

ORDINANCE NO. O-037-2004

AN ORDINANCE OF THE LAFAYETTE CITY-PARISH COUNCIL RESCINDING LAFAYETTE CITY COUNCIL ORDINANCE 0-6175 AS AMENDED BY LAFAYETTE CITY-PARISH COUNCIL ORDINANCE O-130-96 AND ALL AMENDMENTS THERETO, IN ITS ENTIRETY AND RESCINDING THE LAFAYETTE CITY-PARISH CONSOLIDATED GOVERNMENT CODE OF ORDINANCES, CHAPTER 94 “UTILITIES”, ARTICLE VI “SEWERS AND SEWAGE DISPOSAL” IN ITS ENTIRETY; REPLACING WITH NEW LAFAYETTE CITY-PARISH COUNCIL ORDINANCE NO. O-037-2004 AND NEW LAFAYETTE CITY-PARISH CONSOLIDATED GOVERNMENT CODE OF ORDINANCES, CHAPTER 94 “UTILITIES”, ARTICLE VI “SEWERS AND SEWAGE DISPOSAL” PROVIDING FOR THE REGULATION OF SEWERS AND SEWAGE DISPOSAL WITHIN THE JURISDICTION OF THE LAFAYETTE CITY-PARISH CONSOLIDATED GOVERNMENT; AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED by the Lafayette City-Parish Council, that:

SECTION 1: Chapter 94, Article VI of the Lafayette City-Parish Consolidated Government Code of Ordinances shall read as follows:

ARTICLE VI. SEWERS AND SEWAGE DISPOSAL

DIVISION 1. GENERAL PROVISIONS

SEC 94-461. PURPOSE AND POLICY

- a) This ordinance sets forth uniform requirements for Users of the Publicly Owned Treatment Works for the Lafayette City-Parish Consolidated Government to comply with (but not limited to) all applicable State and Federal laws, including the Clean Water Act, as amended, 33 United States Code 1251 et seq. and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). The objectives of this ordinance are:
- 1) To prevent the introduction of pollutants into the Publicly Owned Treatment Works that could interfere with its operation;
 - 2) To prevent the introduction of pollutants into the Publicly Owned Treatment Works that could pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise to be incompatible with the Publicly Owned Treatment Works;
 - 3) To ensure the quality of sludge to allow its use and disposal in compliance with the statutes and regulations;
 - 4) To protect Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment, and the general public,
 - 5) To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;
 - 6) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and

- 7) To enable the Lafayette City-Parish Consolidated Government to comply with its National Pollutant Discharge Elimination System and/or Louisiana Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

This ordinance shall apply to all Users of the Publicly Owned Treatment Works. The ordinance authorizes the issuance of Industrial Waste Permits; provides for the monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires User reporting; authorizes the requirement for implementation of pollution prevention and/or waste minimization to reduce or eliminate the amount of pollutants discharged to the POTW; authorizes the requirements to control or reduce the concentrations of any of the prohibited discharges listed in Section 94-552 and 94-553(c) through the use of best management practices; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

- b) The administration, implementation, and enforcement shall be conducted as follows:
 - 1) Except as otherwise provided herein, the Director of Utilities shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the Director of Utilities may be delegated by the Director of Utilities to other Lafayette City-Parish Consolidated Government personnel.
 - 2) The Director of Public Works shall administer, implement, and enforce the provisions of Sections 94-491 and 94-492 described as in sanitary deposits prohibited and polluted waste prohibited in natural outlets respectively.
- c) ABBREVIATIONS- the following abbreviations, when used in this ordinance, shall have the designated meanings:

BMPs- Best Management Practices
BOD - Biochemical Oxygen Demand
CFR - Code of Federal Regulations
COD - Chemical Oxygen Demand
EPA - U.S. Environmental Protection Agency
gpd - gallons per day
mg/l - milligrams per liter
NPDES - National Pollutant Discharge Elimination System
POTW - Publicly Owned Treatment Works
RCRA - Resource Conservation and Recovery Act
NAICS – North American Industrial Classification System
U.S.C. - United States Code

SEC 94-462. DEFINITIONS.

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated.

- i. **Abnormal Industrial Waste** - any industrial water having a TSS, COD, pH, temperature or BOD content in excess of that found in normal waste as defined in this ordinance.

- ii. **Approved Methods** - that handling, preservation, collection, sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR 136 and amendments thereto, and all applicable FINAL RULES of the Federal Register and/or revisions or amendments thereof. In the event this publication does not include the procedure for analysis of certain wastewater constituents, sampling and analysis must be performed in accordance with procedures approved by EPA and LDEQ. In the event there are no applicable approved methods, then procedures as given in other nationally recognized laboratory analysis manuals would be acceptable at the approval of the Wastewater Operations Manager.
- iii. **Approved POTW Pretreatment Program** – a program administered by a POTW that meets the criteria established in the General Pretreatment Regulations (Title 40 Code of Federal Regulations Part 403.3 and 403.9) and which has been approved by the Regional Administrator in accordance with Title 40 Code of Federal Regulations Part 403.11.
- iv. **Baseline Report** - a compilation of historical data that provides information sufficient, the adequacy of which is at the Lafayette City-Parish Consolidated Government's discretion, to determine the need for industrial pretreatment measures. The baseline report shall include, but not necessarily be limited to, time, date and place of sampling, methods of analysis and shall contain certification by the Industrial User that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.
- v. **BMPs denoting Best Management Practices** - are measures or practices used to reduce the amount of pollution entering the sanitary sewer system, surface water, air, land, or groundwaters.
- vi. **BOD denoting Biochemical Oxygen Demand** - the quantity of oxygen utilized in the biochemical oxidation of organic matter as determined by standard laboratory procedure as specified in Title 40, Code of Federal Regulations Part 136 for five (5) days at 20 degrees centigrade expressed as milligrams per liter (mg/l).
- vii. **By-Pass** - the discharge of wastewater into the Lafayette City-Parish Consolidated Government's sewage collection system which is not pretreated as required by this ordinance or by Industrial Waste Permit issued by the Lafayette City-Parish Consolidated Government.
- viii. **Categorical Pretreatment Standard or Categorical Standard** - Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1317) which apply to a specific category of Users, and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
- ix. **Certify** - all reports submitted to the Lafayette City-Parish Consolidated Government by an Industrial User must be certified by the Industrial User. All applications, reports, or information submitted to the Lafayette City-Parish Consolidated Government by an Industrial User must contain the following certification statement:

“I certify under penalty of law that this document and all attachments were prepared under my direct 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.”

All applications, reports, or information submitted to the Lafayette City-Parish Consolidated Government by an Industrial User shall be signed as follows:

- a) **Corporations** - by a responsible corporate officer such as:

- 1) President, secretary, treasurer, or vice president in charge of principal business function, or any other person who performs similar policy or decision making functions for the corporation.
 - 2) 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 (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - 3) Duly authorized representative of any of the above.
- b) By a general partner or proprietor of a partnership or sole proprietorship, respectively.
- c) The principal executive officer or director having responsibility for the overall operation of the discharging facility if the Industrial User submitting the reports is a Federal, State, or local governmental entity, or their agents.
- d) By a duly authorized representative of the individual described in this section if:
- 1) The authorization is made in writing by the individual described in a, b, or c above.
 - 2) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility such as the position of plant manager, operator of a well, field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company.
 - 3) The written authorization is submitted to the Lafayette City-Parish Consolidated Government.
- e) If an authorization under d above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for the environmental matters for the company, a new authorization satisfying the requirements of d above must be submitted to the Lafayette City-Parish Consolidated Government prior to or together with any reports to be signed by an authorized representative.
- x. **Clean Water Act** - Federal Water Pollution Control Act as amended, 33 U.S.C. § 1251, et seq.
- xi. **COD denoting Chemical Oxygen Demand** - the measure of the oxygen-consuming capacity of inorganic & organic matter present in water, sewage, industrial waste, or other liquid as determined by standard laboratory procedure as specified in Title 40, Code of Federal Regulations Part 136 and expressed as milligrams per liter (mg/l).
- xii. **Collection Superintendent** - the Superintendent of the Lafayette City-Parish Consolidated Government Wastewater Collection Division or his authorized representative, unless otherwise specified.
- xiii. **Comminuted Garbage** –garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in sanitary sewers.
- xiv. **Composite Sample** - a sample consisting of a minimum of four (4) grab samples of effluent collected at regular intervals at least one hour apart over a normal operating day or during the duration of a batch discharge and combined in proportion to flow, or a sample continuously collected in proportion to flow over a 24-hour period. Shorter than 24

hours is acceptable if operations are not continuous 24 hours a day. If average flow rate is constant, sample aliquots of equal volume will provide flow-proportioned samples. If discharge is by a batch process, then a single cross-sectional sample may be taken from tank if this is shown to be representative of contents and no additional material is transferred into tank after sampling.

- xv. **Control Authority** - Refers to the POTW if the POTW's submission for its pretreatment program has been approved in accordance with federal requirements; or the Regional EPA or LDEQ Administrator if the submission has not been approved.
- xvi. **Cooling Water** - the water that is discharged from any system of condensation, such as air conditioning, cooling, and refrigeration systems. The humidity removed by the condensing unit is exempt from the definition where the volume of such discharge is not significant as determined by the Wastewater Operations Manager.
- xvii. **Director of Utilities** - the Director of the Lafayette City-Parish Consolidated Government Utilities System or his authorized representative, unless otherwise specified. The Director of Utilities is responsible for the management of the Lafayette City-Parish Consolidated Government electric, water, and wastewater utilities.
- xviii. **Drainage Water** - meant, but not limited to, storm water; roof run-off water; subsurface and subsoil drainage water; drainage from down spouts; water from yard drains; water from fountains, ponds and swimming pools; water from lawn sprays; rainwater leaders, and area-ways; overflows from cisterns and water tanks; cooling water.
- xvix. **Environmental Protection Agency** - the U. S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or duly authorized official of said agency.
- xx. **Garbage** - solid waste from domestic or commercial preparation, cooking, dispensing or manufacturing of food or from handling, storage and sale of produce.
- xxi. **Grab Sample** - an individual sample collected from a waste stream, without regard to the flow in the waste stream, over a period of time not exceeding 15 minutes.
- xxii. **Hold-Haul Tank** - a storage tank installed by the customer to hold such industrial waste which is prohibited from being discharged to the sanitary sewer and from which the contents must be hauled to a disposal site. Such holding tank and/or spill containment system shall not be connected to the sanitary sewer.
- xxiii. **Indirect Discharge or Discharge** - the introduction of pollutants into a POTW from any non-domestic source regulated under Section 307(b), (c) or (d) of the Clean Water Act.
- xxiv. **Industrial Waste** - any amount of liquid waste and water borne liquid, gaseous, and solid substances discharged or disposed of from any industrial, manufacturing, trade or commercial establishment including non-profit organizations, governmental agencies or business activities. Such term shall not include sewage discharged from sanitary conveniences on the premises unless such sewage is commingled with industrial waste.
- xxv. **Industrial Waste Permit** - a permit to deposit or discharge industrial waste into the sanitary sewer. This permit does not grant a waiver to allow discharge of any wastes that exceed the limits or is in violation of the requirements of this ordinance.
- xxvi. **Interference** - a discharge which, alone or in conjunction with a discharge or discharges from other sources:
 - a) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal;
or

b) Is a cause of a violation of any requirement of the POTW's NPDES and/or LPDES permits [including an increase in the magnitude or duration of a violation] or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued there under [or more stringent State or local regulations], but not limited to: Section 405 of the Clean Water Act, the Solid Waste Disposal Act [SWDA] (including Title II, more commonly referred to as the Resource Conservation and Recovery Act [RCRA], and including any State sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, the Marine Protection, Research and Sanctuaries Act, the Sanitary Code of the State of Louisiana, the National Storm Water Regulations, and all federal, state and local regulations.

xxvii. **National Pretreatment Standard** - National Pretreatment Standard, Pretreatment Standard, or Standard is any regulations containing pollutant discharge limits promulgated by EPA in accordance with Section 307(b) and (c) of the Clean Water Act of 1977, which applies to Industrial Users. This term includes prohibited discharges established pursuant to Title 40 Code of Federal Regulations Part 403.5.

xxviii. **New Source** - any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Clean Water Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:

- a) The building, structure, facility or installation is constructed at a site at which no other source is located; or
- b) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
- c) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is engaged in the same general type of activity, as the existing source will be considered.

