence be subject to the same collection regulations as specified in Article IX, Sec. 3. of this Ordinance. Users desiring to dispute a fine must file a request for the Village Representative to reconsider within 5 days of the issuance of the fine. If the Village Representative believes that the request has merit, a hearing on the matter shall be convened within 20 days of the receipt of the request.

- Sec. 3. To collect delinquent sewer service charge accounts, the Cooperative and/or County of Goodhue may file a civil action suit or levy a lien against the violator. Related attorneys fees fixed by court order shall also be collected. The violator shall be liable for interest on all balances at a rate of 10 percent annually.
- Sec. 4. Any person violating any of the provisions of this Ordinance shall become liable to the Cooperative for any expense, loss or damage occasioned by the Cooperative by reason of such violation.

ARTICLE X

Validity

- Sec. 1. This ordinance shall be in full force and take effect from and after its passage and approval by the County of Goodhue.
- Sec. 2. All other ordinances and parts of other ordinances inconsistent or in conflict with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.
- Sec. 3. Passed by the Commissioners of the County of Goodhue on the 29<sup>th</sup> day of October, 1996.

Richard Mellan  
Chairman

Attest:

Stephen P. Bloom County Administrator

