



**Olmsted County**

**CHAPTER 3300 - CHESTER HEIGHTS SUBORDINATE SERVICE  
DISTRICT ORDINANCE**

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**AN ORDINANCE REGULATING THE USE OF THE WASTEWATER  
FACILITIES OF THE CHESTER HEIGHTS SUBORDINATE SERVICE  
DISTRICT, OLMSTED COUNTY, MINNESOTA**

THE BOARD OF COMMISSIONERS OF OLMSTED COUNTY ADOPTS AND ORDAINS THE FOLLOWING:

**3301 GENERAL RECITALS**

**3301.01. CHESTER HEIGHTS SUBORDINATE SERVICE DISTRICT.** The Chester Heights Subordinate Service District (the "District") formed under the authority of Minnesota Statutes Chapter 375B. The County and District have constructed a wastewater collection and conveyance system (the "Facilities") within the District.

**3301.02. CHESTER HEIGHTS SEWER ADVISORY BOARD.** The five member Chester Heights Sewer Advisory Board was established by the County Board to provide a formal process for receiving advice from residents, property owners, and businesses within the District on matters relating to the construction, operation, and financing of the District.

**3301.03. SANITARY SEWER INTERCONNECTION AGREEMENT.** The Olmsted County Board of Commissioners has entered into a Sanitary Sewer Interconnection Agreement with the City of Rochester to treat wastewater collected in the District under certain terms and conditions.

**3301.04. INCORPORATION OF THE CITY OF ROCHESTER'S SANITARY SEWER ORDINANCE.** As a condition of the Agreement, the Olmsted County Board of Commissioners must adopt this use ordinance and incorporate the City of Rochester's Sanitary Sewer Ordinance regulating the use of public sewers of the City of Rochester into this ordinance.

**3301.05. ROCHESTER CODE OF ORDINANCES.** The City of Rochester Sanitary Sewer Ordinance, as found in Chapters 76 and 76A of the Rochester Code of Ordinances is incorporated herein by reference.

**3302. PURPOSE AND POLICY**

**3302.01. OBJECTIVES OF THE ORDINANCE.** This ordinance sets forth uniform requirements for discharges of wastewater to the District's Facilities and enables the District to comply with all State (Minnesota Pollution Control Agency) and Federal (U.S. Environmental Protection Agency) laws.

**3302.02.** The objectives of this Ordinance are:

(a) To prevent the introduction of pollutants into the District's Facilities which will interfere with the operation of the Facilities or the treatment or disposal of wastewater;

(b) To prevent the introduction of pollutants into the District's Facilities which may be inadequately treated by Rochester's treatment plant and passed into receiving waters of the State, the land surface or the atmosphere or otherwise be incompatible with the Facilities; and codify;

(c) To provide for the efficient and safe collection, conveyance and treatment of wastewater from the District; and

(d) To comply with the requirements of the City of Rochester Sanitary Sewer Ordinance.

**3302.03. ORDINANCE PROVISIONS.** The ordinance provides for the regulation of discharges into the District's Wastewater Facilities through enforcement of the general requirements for all Users, authorizes monitoring and enforcement activities, provides for penalty relief, requires user reporting, and provides for the setting of fees necessary to carry out the program established herein.

**3302.04. ORDINANCE APPLICATION.** The ordinance shall apply to the Users of the District's Facilities.

### **3303. DEFINITIONS.**

**3303.01. MEANING OF TERMS.** Unless the context specifically indicates otherwise, the following terms, as used in this ordinance, shall have the meanings hereinafter designated.

3303.02. "Act" means the Federal Water Pollution Control Act, as amended, 33 U.S.C. §1251, et. Seq.

3303.03. "Ammonia Nitrogen (NH<sub>3</sub>-N)" means the quantity of nitrogen present in wastewater in the form of ammonia as measured by procedures described in "Standard Methods."

3303.04. "Building Drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall. Building drains that discharge to the District system shall not collect groundwater from any type of private foundation drain system.

3303.05. "Building Sewer" means the extension from the building drain to the public sewer or other place of disposal.

3303.06. "Carbonaceous Biochemical Oxygen Demand (CBOD5)" means the quantity of oxygen utilized after five days in the biochemical oxidation of organic matter present in wastewater as measured by procedures described in "Standard Methods."

3303.07. "Chemical Oxygen Demand" means the quantity of oxygen utilized in the chemical oxidation of organic matter, expressed in milligrams per liter, as determined in accordance with standard laboratory procedure as set out in the latest edition of Standard Methods of the Examination of Water and Wastewater.

3303.08. "City" means the City of Rochester, Minnesota or its governing body, the Common Council of the City of Rochester.

