

BILL NO. _____

INTRODUCED BY COUNCIL

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 13 OF THE SPARKS MUNICIPAL CODE; MODIFYING ENVIRONMENTAL CONTROL AND PRETREATMENT STANDARDS AND DEFINING POST CONSTRUCTION STORM WATER QUALITY MANAGEMENT; AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO.

THE CITY COUNCIL OF THE CITY OF SPARKS DOES ORDAIN:

Section 1. Section 13.03.030: "Apartment house." is hereby repealed as follows:

~~Section 13.03.030—Apartment house.~~

~~"Apartment house" means the same as "multiple family residential unit."
(Ord. 1283 § 2 (part), 1980.) (Ord. 2420, Amended, 01/26/2009)~~

Section 2. Section 13.03.040: "BOD or biochemical oxygen demand" is hereby repealed as follows:

~~Section 13.03.040—BOD or biochemical oxygen demand.~~

~~"BOD" or "biochemical oxygen demand" means the measure of decomposable organic material in domestic or industrial wastewaters as represented by the oxygen utilized over a period of five days at 20 degrees Centigrade and is determined by the appropriate procedure in "Standard Methods."
(Ord. 1283 § 2 (part), 1980.) (Ord. 2420, Renumbered, 01/26/2009)~~

Section 3. Section 13.03.071: "COD or chemical oxygen demand" is hereby repealed as follows:

~~Section 13.03.071—COD or chemical oxygen demand.~~

~~"COD" or "chemical oxygen demand" means the measure of the amount of oxygen required to oxidize organic and oxidizable inorganic compounds in domestic or industrial wastewater as determined by the appropriate procedure in "Standard Methods."
(Ord. 1283 § 2 (part), 1980.) (Ord. 2420, Renumbered, 01/26/2009)~~

Section 4. Section 13.03.081: "Categorical industrial user" is hereby amended as follows:

Section 13.03.081 Categorical industrial user (CIU).

"Categorical industrial user" or CIU means an industrial user subject to ~~national categorical pretreatment standards.~~ *Federal Categorical Pretreatment Standards.*
(Ord. 2420, Renumbered, 01/26/2009; Ord. 2043, Added, 11/22/1999)

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Section 5. Section 13.03.261: “Gallon” is hereby repealed as follows:

~~**Section 13.03.261 — Gallon.**~~

~~“Gallon” means the volume of water that occupies 231 cubic inches at standard temperature and pressure.~~

~~(Ord. 2420, Renumbered, 01/26/2009; Ord. 2390, Add, 02/25/2008)~~

Section 6. Section 13.03.360: “Law” is hereby repealed as follows:

~~**Section 13.03.360 — Law.**~~

~~“Law” means any statute, rule or regulation established by Federal, State, County or City authorities.~~

~~(Ord. 2420, Renumbered, 01/26/2009; Ord. 2390, Add, 02/25/2008)~~

Section 7. Section 13.03.371: “Liter” is hereby repealed as follows:

~~**Section 13.03.371 — Liter.**~~

~~“Liter” means the volume of one kilogram of water.~~

~~(Ord. 2420, Renumbered, 01/26/2009; Ord. 2043, Added, 11/22/1999)~~

Section 8. Section 13.03.380: “Milligram, mg” is hereby repealed as follows:

~~**Section 13.03.380 — Milligram, mg.**~~

~~“Milligram, mg” means one thousandth of a gram.~~

~~(Ord. 2420, Renumbered, 01/26/2009; Ord. 2043, Added, 11/22/1999)~~

Section 9. Section 13.03.391: “Milligram per liter, mg/L” is hereby repealed as follows:

~~**Section 13.03.391 — Milligram per liter, mg/l.**~~

~~“Milligram per liter, mg/l” means one part per million or PPM.~~

~~(Ord. 2420, Renumbered, 01/26/2009; Ord. 2043, Added, 11/22/1999)~~

Section 10. Section 13.03.432: “Multiple-family dwelling or residential unit” is hereby amended as follows:

Section 13.03.432 Multiple-family dwelling or residential unit.

“Multiple-family dwelling or residential unit” means a building designed and/or used to house two or more families, living independently of each other, including necessary employees of

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each such family but excluding individually ~~owned~~*parceled* residential units that are within a common building.

(Ord. 1283 § 2 (part), 1980.) (Ord. 2420, Renumbered, 01/26/2009; Ord. 2043, Amended, 11/22/1999)

Section 11. Section 13.03.441: “National categorical pretreatment standard or pretreatment standard” is hereby amended as follows:

Section 13.03.441 ~~National Categorical Pretreatment Standard or Pretreatment Standard.~~

~~"National~~ Categorical Pretreatment Standard" ~~and "Pretreatment Standard"~~ means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1317) which applies to a specific category of Industrial Users.

(Ord. 2420, Renumbered, 01/26/2009; Ord. 2043, Added, 11/22/1999)

Section 12. Section 13.03.451: “National prohibitive discharge standard or prohibitive discharge standard” is hereby amended as follows:

Section 13.03.451 National Prohibitive Discharge Standard or Prohibitive Discharge Standard.

"National Prohibitive Discharge Standard" and "Prohibitive Discharge Standard" mean any regulation *including the general prohibitions and specific prohibitions* developed under the authority of 307(b) of the Act and 40 CFR, Section 403.5.

(Ord. 2420, Renumbered, 01/26/2009; Ord. 2043, Added, 11/22/1999)

Section 13. Section 13.03.490: “Nitrogen or total nitrogen” is hereby repealed as follows:

~~Section 13.03.490—Nitrogen or total nitrogen.~~

~~“Nitrogen” or “total nitrogen” means the total of all nitrogen forms, including organic and inorganic nitrogen, nitrate and nitrite. The total nitrogen is expressed as N and is determined by the appropriate procedures in “Standard Methods.”~~

~~(Ord. 1283 § 2 (part), 1980.)~~

~~(Ord. 2420, Renumbered, 01/26/2009)~~

Section 14. Section 13.03.520: “pH” is hereby repealed as follows:

~~Section 13.03.520—pH.~~

~~“pH” means the negative logarithm (base 10) of the concentration of hydrogen ions expressed in grams per mole of solution.~~

~~(Ord. 2420, Renumbered, 01/26/2009; Ord. 2043, Added, 11/22/1999)~~

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Section 15. Section 13.03.530: “Phosphorous or total phosphorous” is hereby repealed as follows:

~~Section 13.03.530 — Phosphorus or total phosphorus.~~

~~“Phosphorus” or “total phosphorus” includes orthophosphates and condensed phosphates (soluble and insoluble) and organic and inorganic species. The total phosphorus is expressed as P and is determined by the appropriate procedures in “Standard Methods.” (Ord. 1283 § 2 (part), 1980.) (Ord. 2420, Renumbered, 01/26/2009; Ord. 2043, Amended, 11/22/1999)~~

Section 16. Section 13.03.540: “Pollution” is hereby repealed as follows:

~~Section 13.03.540 — Pollution.~~

~~“Pollution” means the man-made or man-induced alteration of the chemical, physical, biological or radiological integrity of air, water or earth. (Ord. 2420, Renumbered, 01/26/2009; Ord. 2043, Added, 11/22/1999)~~

Section 17. Section 13.03.590: “Private facility” is hereby repealed as follows:

~~Section 13.03.590 — Private facility.~~

~~“Private facility” means any plumbing or plumbing fixtures located in residential dwelling units, hotels, schools and hospitals, and other industrial/commercial discharger establishments solely designated for the use by employees or by persons other than employees with special permission. (Ord. 1283 § 2 (part), 1980.) (Ord. 2420, Renumbered, 01/26/2009; Ord. 2390, Amended, 02/25/2008)~~

Section 18. Section 13.03.640: “Reclaimed water facilities” is hereby amended as follows:

Section 13.03.640 Reclaimed Water Facilities.

“Reclaimed Water Facilities” means the pressurized pipeline and association pumps, holding tanks, pressure reducing valves, meters and other ~~appurtenances~~ *appurtenances* thereto, used for the delivery of Reclaimed water. (Ord. 2420, Add, 01/26/2009)

Section 19. Section 13.03.680: “Sanitary sewer” is hereby repealed as follows:

~~Section 13.03.680 — Sanitary Sewer.~~

~~“Sanitary Sewer” means a system of pipes used to transport and treat human waste, also~~

~~referred to as Sewer Facilities.
(Ord. 2420, Add, 01/26/2009)~~

Section 20. Section 13.03.700: “Sewer facilities” is hereby amended as follows:

Section 13.03.700 Sewer Facilities *or Sanitary Sewer.*

"Sewer Facilities" *or “Sanitary Sewer”* means public facilities that convey and treat human waste, including, but not limited to, pipes, interceptor sewers, wastewater treatment works, Truckee Meadows Water Reclamation Facility (TMWRF), pumping plants and sewer outfalls.
(Ord. 2420, Add, 01/26/2009)

Section 21. Section 13.03.725: “Significant industrial user” is hereby added as follows:

Section 13.03.725 Significant industrial user.

"Significant Industrial User" means (1) All industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subpart N; and (2) any other industrial user that discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, non-contact cooling, and boiler blowdown wastewater), contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW Treatment Plant, or is designated as such by the POTW on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard, or requirement (in accordance with 40 CFR 403.8(f)(6).

Section 22. Section 13.03.750: “Storm drain facilities or storm drain” is hereby amended as follows:

Section 13.03.750 Storm Drain Facilities, ~~(or Storm Drain)~~, *or Storm Sewer.*

"Storm Drain Facilities", *“Storm Drain”, or “Storm Sewer”* means the public facilities that are used to convey Storm Water, including, but not limited to catch basins, drop inlets, drains, gutters, piping, ditches and combined sewers and other facilities designed to remove storm water.
(Ord. 2420, Add, 01/26/2009)

Section 23. Section 13.03.760: “Storm sewer” is hereby repealed as follows:

~~Section 13.03.760 — Storm Sewer.~~

~~"Storm Sewer" means a collection and transportation system for Storm Water, also referred to as Storm Drain Facilities.
(Ord. 2420, Add, 01/26/2009)~~

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Section 24. Section 13.03.780: “Total suspended solids” is hereby repealed as follows:

~~Section 13.03.780 — Total suspended solids.~~

~~“Total suspended solids” means the measure of solids which are not dissolved in domestic and industrial/commercial wastewaters and is determined by the appropriate procedure in “Standard Methods.”
(Ord. 1283 § 2 (part), 1980.) (Ord. 2420, Renumbered, 01/26/2009; Ord. 2043, Amended, 11/22/1999)~~

Section 25. Section 13.03.790: “TDS or total dissolved solids” is hereby repealed as follows:

~~Section 13.03.790 — TDS or total dissolved solid.~~

~~“TDS” or “total dissolved solids” means the measure of the non-filterable solids determined by the appropriate procedure in 40 CFR 136.
(Ord. 1686, 1991.) (Ord. 2420, Renumbered, 01/26/2009)~~

Section 26. Section 13.09.020: “Dwelling or residential unit” is hereby amended as follows:

Section 13.09.020 Dwelling or residential unit.

The sewer and storm drains service user charges for each type of residential unit is a flat quarterly rate.