Construction at a new 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, but otherwise alters, replaces or adds to existing process or production equipment.

Construction of a new source as defined herein has commenced if the owner or operator has: begun, or caused to begin as part of a continuous onsite construction 1) any placement, assembly, or installation of facilities or equipment, or 2) 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, 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 definition.

xxvix. **Noncontact Cooling Water** - water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

xxx. **Normal Waste** - when analyzed, indicates the average of the Total Suspended Solids (TSS), the five-day Biochemical Oxygen Demand (BOD₅), and the Chemical Oxygen Demand (COD) daily loadings for the average residential user or, in lieu of such a determination, will consider the average residential strength wastes to be two hundred (200) mg/L (BOD₅), two hundred (200) mg/L TSS, and four hundred fifty (450) mg/L COD.

- xxxi. **Other Wastes** solid or viscous substances such as, but not limited to, ashes, cinders, sand, concrete, mud, straw, shavings, metal, glass, rags, feathers, tar, asphalt, plastics, rubber, rubber products, wood, whole non-human blood, paunch manure, hair and fleshings, entrails, lime slurry, lime residues, carbide wastes, slops, chemical residues, plant residues, asbestos, bulk solids, grass clippings or tree trimmings.
- xxxii. **Owner or Occupant** - the person who pays, or is legally responsible for a payment of water and/or wastewater charges against a plot, parcel of land, building premises, if connected to the wastewater collection system maintained by the Lafayette City-Parish Consolidated Government, or who should pay or be legally responsible for such payment.
- xxxiii. **Pass Through** - a Discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES and/or LPDES permit [including an increase in the magnitude or duration of a violation] or exceeds any reportable quantities mandated by local, state, or federal law.
- xxxiv. **Person** - By the term Person is meant any individual, business entity, partnership, corporation, governmental agency, political subdivision or any other legal entity.
- xxxv. **pH** - the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution as measured and calculated in accordance with Approved Methods.
- xxxvi. **Pollution** - the alteration of physical, thermal, chemical, radiological or biological quality of, or the contamination of, any water to the extent that the water is rendered harmful, detrimental or injurious to humans, animal life, vegetation, or property or to public health safety, or welfare, or that impairs the usefulness of the public enjoyment of the water for any lawful or reasonable purpose.
- xxxvii. **Pollution Prevention** - source reduction and other practices that reduce or eliminate the creation of pollutants through:
- a) Increased efficiency in the use of raw materials, energy, water, or other resources, or
 - b) Protection of natural resources by conservation.
- xxxviii. **POTW's Control Authority** – the Control Authority that oversees the Lafayette City-Parish Consolidated Government Pretreatment Program and issues the Lafayette City-Parish Consolidated Government's NPDES wastewater discharge permits.
- xxxvix. **Pretreatment** - 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.
- xl. **Pretreatment Requirements** - any substantive or procedural requirement related to Pretreatment, other than a National Pretreatment Standard, imposed on an Industrial User.
- xli. **Pretreatment Standard or Standards** - Pretreatment Standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.
- xlii. **Prohibited Waste** - any waste which is restricted or precluded from discharge into the Wastewater Treatment System of the Lafayette City-Parish Consolidated Government by this ordinance or the amount remaining in the waste stream after pretreatment over-and-above the approved local limits as listed in the Industrial Waste Permit.

- xl.iii. **Publicly Owned Treatment Works or POTW** – a system of conveyances and treatment for sewage and industrial wastes. Also refers to the government officials responsible for operation and maintenance of the collection system or treatment plant and the administration of the pretreatment program.
- xliv. **Receiving Stream** - the waterway into which a wastewater treatment plant discharges the treated effluent.
- xlv. **Recycling** - a material is recycled if it is used, reused, or reclaimed. A material is used or reused if it is either (a) employed as an ingredient (including its use as an intermediate) to make a product; however a material will not satisfy this condition if distinct components of the material are recovered as separate end products (as when metals are recovered from metal containing secondary materials) or (b) employed in a particular function as an effective substitute for a commercial product. A material is reclaimed if it is processed to recover a useful product or if it is regenerated. Examples include the recovery of lead values from spent batteries and the regeneration of spent solvents.
- xlvi. **Regulated Industrial User** - any non-significant and/or non-categorical Industrial User to which the Lafayette City-Parish Consolidated Government, at its own discretion, has issued an Industrial Waste Permit.
- xlvii. **Regulatory Agency** - any Federal, State, or Local Agency having jurisdiction over wastewater discharges.
- xlviii. **Sampling & Testing Costs** - the cost to the Lafayette City-Parish Consolidated Government for field sampling and laboratory testing of the industrial waste to determine surcharge value and/or compliance with the Industrial Waste Ordinance. This applies to samples taken for sanitary sewer and/or industrial waste discharges.
- xlvi. **Sanitary Convenience** - any plumbing fixture (except for a food waste disposal unit) not required to have a sand or grease trap.
- l. **Sanitary Sewer or Sewer** - a pipe or conduit designed to collect and transport wastewater.
- li. **Sewage** - waterborne waste, free from drainage water and industrial wastes, normally discharging from the sanitary conveniences of facilities, such as, but not limited to, the following dwellings: apartment houses, hotels, houses, office buildings, factories, and institutions.
- lii. **Sewer System** - of the property involved in the operation of a sanitary sewer utility. It includes, but is not limited to, land, wastewater collection lines and appurtenances, pumping stations, wastewater treatment plants, and general property.
- liii. **Shall** is mandatory and **may** is permissive or discretionary.
- liv. **Significant Industrial User:**
 - a) All dischargers subject to Categorical Pretreatment Standards under title 40 Code of Federal Regulations Part 403.6 and Title 40 Code of Federal Regulations Chapter 1 and Subchapter N.
 - b) All noncategorical discharges that in the opinion of the Department of Utilities, have a reasonable potential to adversely affect the POTW operation, or that contribute a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW, or that discharge an average of 25,000 gallons per day or more of process wastewater to the POTW.
 - c) However, any noncategorical Industrial User designated as Significant may petition the Department of Utilities to be deleted from the list of Significant Industrial Users on the grounds that it has no

potential for adversely affecting the POTW's operation or violating any pretreatment standard or requirement.

- liv. **Slug Load or Slug** - any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge.
- lvi. **Source Reduction** - any practice which:
 - a) Reduces the amount of any pollutant or contaminant entering any wastestream or otherwise released into the environment (including fugitive emissions) prior to recycling, treatment or disposal; and
 - b) Reduces the hazards to public health and the environment associated with the release of such substances, pollutants or contaminants.
- lvii. **North American Industrial Classification System (NAICS) Code** - a classification pursuant to the North American Industrial Classification manual issued by the United States Office of Management and Budget.
- lviii. **Storm Drain** - any conduit, ditch or channel designed to carry drainage water.
- lix. **Stormwater** - any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- lx. **Surcharge** - the additional sewerage service charge levied against any person for discharging abnormal industrial waste into a sanitary sewer which discharges to a treatment facility operated by the Lafayette City-Parish Consolidated Government. This charge is intended to defray the added cost of sampling, testing, transporting, and treating abnormal industrial waste.
- lxi. **To Discharge** - meant, but not limited to, the following: to deposit, conduct, drain, emit, throw, run, allow to seep, or otherwise release or dispose of.
- lxii. **Treatment Plant Upset** - an inhibition or disruption of the treatment plant, its treatment processes or operations, or its sludge processes, which is a cause or significantly contributes to a decrease in the quality of the effluent being discharged from the treatment plant or a decrease in the performance of the treatment plant processes or operations.
- lxiii. **TSS denoting Total Suspended Solids** - solids that either float on the surface of, or are in suspension in, water, sewage, industrial waste, or other liquid and which are removable by laboratory filtering as specified in Title 40, Code of Federal Regulations, Part 136 expressed as mg/l.
- lxiv. **User or Industrial User** - a source of indirect discharge.
- lxv. **Waste and/or Wastewater** - sewage or industrial waste which enters into the sewer system.
- lxvi. **Waste Manifest** - a four part form issued by the Department of Utilities to document the transfer of waste. The copies shall be denominated:
 - a) Generator Copy: the generator's designated copy of the four part waste manifest.
 - b) Transporter Copy: the designated transporter copy of the four part waste manifest.
 - c) Disposer's Copy: the disposal site designated copy of the four part waste manifest.

d) **Return Copy:** the generator's designated copy of the four part waste manifest to be returned to the generator upon acceptance of the waste at a disposal facility.

lxvii. **Waste Minimization** - an activity which eliminates or reduces the amount of any pollutant from entering the waste stream or the environment. This may include a change in raw materials, operational improvement, process improvement, product reformulation, reuse or reclamation.

lxviii. **Wastewater Operations Manager** - the Manager of the Lafayette City-Parish Consolidated Government Wastewater Division or his authorized representative, unless otherwise specified.

lxix. **Wastewater Treatment Plant** - any arrangement of devices or structures used for treating wastewater.

lxx. **Watercourse** - any natural or artificial channel for the passage of water.

Section 94-462 to 94-490 Reserved.

DIVISION 2. USE OF PUBLIC SANITARY SEWERS REQUIRED

Sec 94-491. Insanitary deposits.

It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the jurisdiction of the Lafayette City-Parish Consolidated Government, any human or animal excrement, garbage, or other waste.

Sec 94-492 Discharge of waste to storm drain or natural outlet.

It shall be unlawful to discharge to any outlet (which includes, but is not limited to, the Lafayette City-Parish Consolidated Government's stormwater collection system, drainage ditches, or other conveyance) within the jurisdiction of the Lafayette City-Parish Consolidated Government, any sanitary sewage, industrial wastes, or other waste, except where said discharge is performed in accordance with any and all local, state and federal requirements and where the discharger has applied for and/or obtained the necessary Industrial Waste Permits and where suitable treatment is performed as required to maintain compliance with said permits.

Sec 94-493. Use of private disposal facilities.

Except as hereinafter provided, 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 sewage.

Sec 94-494. Connection to public sewer.

The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purpose, situated within the jurisdiction of the Lafayette City-Parish Consolidated Government and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the Lafayette City-Parish Consolidated Government, is hereby required at his expense to install convenience facilities therein, and to connect such facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within three hundred (300) feet of the property line via public right of way or easement.

Sec 94-495 to 94-510 Reserved.

DIVISION 3. PRIVATE SEWAGE DISPOSAL

Sec 94-511. Private disposal system required if public sewer not available.

Where a public sanitary sewer is not available under the provisions of Section 94-494, the building sewer shall be connected to a private disposal system complying with the applicable provisions of this Ordinance.