3303.09. "City Engineer" means the Rochester Public Works Director or his or her designee.

3303.10. "Combined Sewer" means a sewer originally designed and currently designated to receive both surface water runoff and wastewater.

3303.11. "Cooling Water" means the water discharged from any use such as air conditioning, cooling or refrigeration, or during which the only pollutant added to the water is heat.

3303.12. "County Contractor" means the contractor retained by the County for the ongoing operation and maintenance of the District's Facilities.

3303.13. "Director" means the County Environmental Resources Department Director or respective designee operating under authority of the County Board. The Director is the representative of the District.

3303.14. "District" means the Chester Heights Subordinate Service District formed by Olmsted County under Minnesota Statutes Chapter 375B for the purposes described in this ordinance.

3303.15. "Domestic or Sanitary Waste" means that waste which is primarily produced by residential users. The following concentrations of wastewater characteristics are established as domestic or sanitary waste and any concentration found to be greater is considered high strength waste:

CBOD5: 250 mg/L

TSS: 250 mg/L

TP: 7 mg/L

NH3N: 28 mg/L

3303.16. "Easement" means an acquired legal right for the specific use of land owned by others.

3303.17. "EPA" means the U.S. Environmental Protection Agency.

3303.18. "Facilities" means the system of trunk and lateral lines, gravity and force mains, pumps, lift stations and other appurtenances constructed to collect and convey wastewater from the District.

3303.19. "Flow" means the quantity of wastewater expressed in gallons or cubic feet per twenty-four (24) hours.

3303.20. "Fats, Oil, and Grease (FOG)" means fat, oil, or grease in a physical state such that it will separate by gravity from wastewater. Wastewater shall be considered free of fat, oil, or grease if it is properly pretreated, the wastewater does not interfere with the collection system, and is present in concentrations below 100 milligrams per liter as found in reference to Standard Methods for the Examination of Water and Wastewater, Oil and Grease, Method 5520.

3303.21. "Garbage" means solid wastes resulting from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage of meat, fish, fowl, fruit, vegetables, and condemned food.

3303.22. "General Pretreatment Regulations" means the general pretreatment regulations for existing and new sources of pollution promulgated by EPA under Section 307(b) and (c) of the Act and found at 40 CFR Part 403, and in City Ordinance 76A.

3303.23. "Incompatible Waste" means waste that either singly or by interaction with other waste interferes with any waste treatment process, constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in the receiving waters of the Rochester water reclamation plant.

3303.24. "Indirect Discharge" means the introduction of pollutants or wastes into the Facilities from any nondomestic source regulated under Section 301 (b), (c), or (d) of the Act.

3303.25. "Industrial Waste" means solid, liquid, or gaseous wastes, including cooling water (except where exempted by a NPDES Permit), resulting from any industrial, manufacturing, or business process, or from the development, recovery, or processing of a natural resource.

3303.26. "Industrial User" means a source that introduces pollutants into the sanitary sewer from a non-domestic source regulated under section 307(b), (c), or (d) of the Act.



3303.27. "Interference" means a discharge which alone or in conjunction with a discharge or discharges from other sources inhibits or disrupts the Facilities, Rochester's treatment processes or operations or Rochester's sludge processes, use or disposal and, therefore, is a cause of a violation of any requirement of any NPDES Permit or of the prevention of sewage sludge use or disposal with statutory provisions and regulations or permits.

3303.28. "Medical Waste" means isolation waste, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

3303.29. "MPCA" means the Minnesota Pollution Control Agency.

3303.30. "National Pollutant Discharge Elimination System (NPDES) Permit" means any permit or requirements issued by the Minnesota Pollution Control Agency (MPCA) pursuant to the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.); for the purpose of regulating the discharge of wastewater, industrial wastes, or other wastes under the authority of Section 402 of the Act.

3303.31. "Natural Outlet" means any outlet, including storm sewers and combined sewer overflows, into a watercourse pond, ditch, lake or other body of surface of groundwater.

3303.32. "Ordinance" means the set of rules contained herein.

3303.33. "Other Wastes" shall mean other substances except wastewater and industrial wastes.

3303.34. "Person" means the State or any agency or institution thereof, any municipality, governmental subdivision, public or private corporation, individual, partnership, or other entity, including, but not limited to, association, commission or any interstate body, and including any officer or governing or managing body of any municipality, governmental subdivision or public or private corporation, or other entity.

3303.35. "pH" means the reciprocal of the logarithm of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution as measured in procedures described in "Standard Methods."