Effective July 1, 2014, the quarterly sewer and storm drains service user charge for residential units shall be as follows:

<i>Type of Unit</i>	<i>\$/Quarter</i>
Single-family residential	\$76.43/Unit
Multiple family residential and mobile home	\$56.14/Unit
Interval residential	\$76.43/Unit
Roominghouse	\$76.43/Quarter plus \$39.24/Unit

Effective July 1, 2015, the quarterly sewer and storm drains service user charge for residential units shall be as follows:

<i>Type of Unit</i>	<i>\$/Quarter</i>
Single-family residential	\$80.68/Unit
Multiple family residential and mobile home	\$69.54/Unit

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Interval residential	\$80.68/Unit
Roominghouse	\$80.68/Quarter plus 42.48/Unit

Effective July 1, 2016, the quarterly sewer and storm drains service user charge for residential units shall be as follows:

<i>Type of Unit</i>	<i>\$/Quarter</i>
Single-family residential	\$85.28/Unit
Multiple family residential and mobile home	\$73.21/Unit
Interval residential	\$85.28/Unit
Roominghouse	\$85.28/Quarter plus 45.98/Unit

Effective July 1, 2017, the quarterly sewer and storm drains service user charge for residential units shall be as follows:

<i>Type of Unit</i>	<i>\$/Quarter</i>
Single-family residential	\$90.25/Unit
Multiple family residential and mobile home	\$77.19/Unit
Interval residential	\$90.25/Unit
Roominghouse	\$90.25/Quarter plus \$49.78/Unit

The quarterly user charge consists of four components; sanitary sewer operation and replacement, storm drain operations and replacement, debt service and capital costs and river flood protection. A supplemental river flood protection rate component of \$5.41 per month will be charged to each dwelling or residential unit to which this ordinance applies, effective April 1, 2008.

(Ord 1823, 1994; Ord. 1568 § 1, 1987; Ord. 1371 § 1, 1982; Ord. 1284 § 2(part), 1980.) (Ord. 2484, § 1, Amended, 01/27/2014; Ord. 2420, Amended, 01/26/2009; Ord. 2391, Amended, 02/25/2008; Ord. 2390, Amended, 02/25/2008; 2391, Amended, 02/24/2008; Ord. 2156, Amended, 12/09/2002; Ord. 2043, Amended, 11/22/1999; 1949, Amended, 11/24/1997)

Section 27. Section 13.09.031: “Industrial/commercial, federal, state, county and school district dischargers with water meters” is hereby amended as follows:

~~Until December 31, 2002, industrial/commercial, federal, state, county and school district dischargers with water meters may request an allowance to be made for water which flows through a public utility water meter or is from some other unmetered source, but is not discharged to the sewer. If such an allowance is authorized, a discharger must provide continuous verification of the non-sewered flow by separate private water meter to determine the proper sewer credit. An administrative fee will be assessed for periodic reading of the separate private water meter and for~~

~~processing.~~

After-Effective December 31, 2002, the Public Works Director will no longer allow private water meters to be used to determine irrigation credits. Instead, industrial/commercial dischargers will be required to have an additional public utility meter installed to separately measure water that is used for irrigation and is not discharged to the sewer. *An administrative fee will be assessed for periodic reading of previously allowed separate private water meters and for processing.* (Ord. 2420, Amended, 01/26/2009; Ord. 2186, Amended, 08/25/2003; Ord. 2043, Added, 11/22/1999)

Section 28. Section 13.09.055: “Industrial/commercial waste transported by vehicle.” is hereby amended as follows:

Section 13.09.055 Industrial/commercial waste transported by vehicle.

Facilities generating industrial/commercial waste who transport that waste by vehicle to TMWRF for disposal must be issued an Environmental Control Permit as outlined in Chapter 13.39 *of this title*, notwithstanding anything to the contrary in Chapter 13.39, prior to disposal and must otherwise comply with the requirements of this title. *Wastes transported by truck do not qualify for exemption under the solid waste requirements of the Resource Conservation and Recovery Act (“RCRA”) under the domestic sewage exclusion of 40 CFR 261.4(a)(1).* A flat fee of \$0.075/gallon shall be assessed to cover special costs of providing waste services. (Ord. 2186, Amended, 08/25/2003; 2054, Added, 12/27/1999)

Section 29. Section 13.24.030: “Industrial/commercial discharger” is hereby amended as follows:

Section 13.24.030 Industrial/commercial discharger.

~~In 2008, the sewer connection fees will be based on the number of weighted fixture units which are being connected, times 178.95 dollars per weighted fixture unit. In 2009, the sewer connection fees will be based on the number of weighted fixture units which are being connected, times 197.09 dollars per weighted fixture unit.~~ In 2010, the sewer connection fees will be based on the number of weighted fixture units which are being connected, times 215.29 dollars per weighted fixture unit. Effective January 1, 2011, connection fees shall be adjusted annually based on the Engineering News Record Construction Cost Index. The measurement period shall end with the published index for November of each year and the resulting increases shall be implemented January of each year. Calculation of the change in the index is made by dividing the current index for November by the preceding index for November and subtracting one.

If the wastewater discharge contains ~~much higher~~ BOD, suspended solids, total phosphorus or total nitrogen concentrations *more than three times higher* than for the discharger categories listed in Section 13.09.030, the Public Works Director may adjust the sewer connection fee to cover any additional capital costs required for treating and disposing of the wastewater. The Public Works Director's decision may be appealed to the city council.

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A supplemental river flood protection connection fee of \$9.24 per weighted fixture unit will be charged to each industrial/commercial discharger to which this ordinance applies, effective April 1, 2008.

(Ord. 1374 § 1, 1982; Ord. 1368 § 2, 1982; Ord. 1283 § 4 (part), 1980.) (Ord. 2420, Amended, 01/26/2009; Ord. 2391, Amended, 02/25/2008; Ord. 2390, Amended, 02/25/2008; Ord. 2186, Amended, 08/25/2003; Ord. 2156, Amended, 12/09/2002; Ord. 2043, Amended, 11/22/1999; 1949, Amended, 11/24/1997)

Section 30. Section 13.24.040: “Abandonment of sewer connections” is hereby amended as follows:

Section 13.24.040 Abandonment of sewer connections.

There shall be no refunds granted for abandoning fixtures that connect to sewer facilities. However, the City may provide documentation of a weighted fixture unit credit per the schedule in Section 13.09.040 at the time of abandonment. *Credit for abandonment of residential uses shall be per equivalent residential unit (ERU).* If fixtures are added in excess of the abandonment credit, connection fees shall be required for weighted fixture units that exceed the abandonment credit at the rates in effect at the time of permit applications. To obtain a weighted fixture unit credit, the owner, discharger, or account holder must provide sufficient documentation of the credit previously granted by the City. Fixture credits shall be applied on a per parcel basis and are not transferable to another parcel.

(Ord. 2390, Add, 02/25/2008)

Section 31. Section 13.27.015: “Charges payable by owner.” is hereby repealed as follows:

~~Section 13.27.015 — Charges payable by owner.~~

~~The city shall bill the owner of the premises connected to the wastewater facilities for payment of sewer and storm drain user charges. The owner of record according to the records on file with the office of the county assessor shall be responsible for the payment of monthly sewer user charges as specified in this title.~~

~~(Ord. 1421 § 14, 1983; Ord. 1283 § 5 (part), 1980.) (Ord. 2420, Renumbered, 01/26/2009; Ord. 2043, Amended, 11/22/1999; 2013, Amended, 12/14/1998)~~

Section 32. Section 13.30.020: “Plumbing fixture unit standards” is hereby amended as follows:

Section 13.30.020 Plumbing fixture unit standards.

All plumbing fixture units must meet the following design standards:

- A. Toilets and water closets discharge shall not exceed 3.5 gallons per flush;
- B. Urinals discharge shall not exceed 1.5 gallons per flush;
- C. Shower heads discharge shall not exceed 3.5 gallons per minute under working pressure. Orifices may be used to reduce flow;

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- D. No fixture shall be allowed that has a continuous flow of water of a constant or automatic nature;
- E. Grease, interceptors and sand/oil separators shall be constructed to prevent any bypass of matter prohibited in the wastewater system. Grease interceptors shall be a minimum capacity of seven hundred fifty (750) gallons and shall be sized using the 2003 Uniform Plumbing Code Appendix H (Table H-1) sizing criteria. Grease traps are prohibited unless approved by the Public Works Director. Sand/oil separators shall have a minimum capacity of one thousand (1,000) gallons except when otherwise required by the Public Works Director;
- F. A common grease interceptor, defined as an interceptor accepting wastewater from more than one sewer user must be approved by the Public Works Director. The owner of the premises connected to the wastewater facilities shall maintain the common grease interceptor. The owner, according to the records on file with the office of the county assessor, is responsible for maintaining the common grease interceptor on the schedule outlined in the Environmental Control Permit issued by the Public Works Director.
- G. Trash enclosures containing a grease rendering receptacle shall include a trench drain connected to ~~a grease interceptor~~ *the sanitary sewer*. Location of the trench drain shall be determined by the Public Works Director;
- H. Facilities using water for cooling shall not discharge the cooling water to the wastewater system or storm drain system; ~~recirculation of such cooling water shall be required;~~
- I. Industrial/commercial process water shall be pretreated, if necessary, to meet discharge requirements of Chapter 13.36 of this title. If process water can be recirculated or reused, equipment shall be installed to accomplish the recirculation or reuse.

TABLE H-1						
Sizing of Grease Interceptors						
<i>Number of meals per peak hour¹</i>	<i>x</i>	<i>Waste flow rate²</i>	<i>x</i>	<i>Retention time³</i>	<i>x</i>	<i>Storage factor⁴</i>
						<i>=</i>
						<i>Interceptor size (liquid capacity)</i>
1 Meals Served at Peak Hour						
2 Waste Flow Rate						
<i>a. With dishwasher</i>					<i>6 gallon (22.7L) flow</i>
<i>b. Without dishwasher</i>					<i>5 gallon (18.9L) flow</i>
<i>c. Single service kitchen</i>					<i>2 gallon (7.6L) flow</i>
<i>d. Food waste disposer</i>					<i>1 gallon (3.8L) flow</i>
3 Retention Times						
<i>Commercial kitchen waste</i>						
<i>Dishwasher</i>					<i>2.5 hours</i>
<i>Single service kitchen</i>						
<i>Single serving</i>					<i>1.5 hours</i>
4 Storage factors						
<i>Fully equipped commercial kitchen</i>					<i>8 hour operation: 1</i>
						<i>16 hour operation: 2</i>
						<i>24 hour operation: 3</i>

<i>Single service kitchen</i>	<i>1.5</i>
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(Ord. 1640 § 2, 1989; Ord. 1488 § 1, 1985; Ord. 1283 § 6, (part), 1980.) (Ord. 2420, Amended, 01/26/2009; Ord. 2390, Amended, 02/25/2008; Ord. 2186, Amended, 08/25/2003; Ord. 2059, Amended, 02/28/2000; Ord. 2043, Amended, 11/22/1999)

Section 33. Section 13.30.040: “Construction.” is hereby amended as follows:

Section 13.30.040 Construction.