Sec 94-512. Permit.

Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the required Regulatory Agencies.

Sec 94-513. Inspection; approval.

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Regulatory Agencies. The Agencies shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Regulatory Agencies when the work is ready for final inspection, and before any underground portions are covered.

Sec 94-514. Design standards.

The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Regulatory Agencies. No septic tank shall be permitted to discharge to any public sewer, natural outlet, or storm drain.

Sec 94-515. Discontinuance when public sewer becomes available.

At such time as public sewerage becomes available to a property served by a private sewage disposal system, as provided in Section 94-494, an approved connection shall be made to the public sewer in compliance with this Ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

Sec 94-516. Operation and maintenance.

The owner shall operate and maintain the private sewage disposal facilities in compliance with the Regulatory Agencies' requirements, at no expense or liability to the Lafayette City-Parish Consolidated Government.

Secs. 94-517—94-520 Reserved.

DIVISION 4. BUILDING SEWERS AND CONNECTIONS

Sec. 94-521. Connections to be made only by authorized persons.

Only persons authorized by the Department of Utilities shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer.

Sec. 94-522. Building sewer permit.

There shall be two classes of building sewer permits: (1) for residential and commercial service, and (2) for service to establishments producing industrial wastes. For Class 2, the owner or his agent shall make application on a special form furnished by the Lafayette City-Parish Consolidated Government's Wastewater Operations Manager. The permit application shall be supplemented by any plans, specifications, or any other information considered pertinent in the sole judgment of the Wastewater Operations Manager. An inspection fee for Class 1 and 2 establishments shall be collected by the proper Regulatory Agency.

It is to be noted that these two classes of permit are connection permits that are required by all connectors to the Lafayette City-Parish Consolidated Government's collection system. This connection permit is not to be confused with the Industrial Waste Permit described in Division 7, Section 94-591 of this Ordinance. Certain Class 2 connection permittees shall also be required to obtain an Industrial Waste Permit as described therein.

Sec. 94-523. Payment of costs of connection.

All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify, defend and hold harmless the Lafayette City-Parish Consolidated Government from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Sec. 94-524. Separate building sewer required for each building; exception.

A separate and independent building sewer shall be provided for every building; except where all buildings on any parcel of property are owned by one individual or corporation.

Sec. 94-525. Compliance with plumbing code.

The building sewer shall be constructed in accordance with the latest version of the Southern Standard Plumbing Codes and shall be approved by the required Regulatory Agencies.

Sec. 94-526. Lift stations.

In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted and discharged by means approved by the Collection Superintendent. All costs and expenses incident to the installing of the lift station shall be borne by the Owner. The Owner shall indemnify, defend and hold harmless the Lafayette City-Parish Consolidated Government from any loss or damage that may directly or indirectly be occasioned by the installation of the lift station.

Sec. 94-527. Connections to be gastight and watertight.

All joints and connections shall be made gastight and watertight to withstand water and/or pressure testing.

Sec. 94-528. Location of connection; sewer tap.

The connection of the building sewer into the public sewerage system shall be made at the property line. The Lafayette City-Parish Consolidated Government or authorized agent shall provide a sewer tap of sufficient size at the property line. Under no circumstances shall any connection be made to a public sewer main/or manhole without prior approval of the Lafayette City-Parish Consolidated Government.

Sec. 94-529. Notification that building sewer is ready for connection.

The applicant for the building sewer permit shall notify the Regulatory Agencies when the building sewer is ready for inspection and connection to the public sewer.

Sec. 94-530. Safety precautions at excavations; restoration of public property.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Regulatory Agencies.

Sec. 94-531. Maintenance of piping.

The owner or occupant shall maintain the building sewer and the connection into the public sewerage system in such condition that they can be used for the purposes set forth, without causing damage, delay, or loss to the system.

Sec. 94-532 Disconnection of water and sewer service for violations.

Any person who violates the provisions of this Ordinance, and:

- a) Such person is using Lafayette City-Parish Consolidated Government provided potable water, is subject to disconnection of such person's service line from the Lafayette City-Parish Consolidated Government water distribution system and/or the sanitary sewer and the same, at the approval of the Department of Utilities, shall only be reconnected at the expense of the owner or occupant; or
- b) If such person does not use Lafayette City-Parish Consolidated Government provided potable water, the Department of Utilities is authorized to disconnect such person's service line from any sanitary sewer and the same shall be reconnected at the expense of the owner or occupant after the approval of the Department of Utilities.
- c) The Department of Utilities shall notify the owner or occupant of the premises of the violation of the provisions of this Ordinance and shall afford such person a reasonable opportunity to present evidence to the Department that he is in compliance with this Ordinance. If such person does not present such evidence, the Department of Utilities shall disconnect the water and/or sewage service line after giving at least 24 hours notice in writing.
- d) No public sewer connection or water connection disconnected hereunder shall be reconnected until the condition causing the disconnection has been corrected, the correction is of a permanent nature, and the correction has been documented and submitted to the Lafayette City-Parish Consolidated Government for review. The final decision for reconnection shall be made by the Lafayette City-Parish Consolidated Government.

Secs. 94-533—94-550. Reserved.

DIVISION 5. PROHIBITIONS AND LIMITATIONS ON USE OF PUBLIC SEWERS.

Sec. 94-551. Drainage Water Prohibited.

No person may discharge or cause, suffer, allow or permit to be discharged into a sanitary sewer, any drainage water, as defined herein (but not limited to that which is defined herein) with the exception of written approval by the Lafayette City-Parish Consolidated Government. Filter backwash from swimming pools, single pass cooling water, blow down, bleed water, overflow water from boilers or cooling towers, contact cooling water, swimming pool discharges, ice rink discharges, airport

de-icing discharges, any water that imparts color which cannot be removed by the POTW's treatment, asbestos, radioactive or bio-hazardous waste shall not be discharged into any sanitary sewer with the exception of written approval by the Lafayette City-Parish Consolidated Government.

Sec. 94-552. Prohibited Discharges.

No Industrial User (defined as any individual discharging Industrial Wastes as defined herein into the POTW) may introduce into any of the Lafayette City-Parish Consolidated Government's POTWs any pollutant(s), which could cause Pass Through, Interference, or Treatment Plant Upset. These general prohibitions and the specific prohibitions listed in this section apply to each Industrial User introducing pollutants into the Lafayette City-Parish Consolidated Government's POTWs whether or not the User is subject to other National Pretreatment Standards or any national, state, or local Pretreatment Requirements.

- a) Specific Prohibitions - the following pollutants shall not be introduced into the Lafayette City-Parish Consolidated Government's POTWs:
 - 1) Pollutants which create a fire or explosion hazard in the POTW including, but not limited to, waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261. 21
 - 2) Pollutants which could cause corrosive structural damage to the POTW, but in no case discharges with an instantaneous pH lower than 5.0 S.U. and greater than 12.4 S.U., unless specific permission is granted by the Wastewater Operations Manager;
 - 3) Solid or viscous pollutants in amounts which could cause obstruction to the flow in the POTW resulting in interference;
 - 4) Any pollutant, including oxygen-demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration, which could cause interference with the POTW;
 - 5) Heat in amounts, which could inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 40 degrees centigrade or 104 degrees Fahrenheit unless the EPA, upon the request of the Lafayette City-Parish Consolidated Government, approves alternate temperature limits;
 - 6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that could cause interference or pass through;
 - 7) Pollutants which could result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute or chronic worker health and safety problems;
 - 8) Any trucked or hauled pollutants except at discharge points designated by the Lafayette City-Parish Consolidated Government
 - 9) Any visible free oil and grease of any origin, any type and in any form, which could cause POTW Interference, Pass Through, or Treatment Plant Upset, or total oil and grease exceeding a daily maximum of two hundred (200) milligrams per liter. This local limit will be monitored by the Industrial User and/or by the Lafayette City-Parish Consolidated Government when deemed appropriate by the Lafayette City-Parish Consolidated Government through an Industrial Waste Permit.

- 10) Any discharge from an Industrial User that exceeds either the applicable Categorical Standards (94-553(b)) and/or the established Local Limits (94-553(c)), and/or the hazardous waste limits whichever is most stringent. (The hazardous waste limits when applied will be those limits that are based on the TCLP values as stated in 40 CFR 261.24 Table I or most current amendment thereof.)
 - 11) Waste containing radioactive materials in concentrations greater than allowable by applicable Regulatory Agencies.
 - 12) Any wax, grease, oil, plastic, or any other substance that will solidify or become viscous at any temperature between $55 \pm 4^{\circ} \text{F}$ ($12.8 \pm 2^{\circ}\text{C}$) and $90 \pm 4^{\circ}\text{F}$ ($32.2 \pm 2^{\circ}\text{C}$).
 - 13) Any substance or material which:
 - A) Forms solids in concentrations exceeding the limits established in this Ordinance; or,
 - B) Creates a condition deleterious to any sewer system or treatment process owned or operated by the Lafayette City-Parish Consolidated Government; or,
 - C) Requires unusual provisions, attention, or expense to be handled in the sewer system.
 - 14) Other waste, as defined herein, except as specifically authorized in writing by the Wastewater Operations Manager.
- b) Hazardous Waste Discharge
- 1) If at any time, any User of the Lafayette City-Parish Consolidated Government's collection system, industrial or otherwise, discharges to the Lafayette City-Parish Consolidated Government's POTWs any waste which, if otherwise disposed of, would be classified as a hazardous waste under 40 CFR 261, that User must:
 - A) Notify the Lafayette City-Parish Consolidated Government Pretreatment Section before any such discharge of hazardous waste into the Lafayette City-Parish Consolidated Government's collection system. Authorization to discharge into the Lafayette City-Parish Consolidated Government's collection system will only be allowed after said discharge has been formally approved by the Lafayette City-Parish Consolidated Government and a permit has been issued to the discharger.
 - B) Notify the EPA Regional Waste Management Division Director.
 - C) Notify the State of Louisiana hazardous waste Authority.
 - 2) All notifications described above shall be in writing and shall include but not be limited to:
 - A) The name of the hazardous waste as set forth in 40 CFR 261.
 - B) The EPA hazardous waste number.
 - C) The type of discharge (batch, continuous, other.)
 - D) An identification of the hazardous constituents contained in the discharge.

- E) An estimate of the mass and concentration of the hazardous constituents in the wastestream to be discharged during that calendar month.
 - F) An estimate of the mass of the hazardous constituents in the wastestream to be expected in the following 12 months.
- 3) The Lafayette City-Parish Consolidated Government will not authorize any discharge of hazardous wastes into the Lafayette City-Parish Consolidated Government's collection system until such time as the Industrial User can demonstrate that, at minimum, the above notification procedures have been performed by the discharger.
- c) Except where expressly authorized to do so by an applicable Pretreatment Standard or Requirement, no Industrial User shall ever increase the use of process water, or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a Pretreatment Standard or Requirement. The Lafayette City-Parish Consolidated Government may impose mass limitations on Industrial Users that are using dilution to meet applicable Pretreatment Standard or Requirements, or in other cases where the imposition of mass limitations is appropriate.
 - d) The Lafayette City-Parish Consolidated Government shall have the authority to deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by Industrial Users where such contributions do not meet applicable Pretreatment Standards and Requirements or where such contributions would cause the POTW to violate its NPDES and/or LPDES permit.

Sec. 94-553. Pretreatment and disposal of prohibited waste.