3303.36. "Pretreatment" means the process of reducing the amount of pollutants, eliminating pollutants, or altering the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the Facilities. The reduction, elimination, or alteration may be obtained by physical, chemical or biological processes, process changes or other means, except as prohibited by this ordinance.

3303.37. "Pretreatment Standards" means standards for industrial groups (categories) promulgated by EPA pursuant to the Acts which regulate the quality of effluent discharge

to publicly owned treatment works and must be met by all users subject to such standards.

3303.38. "Properly Shredded Garbage" means wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than ½ inch (1.27 centimeters) in any dimension.

3303.39. "Public Utility" means the County and its people responsible for the operation of the Facilities and this ordinance.

3303.40. "Rochester Water Reclamation Plant (RWRP)" means the City of Rochester publicly owned treatment works that is comprised of the sanitary sewer system, including treatment plant and collection infrastructure, operated by the City of Rochester Public Works Department.

3303.41. "Rules" means the waste discharge rules for the District contained herein and those contained in the City of Rochester Sewer Ordinances 76 and 76A.

3303.42. "Sanitary Sewer" means a sewer which carries wastewater and to which storm, surface, and groundwater are not intentionally admitted.

3303.43. "Sewage Sludge" means solids and associated liquids in municipal wastewater which are encountered and concentrated by a municipal wastewater treatment plant.

3303.44. "Sewer" means a pipe or conduit for carrying wastewater, industrial waste, or other waste liquids.

3303.45. "Sewer System" means pipelines or conduits, pumping stations, force mains, and all other devices and appliances appurtenant thereto, used for collecting or conducting wastewater.

3303.46. "Shall" is mandatory; "May" is permissive.

3303.47. "Significant Industrial User" means:

(a) All industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; and

(b) Any other industrial user that: discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to the Rochester Water Reclamation Plant (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the Rochester Water Reclamation Plant, or is designated as such by the City of Rochester, City Engineer on the basis that the industrial user has a reasonable potential for

adversely affecting the Rochester Water Reclamation Plant's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

3303.48. "Slug" means any waste discharge which in concentration of any given constituent or in quantity of flow, exceeds for any time period longer than fifteen (15) minutes five (5) times the average twenty-four (24) hour concentration or flow during normal operation.

3303.49. "Standard Methods" means the latest edition of Standard Methods for the Examination of Water and Wastewater prepared and published jointly by the American Public Health Association, the American Water Works Association, and the Water Environment Federation, and, of options are available for a particular characteristic, the method as chosen by the Rochester Water Reclamation Plant for analysis.

3303.50. "State" means the State of Minnesota or its designated agency, the Minnesota Pollution Control Agency (MPCA).

3303.51. "State Disposal System Permit" means a permit including any terms, conditions and requirements thereof, issued by the Minnesota Pollution Control Agency to Minn. Stat. § 115.07 for a disposal system.

3303.52. "Storm Water" means any flow occurring during or following any form of natural precipitation and resulting therefrom.

3303.53. "Storm Sewer" (sometimes termed "storm drain") means a sewer which carries storm and surface water and drainage, but excludes wastewater and industrial wastes, other than unpolluted cooling or process water.

3303.54. "Total Organic Carbon (TOC)" means the oxidizable carbon of organic origin that is present in wastewater as measured according to procedures described in "Standard Methods" and is determined using a total organic carbon analyzer.

3303.55. "Total Phosphorus (TP)" means all forms of phosphorus present in wastewater as measured in procedures described in "Standard Method."

3303.56. "Total Pollutants" means any listed substance, compounds, or elements identified by the United State Environmental Protection Agency pursuant to Section 307 (A)(1) of the Clean Water Act greater than 0.01 milligrams per liter.

3303.57. "Total Suspended Solids (TSS)" means the non-filterable residual matter present in wastewater as measured in procedures described in "Standard Methods." If a waste has a solids concentration, which cannot be filtered using "Standard Methods" procedures, then total solids will be measured and used in lieu of TSS using procedures described in "Standard Methods."

3303.58. "Total Toxic Organics" means the summation of all values greater than 0.01 mg/l of toxic organics listed in Section 307 (A) of the Act.

3303.59. "Unpolluted Water" means water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewer and wastewater treatment facilities provided.

3303.60. "User" means any Person who discharges, causes, or permits the discharge of wastewater into the Facilities.

3303.61. "Waste Transport Hauler" means an Industrial User who transports industrial or domestic waste for the purpose of discharge into the sewer.

3303.62. "Wastewater" means the spent water of a community and includes a combination of the liquid and water carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, and surface water that may be present.

3303.63. "Water Reclamation Plant (WRP)" means an arrangement of devices and structures for treating wastewater and biosolids owned and operated by the City of Rochester Public Works Department.