After a building, construction or sewer connection permit has been obtained and all connection fees have been paid, the permittee or authorized representative of the permittee may construct sewer connections in accordance with approved plans and specifications and in accordance with Section 13.39.050 of this title.

The permittee or authorized representative shall give notice to the City Public Works Department of the connection, cutting or physical alteration of the city's sewer or storm drain and shall not commence unless a city inspector is present. Forty-eight hours notice must be given to the building department. No waste-water shall be discharged into the city's sewer prior to obtaining inspection and approval of construction by the Public Works Director. All commercial/industrial dischargers shall obtain ~~a environmental control permit~~ *Environmental Control Permit* in accordance with Sections 13.33.030 and 13.39.010 of this title.
(Ord. 1421 § IS, 1983; Ord. 1283 § 6 (part), 1980.) (Ord. 2420, Amended, 01/26/2009; Ord. 2186, Amended, 08/25/2003; Ord. 2043, Amended, 11/22/1999)

Section 34. “Section Discharge prohibited from sanitary sewers” is hereby amended as follows:

Section 13.36.010 Discharges prohibited from sanitary sewers.

Sewage, waste, or any matter having any of the following characteristics shall, under no conditions, be discharged into, be placed where they might find their way into, or be allowed to run, leak, or escape into any part of the sanitary sewer facilities:

- A. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or to be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two successive readings on an explosion hazard meter at the point of discharge into the system (or at any point in the system) be more than five percent nor shall any single reading be over ten percent of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include but are not limited to: gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides and hydrides;
- B. Any substance containing or causing the promotion of toxic or poisonous solids, liquids, or gases that, alone or in combination with other waste substances, may create a hazard for humans, animals, or the environment, interfere with wastewater treatment processes, cause a public nuisance, or cause any dangerous condition to occur in the wastewater system;
- C. Any substance having a pH lower than 5.5 pH units or having any corrosive or detrimental characteristic that may cause injury to wastewater collection or treatment systems,

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- including structures and equipment; any substance with a pH greater than 10.05 pH units or high enough to cause alkaline incrustations on sewer walls or other adverse effects on the wastewater systems;
- D. Any substance that may cause deposition, obstruction, damage or reduction of flow in the sewer, be detrimental to proper wastewater treatment plant operations, or other interference. These objectionable substances include, but are not limited to: asphalt, dead animals, offal, ashes, geothermal waters, sand, mud, straw, industrial process shavings, metal, glass, rags, feathers, tar, plastics, wood, whole blood, paunch manure, bones, hair fleshings, entrails, paper, dishes, paper cups, milk containers, or other similar paper products, either whole or ground;
- E. Any substance which may cause the POTW to be in noncompliance with biosolid use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines or regulations affecting biosolid use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Water Act, the Toxic Substances Control Act or state criteria applicable to the biosolid management method being used;
- F. Any inflow sources, including rainwater, stormwater, groundwater, street drainage, surface drainage, subsurface drainage, roof drainage, yard drainage, and water from yard fountains, ponds or lawn sprays, or any other uncontaminated water. It is unlawful to connect any sewer lateral to the city's wastewater facilities which would allow infiltration discharges in excess of two hundred gallons per day per pipe diameter inch per mile of length;
- G. Any water added for the purpose of diluting waste;
- H. Any petroleum or mineral-based cutting oils commonly called soluble oil
- I. Any nonbiodegradable oil, petroleum oil, or refined petroleum products exceeding one hundred milligrams per liter (100 mg/l);
- J. Any radioactive, radiological, or chemical ~~warfare~~, or biological warfare waste or material except as regulated by the state and federal government;
- K. Any substance that either singly or in combination with other discharges causes pass through, upset, interference, or limits disposal of municipal biosolids, ~~or could cause~~ *which could result in* a violation of the POTW's NPDES permit and/or the receiving water's quality standards;
- L. Matter of any nature at a temperature above one hundred fifty degrees Fahrenheit;
- M. Animal or vegetable greases, oils or matter containing animal or vegetable grease or oil of any nature in excess of three hundred milligrams per liter;
- N. Any substance, *including oxygen demanding pollutants released in a discharge at a flow rate and/or pollutant concentration*, that would ~~be poisonous to or~~ inhibit the biologic organisms associated with any sewage treatment process, and which, in the opinion of the Public Works Director, might interfere with the satisfactory operation of any treatment facility or any portion of the sewer system.
- O. Heat in amounts which will inhibit biological activity in the POTW resulting in interference, or heat in such quantities that the temperature at the POTW influent exceeds forty degrees centigrade or one hundred four degrees fahrenheit;
- P. Any wastewater with objectionable color not removed in the POTW treatment process;
- Q. Any pesticides or herbicides;

R. Any trucked or hauled pollutants, except at discharge points designated by the Public Works Director.

(Ord. 1686, 1991; Ord. 1640 § 3, 1989; Ord. 1421 § 18, 1983; Ord. 1321 § 6, 1981; Ord. 1283 § 8 (part), 1980.) (Ord. 2420, Amended, 01/26/2009; Ord. 2390, Amended, 02/25/2008; Ord. 2186, Amended, 08/25/2003; Ord. 2043, Amended, 11/22/1999)

Section 35. Section 13.36.015: “General prohibitions.” is hereby added as follows:

Section 13.36.015 General prohibitions.

No User shall introduce or cause to be introduced into the sanitary sewers or sewer facilities any pollutant or wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the sanitary sewers and sewer facilities whether or not they are subject to Categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.

Section 36. Section 13.36.060: “Standards for dry cleaning facilities” is hereby amended as follows:

Section 13.36.060 Standards for dry cleaning facilities.

- A. No person shall dispose of or place dry cleaning solvent, filters, lint, etc. from dry cleaning machine cleanout, button trap cleanout, pre-filter cleanout, spent diatomaceous earth, sludge, condensate or separator water, vacuum press condensate, mop water, still bottoms or any other regulated waste material containing dry cleaning solvent into any drain, sanitary sewer, storm sewer, septic tank, boiler, cooling tower or any underground structure which may result in a release to the waters of the state.
- B. No person shall dispose of or place dry cleaning solvent, spent filters, lint from a dry cleaning machine cleanout, button trap cleanout, pre-filter cleanout, spent diatomaceous earth, sludge, condensate or separator water, vacuum press condensate, mop water, still bottoms or any other regulated waste material containing dry cleaning solvent into a dumpster, trash receptacle, on the ground or in any location other than in an appropriate waste storage container that is properly identified (labeled). Said material shall be handled, stored and disposed of as hazardous waste.
- C. Prior to the purchase and installation of a wastewater treatment unit, such as, but not limited to, an evaporator, atomizer or filtration, the business owner or their designated representative shall submit detailed plans and specifications of the wastewater treatment unit to the ~~Environmental Control Section~~*Public Works Director*.
 - 1. All wastewater treatment equipment shall meet the definition of a wastewater treatment unit as denoted in 40 CFR 260.10 ~~(1) & (2)~~.
 - 2. The installation of an on-site wastewater treatment unit shall be directly plumbed to receive wastewater generated from the dry cleaning machine.
 - 3. The wastewater treatment unit shall be maintained according to all the manufacturer’s recommendations and requirements. An operation and maintenance manual of said equipment shall be kept on-site at all times.

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- D. A dry cleaning facility wastewater treatment unit shall:
1. Include a primary solvent water separator settling chamber. This chamber shall recover free-phase dry cleaning solvent from wastewater exiting the dry cleaning machine water separator.
 - a. Wastewater exiting a primary solvent settling chamber shall be directed into an initial filter having filter media capable of removing dissolved solvent.
 2. Include a monitor-alarm which shall shut down the wastewater treatment unit when the initial filter becomes saturated with solvent, indicating mandatory filter replacement.
 - a. If the monitor-alarm shuts down the wastewater treatment unit, the dry cleaning operator or his designated representative shall follow the manufacturer's maintenance recommendations for filter replacement and reactivation of the treatment unit.
 - i. Operation of the treatment unit with the monitor-alarm being bypassed, deactivated or removed shall result in an enforcement action.
 3. Require wastewater exiting the initial filter be directed into a secondary filter having filter media capable of removing residual dissolved dry cleaning solvent.
 4. Require exiting the secondary filtration, treated wastewater to be evaporated, misted or atomized. These methods of discharge shall not result in a visible liquid deposition or accumulation so to create a safety hazard or nuisance.
- E. Wastewater generated in a dry cleaning operation may be treated with an alternative device other than what has been outlined in this Article, provided they can demonstrate to the ~~Environmental Control Section~~*Public Works Director* that the alternative unit utilizes a technology that is capable of providing equivalent or better levels of solvent removal and automatic shutdown capabilities. All requests for the installation of an alternative wastewater treatment unit shall be submitted to the ~~Environmental Control Section~~*Public Works Director* in writing.
- F. All invoices and/or manifests generated as a result of, but not limited to, chemical and equipment purchases, equipment maintenance, disposal of dry-cleaning solvent and associated wastes, shall be made available for review and copying upon request. All documentation shall be kept onsite for a period of three years.
- G. Secondary containment is a level of containment that is external and separate from a vessel containing a liquid or solid. It is required for, but not limited to, all dry cleaning equipment, wastewater treatment unit(s), unused cleaning solvent, waste cleaning solvent, used filters, sludge, lint and solids contaminated with cleaning solvent.
1. Secondary containment shall be constructed of material impermeable to solvent and cleaning fluids used, and able to withstand the weight of the equipment and/or vessels stored within it.
 2. Secondary containment shall be capable of containing a minimum of 110% of the capacity of the largest vessel and be leak proof.
 3. Secondary containment shall extend beyond the outside perimeter of all dry cleaning equipment to enable collection of any solution that may leak, drip or escape from the equipment.
 4. Outdoor storage of dry cleaning process chemicals and waste shall be secondarily

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contained, secured to prevent unauthorized access, and covered to protect from contact with storm water.

(Ord. 2265, Add, 02/28/2005)

Section 37. Section 13.36.070: “Limitations on the use of garbage grinders” is hereby amended as follows:

Section 13.36.070 Limitations on the use of garbage grinders.

Waste from garbage grinders shall not be discharged into the city's wastewater facilities except when the wastes are generated in preparation of food normally consumed on the premises and the grinders shred the waste to a degree that all particles will be carried freely under normal flow conditions prevailing in the wastewater facilities, and to a size not to exceed one-half inch in any dimension. Garbage grinders shall not be used for grinding plastic, paper products, inert materials or garden refuse. Upon effective date of the ordinance codified in this chapter all scullery or dish table wastes shall not be put through a garbage grinder unless the discharge is through an approved grease interceptor.

~~The introduction of emulsifiers, bacteria, enzymes or any other product into the grease trap or interceptor which would cause oil and grease to pass through the trap interceptor is prohibited. Grease traps and interceptors shall be maintained to insure proper operation.~~

(Ord. 1640 § 4, 1989; Ord. 1568 § 4, 1987; Ord. 1466 § 2, 1984; Ord. 1321 § 8, 1981; Ord. 1283 § 8 (part), 1980.) (Ord. 2420, Amended, 01/26/2009; Ord. 2390, Amended, 02/25/2008; Ord. 2186, Amended, 08/25/2003; Ord. 2043, Amended, 11/22/1999)

Section 38. Section 13.36.072: “Limitations on the use of additives” is hereby added as follows:

Section 13.36.072 Limitations on the use of additives.