- a) Pretreatment of Prohibited Waste - Any person generating Prohibited Waste shall pretreat or otherwise dispose of the prohibited waste so as to make the waste actually discharged to the sanitary sewer acceptable under the standards established in this section. The Lafayette City-Parish Consolidated Government Utilities Department shall be furnished plans and/or specifications of the pretreatment system, certified by a licensed, professional engineer, for review to assure that the system is in compliance with generally recognized engineering standards, but this review does not relieve the person from his obligation to install, operate, maintain and, if necessary, modify the system so that the discharge is in compliance with this Ordinance. Review and/or approval of the pretreatment system by the Department of Utilities shall not be construed as approval of the applicability, adequacy, or structural integrity of the pretreatment system nor is any warranty of any kind to be implied.
- b) Categorical Standards - The Categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated. If at any time an Industrial User of the Lafayette City-Parish Consolidated Government's collection system, permitted or otherwise, becomes classified as Categorical by Federal regulations, such Industrial User shall submit the following information to the Lafayette City-Parish Consolidated Government:
 - 1) The name and address of the facility including the name of the operator and owners;
 - 2) A list of any environmental control permits held by or for the facility;
 - 3) A brief description of the nature, average rate of production, and the North American Industrial Classification of the operation(s) carried out at the facility including a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes;

- 4) The measured average daily and maximum daily flow, in gallons per day, to the POTW from the regulated process streams and other streams as necessary for possible use of the combined wastestream formula;
 - 5) Identification of the Pretreatment Standards applicable to each regulated process including the results of all sampling and analysis identifying the nature and concentration of regulated pollutants in the discharge
 - 6) The report must contain a statement, reviewed by an authorized representative of the Industrial User and certified to by a licensed, professional engineer, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the Industrial User to meet the Pretreatment Standards and Requirements;
 - 7) If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards; the shortest schedule by which the Industrial 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 Standards. The schedule shall contain increments of progress 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 Industrial User to meet the applicable categorical Pretreatment Standards (e.g. hiring an engineer, completing final plans, executing contract for major components, commencing construction, completing construction, etc.). No time increment shall exceed nine (9) months. Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the Industrial User shall submit a progress report to the Lafayette City-Parish Consolidated Government including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the Industrial User to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the Lafayette City-Parish Consolidated Government. Within ninety (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 Industrial User subject to Pretreatment Standards and Requirements shall submit to the Lafayette City-Parish Consolidated Government all the information described in this section.
 - 8) 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.
 - 9) A User may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.
- c) Local Limits - The Lafayette City-Parish Consolidated Government has established local limits in accordance with the federal Pretreatment Regulations. The limits as listed in the tables below are maximum concentration limits in milligrams per liter (mg/l) allowable for industry's discharges to the sanitary sewage collection system. The Lafayette City-Parish Consolidated Government will apply the concentration limits uniformly to each permitted Industrial User of the Lafayette City-Parish Consolidated Government's POTWs depending upon the particular treatment plant to which the Industrial User discharges unless there is a particular Categorical limitation established in the federal guidelines which is more stringent than any of the limitations listed below. The Lafayette City-Parish Consolidated Government reserves the right to use the hazardous waste limits when it deems necessary. The hazardous waste limits applied will be those limits that are based on TCLP values as stated in 40 CFR 261.24 Table I or most recent amendment thereof. The

Lafayette City-Parish Consolidated Government may, at its own discretion, choose to allocate only portions of certain pollutant parameters listed in the tables below to specific Industrial Users. The Lafayette City-Parish Consolidated Government retains full authority to establish limits in the Industrial Waste Permits that are lower than those listed herein. The Lafayette City-Parish Consolidated Government retains full authority, upon the approval of the POTW's Control Authority, to increase these local limits; and, establish local limits for additional pollutant parameters not herein listed. Limits imposed on Industrial Users may be in the form of (but not limited to); daily maximums, pounds per day (#/day), pounds per week (#/week), instantaneous limits, and/or specific period (such as monthly) averages. The limits listed below apply at the point where the wastewater is discharged to the POTW.

1) South Sewage Treatment Plant

| <u>Pollutant Parameter</u> | <u>Daily Maximum (Mg/L)</u> |
|----------------------------|-----------------------------|
| Total Mercury | 0.14 |
| Total Cadmium | 0.97 |
| Total Selenium | < 1.00 |
| Total Arsenic | 2.88 |
| Total Silver | 3.93 |
| Total Chromium | < 5.00 |
| Total Lead | < 5.00 |
| Total Molybdenum | 5.13 |
| Total Cyanide | 7.07 |
| Total Zinc | 8.73 |
| Total Nickel | 18.68 |
| Total Copper | 30.05 |
| Total Barium | < 100.00 |

2) East Sewage Treatment Plant

| <u>Pollutant Parameter</u> | <u>Daily Maximum (Mg/L)</u> |
|----------------------------|-----------------------------|
| Total Mercury | < 0.20 |
| Total Molybdenum | 0.50 |
| Total Cadmium | < 1.00 |
| Total Selenium | < 1.00 |
| Total Arsenic | 2.30 |
| Total Cyanide | 3.13 |
| Total Chromium | < 5.00 |
| Total Lead | < 5.00 |
| Total Silver | < 5.00 |
| Total Nickel | 7.95 |
| Total Zinc | 19.07 |
| Total Copper | 23.58 |
| Total Barium | < 100.00 |

3) Ambassador Caffery Sewage Treatment Plant

| <u>Pollutant Parameter</u> | <u>Daily Maximum (Mg/L)</u> |
|----------------------------|-----------------------------|
| Total Mercury | 0.10 |
| Total Arsenic | 0.77 |
| Total Cadmium | < 1.00 |
| Total Selenium | < 1.00 |
| Total Cyanide | 1.27 |
| Total Molybdenum | 2.06 |
| Total Silver | 2.37 |
| Total Chromium | < 5.00 |
| Total Lead | < 5.00 |
| Total Nickel | 6.69 |
| Total Copper | 9.34 |
| Total Zinc | 9.51 |
| Total Barium | < 100.00 |

4) Northeast Sewage Treatment Plant

| <u>Pollutant Parameter</u> | <u>Daily Maximum (Mg/L)</u> |
|----------------------------|-----------------------------|
| Total Mercury | 0.13 |
| Total Cadmium | < 1.00 |
| Total Selenium | < 1.00 |
| Total Silver | 1.24 |
| Total Cyanide | 2.70 |
| Total Lead | 2.79 |
| Total Molybdenum | 2.79 |
| Total Arsenic | 2.80 |
| Total Chromium | < 5.00 |
| Total Zinc | 6.90 |
| Total Copper | 28.65 |
| Total Nickel | 28.73 |
| Total Barium | < 100.00 |

- d) Grease, Oil, and Sand Traps, Interceptors or Hold-Haul Tanks - Grease, oil, and sand traps, interceptors, or hold-haul tanks shall be provided for the proper handling of waste containing grease in amounts above the limits herein, and/or other material deemed harmful to the treatment plant and/or collection system. However, interceptors and traps are not required for private living quarters or dwellings. All interceptors and traps shall meet the standards prescribed in the rules and procedures established by the required Regulatory Agencies. All interceptors and trap basins shall be located so as to be readily and easily accessible for easy cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction and equipped with easily removable covers or grates. Where installed, all grease, oil and sand traps and/or interceptors shall be maintained by the owner or occupant at his own expense, in continuously efficient operation at all times.

- e) Materials Removed from Pretreatment Facilities - Storage, handling, disposal and transportation of these wastes shall be done according to all applicable federal, state, and local regulations that pertain to the type and/or class of waste generated.
- f) Grease and Sand Trap Maintenance - Any industry with grease and sand trap pretreatment tanks shall keep accurate records as to when the tank was last cleaned and the method used for disposal of the contents removed.
 - 1) Waste Manifests - The Department of Utilities shall provide a form for waste manifests, for a nominal fee, for completion and signature by the generator, the transporter, and the disposal site for each load of waste. (Food establishments are required to use manifests provided by the Department of Utilities.)
 - 2) Responsibilities of Generators:
 - A) The generator shall complete and sign the generator's section of the Waste Manifest, as appropriate, prior to removal of waste. These shall include:
 - i) Business name
 - ii) Business address
 - iii) Telephone number
 - iv) Total waste volume removed
 - v) Waste capacity of interceptor
 - vi) Waste description
 - vii) Transporter name
 - viii) Name of disposal site
 - ix) Date of delivery to transporter
 - x) Name and Signature of manager or owner
 - xi) Mailing Address

It shall be the responsibility of the generator to ensure that the generator section of the manifest is complete and accurate.

- B) Generators shall retain, on site, the completed original generator copy of the manifest for a period of three (3) years from the date specified on the manifest as the date the waste was transported from the generator site.
- C) Generator shall ensure that the interceptor(s) are pumped out, removing all water, floating grease, and any other visible signs of grease anywhere within the grease trap, at a minimum of every three (3) months. Any other schedule subject to approval by the Director of Utilities.
- D) No generator shall allow a transporter to skim the waste in an interceptor(s). Interceptors shall be cleaned to the bottom at all times as per item C.
- E) It shall be the responsibility of the generator to ensure the receipt of the return copy of the manifest upon acceptance of the waste at a disposal facility.
- F) It shall be the responsibility of the generator to maintain an adequate supply of waste manifest forms.

- G) Upon request by an authorized representative of the Lafayette City-Parish Consolidated Government, the generator shall make any or all-original generator copies of the waste manifest available for review.
- g) National Pretreatment Standards - Any industry falling within any industrial category subject to categorical pretreatment standards promulgated pursuant to Section 307(b) and (c) of the Clean Water Act of 1977 (or amendments thereto), shall comply with all regulations, pretreatment requirements, and/or discharge limits applicable to that particular industrial category. National pretreatment regulations take precedent over this Ordinance; provided, however, such industry shall continue to meet specific discharge limits set forth in this Ordinance which are not inconsistent with the categorical pretreatment standards applicable to its industry, and more stringent approved local limits and/or hazardous waste limits defined as TCLP values as stated in 40 CFR 261.21 Table I (whichever is most stringent).

Sec. 94-554. Pollution prevention.

The Pollution Prevention Act enacted in 1990 set forth a policy from which Best Management Practice guidelines can be established in order to facilitate pollution prevention. Best Management Practices (BMPs) are inherently pollution prevention practices.

- a) The methodology involved in Pollution Prevention may include but not necessarily be limited to the following:
 - 1) Source Reduction
 - A) Good Operating Practices
 - i) Inventory Control
 - ii) Employee Training
 - iii) Spill Control
 - iv) Segregating Waste Streams
 - v) Efficient Production Scheduling
 - B) Input Material Substitutions
 - C) Product Changes
 - D) Technology Changes
 - i) Process Changes
 - ii) Equipment Changes
 - 2) Recycling
 - A) Reuse
 - i) Closed Loop Recycling
 - ii) Other Recycling
 - B) Reclamation
- b) There exists dischargers who typically have reasonable potential for violating a pretreatment standard or requirement, but have not been deemed by the Lafayette City-Parish Consolidated Government to require a discharge permit. Therefore, the implementation of Best Management Practices, as set forth by the Lafayette City-Parish Consolidated Government, are required to control and reduce target pollutants. The reduction of the target pollutants at many facilities will have a significant impact on the total contribution through the sheer number of facilities involved. When the Lafayette City-Parish Consolidated Government determines it is necessary to regulate a group of users, based on the pollutants of concern, the following minimum requirements are established to accomplish the goal:

- 1) Users within the specified grouping must either be regulated by the BMP guidelines or be permitted.
- 2) Users that are permitted are expected to comply with all of the pretreatment regulations pertaining to large volume and categorical SIUs.
- 3) A list of Users being regulated under the BMP guidelines shall be maintained by the Lafayette City-Parish Consolidated Government and the Lafayette City-Parish Consolidated Government shall issue letters of authorization to each facility indicating the facility's intent to comply with the BMP guidelines.
- 4) The Lafayette City-Parish Consolidated Government will require annual reporting by the BMP Users, demonstrating compliance with the BMP guidelines, such as (but not limited to); copies of maintenance records, analytical results, or copies of manifests.
- 5) The Lafayette City-Parish Consolidated Government will conduct inspections of BMP facilities to determine, independent of the information supplied by the industrial user, compliance with the pretreatment standards. These inspections will be a reduced number from the entire universe, such as a percentage of all facilities regulated by the BMP guidelines (the facilities inspected will change year to year to eventually allow for full coverage).