3303.64. "Watercourse" means a natural or artificial channel for the passage of water either continuously or intermittently.

## **3304. USE OF PUBLIC SEWERS**

**3304.01. UNLAWFUL DISCHARGES.** It shall be unlawful to discharge into any natural outlet within the District or in any area under the jurisdiction of the District any wastewater or other polluted water.

**3304.02. PRIVY, PRIVY VAULT, SEPTIC TANK, CESSPOOL, OR OTHER FACILITY.** It shall be unlawful within the District to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater. Temporary portable toilet facilities may be permitted by special permit issued by the Director for the purpose of providing toilet services for construction projects or special events or purposes.

**3304.03. CONSTRUCTION OF NEW STRUCTURES.** Construction of any new structures within the District from which wastewater is or shall be discharged shall not occur without first securing a connection to the Facilities.

**3304.04. REQUIRED CONNECTION TO SEWER.** The owner of any building or property which is located within the District, or in any area under the jurisdiction of the

District, and from which wastewater is discharged, shall be required to connect to the Facilities, at the owner's expense, within sixty (60) days after service of official notice to do so, provided that said public sewer is reasonably available for connection. Additionally, if the building or property is used for human occupancy, employment or recreation, the owner shall be required to install at the same time toilet facilities in accordance with the State Building Code and this ordinance. Said official notice shall be given by the District, or its designated agent, and shall be served upon the owner personally or by certified mail.

**3304.05. FAILURE TO CONNECT TO SEWER.** In the event an owner shall fail to connect to a public sewer in compliance with a notice given under this section, the District may undertake to have said connection made and shall charge the cost thereof against the property and said charge shall be a lien against said property. Such charge, when made, shall bear interest at the rate of eight percent (8%) per annum and shall be certified to the auditor of the County in which the land is situated and shall be collected and remitted to the District in the same manner as assessments for local improvements. The rights of the District under this subdivision shall be in addition to any other remedial or enforcement provisions of this ordinance.

### **3305. MANDATORY CONNECTION, ABANDONMENT OF PRIVATE WASTEWATER DISPOSAL SYSTEMS**

**3305.01. PRIVATE SEWER SYSTEM REPLACEMENT.** All private septic systems and other similar facilities shall be properly abandoned, or removed at the time service to the District System is made available to real estate upon which is located any structure serviced by a private septic system, and the applicable property owner shall be required to connect to the District System at the time of such abandonment or removal.

**3305.02. INSPECTION OF PRIVATE SEWER SYSTEMS.** Upon twenty-four (24) hour notice, representatives of the District may enter any property having a private wastewater disposal system for the purpose of inspecting such system and making such other investigations and tests as are deemed necessary. Entry shall be made during the daylight hours unless abnormal or emergency circumstances require otherwise.

**3304.03. PRIVATE SEWER ABANDONMENT.** When an owner disconnects a private wastewater disposal system, system abandonment requirements defined in Minnesota Rule 7080.2500 must be followed.

### **3306. CONNECTIONS, ALTERATIONS, MAIN AND LATERAL SEWERS**

**3306.01. NEW CONNECTIONS.** No person, unless authorized, shall uncover, make any connections with, or disturb any portion of the Facilities, except in accordance with the applicable provisions of this Ordinance.

**3306.02. AUTHORIZATION OF NEW CONNECTIONS.** No Person, unless authorized, shall uncover, make any connections with or opening into, use, alter, or disturb any portion of the Facilities without first obtaining a written permit from the District. The Director and City Engineer shall review and approve all non-residential building connections to the facilities. The District may charge a reasonable permit fee to cover the costs of inspections associated with alterations or connections to the Facilities as well as administrative expenses incurred by the District on account of such alterations and connections.

**3306.03. ACCEPTANCE OF NEW CONNECTIONS.** No main or lateral sewer shall be constructed in the District (except house or building service sewers) except by the District. No such main or lateral sewer shall be considered to be a part of the Facilities unless accepted by the District.

**3306.04. LIFT STATIONS AND CHECK VALVES.** No lift station or check valve shall be installed on any portion of the Facilities (except house or building service sewers) except by the District. No such lift station or check valve shall be considered to be a part of the Facilities unless accepted by the District.

**3306.05. SEWER CONNECTION MATERIALS AND DESIGN APPROVAL.** The size, slope, alignment, material of construction, methods to be used in excavation, placing of pipe, jointing, testing, backfilling and other work connected with the construction of sewers shall conform to the requirements of the District.