The introduction of emulsifiers, bacteria, enzymes or any other product into the grease trap or interceptor which would cause oil and grease to pass through the trap or interceptor is prohibited.

Section 39. Section 13.36.075: “Required use of grease traps and interceptors” is hereby amended as follows:

Section 13.36.075 Required Use of grease traps and interceptors.

Unless otherwise determined by the Public Works Director, ~~Every~~ every existing industrial/commercial discharger upon whose premises food is served, prepared, packaged or processed for ultimate human consumption shall install, use, and maintain an exterior, properly-sized and installed grease interceptor ~~trap~~ through which all wastes from such food processing, preparation or service must be discharged prior to entry into any wastewater system facilities. Beginning January 1, 2009 and thereafter unless otherwise amended, sizing specifications for grease traps and interceptors shall be based on the sample sizing calculation sheet that was developed from the 2003 Uniform Plumbing Code, Chapter 10, appendix H, listed

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in Section 13.30.020(I) of this title. The Public Works Director may waive the required minimum size grease interceptor. The design, operation and sizing of all grease traps and interceptors must be approved by the Public Works Director. *Grease traps and interceptors shall be maintained to insure proper operation.*

~~The introduction of emulsifiers, bacteria, enzymes or any other product into the grease trap or interceptor which would cause oil and grease to pass through the trap or interceptor is prohibited. Every grease trap and grease interceptor shall be maintained and regularly cleaned as necessary to ensure proper continuous operation.—~~

(Ord. 2420, Add, 01/26/2009)

Section 40. Section 13.36.090: “Limitations on wastewater” is hereby amended as follows:

Section 13.36.090 Limitations on wastewater *quality and strength*,

No person shall discharge wastewater containing constituents in excess of:

Constituent	Maximum Concentration
Arsenic, <i>Total</i>	2.0 mg/l
Barium	14.0 mg/l
Boron	1.00 mg/l
Cadmium, <i>Total</i>	0.02 mg/l
Chromium, <i>Total(total)</i>	0.50 mg/l
Copper, <i>Total</i>	0.50 mg/l
Cyanide, <i>Total</i>	0.23 mg/l
Iron	90.0 mg/l
Lead, <i>Total</i>	0.30 mg/l
Manganese	1.10 mg/l
Mercury, <i>Total</i>	0.01 mg/l
Nickel, <i>Total</i>	1.80 mg/l
Selenium, <i>Total</i>	0.06 mg/l
Silver, <i>Total</i>	0.05 mg/l
Sulfate	240 mg/l
Zinc, <i>Total</i>	1.0 mg/l
Phenol	2.5 mg/l
Other Phenolic Compounds	0.005 mg/l
Alkalinity	430 mg/l
Chloride	110 mg/l
Fluoride	4.0 mg/l

(Ord. 1640 § 5, 1989; Ord. 1321 § 9, 1981; Ord. 1283 § 8 (part), 1980.) (Ord. 2043, Amended, 11/29/1999)

Section 41. Section 13.36.100: “Revision of wastewater regulations” is hereby amended as follows:

Section 13.36.100 Revision of wastewater regulations.

Effluent limitations promulgated by the Act, and regulations and guidelines promulgated thereunder, shall apply in any instance where they are more stringent than those in these regulations.

Limitations on wastewater strength in Section 13.36.090 of this ~~chapter~~*title* may be supplemented with more stringent limitations pursuant to Section 13.39.030 of this title:

- A. If the Public Works Director determines that the limitations in Section 13.36.090 of this chapter may not be sufficient to protect the operation of the city's treatment works;
- B. If the Public Works Director determines that the limitations in Section 13.36,090 of this chapter may not be sufficient to enable the city's treatment works to comply with water quality standards or effluent limitations specified in the city's National Pollutant Discharge Elimination System (NPDES) permit;
- C. If any matter of any nature may be discharged into the sewer system, which discharge might reasonably be considered a violation of this chapter, the controlling characteristic of such matter shall be determined to the satisfaction of the Public Works Director. The responsibility of initiating such determinations of any costs involved and of submitting the results of the determination to the Public Works Director for his approval lie solely with the party or parties desiring to discharge the matter into the sewer system. Verification of these results and the decision as to whether or not a permit shall be issued shall be the responsibility of the Public Works Director. The adoption of this ordinance amending this title of the code, or ordinances adopted subsequent hereto but without objection from the Public Works Director, does not constitute a waiver of the Public Works Director's right to regulate or prohibit the discharge of such matter.

(Ord. 1283 § 8 (part), 1980.) (Ord. 2291, Amended, 08/22/2005; Ord. 2043, Amended, 11/29/1999)

Section 42. Section 13.36.110: "Accidental spill/discharge" is hereby amended as follows:

Section 13.36.110 ~~Accidental spill/discharge~~*Spill/Slug Control.*

- A. Users shall notify the Public Works Director immediately upon becoming aware of an accidental spill or discharge into the environment, sanitary or storm sewer systems in violation of this title. Notification shall enable the Public Works Director to take proper measures to reduce the impact of the spill or discharge. This notification shall be followed by a detailed written statement within ~~fifteen~~*five* days of the date of occurrence.
- B. When the Public Works Director deems it necessary, dischargers shall provide protection from an accidental spill or discharge of incompatible substances, regulated materials or wastewater into the environment, sanitary or storm sewer systems. This protection at a minimum shall consist of the following:
 1. A written ~~spill/discharge prevention, control and countermeasure plan (SPCC)~~*slug control plan* containing operating procedures implemented to prevent an accidental spill/discharge.
 2. Control measures installed to prevent a spill/discharge into the POTW or environment.
 3. Countermeasures to contain, cleanup and mitigate the effects of a spill/discharge. Review and approval of such plans and operating procedures shall not relieve the user from

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the responsibility to modify the user's facility as necessary to meet the requirements of this title; nor shall it relieve the user of any other responsibility or liability imposed by law.

- C. When the Public Works Director deems it necessary to reduce the risk of exposing the populace, environment, sanitary or storm sewer systems to incompatible substances, secondary containment shall be installed. The Public Works Director may waive secondary containment requirements if a substance poses no hazard.

(Ord. 1283 § 8 (part), 1980.)

(Ord. 2420, Amended, 01/26/2009; Ord. 2186, Amended, 08/25/2003; Ord. 2043, Amended, 11/29/1999)

Section 43. Section 13.36.120: "Excessive discharge" is hereby repealed as follows:

~~Section 13.36.120 — Excessive discharge.~~

~~No user shall ever increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations enforceable under this title.~~

~~(Ord. 1283 § 8 (part), 1980.)~~

Section 44. Section 13.36.140: "Categorical pretreatment standards" is hereby added as follows:

Section 13.36.140 Categorical pretreatment standards.

Categorical industrial users must comply with the categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471.

- A. *Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Public Works Director may impose equivalent concentration or mass limits in accordance with Sections 13.36.140(B) and (C).*
- B. *When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Public Works Director may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.*
- C. *When a categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that the City convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Public Works Director. The City may establish equivalent mass limits only if the Industrial User meets all the conditions set forth in Sections 13.36.140 C(1)(a) through 13.36.140C(1)(e) below.*
1. *To be eligible for equivalent mass limits, the Industrial User must:*
 - a. *Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;*
 - b. *Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;*

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- discretion of the Public Works Director.*
- E. Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this Section (13.36.100) in lieu of the promulgated categorical Standards from which the equivalent limitations were derived.*
 - F. Many categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum Monthly Average, or 4-day average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.*
 - G. Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the Public Works Director within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the Public Works Director of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate.*
 - H. A User may obtain a net/gross adjustment to a categorical Pretreatment Standard in accordance with the following paragraphs of this Section.*
 - 1. Categorical Pretreatment Standards may be adjusted to reflect the presence of pollutants in the Industrial User's intake water in accordance with this Section. Any Industrial User wishing to obtain credit for intake pollutants must make application to the City. Upon request of the Industrial User, the applicable Standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the requirements of paragraph (2) of this Section are met.*
 - 2. Criteria.*
 - a. Either (i) The applicable categorical Pretreatment Standards contained in 40 CFR subchapter N specifically provide that they shall be applied on a net basis; or (ii) The Industrial User demonstrates that the control system it proposes or uses to meet applicable categorical Pretreatment Standards would, if properly installed and operated, meet the Standards in the absence of pollutants in the intake waters.*
 - b. Credit for generic pollutants such as biochemical oxygen demand (BOD), total suspended solids (TSS), and oil and grease should not be granted unless the Industrial User demonstrates that the constituents of the generic measure in the User's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.*
 - c. Credit shall be granted only to the extent necessary to meet the applicable categorical Pretreatment Standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with Standard(s) adjusted under this Section.*
 - d. Credit shall be granted only if the User demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges.*

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The City may waive this requirement if it finds that no environmental degradation will result.

- I. *The Public Works Director may develop Best Management Practices (BMPs), in individual wastewater discharge permits, to implement Local Limits and the requirements of Section 13.36.010 of this title.*

Section 45. Section 13.36.150: “Prohibition against dilution as a substitute for treatment” is hereby added as follows:

Section 13.36.150 Prohibition against dilution as a substitute for treatment.

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 Public Works Director may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases when the imposition of mass limitations is appropriate.

Section 46. Section 13.36.160: “Bypass provisions” is hereby added as follows:

Section 13.36.160 Bypass provisions.

A. *Definitions.*

1. *“Bypass” means the intentional diversion of wastestreams from any portion of an Industrial User's treatment facility.*
2. *“Severe property damage” means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.*

B. *Bypass not violating applicable Pretreatment Standards or Requirements.*

An Industrial User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (c) and (d) of this section.

C. *Notice.*

1. *If an Industrial User knows in advance of the need for a bypass, it shall submit prior notice to the Control Authority, if possible at least ten days before the date of the bypass.*
2. *An Industrial User shall submit oral notice of an unanticipated bypass that exceeds applicable Pretreatment Standards to the Control Authority within 24 hours from the time the Industrial User becomes aware of the bypass. A written submission shall also be provided within 5 days of the time the Industrial User becomes aware of the bypass. The written submission shall contain a description of the bypass and*

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its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Control Authority may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

D. Prohibition of bypass.

1. *Bypass is prohibited, and the Control Authority may take enforcement action against an Industrial User for a bypass, unless;
 - a. *Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;*
 - b. *There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and*
 - c. *The Industrial User submitted notices as required under paragraph (c) of this section.**
2. *The Control Authority may approve an anticipated bypass, after considering its adverse effects, if the Control Authority determines that it will meet the three conditions listed in paragraph (d)(1) of this section.*

Section 47. Section 13.39.110: “Environmental control permits for industrial/commercial dischargers” is hereby amended as follows:

Section 13.39.010 Environmental control permits for industrial/commercial dischargers.