Secs. 94-555—94-570. Reserved.

DIVISION 6. TRUCKED WASTE

Sec. 94-571. Liquid waste generator responsibility.

- a) A generator of liquid waste within the Lafayette City-Parish Consolidated Government service area shall have all liquid waste material picked up from his premises by a liquid waste transporter who is licensed by the appropriate local, state, and/or federal agencies. The liquid waste shall be transported for disposal to a site approved by the appropriate local, state, and/or federal agencies.
- b) A manifest system shall be utilized as detailed below.
- c) A generator of liquid wastes shall not have liquid waste in combination with hazardous waste removed from the premises by a liquid waste transporter who is not licensed for the transport of hazardous waste.
- d) A generator shall:
 - 1) Install or provide collection devices of the size and type specified by the approval authority;
 - 2) Maintain collection devices in continuous proper operations;
 - 3) Supervise proper cleaning of collection devices;
 - 4) Report spills and accidents involving a collection device to the proper local, state and/or federal agencies within 24 hours; and
 - 5) Clean up spills and accidents immediately and have all waste material properly disposed of by a licensed transporter and in accordance with all federal, state and local regulations.

Sec. 94-572. Liquid waste transporter responsibilities.

- a) Before accepting a load of liquid waste for transportation, a liquid waste transporter shall:
 - 1) Determine the nature of the material to be transported; and
 - 2) Ensure that the equipment is sufficient to properly handle the job without spillage, leaks, or release of toxic or harmful gases, fumes, liquids, or other substances.
- b) Upon delivery of the waste to the disposer, the transporter shall inform the disposer of the nature of the waste.
- c) A transporter who holds an Industrial Waste Permit with the Lafayette City-Parish Consolidated Government shall not transport hazardous materials in vehicles, which transport liquid waste for disposal at the approved Lafayette City-Parish Consolidated Government disposal point.
- d) Only transporters with written authorization from the Lafayette City-Parish Consolidated Government may use the discharge point, which is described in their Industrial Waste Permit.
- e) A transporter who collects liquid waste within the jurisdiction of the Lafayette City-Parish Consolidated Government must satisfy the liquid waste transport manifest system requirements.

Sec. 94-573. Liquid waste disposer responsibilities.

- a) A liquid waste disposer who is located within the jurisdiction of the Lafayette City-Parish Consolidated Government shall not allow accumulation of liquid waste on his premises so that rainfall could carry the material to storm sewers or create a noxious odor or health hazard.
- b) A liquid waste disposer who is located within the jurisdiction of the Lafayette City-Parish Consolidated Government shall:
 - 1) Obtain and maintain compliance with all licenses and/or permits required by local, state and/or federal law;
 - 2) Accept waste only from licensed transporters;
 - 3) Accept only those classes of waste authorized by license or permit.
- c) A liquid waste disposer who is located within the jurisdiction of the Lafayette City-Parish Consolidated Government, or a liquid waste disposer who accepts liquid waste originating from the jurisdiction of the Lafayette City-Parish Consolidated Government shall:
 - 1) Maintain copies of trip tickets and/or trip logs for a period of three (3) years. These trip tickets and/or trip logs will contain at a minimum the following information (but not limited to): The name, address and telephone number of all locations serviced, location's volume of waste, location's contact name.
 - 2) Make available to the Lafayette City-Parish Consolidated Government during normal business hours all records required to be kept for inspection by the approval authority.

Sec. 94-574. Manifest system.

- a) A manifest system, consisting of a multi-part trip ticket, shall be used to document the generation, transportation, and disposal of all acceptable liquid waste generated within the jurisdiction of the Lafayette City-Parish Consolidated Government.
- b) Requirements for satisfying the manifest system are:
 - 1) A transporter shall complete one trip ticket for each location serviced.
 - 2) A copy of the trip ticket shall be signed by the transporter at the time of waste collection and a copy shall be maintained by the generator until receipt of final copy of trip ticket verifying proper disposal of waste.
 - 3) A copy of the trip ticket shall be signed by the disposer at the time of disposal and a copy maintained by the disposer.
 - 4) A copy of the trip ticket shall be maintained by the transporter for a period of three (3) years.
 - 5) A copy of the trip ticket, signed by the disposer, shall be obtained by the generator to verify proper disposal of the liquid waste, and the copy of the trip ticket shall be maintained by the generator for a period of three (3) years.

Sec. 94-575. Liquid waste disposal.

- a) Residential septic tank waste, portable toilet septage, non-industrial waste and pretreated industrial waste may be discharged at the approved location and at times specified in the disposer's authorization to discharge and/or Industrial Waste Permit issued by the Lafayette City-Parish Consolidated Government.
- b) Discharges into the mains, trunks, interceptors, laterals, manholes, clean-outs or other units connected to the municipal collection system are prohibited unless an Industrial Waste Permit is issued for that specific location and that specific transporter or disposer. If a discharge is deemed temporary or one-time only, the Wastewater Operations Manager may choose to grant a letter of authorization to discharge in lieu of a permit.
- c) A liquid waste transporter shall not discharge any prohibited wastes into the municipal collection system.

Secs. 94-576—94-590. Reserved.

DIVISION 7. PRETREATMENT REQUIREMENTS

Sec. 94-591. Permitting.

- a) It shall be unlawful for any person to deposit or discharge industrial waste into any sanitary sewer without;
 - 1) Having made application and
 - a. Having obtained an Industrial Waste Permit when said permit is required by evaluation of an Industrial Waste Permit Application (and Supplemental Industrial Waste Permit Application, if deemed applicable) by the Department of Utilities and

- 2) Having complied with all of the applicable provisions thereof. Any person desiring to deposit or discharge industrial waste into any sanitary sewer which discharges into a treatment plant operated by the Lafayette City-Parish Consolidated Government shall make application to the Lafayette City-Parish Consolidated Government Department of Utilities prior to said discharge.
- b) The permit application(s) shall contain sufficient information regarding the discharge of pollutants including those referred to in Section 307(a) of the Clean Water Act of 1977, and listed in Title 40 Code of Federal Regulations Part 403 (or amendments thereof). The owner or occupant will comply with the prohibitions and pretreatment requirements set out in this Ordinance. It will be at the discretion of the Lafayette City-Parish Consolidated Government's Department of Utilities to grant an Industrial Waste Permit only when the evidence submitted by the applicant demonstrates the applicant's competence to safely discharge industrial waste, and that the industrial waste to be deposited by the applicant in the sanitary sewer will comply with this Ordinance and regulations promulgated pursuant thereto (including, but not limited to, the Lafayette City-Parish Consolidated Government's Pretreatment Program Procedures Manual).

The Wastewater Operations Manager may require all Users, as part of the application process, to submit (but not limited to) the following information:

- 1) The name and address of the facility, including the name of the operator and owner.
- 2) A list of any environmental permits held by or for the facility.
- 3) A 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.
- 4) A brief description of the nature, average rate of production, and North American Industrial Classification 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.
- 5) Number and type of employees, hours of operation, and proposed or actual hours of operation.
- 6) Each product produced by type, amount, process or processes, and rate of production.
- 7) Type and amount of raw materials processed (average and maximum per day).
- 8) Time and duration of discharges.
- 9) Any other information as may be deemed necessary by the Wastewater Operations Manager (including, but not limited to, information concerning the character, legal background, and financial background of the applicant) to evaluate the Industrial Waste Permit application(s).
- 10) All categorical Industrial Users, as required by the Federal regulations, are required to submit to the Department of Utilities, in addition to the application(s), a baseline report that establishes the type and concentration of pollutants that are to be expected in the Categorical Industrial Users' effluent.
- 11) The Department of Utilities, at its own discretion, may require that any Industrial User of the Lafayette City-Parish Consolidated Government's collection system submit, in addition to the

application(s), a baseline report that establishes the type and concentration of pollutants that are to be expected in the Industrial User's effluent.

- 12) All Industrial Waste Permit applications must be signed by an authorized representative of the User and contain the certification statement as described in Section 94-462 (ix).
- c) If the Department of Utilities denies the issuance of a permit to the applicant, or disapproves the issuance of a permit pending receipt of additional information, the applicant shall be notified in writing via certified mail. This notice shall provide the applicant with a detailed statement of reasons for such action. The reasons shall be based upon (but not limited to) provisions in this Ordinance, regulations promulgated pursuant thereto, and any and all applicable federal, state and local regulations.
- d) The permit shall be issued for a maximum of three (3) years, commencing on the Effective Date, and expiring a maximum of three (3) years from the day the permit became effective. Special situations may warrant a shorter issuance period as determined by the Wastewater Operations Manager. Application(s) for permit renewal shall be submitted ninety (90) days prior to permit expiration, and if the permit renewal application(s) is (are) approved by the Department of Utilities the permit shall be renewed for a maximum period of three (3) years.
- e) Permit Requirements - All industries which discharge industrial waste subject to pretreatment regulations, shall submit application(s) to obtain a permit to discharge such wastes into a sanitary sewer that discharges into a treatment facility operated by the Lafayette City-Parish Consolidated Government.
- f) Any violation of the terms and conditions of an Industrial Waste Permit shall be deemed a violation of this Ordinance and subjects the wastewater discharge permittee to the sanctions set out in Division 10 of this Ordinance. Obtaining an Industrial Waste 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.
- g) Permit Contents - The permit shall include (but is not limited to) such conditions as are deemed necessary by the Lafayette City-Parish Consolidated Government 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, protect against damage to the POTW, and to stay in compliance with all of the Lafayette City-Parish Consolidated Government's federal and state discharge permits.
 - 1) Industrial Waste Permits must contain:
 - A) A statement that indicates the duration of the Industrial Waste Permit, which in no event shall exceed three (3) years;
 - B) A statement that the Industrial Waste Permit is nontransferable without prior written approval by the Lafayette City-Parish Consolidated Government in accordance with Section 94-591(i) of this Ordinance;
 - C) Effluent limits based on applicable pretreatment standards;
 - D) 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

- E) A statement of applicable civil and criminal penalties for violation of 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.
- 2) Industrial Waste Permits may contain (but need not be limited to) the following conditions:
- A) Limits on average and/or maximum rate of discharge, and/or requirements for flow regulation and equalization;
 - B) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
 - C) 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;
 - D) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
 - E) The unit charge or schedule of User charges and fees for the management of the wastewater discharge to the POTW;
 - F) Requirements for installation and maintenance of inspection facilities and equipment;
 - G) A statement that compliance with the Industrial Waste 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 Industrial Waste Permit; and
 - H) Other conditions as deemed appropriate by the Lafayette City-Parish Consolidated Government to ensure compliance with this Ordinance and all local, state and federal laws, rules, and regulations.
- h) Permit Fees - Annual Industrial Waste Permit Fees shall be collected to cover all administrative and technical costs associated with the issuance and maintenance of Industrial Waste Permits.
- 1) Computation of the permit fee is contained in Article III of this Chapter 94.
 - 2) This fee does not include costs incurred by the Lafayette City-Parish Consolidated Government for any and all labor, sampling and analysis performed by the Lafayette City-Parish Consolidated Government of the Industrial User's discharge to the Lafayette City-Parish Consolidated Government's collection system. The Lafayette City-Parish Consolidated Government will invoice the Industrial User separately for all sampling and analytical costs incurred which is to be paid to the Lafayette City-Parish Consolidated Government by the Industrial User within the time frame established in the invoice.
- i) Non-Transferability - Industrial Waste Permits are issued to a specific User for a specific operation and are not assignable to another User or transferable to any other location without the prior written approval of the Lafayette City-Parish Consolidated Government. Sale of a User shall obligate the purchaser to seek prior

written approval of the Lafayette City-Parish Consolidated Government for continued discharge to the POTW.