**3306.06. APPLICATION FOR CONNECTION PERMIT.** An application for a permit shall be made by the person employed to make the connection and shall state the location, name of owner, street address of building to be connected, its use, and the name of the person doing the work. The individual signing the application for the person employed to make the connection shall be empowered to bind said person. No person shall extend any private drain beyond the limits of the building or property for which a service connection permit has been given. A person who desires to construct, reconstruct, extend, or alter a service connection shall before beginning work file with the Director a plan showing the whole course of the service connection and all branches, traps and fixtures connected therewith. If the Director or City Engineer finds that the plan does not conform to the requirements of this ordinance, the Director shall not issue a permit for such connection.

**3306.07. COSTS OF CONNECTION.** All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify and hold harmless the District and the County from any loss or damage to the Facilities that may directly or indirectly be occasioned by the installation of the building sewer.

**3306.08. SEPARATE AND INDEPENDENT SEWER CONNECTIONS.** A separate and independent building sewer shall be provided for every building except:

(a) that more than one building may be served by a single connection when the buildings are designed and built as a single complex to remain under the control and ownership of one person; or,

(b) where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, driveway, or easement, the front building sewer may be extended to the rear building and the whole considered as one building sewer. Provided further, a single building consisting of a structure designed and constructed to be located on two separate lots or parcels of land owned by different persons must be served by a separate and independent service connection to each part of the structure located on a separate lot or parcel.

**3306.09. USE OF EXISTING SEWER CONNECTIONS.** Old building sewers may be used in connections with new buildings only when they are found, upon examination and testing by the District, to meet all requirements of this ordinance.

**3306.10. CONFORMANCE WITH BUILDING AND PLUMBING CODES.** The size, slope, alignment, materials of construction of a building sewer, and the method to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of Water Pollution Control Federation Manual of Practice No. 9 and applicable American Society of Testing and Materials (ASTM) standards shall apply.

The construction of the building sewer and its connection to the Facilities shall conform to the requirements of the building and plumbing code, the sewer specifications included herein, or other applicable rules and regulations and the procedures set forth in most current appropriate specifications of the Water Pollution Control Federation Manual of Practice No. 9, and the American Society for Testing and Materials (ASTM). All such construction shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Director before installation.

**3306.11. ELEVATION OF NEW CONNECTION.** Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, such building drain shall be provided with a lifting device approved by the District and discharged to the building sewer.

**3306.12. CONSTRUCTION INSPECTION.** The District shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the connection shall notify the District when the work is ready for final inspection and no underground portions shall be covered before the final inspection is completed. The connection shall be made under the supervision of the District or its representative.

**3306.14. FACILITY CAPACITY REQUIRED.** Any new connections to the Facilities shall be prohibited unless sufficient capacity is available in all downstream portions of the Facilities and at the RWRP, including, but not limited to capacity for flow, CBOD and suspended solids, as determined by the District or City Engineer.

### **3307. INDUSTRIAL USES AND USERS PROHIBITED**

**3307.01. INDUSTRIAL USES AND USERS PROHIBITED.** Discharge of wastewater into the sewer from a "Significant Industrial User" within the District is prohibited.

### **3308. LIMITATIONS ON WASTEWATER STRENGTH**

**3308.01. FEDERAL PRETREATMENT STANDARDS.** Federal Pretreatment Standards and General Regulations promulgated by the U.S. Environmental Protection Agency (EPA) pursuant to the Act shall be met by all users which are subject to such standards in any instance where they are more stringent than the limitations in this ordinance unless the Director has applied for, and obtained from the City Engineer, approval to modify the specific limits in the federal pretreatment standards. In all other respects, Industrial Users subject to Pretreatment Standards shall comply with all provisions of these Rules and any Permit issued thereunder, notwithstanding less stringent provisions of the General Pretreatment Regulations or any applicable Pretreatment Standard.

**3308.02. STATE REQUIREMENTS.** State requirements and limitations on discharges shall be met by all Users which are subject to such standards in any instance in which they are more stringent than federal requirements and limitations or those in this ordinance.

**3308.03. DISTRICT'S RIGHT OF REVISION.** The District reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the Facilities if deemed necessary to comply with the objectives of this ordinance.

**3308.04. DILUTION.** No User shall 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 contained in any local or state requirements or federal pretreatment standards.

**3308.05. REPORTS.** Reports specified in Code of Federal Regulations, Title 40, Section 403.12 of the General Pretreatment Regulations shall be submitted to the District by affected Users.

### **3309. DISCHARGE OF CERTAIN MATERIALS PROHIBITED**



**3309.01. PROHIBITED MATERIALS.** No person shall discharge or cause or allow to be discharged, directly or indirectly, into the Facilities any of the following waste pollutants:

(a) All waste of any type generated from any source outside the designated sewer service area as provided for in this Agreement.