Industrial/commercial dischargers connected to the city's sewer system *that qualify as Class II, Class III, Class IV, or Class V dischargers (as defined below in Section 13.39.010(A) of this title)* shall obtain an Environmental Control Permit from the Public Works Director. It is unlawful for any *Class II, Class III, Class IV, or Class V industrial/commercial* discharger to discharge without such permit. ~~The Public Works Director shall require permits for the following categories of industrial/commercial dischargers:~~

- ~~A. Dischargers whose effluent strength (BOD₅, suspended solids, total phosphorus and total nitrogen) exceeds the local domestic wastewater concentrations.~~
- ~~B. All industrial dischargers for which national pretreatment standards have been established under the Act and regulations and guidelines promulgated thereunder;~~
- ~~C. Other dischargers as determined by the Public Works Director to require special regulation or source control.~~
- ~~D. Industrial dischargers shall be categorized into one of the five (5) classifications described below:
 1. ~~Hazard Class I: Those industrial/commercial establishments with sanitary facilities which could not discharge any wastes greater in strength than normal domestic wastes and do not have potentially hazardous materials used or stored on their property. These dischargers may require a cursory inspection to verify~~~~

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~~specific operations within these facilities. A request from the Sparks Revenue Division generates an inspection upon startup, change of location, change of ownership or change in business name.~~

- ~~2. Hazard Class II: Those industrial/commercial establishments which do not generate significant amounts of wastes and are typically but not limited to restaurants, laundromats, small repair shops, machine shops and medical offices. Class II establishments may have small amounts of petroleum, antifreeze, solvents and photography or x ray chemicals on premises with only a slight hazard of these being discharged into the sanitary or storm sewer systems. Class II establishments receive an inspection every twelve (12) months with the issuance of an Environmental Control Permit annually.~~
- ~~3. Hazard Class III: Those industrial/commercial establishments whose waste stream may contain materials which are considered incompatible. Typically wastewater discharged by this classification may require pretreatment, proper storage and handling measures as well as spill prevention and containment requirements. Class III establishments may leave petroleum, inks, chemical and/or flammable solvents, acids or caustics on premises. Generally Class III establishments may repackage, distribute, or generate medium quantities of hazardous or toxic materials and/or wastes. Class III establishments receive an inspection every six (6) months with the issuance of an Environmental Control Permit annually.~~
- ~~4. Hazard Class IV: Those industrial/commercial establishments which in their normal operations would use and/or generate a large quantity of hazardous material or waste. This would include significant industrial users discharging wastewater in amounts equal to or greater than twenty five thousand (25,000) gallons per day. These establishments may be required to pretreat wastewater prior to discharge into the sanitary sewer system, monitor their facility wastewater discharge and provide bi-annual reports to the Public Works Director. The Public Works Director at a minimum shall sample wastewater discharges from Class IV establishments as outlined in the 40 Code of Federal Regulation Part 403. Class IV establishments are required to use proper storage and handling measures and to implement spill prevention and containment requirements. Class IV establishments may have but are not limited to large flows, toxic metal solutions, flammables, acids, caustics and/or tanks containing chemical solutions on premises.~~
- ~~5. Hazard Class V: Those industrial/commercial establishments which are subject to federal pretreatment requirements and are classified as Categorical industries. This classification may or may not discharge process wastewater into the sanitary sewer system but otherwise meet the same criteria as a Class IV establishment.~~

A. Industrial dischargers shall be categorized into one of the five (5) classifications described below:

- 1. Class I: Industrial users which could not discharge any wastes greater in strength than domestic wastewater and do not pose a reasonable potential to discharge incompatible pollutants.*
- 2. Class II: Industrial users that discharge wastewater greater in strength than domestic wastewater or pose a reasonable potential to discharge incompatible*

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pollutants.

3. *Class III: Industrial users that have pretreatment requiring maintenance at least annually or have on-site, hazardous waste as defined by 40 CFR Part 261 or are required by the City to install and maintain permanent secondary containment.*
 4. *Class IV: Significant Industrial Users as defined in Section 13.03.725 which are not Categorical Industrial Users.*
 5. *Class V: Categorical Industrial Users as defined in Section 13.03.081.*
- B. *The Public Works Director shall require permits for other dischargers as determined by the Public Works Director to require special regulation or source control.*
- (Ord. 1421 § 20, 1983; Ord. 1283 § 9 (part), 1980.) (Ord. 2420, Amended, 01/26/2009; Ord. 2291, Amended, 08/22/2005; Ord. 2186, Amended, 08/25/2003; Ord. 2043, Amended, 11/29/1999)

Section 48. Section 13.39.020: “Environmental control permit application.” is hereby amended as follows:

Section 13.39.020 Environmental control permit application.

- A. To obtain an Environmental Control Permit the industrial/commercial user shall ~~complete and file with the Public Works Director an application in the form prescribed by the Public Works Director. The application may require the following information:~~ *provide in a permit application the following information to the Public Works Director in the form prescribed by the Public Works Director:*
1. Name, address and Standard Industrial Classification (S.I.C.) number or numbers of applicants;
 2. Estimated volume of wastewater to be discharged;
 3. Wastewater constituents and characteristics as prescribed by the Public Works Director;
 4. Time and duration of discharge;
 5. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers and appurtenances by size, location and elevation as required by the Public Works Director;
 6. Description of business activities including type of products, raw materials used, variation in operation, and number and duties of employees;
 7. Any other information as may be deemed by the city engineer to be necessary to evaluate the permit application.
- B. The Public Works Director will evaluate the data furnished by the discharger. After evaluation, inspection, and approval of all the data required, the Public Works Director may issue an Environmental Control Permit subject to terms and conditions provided herein.
- C. Before a new *Class II, Class III, Class IV, or Class V* industrial/commercial discharger (*as defined in Section 13.39.010(A) of this title*) to the city's wastewater facilities is allowed, the discharger must first obtain an Environmental Control Permit from the Public Works Director. All existing industrial/commercial dischargers must complete and submit to the Public Works Director an application for wastewater inspection within fifteen days of receipt of the application. Violation of this provision shall subject the discharger to

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- enforcement and penalties as provided in Chapter 13.42 of this title.
- D. Fees for Environmental Control Permits and monitoring shall be set by resolution with a public hearing. Fees collected shall defray administrative, sample collection, testing, and other costs associated with Environmental Control Permit applications and evaluations as required in Section 13.39.030(B) of this chapter. Environmental Control Fees are set by Resolution.
- E. The Public Works Director finds there is a need to recover costs incurred by the city, through a fee, in its code enforcement efforts. Fees charged include time spent by city personnel re-inspecting properties throughout the city in an effort to ensure compliance with the code, and costs incurred in the re-inspection, investigation, recording of notices, and any other processing costs associated with violations specified on the notice of violation or a misdemeanor citation. Code enforcement fees shall be set by resolution with a public hearing.
- F. Significant Industrial Users are required to notify the Public Works Director immediately of any changes at its facility affecting the potential for a Slug Discharge.*
- FG.** Where possible, fees assessed pursuant to (D) and (E) of this section will be placed on the dischargers' existing sewer account. Payments shall be due and payable upon receipt of the bill and shall be delinquent if not fully paid by the due date stated in the bill. A penalty of eight and three-tenths percent (8.3%) per month of the charges may be added to all delinquent charges.
- H. The Public Works Director may deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, where such contributions do not meet applicable Pretreatment Standards and requirements or where such contributions would cause Interference or Pass-through.*

(Ord. 1421 § 21, 1983; Ord. 1283 § 9 (part), 1980.) (Ord. 2420, Amended, 01/26/2009; Ord. 2291, Amended, 08/22/2005; Ord. 2186, Amended, 08/25/2003; Ord. 2043, Amended, 11/29/1999)

Section 49. Section 13.39.030: “Terms and conditions of permit” is hereby amended as follows:

Section 13.39.030 Terms and conditions of permit.

- A. Duration of Environmental Control Permits. Environmental Control Permits shall be issued for a specified time period not to exceed five years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. If the user is not notified by the Public Works Director thirty days prior to the expiration of the permit, the permit shall be extended until such notice is made. The terms and conditions of the permit may be subject to modification and change by the Public Works Director during the life of the permit as limitations or requirements as identified in Chapter 13.36 of this title are modified and changed. The user shall be informed of any proposed changes in his permit at least thirty days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
- B. Permit Conditions. Environmental Control Permits shall be expressly subject to all provisions of this title and all other applicable regulations, user charges and fees. Permit may contain, but are not limited to, the following:
1. The unit charge or schedule of user charges and fees for the wastewater to be

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- discharged to a community sewer;
 2. Limits on the average and maximum wastewater constituents and characteristics;
 3. Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
 4. *Limits, including Best Management Practices, based on applicable general Pretreatment Standards in 40 CFR 403, categorical pretreatment standards, local limits, and State and local law;*
 45. Requirements for installation and maintenance of inspection and sampling facilities;
 56. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
 67. Compliance schedules;
 78. Requirements for submission of technical reports or discharge reports;
 89. Requirements for maintaining and retaining records relating to wastewater discharge as specified by the Public Works Director and affording city access thereto;
 910. Requirements for notification to the Public Works Director of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
 1011. Requirements for *the control and* notification of slug discharges;
 1112. Pretreatment of wastes before discharge;
 1213. Relocation of discharge points;
 1314. Prohibition of discharge of certain wastewater constituents;
 1415. Notification to the Public Works Director of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater discharge;
 1516. Development of a compliance schedule for the installation of technology required to meet applicable pretreatment standards and requirements;
 17. *Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;*
 1618. Other conditions necessary to accomplish the purpose of this title.

The permit may include a time schedule which allows the discharger time to meet the conditions of the permit. The industrial/commercial discharger, who has been issued a permit, will be responsible for all costs required to comply with conditions of the permit.
- C. Change of Permit Terms and Conditions. The Public Works Director may change any or all terms and conditions of an Environmental Control Permit for cause. The Public Works Director shall specify a reasonable compliance period to comply with any required changes in the permit.
- D. Transfer of a Permit. Environmental Control Permits are issued to a specific user for a specific operation. An Environmental Control Permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation.
(Ord. 1421 § 22, 1983; Ord. 1283 § 9 (part), 1980.) (Ord. 2420, Amended, 01/26/2009; Ord. 2291, Amended, 08/22/2005; Ord. 2186, Amended, 08/25/2003; Ord. 2043, Amended, 11/29/1999)

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Section 50. Section 13.39.060: “Inspection” is hereby amended as follows:

Section 13.39.060 Inspection.

The Public Works Director, environmental control officer, or other city officials or employees, shall have the right of entry for inspection purposes of the facilities discharging to the city's sewer system to ascertain compliance with the city's sewer regulations. Persons or occupants of premises where wastewater is created or discharged shall allow the Public Works Director or his representatives ready access to all parts of the premises for the purposes of inspection, sampling, records examination, *records duplication*, or in the performance of any other duties as called for in this title. The Public Works Director or his representatives will verify the discharge flows and strength reported by a discharger, or to determine compliance with this title. Inspection, measurement and sampling may be conducted periodically by city personnel. The city may install, maintain and operate sampling and measuring equipment on the premises of the discharger. Where a discharger has security measures in force which would require proper identification and clearance before entry into the user's premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification personnel from the city will be permitted to enter without delay for the purposes of performing the specific responsibilities of this title.