Sec. 94-592. Structures required.

- a) Any owner discharging industrial wastes into a sanitary sewer shall, at the direction of the Department of Utilities, construct a suitable sampling port or control manhole at or near the property line. The port or manhole shall intersect the common building drain line at a point downstream from the last connection to this building sewer line. If the owner has more than one sewer line containing industrial waste or a mixture of industrial and sanitary waste connected to the Lafayette City-Parish Consolidated Government's sanitary sewer, a sampling port or control manhole must be constructed on each sewer line. The Lafayette City-Parish Consolidated Government may also require the owner to add (but not limited to) the following: private lift stations, separate industrial waste lines from domestic lines, clean outs, and flow equalization tanks.
- b) The sampling port, control manhole, flow equalizing tank, clean out, private lift station, or other device deemed necessary to be installed by the owner, shall be constructed and/or installed at the expenses of the owner who is discharging the industrial waste after the plans of the structure have been reviewed and approved by the Department of Utilities.
- c) Approval of the structure subsequent to this review by the Department of Utilities shall not be construed as an approval of the structural integrity of the structure nor is any warranty of any kind to be implied.
- d) It also shall be the responsibility of the owner to maintain the sampling port, control manhole, equalizing tank, clean out, private lift station, or other devices installed by the owner, in a safe and proper operating condition and accessible at all times to Department of Utilities personnel.

Sec. 94-593. Measurement of flow.

- a) The volume of flow to the sanitary sewer to be used in computing sewer charges and/or surcharges shall be based upon the actual total water used for each billing period. The actual total water used shall be the sum total of ;
 - 1) The water supplied to the facility by the Lafayette City-Parish Consolidated Government distribution system and
 - 2) Water supplied to the facility by other sources such as, but not limited to, private water wells.

The Lafayette City-Parish Consolidated Government may require, at its discretion, that any and all other sources be continuously metered and recorded periodically and the recorded flow volumes be filed with the Lafayette City-Parish Consolidated Government for establishing sewer charges and/or surcharges.

- b) If a person has a substantial portion of the actual total water that does not reach the sanitary sewer system he may, at his own expense and with the approval of the Wastewater Operations Manager, install a separate water meter in accordance with the Rate Code, to measure the actual flow into the sanitary sewer.
- c) If the actual flow to the sanitary sewer is measured, the equipment used for measuring the flow, the flow reporting procedure and the billing procedures used shall be determined by a separate contractual agreement between the owner and the Lafayette City-Parish Consolidated Government. The Department of Utilities shall be involved in negotiating, reviewing, implementing and monitoring the terms of any and all contracts.

Sec. 94-594. Determining the character and concentration of industrial waste.

- a) The industrial waste discharged or deposited into a sanitary sewer shall be subject to periodic inspection and sampling as often as may be deemed necessary by the Wastewater Operations Manager. Categorical and Significant Non-categorical Industrial Users shall be sampled and inspected by the Lafayette City-Parish Consolidated Government at least once per year. Samples shall be collected in such manner as to be representative of the character and concentration of the waste under operational conditions. The handling, preservation, and collection of samples, along with the laboratory methods and pollutant analyses used in the examination of the samples, shall be those set forth in the approved methods and/or as delineated in the industry's current wastewater discharge permit.
- b) The sampling schedule or program for determining the character and concentration of industrial waste shall be made by the Wastewater Operations Manager at such times and on such basis as he may reasonably establish. Should the owner or occupant discharging industrial waste to a sanitary sewer desire that a determination of the quality of such industrial waste be made at some time other than as scheduled by the Wastewater Operations Manager, such special determination may be made by the Wastewater Operations Manager at the expense of the owner or occupant discharging the waste.
- c) Any user that discharges into the Lafayette City-Parish Consolidated Government collection system and the discharge is found or suspected to be in violation of any part of this Ordinance or pretreatment regulations, may be charged a fee to cover the labor, sampling, laboratory testing, and any/all other costs incurred by the Lafayette City-Parish Consolidated Government as a result of this discharge violation or suspected violation. Also, once a permit is issued, the Industrial User may be charged a permit fee as well as other fees to cover all labor, monitoring, sampling, and laboratory testing to verify compliance.

Sec. 94-595. Monitoring for surcharge determination.

- a) Discharge requirements and Surcharge. Persons generating abnormal industrial waste may discharge the waste into the sanitary sewer provided:
 - 1) The industry obtains permission from the Wastewater Operations Manager;
 - 2) The waste will not endanger or be harmful to the operating personnel of the sewer system;
 - 3) The waste will not cause damage to the collection system;
 - 4) The waste will not impair the treatment processes; and
 - 5) The person discharging the waste pays surcharge fees to the Lafayette City-Parish Consolidated Government Utilities System in addition to the usual monthly sewer service charges.
- b) Computation of Surcharge. Computation for surcharge is contained in Article III of this Chapter 94.
- c) All flow rates, BOD, COD, and TSS values used in determination of the surcharge of major wastewater customers shall be re-evaluated on an annual basis by the Wastewater Operations Manager and shall be adjusted to reflect any increase in wastewater treatment costs based on the previous year's experience. However, if there is a major change in the operation to cause changes in value, the values may be increased or decreased during the calendar year based on a study of changes or actual measurements.

Sec. 94-596. Self-monitoring:

- a) Except as noted in 94-596 (b) below, all industries issued Industrial Waste Permits shall be required to perform self-monitoring and reporting of their permitted discharges to the Lafayette City-Parish Consolidated Government's POTW.
 - 1) All handling, preservation, and collection of samples, and laboratory methods and pollutant analyses of samples, (including sampling techniques), are to be submitted as part of a discharge permit application or report, and shall be performed in accordance with approved methods unless otherwise specified in an applicable Categorical Pretreatment Standard and/or wastewater discharge permit. The laboratory used for all analytical work will be on the Louisiana Department of Environmental Quality's approved list for wastewater analysis and will be certified to run the analytical test method that is reported.
 - 2) Any industry that discharges Industrial Wastes to the sanitary sewer system of the Lafayette City-Parish Consolidated Government shall, upon request of the Lafayette Utilities System, install sampling devices, take periodic samples, analyze the samples for the presence and/or quantity of pollutants listed in this Ordinance or listed in the Permit issued by the Department of Utilities, and report the results to the Wastewater Operations Manager.
 - A) Sample Collection
 - i) Except as indicated in No. ii below, the User must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Wastewater Operations Manager may authorize the use of time proportional sampling or a minimum of four (4) 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.
 - ii) Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques. Oil and Grease samples should be collected as Surface Grabs.
 - 3) The frequency of self-monitoring and reporting for any permitted Industrial User whether or not subject to National Pretreatment Requirements shall in no case be less than semiannually, with one sampling and reporting period being the first six months of the calendar year (January through June) and the second sampling and reporting period being the last six months of the year (July through December).
 - 4) Specific self-monitoring and reporting frequencies (which may be more frequent than twice per year at the discretion of the Wastewater Operations Manager) shall be defined in the Industrial User's Industrial Waste Permit issued by the Lafayette City-Parish Consolidated Government.
 - 5) If the permitted Industrial User performs, at his own discretion or at the specific request of the Lafayette City-Parish Consolidated Government, more frequent sampling and analysis than called for in the Industrial Waste Permit issued by the Lafayette City-Parish Consolidated Government, the results of all such additional sampling and analysis shall also be reported to the Lafayette City-Parish Consolidated Government and shall be included by the Lafayette City-Parish Consolidated Government when determining compliance with the Industrial Waste Permit and this Ordinance

and/or for determining surcharge levels for surcharge parameters. Methods of sampling and analysis shall be congruent with approved methods. Self-monitoring shall not replace the regular sampling and testing routine of the Lafayette City-Parish Consolidated Government.

- 6) If the results of the permitted Industrial User's wastewater analysis indicate that an effluent violation of the permit has occurred, the Industrial User must:
 - A) Inform the Lafayette City-Parish Consolidated Government by telephone of the violation within 24 hours of becoming aware of said violation;
 - B) Within five (5) days of becoming aware of said violation, submit to the Lafayette City-Parish Consolidated Government a detailed written report specifying:
 - i) Description and cause of the violation and the impact on the Industrial User's compliance status. The description should also include location of discharge, type, concentration and volume of waste, and time, date and Lafayette City-Parish Consolidated Government personnel notified as required in (A) above.
 - ii) Duration of noncompliance, including exact dates and times of noncompliance and, if the noncompliance is continuing, the time by which compliance is reasonably expected to occur.
 - iii) All steps taken or to be taken to reduce, eliminate, and/or prevent recurrence of such a violation.
 - C) Repeat the sampling and pollutant analysis and submit, in writing, the results of all analyses within 30 days of becoming aware of said violation.
 - D) If the above repeat sampling shows a continued violation of effluent limitations, the Industrial User is referred back to (A) through (C) of this section.
- b) The Lafayette City-Parish Consolidated Government, at its own discretion, may perform any or all the sampling and analyses for any permitted Industrial User.
 - 1) In such cases, the Industrial Waste Permit issued to these Industrial Users shall specifically state that the Lafayette City-Parish Consolidated Government shall perform all sampling and analyses required under the permit. The minimum frequency for monitoring performed by the Lafayette City-Parish Consolidated Government shall be as described for Industrial User self-monitoring in 94-596(a)(3) above (i.e., semiannual). The minimum sampling frequency to be used by the Lafayette City-Parish Consolidated Government shall be described in the Industrial Waste Permit of those Industrial Users for which the Lafayette City-Parish Consolidated Government will perform all sampling and analysis.
 - 2) The Lafayette City-Parish Consolidated Government, at its own discretion, may increase the sampling frequency of all such Industrial Users over-and-above the frequency called for in the Industrial Waste Permit issued to the Industrial User or may, at its own discretion, analyze the Industrial User's discharge for pollutant parameters not specifically listed in the Industrial Waste Permit issued to the Industrial User.
 - 3) The results of all sampling performed by the Lafayette City-Parish Consolidated Government shall be used to determine compliance with the Industrial User's Industrial Waste Permit and this Ordinance and/or for determining surcharge levels for surcharge parameters. The Lafayette City-Parish

Consolidated Government shall invoice and shall be paid by the Industrial User for the cost of all labor, sampling and analysis as herein described.