(b) All waste generated from septic tank contents, portable toilets, privy vault contents, sewage holding tanks and the like generated from within the limits of the designated sewer service area.

(c) Any wastes which may directly or indirectly impair the proper functioning of the City of Rochester's RWRP.

(d) Any wastes, the strength or pollutorial effects of which are not effectively altered by ordinary treatment processes, or the presence of which in the receiving stream would violate State and Federal water quality standards.

(e) 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 be injurious in any other way to the City of Rochester's RWRP or to the operation of the Facilities. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides, and any wastes with a closed cup flash point of less than 140 degrees Fahrenheit (60 degrees Centigrade). 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 (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter.

(f) Solid or viscous substances that will or may cause obstruction to the flow in a sewer or other interference with the operation of the City of Rochester's RWRP such as, but not limited to, grease, garbage with particles greater than one-half inch (1/2 in.) in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshing, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, personal hygiene wipes or cleaning paper products that do not readily dissolve within two minutes, spent grains, spent hops, waste paper, wood, plastic, gas, tar asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.

(g) Any wastewater having a pH less than 5.0 or more than 11.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the City of Rochester's RWRP.

(h) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to inhibit or disrupt any wastewater treatment process, constitute a hazard to humans or animals, or create a toxic effect in the receiving waters of the wastewater treatment system. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Federal Water Pollution Control Act as amended.

(i) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.

(j) Any wastewater with objectionable color not removed in the treatment process, such as, but, not limited to, dye wastes and vegetable tanning solutions.

(k) Any wastewater which creates conditions at or near the City of Rochester's RWRP that violate any statute or any rule, regulations, or ordinance of any public agency or State or Federal regulatory body.

(l) Any substance which may cause the wastewater disposal system's effluent or any other product of the wastewater treatment process such as residues, biosolids, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the wastewater disposal system cause the system to be in noncompliance with biosolids use or disposal criteria of the State.

(m) Any substance which will cause the wastewater disposal system to violate its NPDES and/or State Disposal System Permit or the receiving water quality standards.

(n) Any wastewater with CBOD in excess of two hundred sixty (260) mg/l and TSS in excess of two hundred eighty (280) mg/l.

(o) Any wastewater having a temperature greater than 150 degrees Fahrenheit (65.6 degrees Centigrade), or causing, individually or in combination with other wastewater, the influent at the City of Rochester's RWRP to have a temperature exceeding 104 degrees Fahrenheit (40 degrees Centigrade) or having heat that will inhibit biological activity in the City of Rochester's RWRP resulting in interference.

(p) Any slug load, which shall mean any pollutant, including oxygen demand pollutants (CBOD, etc.), released in a discharge of such volume or strength as to cause inhibition or disruption in the Rochester Treatment Works. In no case shall a slug load have a flow rate or contain concentration or quantities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow

during normal operation. The Water Reclamation Plant must be notified immediately in the event of any slug load accidentally discharged or any other discharge that has the potential, either singly or in combination with other wastewater, to cause interference with the wastewater disposal system's process.

(q) Non-contact cooling water or unpolluted storm or groundwater.

(r) Any wastewater containing fats, wax, grease, or oils, whether emulsified or not, in excess of 150 mg/l or containing substances which may solidify or become viscous at temperatures between 32 degrees F and 150 degrees F (0 degrees C and 65.6 degrees C); and any wastewater containing oil and grease concentrations of mineral origin of greater than 25 mg/l, whether emulsified or not.

(s) Wastewater containing inert suspended solids (such as, but not limited to, Fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate) (in such quantities that they would cause disruption with the City of Rochester's RWRP.

(t) Radioactive wastes or isotopes of such a half-life or concentration that they are in non-compliance with standards issued by the appropriate authority having control over their use and which will or are likely to cause damage or hazards to the City of Rochester's RWRP or the personnel operating it.

(u) Wastewater containing the following substances in excess of the limits shown or in RCO 76A.07 whichever is less.

Arsenic: 0.14mg/l  
Cadmium: 0.26 mg/l  
Copper: 1.0mg/l  
Cyanide: 0.65 mg/l  
Lead: 0.43 mg/l  
Mercury: 0.009mg/l  
Molybdenum: 1.43 mg/l  
Nickel: 2.38 mg/l  
Silver: 0.24 mg/l  
Chromium: 1.71 mg/l  
Zinc: 1.48 mg/l  
Selenium: 0.44 mg/l  
Methylene Chloride: 1.00 mg/l  
Total Toxic Organics: 2.13 mg/l

(v) Wastewater containing Hexavalent Chromium. Any industrial discharger producing waste containing hexavalent chromium shall provide pretreatment facilities which will effectively reduce the chromium to the trivalent state.