(Ord. 1421 § 24, 1983; Ord. 1283 § 9 (part), 1980.) (Ord. 2420, Amended, 01/26/2009; Ord. 2186, Amended, 08/25/2003; Ord. 2043, Amended, 11/29/1999)

Section 51. Section 13.39.070: “Pretreatment of sewage” is hereby amended as follows:

Section 13.39.070 Pretreatment of sewage.

~~When at any time it becomes necessary or desirable to discharge into the sanitary sewer system any matter from any source which does not conform to the requirements outlined in Chapter 13.36 of this title, it is required that before such matter may be discharged into the sewer system, the producer thereof shall pretreat same at his own expense to a degree that will produce an effluent which does conform to the requirements.~~

The Public Works Director may require users of the city's sewer system to pretreat wastewater. Users shall make wastewater acceptable under the limitations established in Chapter 13.36 of this title before discharging into any wastewater facility.

- A. Upon written notice from the city of the requirement for pretreatment of discharge, the user shall have ten (10) working days to reply to the Public Works Director as to a plan of compliance and shall be in compliance within ninety (90) days unless a time extension is granted by the city.

~~All analytical procedures used to determine compliance with pretreatment standards will be those specified in 40 CFR Part 136. Such pretreatment plants shall be understood to include grease traps, chemical or biochemical plants, sedimentation chambers and any other devices which effect a change of any nature in the characteristics of the matter being treated. Any and all such~~

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~~devices and equipment shall not be put into operation without a written permit of approval issued by the Public Works Director and shall be provided with all necessary features of construction to permit inspection of operations and testing of material passing through them, and shall be open to the inspection of the Public Works Director at any time, but the producer, in lieu of the treatment of the sewage as hereinabove provided for, may with the written approval of the Public Works Director being first obtained, discharge the sewage, waste or other matter into the sewage system, subject to the provisions of Chapter 13.36, and subject to the payment of the additional cost of the treatment thereof, as provided for in this title.~~

~~The Public Works Director may require users of the city's sewer system to pretreat wastewater. Users shall make wastewater acceptable under the limitations established herein before discharging into any wastewater facility. Any facilities required to pretreat wastewater to a level acceptable to the Public Works Director shall be provided and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Public Works Director for review and shall be approved by the Public Works Director before construction of the pretreatment facility. The review and approval of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent complying with the provisions of this title. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be approved by the Public Works Director.~~

~~The Public Works Director may require that industrial/commercial dischargers provide information proving that concentrations of constituents contained within their wastewater, but not regulated under 13.36.090, will not pass through the treatment works, interfere with the operation of the treatment works, limit disposal of municipal biosolids, present a fire or explosion hazard, cause structural damage to wastewater facilities or obstruct flow, or pose a threat to the health, safety and welfare of the workers. This information shall include supporting data and analysis and shall be prepared by a professional engineer licensed in the State of Nevada and experienced in sanitary design.~~

- B. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Public Works Director for review and shall be approved by the Public Works Director before construction of the pretreatment facility. Such pretreatment plants shall be understood to include grease traps, chemical or biochemical treatment plants, sedimentation chambers and any other devices which effect a change of any nature in the characteristics of the matter being treated.*
- C. Any and all such devices and equipment shall not be put into operation without a written permit of approval issued by the Public Works Director and shall be provided with all necessary features of construction to allow inspection of operations and testing of material passing through them, and shall be open to the inspection of the Public Works Director at any time.*
- D. The Public Works Director may require that industrial/commercial dischargers provide*

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information proving that concentrations of constituents contained within their wastewater, but not regulated under 13.36.090, will not pass through the treatment works, interfere with the operation of the treatment works, limit disposal of municipal biosolids, present a fire or explosion hazard, cause structural damage to wastewater facilities or obstruct flow, or pose a threat to the health, safety and welfare of the workers. This information shall include supporting data and analysis and shall be prepared by a professional engineer licensed in the State of Nevada and experienced in sanitary design.

- E. The user, in lieu of the treatment of the sewage as hereinabove provided for, may with the written approval of the Public Works Director being first obtained, discharge the sewage, waste or other matter into the sewage system, subject to the provisions of Chapter 13.36 of this title, and subject to the payment of the additional cost of the treatment thereof, as provided for in this title.*
- F. Any facilities required to pretreat wastewater to a level acceptable to the Public Works Director shall be provided and maintained at the user's expense.*
- G. The review and approval of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent complying with the provisions of this title.*
- H. All analytical procedures used to determine compliance with pretreatment standards will be those specified in 40 CFR Part 136.*
- I. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be approved by the Public Works Director.*

(Ord. 1686, 1991; Ord. 1283 § 9 (part), 1980.) (Ord. 2420, Amended, 01/26/2009; Ord. 2186, Amended, 08/25/2003; Ord. 2043, Amended, 11/29/1999)

Section 52. Section 13.39.080: "Monitoring equipment construction and report requirements" is hereby amended as follows:

Section 13.39.080 Monitoring equipment construction and report requirements.

~~A. Monitoring facilities and equipment may be required of any sewer user in order to allow inspection, sampling and flow measurement of the building sewer, or internal drainage system. When more than one sewer user can discharge into a common building sewer, the Public Works Director may require installation of a separate monitoring facility for each user. Also when, in the judgment of the Public Works Director, there is significant difference in wastewater constituents and characteristics produced by different operations of a single user, the Public Works Director may require that separate monitoring facilities be installed for each separate discharge.~~

~~Monitoring facilities that are required to be installed shall be constructed, operated and maintained at the user's expense. The purpose of the facility is to enable inspection, sampling and flow measurement of wastewaters produced by a user. If sampling or metering equipment is also required by the Public Works Director, it shall be provided, installed and operated at the user's expense. The monitoring facility will normally be required to be located on the user's premises outside of the building. The Public Works Director, however, when such a location would be impractical or cause undue hardship to the user, may allow the facility to be constructed in the public street or public sidewalk area.~~

~~If the monitoring facility is inside the user's fence, there shall be accommodations~~

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~~to allow safe and immediate access for city personnel, such as a gate secured with a city lock. There shall be ample room in or near such facility to allow accurate sampling and compositing of samples for analysis. The entire facility and the sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition by and at the expense of the sewer user.~~

~~Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with the city's requirements. When, in the judgment of the Public Works Director an existing user requires a monitoring facility, the user will be so notified in writing. Construction must be completed within ninety days following written notification unless a time extension is otherwise granted by the Public Works Director.~~

~~B. Within ninety days following the date for final compliance with applicable discharge limitations, or in case of a new source following commencement of the introduction of wastewater into the city sewer system, any commercial/industrial discharger subject to such discharge limitations shall submit to the Public Works Director a report indicating the nature and concentration of all pollutants in the discharge from the affected commercial or industrial establishment. The discharger's report will include reporting on the discharge from any regulated processes which are limited by the discharge limitations and the average and maximum daily flow from these process units in the user facility which are limited by such standards or discharge limitations. The report shall state whether the applicable limitations are being met on a consistent basis, and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the sewer user into compliance with the applicable limitations. The submitted report will include the following certification signed by a duly authorized representative of the industrial user. "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."~~

~~C. Any user subject to a discharge limitation after the compliance date of such discharge limitation, or, in the case of a new source after commencement of the discharge into the city's sewage collection or treatment facilities, shall submit to the Public Works Director during the months of July and January, unless required more frequently by the Public Works Director, a report indicating the nature and concentration of pollutants in the effluent which are limited by such discharge limitations. This report will include the following certification signed by a duly authorized representative of the industrial user. "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations." In addition, this report shall include a record of all daily flows~~

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~~which, during the reporting period, exceeded the average daily flow reported, as required under the permit. At the discretion of the Public Works Director, and in consideration of such factors as local high or low flow rates, holidays, budgets and cycles, the Public Works Director may agree to alter the months during which the above reports are to be submitted.~~

~~The Public Works Director may impose mass limitations on users which are using dilution to meet applicable discharge limitations or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by the above paragraph shall indicate the mass of pollutants regulated by the discharge limitations in the effluent of the sewer user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and nature of concentration, or production and mass, where requested by the Public Works Director, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the environmental control permit. All analyses shall be performed in accordance with the procedures established in 40 CFR Part 136.~~

~~D. Dischargers subject to federal reporting requirements shall maintain records of all information resulting from all monitoring activities. Such records shall be maintained in the dischargers' official business records for a minimum of three years and shall be made available for inspection and copying by the Public Works Director. The required period of record retention may be extended during the course of any unresolved litigation between a discharger and the city or when requested by EPA or NDEP. Such records shall, at a minimum, outline the following:~~

- ~~1. Collection date;~~
- ~~2. Collection time;~~
- ~~3. Collection point/source;~~
- ~~4. Grab/composite sample;~~
- ~~5. Name of person(s) collecting the sample;~~
- ~~6. Sample preservation method(s);~~
- ~~7. Name of laboratory/person(s) performing the analysis;~~
- ~~8. Analytical techniques/methods used;~~
- ~~9. Testing for and results of such analysis.~~

~~A. *Monitoring facilities and equipment.*~~

- ~~1. *Monitoring facilities and equipment may be required of any sewer user in order to allow inspection, sampling and flow measurement of the building sewer, or internal drainage system.*~~
- ~~2. *When more than one sewer user can discharge into a common building sewer, the Public Works Director may require installation of a separate monitoring facility for each user. Also when, in the judgment of the Public Works Director, there is significant difference in wastewater constituents and characteristics produced by different operations of a single user, the Public Works Director may require that separate monitoring facilities be installed for each separate discharge.*~~
- ~~3. *Monitoring facilities that are required to be installed shall be constructed, operated and maintained at the user's expense. The purpose of the facility is to enable inspection, sampling and flow measurement of wastewaters produced by a user.*~~
- ~~4. *If sampling or metering equipment is also required by the Public Works Director, it shall be provided, installed and operated at the user's expense.*~~
- ~~5. *The monitoring facility will normally be required to be located on the user's*~~

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- premises outside of the building. The Public Works Director, however, when such a location would be required in order to enact a Categorical Pretreatment Standards, or determined to be impractical, or cause undue hardship to the user, may allow the facility to be constructed in the public street or public sidewalk area.*
6. *If the monitoring facility is inside the user's fence, there shall be accommodations to allow safe and immediate access for city personnel, such as a gate secured with a city lock. There shall be ample room in or near such facility to allow accurate sampling and compositing of samples for analysis. The entire facility and the sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition by and at the expense of the sewer user.*
 7. *Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with the city's requirements.*
 8. *When, in the judgment of the Public Works Director an existing user requires a monitoring facility, the user will be so notified in writing.*
 9. *Construction must be completed within ninety days following written notification unless a time extension is otherwise granted by the Public Works Director.*
- B. Monitoring reports.**
1. *Within ninety days following the date for final compliance with applicable discharge limitations, or in case of a new source following commencement of the introduction of wastewater into the city sewer system, any commercial/industrial discharger subject to such discharge limitations shall submit to the Public Works Director a report indicating the nature and concentration of all pollutants in the discharge from the affected commercial or industrial establishment.*
 - a. *The discharger's report will include reporting on the discharge from any regulated processes which are limited by the discharge limitations and the average and maximum daily flow from these process units in the user facility which are limited by such standards or discharge limitations.*
 - b. *The report shall state whether the applicable limitations are being met on a consistent basis, and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the sewer user into compliance with the applicable limitations.*
 - c. *In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by Public Works Director or the Pretreatment Standard necessary to determine the compliance status of the User.*
 - d. *The submitted report will include the following certification signed by a duly authorized representative of the industrial user. "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."*
 2. *Any user subject to a discharge limitation after the compliance date of such discharge limitation, or, in the case of a new source after commencement of the discharge into the city's sewage collection or treatment facilities, shall submit to*

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the Public Works Director during the months of July and January, unless required more frequently by the Public Works Director, a report indicating the nature and concentration of pollutants in the effluent which are limited by such discharge limitations.