- 4) Should the Industrial User, at his own discretion or at the specific request of the Lafayette City-Parish Consolidated Government, perform any sampling and analysis of his permitted discharge, said Industrial User shall report the results of said sampling and analysis to the Lafayette City-Parish Consolidated Government and the results shall be used by the Lafayette City-Parish Consolidated Government to determine compliance with its Industrial Waste Permit and this Ordinance. Methods of sampling and analysis, whether performed by the Lafayette City-Parish Consolidated Government or the Industrial User, shall be congruent with approved methods.
- c) The Wastewater Operations Manager may require owners or occupants who use pretreatment facilities prior to discharging into a sanitary sewer to install such monitoring and recording devices as may be necessary to monitor parameters such as, but not limited to, the following: (1) pH (2) Dissolved Oxygen (DO) (3) Total Carbon (TC) (4) Temperature (5) Conductivity (6) Specific Ions (7) Flow.

Sec. 94-597. Reporting requirements.

- a) Industrial Users are required to submit to the Lafayette City-Parish Consolidated Government all notices and self-monitoring reports as are necessary to assess and assure compliance by Industrial Users with Pretreatment Standards and Requirements and/or as stated in the wastewater discharge permit.
- b) Reporting requirements. The Lafayette City-Parish Consolidated Government will require Industrial Users to submit periodic reports to the Lafayette City-Parish Consolidated Government. Types of reports include, but are not limited to, the following:
 - 1) Baseline Monitoring Reports;
 - 2) Categorical and Industrial User Continued Compliance Reports, if the Industrial User is performing its own self-monitoring, (a minimum of 2 semiannual reports per year are due by the 15th of the month of February and August). These reports are based on monitoring performed in the months of January and July (respectively). If more frequent reporting is required by the Lafayette City-Parish Consolidated Government, said additional reporting should be described in the Industrial Waste Permit. If the Lafayette City-Parish Consolidated Government, at its own discretion, is to perform all compliance sampling and monitoring for a Regulated Industrial User, continued compliance reports may not be required from the Regulated Industrial User;
 - 3) Industrial User Noncompliance Reports (including violations of Industrial Waste Permit, Notice of Potential Problem including Slug Loading, Industrial User Compliance Schedules);
 - 4) Industrial User Notification of Changed Discharge;
 - 5) Industrial User Reporting of Hazardous Waste Discharges;
 - 6) Slug Loading Control Plans;
 - 7) List of Chemicals used at the facility;
 - 8) Operation and Maintenance Plans/Logs;

- 9) Detailed Floor plans;
- 10) Detailed Piping diagrams and wastewater flows;
- 11) Pollution Prevention Plans;
- 12) In-house testing protocols, methods, calibrations, logs, etc.;
- 13) Manifests;
- 14) Flow reports;
- 15) Sludge disposal reports;
- 16) Batch discharge reports; and
- 17) Production records and estimates
- 18) Continued Compliance Reports.

Monitoring results obtained shall be summarized on a monthly basis (or the frequency specified in the wastewater discharge permit) and reported to the Lafayette City-Parish Consolidated Government during the next month. The reports shall be submitted by the 15th day of each month. The report shall indicate the nature and concentration of all pollutants in the effluent for which sampling and analysis were performed during the month preceding the submission of each report including measured flows (total monthly, maximum daily, average daily and daily as applicable) and pollutant concentrations [daily, maximum daily (except pH for daily maximum and minimum), average daily and monthly average as applicable].

When sampling frequency is specified as “4/year”, then these parameters are to be analyzed during the months of January, April, July, and October unless approval is received from the Lafayette City-Parish Consolidated Government pretreatment section for a limited variance thereof.

When sampling frequency is specified as “2/year”, then these parameters are to be analyzed during the months of January and July unless approval is received from the Lafayette City-Parish Consolidated Government pretreatment section for a limited variance thereof.

When sampling frequency is specified as “1/year”, then these parameters are to be analyzed during the month of January unless approval is received from the Lafayette City-Parish Consolidated Government pretreatment section for a limited variance thereof.

- A) A chain of custody shall be submitted, as well as records of sampling and analyses, which include the following:
 - i) The date, exact place, time and methods of sampling and measurements, and sample collection along with preservation techniques or procedures.
 - ii) Who performed the sampling or measurements.
 - iii) The date(s) analyses were performed.
 - iv) Who performed the analyses.
 - v) The analytical techniques or methods used.
 - vi) The results of such analyses in the proper reporting units.

- B) Reporting for Total Toxic Organics shall be as follows:
 - i) The summation of all quantifiable values greater than or equal to the specified Detection Limits as defined in the wastewater discharge permit.
 - C) Calibration of pH meter shall be performed prior to taking daily readings using the appropriate slope range as stated in the manufacturer's instruction manual. In addition, all calibrations shall be documented and all documentation shall be readily accessible upon inspection.
 - D) All handling and preservation of collected samples and laboratory analyses of samples shall be performed in accordance with 40 CFR Part 136 and amendments thereto unless specified otherwise in the monitoring conditions of the permit.
- c) Reports of Changed Conditions - Each User must notify the Wastewater Operations Manager of any planned significant changes to the User's operation or system which might alter the nature, quality, or volume of its wastewater.
- 1) The Wastewater Operations Manager may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of an Industrial Waste Permit application under Section 94-591 of this Ordinance.
 - 2) The Wastewater Operations Manager may issue an Industrial Waste Permit under Section 94-591 of this Ordinance or modify an existing Industrial Waste Permit in response to changed conditions or anticipated changed conditions.
 - 3) For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants.
- d) All notices, reports, etc. submitted to the Lafayette City-Parish Consolidated Government as described in this Section must be submitted with the appropriate certification as stated in Section 94-462 (ix) of this Ordinance.

Sec. 94-598. Surveillance, inspection and search warrants.

- a) Inspection - Any authorized representative of the Lafayette City-Parish Consolidated Government, State Authority, or EPA, upon presentation of his credentials (unless no one is present and this is believed by the authorized representative of the Lafayette City-Parish Consolidated Government, State Authority, or the EPA to be an emergency situation):
- 1) Shall have a right of entry without delay to, upon or through any premises to gain access to an industrial waste source;
 - 2) May at any reasonable time, have access to and copy any records required by this Ordinance pertaining to industrial wastes (all such records are to be maintained onsite by the Industrial User for a period of three (3) years);
 - 3) Inspect any monitoring equipment or method of pretreatment required and sample any effluents which the owner or occupant of such source is required to sample.

- b) Search Warrants - If the Wastewater Operations Manager has been refused access to a building, structure, property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Lafayette City-Parish Consolidated Government designed to verify compliance with this Ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Wastewater Operations Manager may seek issuance of a search warrant from any appropriate court with competent jurisdiction.

Sec. 94-599. Unusual discharges.

- a) Accidental Discharge/Slug Control Plans.
 - 1) Each owner or occupant shall provide protection from the accidental discharge of prohibited waste. Any owner or occupant requesting an Industrial Waste Permit for a new discharge shall submit a slug control plan for providing protection from accidental discharges.
 - 2) Such 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 Lafayette City-Parish Consolidated Government of any accidental or slug discharge; 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.
 - 3) Facilities to prevent accidental discharges shall be provided and maintained at the owner's or occupant's cost and expense.
 - 4) Granting of permit shall not relieve the Industrial User from the responsibility to modify the User's facility as necessary to meet the requirements of this Ordinance. In the case of an accidental discharge, it is the responsibility of the User to immediately telephone and notify the Wastewater Operations Manager of the incident. The notification shall include the time and location of the discharge, type of waste, concentration of volume of waste, treatability of waste, toxic effect of waste to humans, if any, and corrective actions;
 - 5) The User shall be required to submit to the Wastewater Operations Manager or his designated representative, a written report describing the cause of the discharge and the measures taken by the User to prevent similar future occurrences. This letter must be postmarked within five (5) working days of the detection of the accidental discharge.
- b) Emergency Discharge - an emergency that may cause an industry's discharge to be in violation of its Industrial Waste Permit or this Ordinance shall be reported to the Wastewater Operations Manager. Such industry shall apply for an Emergency Discharge Permit. Before the Wastewater Operations Manager may

issue an Emergency Discharge Permit, the industry shall submit (but is not limited to) plans and a compliance schedule showing what methods will be used to bring the discharge into compliance with its current Industrial Waste Permit and when this will be done. An Emergency Discharge Permit shall not be issued for longer than thirty (30) days and may be renewed only after a new application has been made. An Accidental discharge does not require an Emergency Discharge Permit unless it was caused by a failure of the pretreatment facility and the failure is of a permanent nature.

- 1) The Lafayette City-Parish Consolidated Government has the authority to immediately and effectively halt or prevent any actual or threatened discharge of pollutants to the POTW which reasonably appears to present an imminent endangerment to the health or welfare of persons. Notice shall be given to the discharger of the Lafayette City-Parish Consolidated Government's actions as soon as is reasonably practicable.
 - 2) The Lafayette City-Parish Consolidated Government also has the authority to (after notice to the affected Industrial User with sufficient time for the Industrial User to respond) halt or prevent any discharge to the POTW which may present an endangerment to the environment or which threatens to interfere with the operation of the POTW.
 - 3) Exercise of this authority by the Lafayette City-Parish Consolidated Government does not preclude the Lafayette City-Parish Consolidated Government from seeking additional remedies of the affected Industrial Users as defined in Division 10 of this Ordinance if warranted at the discretion of the Lafayette City-Parish Consolidated Government.
- c) Bypass. Bypass is prohibited, and the Lafayette City-Parish Consolidated Government may take enforcement action against an Industrial User for a bypass unless:
- 1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - 2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - 3) The Industrial User submitted notices to the Lafayette City-Parish Consolidated Government of the need to bypass.
- c) The Lafayette City-Parish Consolidated Government will require of each permitted Industrial User, when appropriate, the development of a compliance schedule for the installation of technology required to meet applicable Pretreatment Standards and Requirements. The following conditions shall apply to the compliance schedule:
- 1) 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 facilities 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);
 - 2) No increment referred to above shall exceed nine (9) months;

- 3) The User shall submit a progress report to the Wastewater Operations Manager no later than fourteen (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
- 4) In no event shall more than nine (9) months elapse between such progress reports to the Wastewater Operations Manager.

Sec.94-600. Disconnection.

- a) If any person depositing or discharging industrial waste into a public sewer fails to make application to the Department of Utilities and/or to secure an Industrial Waste Permit within the time prescribed herein, or if any person allows or causes industrial waste of unlawful quality under the requirements of this Ordinance to be discharged into any sanitary sewer, the Department of Utilities is authorized, if such person is using Lafayette City-Parish Consolidated Government water, to disconnect such person's service line from the Lafayette City-Parish Consolidated Government water system and/or the sanitary sewer and the same, at the approval of the Department of Utilities, shall only be reconnected at the expense of the owner or occupant.
- b) If such person does not use Lafayette City-Parish Consolidated Government water, the Department of Utilities is authorized to disconnect such person's service line from any sanitary sewer and the same shall only be reconnected at the expense of the owner or occupant after approval of the Department of Utilities.
- c) The Department of Utilities shall notify the owner or occupant of the premises where the waste is generated that a waste of unlawful quality is being discharged to the Lafayette City-Parish Consolidated Government's sewer system and shall afford such person a reasonable opportunity to present evidence to the Department of Utilities that he is in compliance with this Ordinance.

If such person does not present sufficient evidence, the Department of Utilities may disconnect the water and/or sewage service line after giving at least 24 hours prior notice.