Dischargers will also be subject to appropriate limitations on total chromium discharges to the municipal wastewater collection system.

(w) Any trucked or liquid hauled waste except as designated by the Director with approval of the City Engineer.

(x) Any medical wastes, except as provided for in an acceptable infectious waste management plan in compliance with the Minnesota Pollution Control Agency, pursuant to Minnesota Statutes.

(y) Any discharge, which if otherwise disposed of would be considered a listed or characteristic hazardous waste under 40 CFR part 261, unless approved by the Water Reclamation Plant. Notification of such discharges must be made in writing and receive written approval prior to discharge.

**3309.02. PROHIBITED DISCHARGE SOURCES.** No Person shall discharge or cause to be discharged directly or indirectly any storm water, surface water, groundwater, roof runoff, subsurface drainage, footing drains, unpolluted cooling or process water to the Facilities unless there is no prudent and feasible alternative and unless as approved by the District, upon consultation with the City Engineer.

Any property owner in violation of this section and upon receiving notice of said violation, shall disconnect the conductor from the Facilities. Any property owner in violation of this section shall be assessed a monthly surcharge, the amount of which will be established by the District, for each month that the conductor is not permanently disconnected. Failure to permanently disconnect the conductor, or reconnection of a disconnected conductor, may result in the suspension of sewer services.

**3309.03. STORMWATER.** Storm water and all other unpolluted water shall be discharged to a storm sewer or natural watercourse, subject to existing regulatory requirements including the requirement to obtain a NPDES Permit by the MPCA, when necessary.

## **3310. FORBIDDEN SUBSTANCES**

**3310.01. FORBIDDEN SUBSTANCES.** No person having charge of any building, or other premises, which drains into a public sewer, shall permit any substance or matter which may form a deposit or obstruction to flow or pass into the public sewer. Within ten days after notice in writing from the Director, a person shall install a suitable and sufficient catch basin or waste trap, or if one already exists, clean out, repair or alter the same, and perform such other work as the Director in consultation with the City Engineer may deem necessary to prevent any substance or matter passing into the public sewer which may cause a deposit or obstruction therein. In addition to any penalties that may be imposed for violating this section, if a person refuses or neglects to install a catch basin or waste trap or to clean out, repair, or alter the same, if one exists, for a period of five

days, the Director or City Engineer may cause such work to be done as deemed necessary, and recover the expense thereof, including interest, from such owner by means of an action brought in the name of the County.

### **3311. UNLAWFUL DISCHARGES.**

#### **3311.01. REMEDIES FOR UNLAWFUL DISCHARGES.**

Subdivision 1. If any waters or wastes are discharged or are proposed to be discharged to the public sanitary sewers, which waters contain the substances or possess the characteristics enumerated in Rochester Code of Ordinances Section 76.16 and which in the judgment of the WRP Manager, may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Director or City Engineer may.

- A. Reject the wastes;
- B. Require pretreatment to an acceptable condition for discharge to the public sewers;
- C. Require control over the quantities and rates of discharge; or
- D. Require payment to cover added cost of handling the wastes not covered by existing taxes or sewer charges.

Subd. 2. If the City permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Director and City Engineer.

Subd. 3. No provision contained in this ordinance shall be construed to prevent or prohibit a separate or special contract or agreement between the City and any user whereby waste and material of unusual strength, character or composition may be accepted by the City for treatment, subject to additional payment therefore by such user; provided, however, that such agreement shall have the prior approval of the Director and City Engineer.

Subd. 4. No provision of this section shall be construed to limit the applicability of any other civil or criminal remedy by the County. In the event of a violation by a person of Section 3311.01, for the purpose of a criminal prosecution for a violation of Section 3311.01, each day that such unlawful discharge occurs shall be construed as a separate violation.

### **3312. ACCIDENTAL DISCHARGES**

**3312.01. ACCIDENTAL DISCHARGES OF PROHIBITED WASTE.** Accidental discharges of prohibited waste into the Facilities, directly or through another disposal

system, or to any place from which such waste may enter the Facilities, shall be reported to the District and City by the persons responsible for the discharge, or by the owner or occupant of the premises where the discharge occurred, immediately upon obtaining knowledge of the fact of such discharge. Such notification will not relieve users of liability for any expense, loss or damage to the wastewater disposal system or treatment process, or for any fines imposed on the District on account thereof under any state or federal law. The responsible Person shall take immediate action as is reasonably possible to minimize or abate the prohibited discharge.