- a. This report will include the following certification signed by a duly authorized representative of the industrial user. "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."*
 - b. In addition, this report shall include a record of all daily flows which, during the reporting period, exceeded the average daily flow reported, as required under the permit.*
 - c. At the discretion of the Public Works Director, and in consideration of such factors as local high or low flow rates, holidays, budgets and cycles, the Public Works Director may agree to alter the months during which the above reports are to be submitted.*
 - d. The Public Works Director may impose mass limitations on users which are using dilution to meet applicable discharge limitations or in other cases where the imposition of mass limitations is appropriate. In such cases, the report required by the above paragraphs shall indicate the mass of pollutants regulated by the discharge limitations in the effluent of the sewer user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and nature of concentration, or production and mass, where requested by the Public Works Director, of pollutants contained therein which are limited by the applicable pretreatment standards.*
 - e. The frequency of monitoring shall be prescribed in the Environmental Control Permit.*
- 3. Within 180 days after the final administrative decision made upon a category determination submission under 40 CFR 403.6(a)(4), existing industrial users subject to such categorical pretreatment standards and currently discharging to or scheduled to discharge to the sanitary sewers shall submit a baseline monitoring report containing the information listed in 40 CFR 403.12(b). At least 90 days prior to commencement of discharge to the sanitary sewers, New Sources subject to such categorical standards shall submit a baseline monitoring report containing the information listed in 40 CFR 403.12(b). A compliance schedule required as part of a baseline monitoring report shall meet the conditions of 40 CFR 403.12(c).*
 - 4. Industrial users shall notify in writing the Public Works Director, and the hazardous waste authorities at the US Environmental Protection Agency and the State of Nevada, of any discharge into the sanitary sewers of any substance, which if otherwise disposed of, would be a hazardous waste under 40 CFR 261. This notification does not apply to pollutants already reported under the self-monitoring requirements of Chapter 13.39.080(B)(1,2,3) of this title.*
 - 5. All industrial users shall promptly notify the Public Works Director in advance of any substantial changes in the volume or character of pollutants in their discharge,*

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- including the listed or characteristic hazardous waste for which the industrial user has submitted initial notification under Chapter 13.39.080(B)(4).*
6. *If sampling performed by an industrial user indicates a violation, the user shall notify the Public Works Director within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Public Works Director within 30 days after becoming aware of the violations.*
- C. *Dischargers subject to federal reporting requirements shall maintain records of all information resulting from all monitoring activities. Such records shall be maintained in the dischargers' official business records for a minimum of three years and shall be made available for inspection and copying by the Public Works Director. The required period of record retention may be extended during the course of any unresolved litigation between a discharger and the city or when requested by EPA or NDEP. Such records shall, at a minimum, outline the following:*
1. *Collection date;*
 2. *Collection time;*
 3. *Collection point/source;*
 4. *Grab/composite sample;*
 5. *Name of person(s) collecting the sample;*
 6. *Sample preservation method(s);*
 7. *Name of laboratory/person(s) performing the analysis;*
 8. *Analytical techniques/methods used;*
 9. *Testing for, and results of such analysis.*
- D. *Except as indicated in Sections E and F below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Public Works Director.*
1. *All sampling, including time-proportional composite sampling or grab sampling if authorized by the City, the samples of the discharge must be representative of daily operations, of the conditions occurring during the reporting period, and of the discharge.*
 2. *Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Public Works Director, as appropriate.*
 3. *Grab samples may be required to show compliance with Instantaneous Limits.*
- E. *Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.*
- F. *For sampling required in support of baseline monitoring and periodic compliance reports:*
1. *A minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist.*
 2. *For facilities for which historical sampling data are available, Public Works Director may authorize a lower minimum.*
 3. *For the periodic monitoring reports established in Section 13.39.080 of this title, the Industrial User is required to collect the number of grab samples necessary to*

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assess and assure compliance by with applicable Pretreatment Standards and Requirements.

4. *In cases where a local limit requires compliance with a Best Management Practice or pollution prevention alternative, the User must submit documentation required by the city to determine the compliance status of the User.*
 5. *All analyses shall be performed in accordance with the procedures established in 40 CFR Part 136.*
 6. *These reports must be based on sampling and analysis performed in the period covered by the report, and in accordance with the techniques described in Part 136 and amendments, and include all monitoring results for the period covered by the report, including those from monitoring conducted more frequently than required. This sampling and analysis may be performed by the city in lieu of the User.*
- G. *Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Section 13.36.140(I) of this title.*
1. *Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses.*
 2. *These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the City, or where the User has been specifically notified of a longer retention period by Public Works Director.*

(Ord. 1686, 1991; Ord. 1421 § 25, 1983; Ord. 1283 § 9 (part), 1980.) (Ord. 2420, Amended, 01/26/2009; Ord. 2186, Amended, 08/25/2003; Ord. 2043, Amended, 11/29/1999)

Section 53. Section 13.42.045: “Waste reduction review committee” is hereby amended as follows:

Section 13.42.045 ~~Waste Reduction Review Committee-Significant non-compliance.~~

~~The city encourages waste minimization for industrial and commercial sewer users. A Waste Reduction Review Committee is established consisting of one city council member, one representative from local business, and one representative from each of the following city departments: Finance, Fire and Public Works. The duties of the Waste Reduction Review Committee are:~~

- ~~1. Review efforts by industrial or commercial dischargers for waste minimization and pollution prevention.~~
- ~~2. Recommend other courses of action in lieu of citations or penalties including, but not limited to, encouraging industrial or commercial dischargers to practice waste minimization, or to invest in improvements which would prevent the discharge of pollutants to the sewer system;~~
- ~~3. Recommend courses of action for serious discharge violators or repeat offenders including fines, civil penalties and termination of sewer service.~~

~~The Public Works Director shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the users which, at any time during the previous twelve months, were in significant noncompliance with~~

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applicable pretreatment standards and requirements as specified in 40 CFR 403.8 (f)(2)(vii) and below. The term significant noncompliance shall be applicable to all significant industrial users (or any other industrial user that violates the Wastewater Regulations as set forth in Chapter 13.36 of this title) and means:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 13.36.090 of this title.*
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 13.36.090 of this title multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);*
- C. Any other violation of a Pretreatment Standard or Requirement as defined by Section 13.36.090 of this title (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Public Works Director determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public.*
- D. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Public Works Director's exercise of its emergency authority to halt or prevent such a discharge;*
- E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;*
- F. Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;*
- G. Failure to accurately report noncompliance; or*
- H. Any other violation(s), which may include a violation of Best Management Practices, which the Public Works Director determines will adversely affect the operation or implementation of the local pretreatment program.*

(Ord. 1724, 1992.)

Section 54. Section 13.42.125: "Injunctive relief/continuing violations" is hereby amended as follows:

Section 13.42.125 Injunctive relief/Continuing violations.

The city may petition the appropriate court for a preliminary or permanent injunction, or both, to correct any violation of Title 13 or any violation of any order issued by the Public Works Director as authorized by Title 13. No one has the option of paying for the right to allow wastes to continue to ~~seep~~ *be released* into the environment and the city has no authority to accept payment pursuant to Section 13.42.120 as an alternative to continued pollution.

(Ord. 2420, Amended, 01/26/2009; Ord. 2186, Amended, 08/25/2003; Ord. 2043, Add, 11/29/1999)

Section 55. Section 13.42.130: “Falsifying of information” is hereby amended as follows:

Section 13.42.130 Falsifying of information.

Any person who knowingly makes any false statements, representation, record, report, plan or other document filed with the city, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under these regulations, is declared to be in violation of these regulations, and subject to the civil liabilities imposed under Section 13.42.090 of this ~~chapter-title~~, or subject to prosecution and punishment under Section 13.42.140 of this ~~chapter-title~~.

It is unlawful to so install, change, bypass, adjust or alter any metering device or any piping arrangements connected therewith as to show the quantity of sewage discharged from the premises to be less than the actual quantity.

(Ord. 1283 § 10 (part), 1980.)

Section 56. Section 13.65.090: “Non-storm water discharges” is hereby amended as follows:

Section 13.65.090 Non-Storm Water Discharges.

~~Discharges from the following activities will not be considered significant contributors of pollutants to waters of the state or U.S. when properly managed: fire sprinkler and water line flushing and other discharges from potable water sources, landscape irrigation and lawn watering, irrigation water (excluding treated effluent), diverted stream flows, rising ground waters, groundwater infiltration to separate storm drains, uncontaminated pumped ground water, foundation and footing drains, roof drains, water from crawl space pumps, residential air conditioning condensation, springs, individual residential and non-profit group exterior car washes, flows from riparian habitats and wetlands, de-chlorinated swimming pool discharges or flows from firefighting activities and training. Accordingly, discharges from such activities are not subject to this prohibition. With written concurrence of the Nevada Department of Environmental Protection (NDEP), the City may exempt in writing other non-storm water discharges which are not a source of pollutants to the waters of the state or U.S.~~

~~Discharge of the following non-storm water sources without BMP's or other measures is permissible provided that the NDEP has not determined these sources to be substantial contributors of pollutants: Water line flushing not requiring a separate permit; Diverted stream flows not requiring a separate permit; Springs or rising ground waters; Uncontaminated groundwater infiltration (infiltration is defined as water other than wastewater that enters a sewer system, including sewer service connections and foundations drains, from the ground through such means as defective pipes, pipe joints, connection or manholes. Infiltration does not include, and is distinguished from, inflow); Discharges from potable water sources not requiring a separate permit; Residential foundation and footing drains; Air conditioning condensate; Irrigation water from lawns and landscaping; Water from residential crawl space pumps; Individual residential car washing; Flows from natural riparian habitats and wetlands not requiring a separate permit; De-chlorinated swimming pool discharges; Water incidental to street sweeping (including associated sidewalks and medians) and that is not associated with construction activities; Discharges or flow from firefighting activities; and Dewatering activities~~

not requiring a separate discharge permit.

(Ord. 2420, Amended, 01/26/2009; Ord. 2186, Add, 08/25/2003)

Section 57. Section 13.65.300: “Post construction storm water quality management” is hereby added as follows:

Section 13.65.300 Post construction storm water quality management.