- d) No public sewer connection or water connection disconnected hereunder shall be reconnected until the condition causing the disconnection has been corrected, and the correction is of a permanent nature.

Sec. 94-601. Rules and procedures.

The Department of Utilities shall adopt and revise as necessary rules and procedures (an Approved Pretreatment Program) consistent with this Article VI of Chapter 94 of the Lafayette City-Parish Consolidated Government Code of Ordinances, to effectuate the purpose and intent of this Division 7.

Secs. 94-602—660. Reserved.

DIVISION 8. PROTECTION FROM DAMAGE

Sec. 94-661.

No unauthorized 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 municipal wastewater collection and treatment facilities.

Any person violating this provision shall be guilty of a misdemeanor and punished by imprisonment not to exceed thirty days, or by a fine not to exceed one thousand dollars (\$1000), or by both such fine and imprisonment.
Secs. 94-662—94-665. Reserved.

DIVISION 9. CLASSIFIED AND CONFIDENTIAL INFORMATION

Sec. 94-666.

Information and data on a User obtained from reports, surveys, Industrial Waste Permit applications, Industrial Waste Permits, and monitoring programs, and from the Wastewater Operations 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 Wastewater Operations 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 NPDES program or 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.

Secs. 94-667—94-670. Reserved.

DIVISION 10. REMEDIES

Sec. 94-671.

When the Wastewater Operations Manager finds that a User has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit, order issued, or any other pretreatment standard or requirement, the Wastewater Operations Manager may take appropriate enforcement action, as outlined in this Ordinance and/or the Control Authority's Enforcement Response Plan. Any User violating any of the provisions of this Ordinance shall become liable to the Lafayette City-Parish Consolidated Government for any expense, loss, or damage occasioned by the Lafayette City-Parish Consolidated Government by reason of such violation.

The remedies provided for in this Division 10 are not exclusive. The Wastewater Operations Manager may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the Control Authority's Enforcement Response Plan. However, the Wastewater Operations Manager may take other action against any user when the circumstances warrant. Further, the Wastewater Operations Manager is empowered to take more than one enforcement action against any noncompliant user, except where prohibited by law.

Sec. 94-672. Administrative actions.

Administrative actions are enforcement actions taken without the involvement of a court.

- a) Notice of Violation (NOV) - The Wastewater Operations Manager may serve upon a User a written Notice of Violation for each violation of any provision of this Ordinance, a wastewater discharge permit, or any other pretreatment standards and requirements. A Notice of Violation is an official communication from the Lafayette City-Parish Consolidated Government to the noncompliant User, which informs the User that a pretreatment violation has occurred. This is an appropriate initial response to non-significant violations. It may be the only response necessary in cases of infrequent and generally minor violations.

However, a Notice of Violation does not have to be issued prior to the Wastewater Operations Manger taking any action (including emergency action) pursuant to this Ordinance.

b) Administrative Orders (AOs) - Administrative Orders are enforcement documents, which direct Users to undertake or to cease specified activities. If the User fails to correct a violation within thirty (30) days of receiving a Notice of Violation, the Lafayette City-Parish Consolidated Government shall issue an Administrative Order for the correction of this violation; provided, however, that the User is not relieved of responsibility for unauthorized discharges which occur within the thirty (30) day interval. There are four types of administrative orders which shall be used:

- 1) Cease and desist orders – When the Wastewater Operations Manager finds that a User has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit, order issued, or any other pretreatment standard or requirement, or that the User’s past violations are likely to recur, the Wastewater Operations Manager may issue an order to the User directing it to Cease and Desist all such violations and directing the User to:
 - A) Cease illegal or unauthorized discharges immediately;
 - B) To terminate its discharge altogether;
 - C) 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;
 - D) Immediately comply with all applicable requirements under this Ordinance, a wastewater discharge permit, order issued, or any other pretreatment standard or requirement.

A Cease and Desist Order should be used in situations where the discharge could cause interference or pass through, or otherwise create an emergency situation.

Issuance of a Cease and Desist Order shall not be a bar against, or a prerequisite for, taking any other action against the User.

2) Consent orders - Consent orders combine the force of an Administrative Order with the flexibility of a negotiated settlement.

The Wastewater Operations Manager may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any User found in non-compliance with this Ordinance, the Control Authority’s rules and regulations, the User’s wastewater discharge permit conditions, or other applicable pretreatment standards and requirements.

The Consent Order is an agreement between the Lafayette City-Parish Consolidated Government and the User normally containing three elements: Compliance schedules, for actions such as, but not limited to, the installation of the required technology to meet permit limits; stipulated fines or remedial actions; and signatures of an appropriate representative of the Lafayette City-Parish Consolidated Government and any authorized representative of the User.

Such documents will include specific action to be taken by the User to correct the non-compliance within a time period specified by the document. Such documents shall have the same force and effect

as all enforcement orders issued pursuant to this Ordinance and the Enforcement Response Plan, and shall be binding upon all parties to the document.

- 3) Show cause orders – The Wastewater Operations Manager may issue a show cause order to a User that has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit, order issued, or any other pretreatment standard or requirements. An order to show cause directs the User to appear before the Lafayette City-Parish Consolidated Government, explain its noncompliance, and show cause why more severe enforcement actions against the User should not go forward.

The Control Authority shall provide notice to the User specifying the time and place for the meeting. The notice of the meeting shall be served personally or by registered or certified mail. Such notice may be served on any authorized representative of the User.

The order to show cause is typically issued after informal contacts, NOVs, or Compliance Orders have failed to resolve the noncompliance. However, the show cause order/hearing can also be used to investigate violations of previous orders.

A Show Cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

- 4) Compliance orders – When the Wastewater Operations Manager finds that a User has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit, order issued, or any other pretreatment standard or requirement, the Wastewater Operations Manager may issue an order to the User responsible for the violation 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.

A Compliance Order is issued unilaterally and its terms need not be discussed with the User in advance. The compliance order will usually be issued when compliance cannot be resolved without construction, repair, or process changes.

Compliance orders also may contain other requirements to address the non-compliance, including (but not limited to) additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer.

Compliance orders can also be used to require Users to develop management practices, spill prevention programs and related Lafayette City-Parish Consolidated Government pretreatment program requirements.

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.

Sec. 94-673. Civil and criminal litigation.

If administrative actions do not provide satisfactory resolution of noncompliance, then civil and/or criminal litigation may be used.

- a) Consent Decrees. Consent decrees are agreements between the Lafayette City-Parish Consolidated Government and the User reached after a lawsuit has been filed. To be binding, the decree must also be signed by the judge assigned to the case. Consent decrees may be used when the violator is willing to acknowledge and correct the noncompliance and the Lafayette City-Parish Consolidated Government and the violator agree on the penalty.
- b) Injunctions and injunctive relief. The purpose of this Ordinance being to promote the health, recreation, safety and welfare of the public, any discharge by a person contrary to the provisions of this Ordinance is declared to be a public nuisance and the Lafayette City-Parish Consolidated Government may apply to any court of competent jurisdiction, and may obtain an injunction restraining such violation of this Ordinance, a wastewater discharge permit, order issued, or any other pretreatment standard or requirements. Such proceedings shall be guided by the rules of other injunction proceedings. The Lafayette City-Parish Attorney, or his designated Assistant Lafayette City-Parish Attorney, is authorized to file suit for an injunction whenever he has reasonable cause to believe an ongoing violation of this Ordinance, a wastewater discharge permit, order issued, or any other pretreatment standard or requirements exists.

When the Wastewater Operations Manager finds that a User has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit, order issued, or any other pretreatment standard or requirement, the Wastewater Operations Manager may petition the courts through the Control Authority's designated attorney for the issuance of a temporarily or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by these rules and regulations on activities of the User.

The Lafayette City-Parish Attorney, or designated Assistant Lafayette City-Parish Attorney, may also seek such other action as is appropriate for legal and/or equitable relief, including (but not limited to) a requirement for the user to conduct environmental remediation.

A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

- c) Civil penalties and cost recovery.
 - 1) A User who has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit, order issued, or any other pretreatment standard or requirement shall be liable to the Lafayette City- Parish Consolidated Government for civil penalties. Additionally, the Wastewater Operations Manager, through the Control Authority's designated attorney has the authority to seek civil penalties not exceeding the amount of one thousand dollars (\$1,000) a day for each violation. Each day of a violation, each pollutant for which the User exceeds any applicable pollutant limit, and each discharge of prohibited waste shall constitute a separate offense. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
 - 2) The Wastewater Operations Manager, through the Control Authority's designated attorney, may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including (but not limited to) sampling and monitoring expenses, and the cost of any actual damages incurred by the Control Authority. These expenses, costs and attorneys' fees shall be in addition to any other cause of action for personal injury or property damage available under state law.

- 3) In determining the amount of any civil penalty, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.
 - 4) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.
- d) Criminal Prosecution
- 1) Any User found to have willfully or maliciously violated any provision of this Ordinance, shall, upon conviction, be guilty of a misdemeanor, and shall be punished by a fine not exceeding one thousand dollars (\$1000) for each violation and/ or imprisonment for not more than thirty (30) days for each violation, or both. Each day of violation, each pollutant for which a User exceeds any applicable pollutant limit, and each discharge of prohibited waste shall constitute a separate offense.
 - 2) A User who willfully or maliciously introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a fine not exceeding one thousand dollars (\$1000) for each violation and/ or imprisonment for not more than thirty (30) days for each violation, or both. Each day of violation, each pollutant for which a User exceeds any applicable pollutant limit, and each discharge of prohibited waste shall constitute a separate offense. This criminal penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.
 - 3) A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this Ordinance, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method or results required under this Ordinance shall, upon conviction, be punished by a fine not exceeding one thousand dollars (\$1000) for each violation and/ or imprisonment for not more than thirty (30) days for each violation, or both. This criminal penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.

Sec. 94-674. Procedure for hearing of appeals.

Any person aggrieved by an interpretation of this Ordinance shall have the right to make an appeal to the Department of Utilities. Such appeal shall be perfected by giving written notice containing the following information to the Director of Utilities within thirty (30) days of the issuance of the decision or ruling:

- a) The name and address of the person making the appeal;
- b) The facts surrounding the particular ruling or refusal to make a ruling;
- c) The reasons why such ruling should be set aside or, if the ruling was refused, why such ruling should be made.

Sec. 94-675.

The Lafayette City-Parish Consolidated Government shall, on an annual basis, publish the names of those Industrial Users found to be in significant noncompliance, as defined in 40 CFR 403.8(f)(2)(vii)A-H, with its Industrial Waste Permit over the preceding twelve months. Said publication shall be in the Legal Notices section of the largest daily newspaper in the jurisdiction of the Lafayette City-Parish Consolidated Government.

Secs. 94-676—94-695. Reserved.

DIVISION 11. OTHER SECTIONS AVAILABLE

Sec. 94-696.

Other ordinances of the Lafayette City-Parish Consolidated Government dealing with cross connections, items pertaining to safeguarding the water supply, items safeguarding the sanitary sewer system and waste traps shall remain in full force and effect and shall not be affected by this ordinance.

Secs. 94-697—94-700. Reserved.

SECTION 2: All ordinances or resolutions or parts thereof in conflict herewith are hereby repealed.

SECTION 3: This ordinance shall become effective upon signature of the Lafayette City-Parish President, the elapse of ten (10) days after receipt by the Lafayette City-Parish President without signature or veto, or upon an override of a veto, whichever occurs first.