- A. The purpose and intent of this section is to prevent threats to public health and safety by regulating storm water runoff discharges from applicable land development projects and other construction activities in order to control and minimize increases in storm water runoff rates and volumes, soil erosion, flooding, stream channel erosion, and non-point source pollution associated with storm water runoff.*
- B. Implementation shall be accomplished through approved post construction storm water quality management plans that place an emphasis on implementing Low Impact Development (LID) principles and techniques that include, but are not limited to disturbing only the smallest area necessary, minimizing soil compaction and imperviousness in drainage and recharge areas, preserving natural drainages, vegetation, and buffer zones, and utilizing on-site storm water treatment techniques to the maximum extent practicable.*
- C. Approved post construction storm water quality management plans and storm water treatment device access and maintenance agreements are required for any new development involving the following unless a written request to waive the plan requirements is granted by the administrator. Waivers may be considered when provisions are made to manage storm water quality by an off-site facility or if the proposed development is not likely to impair attainment of the purpose and intent of this section.*
 - 1. Building permits. Special use permits and site plan reviews that would create new industrial, commercial, or civic structures;*
 - 2. Any new development that would specifically enable outdoor material storage; outdoor material loading/unloading; fueling areas; outdoor work, maintenance and wash areas; spill prevention, containment and cleanup; waste handling and disposal uses; any industrial use that has been assigned a Federal North American Industry Classification System (NAIC) code; and uses defined as industrial within SMC Title 20;*
 - 3. Final plat and parcel maps which require improvement plans on one (1) or more acres of land;*
 - 4. Grading and site permits involving one or more acres of land except for individual single family homes;*
 - 5. Development activities defined in subsections C.3 and C.4 (above) that are smaller than one acre if such activities are part of a larger common plan of development, even though multiple separate and distinct land development activities may take place at different times on different schedules;*
 - 6. Development that will include constructed open channels and local or regional detention basins for flood management;*
 - 7. Development that will disturb less than one acre of land that will also be located*

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within or directly adjacent to environmentally sensitive areas, as defined in the Truckee Meadows Low Impact Development Manual.

- D. Complete applications for applicable development permits and entitlements that have been submitted before the 08/31/2014 are exempt from the requirements of this section.*
- E. Permits and entitlements that were issued before the effective date of this section shall not be subject to this section as long as the accompanying permit is valid.*
- F. Permits and entitlements for individual single family homes and tenant improvements that do not require expansion of the site shall not be subject to this section;*
- G. A post construction storm water quality management plan shall be prepared by a professional civil engineer, registered in the State of Nevada and prepared using the "Truckee Meadows Low Impact Development Manual" as planning guidance, and the "Structural Controls Design Manual" and the "Public Works Design Manual" as design guidance for the implementation of the post construction storm water quality management requirements described in this section.*
- H. Applicants and/or owners responsible for the operation and maintenance of a post construction storm water quality management facility shall maintain records of all maintenance and repairs. These records shall be made available during inspection of the facility and at other reasonable times upon request.*
- I. All post construction storm water management facilities shall undergo, at a minimum, an annual inspection by the persons responsible for their operation and maintenance to document and perform maintenance and repair needs and ensure compliance with the requirements of this article and accomplishment of its purposes. These needs may include but are not limited to; removal of silt, litter and other debris from the catch basins, inlets and drainage pipes, grass cutting and vegetation removal, and necessary replacement of landscape vegetation. Any maintenance needs found must be addressed in a timely manner.*

Section 58. Section 13.85.020: "Conditions of effluent service" is hereby amended as follows:

Section 13.85.020 Conditions of effluent service.

- A. Plan and Permit Requirement
 - 1. Prior to service, all applications for service shall be covered by an effluent management plan and permit approved by the State of Nevada, Department of Conservation and Natural Resources, Division of Environmental Protection issued to the City or the applicant.
 - 2. All effluent management plans and permits shall be maintained on file at the City of Sparks Public Works Department and compliance with all provisions of those plans and permits is required by this ordinance.
- B. General conditions of service
 - 1. Service may be provided for the irrigation of commercial landscape, roadway medians, golf courses, parks, agricultural fields (with limitations), common areas of subdivisions, construction water and other uses permitted by law. Service shall not be provided for individual residential landscape.
 - 2. Each applicant applying for a new reclaimed water service or changes in an existing

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- service is required to complete and submit the appropriate application forms provided by the City and to provide all City-required construction plans and drawings, and to pay all required fees and charges then in effect.
3. A customer who is subject to rate changes in a contract existing as of the effective date of this ordinance shall pay the rates and charges established by this ordinance in effect at the time of rate changes.
 4. New applications for reclaimed water service will be accepted only if the reclaimed water main extends to the property being served or if the applicant establishes, to the satisfaction of the City, his intent to extend the water main to other property under section 080 of this chapter.
 5. The City is not responsible for any loss or damage caused by any negligence or wrongful act of a customer or his authorized representative in installing, maintaining, operating or using any or all appliances, facilities, or equipment for which reclaimed water service is supplied. The customer is responsible for damage to the city's facilities and other property resulting from the use and operation of appliances and facilities on customer's premises.
 6. No one except an employee or representative of the City shall at any time, in any manner, operate the curb stops, gates or valves of the City's system or interfere with the meters or their connections, street mains or other parts of the system. All costs for repairs to City property which result from tampering shall be borne by the individuals responsible for said tampering.
 7. For the failure of the customer to comply with all or any part of this ordinance, discharge permit, effluent management plan, or City requirements, the customer's service may be discontinued until the customer is in compliance. Termination of reclaimed water service shall be in accordance with section 090 of this chapter.
 8. All rulings of the Public Works Director shall be final, unless appealed in writing pursuant to SMC 13.27.080.
 9. The City reserves the right to determine the size of the meter and service connection to be installed, giving due consideration to the needs of the customer and the capacity of the main to which the service is connected. The City reserves the right to limit service, specify hours of availability, specify meteorological conditions (wind speed) when service is available, and limit volumes taken. No service connection shall be installed of a size larger than can be supplied by the main in question that adversely affects service to other customers. The City will endeavor to provide its customers with an adequate supply of reclaimed water within reasonable maximum and minimum pressures. Varying pressures will normally prevail throughout the distribution system due to changes in elevation, use and other factors. An applicant for service from a main through which prevailing water pressures will either exceed or fall below normal operating limits is responsible for installing pressure regulators, storage tanks, pumps, or other devices as required.
 10. The following conditions and restrictions apply to all reclaimed water service:
 - a. Operation of sprinkler irrigation systems is allowed only between the hours of 8:00 PM and 4:00 AM and in accordance with the discharge permit. Drip irrigation may occur at any time.

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- b. Each customer shall provide a copy of a brief, clearly worded document which describes the possible hazards and proper hygiene of working with and around treated wastewater to all grounds keepers and other affected personnel. Copies shall be included in the Emergency Management Plan.
 - c. The effluent irrigation shall not cause objectionable odors on or off the site.
 - d. The effluent irrigation system and ancillaries shall be constructed and operated in accordance with plans approved by NDEP. All plans must be approved by NDEP prior to the start of construction. All changes to the approved plans must be approved by NDEP.
 - e. Irrigated areas shall be posted with conspicuous warning signs clearly stating that reclaimed water is utilized and to avoid contact. Ancillary equipment used for effluent shall be clearly marked to indicate use with effluent.
 - f. Drinking water fountains shall be covered during spray and hand effluent irrigation.
 - g. Irrigation shall be performed in such a manner as to reduce standing water to a minimum and to prevent run-off.
 - h. Each customer shall provide documentation to NDEP that shall document compliance with the cross-connection control requirements of the local water purveyor and health agency. This documentation shall be received annually with the 4th Quarter Report in accordance with the Schedule of Compliance in the permit. No potential for cross-connection shall exist between potable and reuse systems.
 - i. Within 30 days of permit issuance the customer shall submit the annual cross-connection control documentation required by the permit. This documentation shall be submitted annually thereafter, due with the 4th Quarter Report. The cross-connection control inspection shall be conducted by an AWWA Certified Cross-Connection Control Specialist.
 - j. The effluent irrigation shall not cause objectionable odors on or off the site.
11. A notice provided under this chapter from the City to a customer will normally be given in writing, and either delivered or mailed to him at his last known address.
12. Notice from the customer to the City may be given in writing at the City's operating office. ~~The City's operating office is:~~
~~City of Sparks Public Works Department~~
~~Utility Division~~
~~910 Roberta Lane~~
~~Sparks, Nevada 89431~~
~~Telephone: (775) 353-2300~~
13. The City shall exercise its discretion in interpreting and applying this ordinance, including adjustment or rebate of charges, if in the City's opinion and with full documentation, an injustice would result by its strict application.
14. City employees or a designated representative shall have the right of access to customer's property at all reasonable hours for any purpose related to the furnishing of reclaimed water.
15. All new services shall have approved meters and will be billed in accordance with

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section 030 of this chapter.

16. All new services shall have an isolation valve installed immediately after the point of connection. Whenever it becomes necessary to shut off an existing service connection for repairing of piping on the premises, an isolation valve shall be installed before the service is turned on again.
17. No customer shall knowingly permit leaks or waste of water. Where water is wastefully or negligently used on a customer's premises, or is flowing onto adjacent properties, roads, or drainage ditches, or seriously affecting the general service or operation of the system, the City may discontinue the service if such conditions are not corrected within five (5) days after giving the customer notice.
18. A customer shall give 30 days advance notice to the City of the sale of property to which service is provided.
19. A customer shall hold the City harmless from any and all legal liability or loss sustained as a result of the quality or quantity of treated effluent purchased under this ordinance and provided by the City in compliance with all the terms and provisions of this ordinance.

(Ord. 2390, Add, 02/25/2008)

Section 59. Section 13.85.090: "Termination of service" is hereby amended as follows:

Section 13.85.090 Termination of service.

- A. A Customer may terminate service by giving not less than five (5) days advance notice to the City, and provide a mailing address to which the closing bill will be mailed. Failure to notify the City of termination of service shall not relieve the Customer or property owner, if other than the customer, of responsibility for payment of reclaimed water bills. The Agreement for service shall terminate upon receipt of this request and any water allocated may be reallocated to other users or potential users.
- B. The City may terminate service:
 1. For nonpayment of a bill if the bill is not paid within ~~thirty-ninety~~ (3090) calendar days after its due date, provided the City has given the Customer at least ~~five~~thirty (530) days prior notice of such termination; and
 2. For a Customer's failure to comply with this chapter, or for any negligence, inter-connections, cross-connections, illegal connections, unsafe or damaging apparatus or fraudulent use of service.

(Ord. 2390, Add, 02/25/2008)

SECTION 60: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 61: The City Clerk is instructed and authorized to publish the title to this ordinance as provided by law.

SECTION 62: This ordinance shall become effective upon passage, approval and publication.

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SECTION 63: The provisions of this ordinance shall be liberally construed to effectively carry out its purposes in the interest of the public health, safety, welfare and convenience.

SECTION 64: If any subsection, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

SECTION 65: The City Council finds that this ordinance is **not** likely to impose a direct and significant economic burden upon a business or directly restrict the formation, operation or expansion of a business, or is otherwise exempt from Nevada Revised Statutes Chapter 237.

PASSED AND ADOPTED this ____ day of _____, 20__, by the following vote of the City Council:

AYES: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

APPROVED this ____ day of _____, 20__, by:

GENO MARTINI, Mayor

ATTEST:

TERESA GARDNER, City Clerk

APPROVED AS TO FORM AND LEGALITY:

CHESTER H. ADAMS, City Attorney