**3312.02. RESPONSIBLE PERSON.** The responsible Person shall send a letter describing the prohibited discharge to the District and City within seven (7) days after obtaining knowledge of the discharge. The letter shall include the following information:

- (a) the time and location of the spill;
- (b) description of the accidentally discharged waste, including estimate of pollutant concentrations;
- (c) time period and volume of wastewater discharged;
- (d) actions taken to correct or control the spill;
- (e) a schedule of corrective measures to prevent further spill occurrences.

### **3313. MOTOR VEHICLE WASHING AND SERVICING FACILITIES.**

**3313.01. MOTOR VEHICLE WASHING AND SERVICING FACILITIES.** The owner or operator of any motor vehicle washing or servicing facility shall provide and maintain in serviceable condition at all times a catch basin or waste trap in the building drain system to prevent grease, oil, dirt, or any mineral deposit from entering the public sewer system.

### **3314.00 PRETREATMENT**

**3314.01. GREASE, OIL, SAND INTERCEPTORS.** A grease, oil, or sand interceptor shall be provided when, in the opinion of the Director, City Engineer, or Plumbing Inspector, it is necessary for the proper handling of liquid wastes containing floatable grease, flammable wastes, sand or other harmful ingredients; except that an interceptor shall not be required for private living quarters or dwelling units, unless it is necessitated by a home occupation use which has been approved by the local zoning authority with jurisdiction that generates such wastes . An interceptor shall be of a type and capacity approved by the Director, City Engineer, or Plumbing Inspector, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintenance of an interceptor the owner shall be responsible for the proper removal and disposal by appropriate means of any captured material and shall maintain records which are subject to review by the Director and City Engineer of the dates, and means of disposal. Any

removal and hauling of collected material not performed by the owner must be performed by currently certified waste disposal firms.

**3314.02. PRETREATMENT; FLOW EQUALIZATION FACILITIES.** Where a pretreatment or flow-equalizing facility is provided or required for any waters or wastes, it shall be continuously maintained in satisfactory and effective operation by the owner at his/her expense.

**3314.03. INDUSTRIAL WASTE; METERING AND SAMPLING.** If required by the Director or City Engineer, the owner of any property serviced by a building sewer carrying industrial wastes shall install such necessary meters and other equipment in the building sewer to facilitate observation, sampling, and measurement of the waste discharged. Such equipment, when required, shall be accessible and safely located and shall be installed in accordance with plans approved by the City Engineer. The equipment shall be installed by the owner at his/her expense and shall be maintained and accessible at all times. When required by the City Engineer, composite sampling equipment shall be capable of collecting a flow weighted sample via means of electronic communication between flow meter and sampler. All samples shall be properly refrigerated to 4 degrees Celsius. All flow meters shall be calibrated annually, at a minimum, by a third-party vendor.

**3314.04. MEASUREMENTS; ANALYSIS; STANDARDS.** All measurement, test, and analysis of the characteristics of waters and waste to which reference is made in this chapter shall be determined in accordance with the Standard Methods. Sampling methods, location, times, durations, and frequencies shall be determined on an individual basis subject to approval by the Director and City Engineer. In this regard, reference is made to 40 CFR 136, "Guidelines Establishing Test Procedures for the Analysis of Pollutants."

### **3315. INOPERABLE SEWERS**

**3315.01. INOPERABLE SEWERS.** Whenever any connection to a public sewer becomes clogged, obstructed, broken or out of order, or detrimental to the use of the public sewer, or unfit for the purpose of drainage, the owner or person having charge of the connection shall repair or cause such work to be done as the Director or City Engineer may direct. Each day following the third day after a written order to do so has been given that a person neglects or fails to so act shall constitute a separate violation of this section, and the Director or City Engineer may then cause the work to be done, and recover from such owner or agent the expense thereof, including interest by means of an action brought in the name of the County.

### **3316. WILLFUL DESTRUCTION OR DAMAGE TO FACILITIES**

**3316.01. WILLFUL DESTRUCTION OR DAMAGE TO FACILITIES.** No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which forms a part of the RWRP.

## **3317. MONITORING**

**3317.01. MONITORING FACILITIES.** When required by the District or the City Engineer, a User shall install a suitable control structure, together with such necessary meters and other appurtenances at or near the service connection, to facilitate observation sampling, flow measurement, and measurement of the wastes. Such structure and equipment when required shall be constructed at the User's expense in accordance with plans approved by the District and the City Engineer and shall be maintained by the User so as to be safe and accessible at all times.

The monitoring facility should normally be situated on the User's premises, but the District may when such a location would be impractical or cause undue hardship on the User, allow the facility to be constructed elsewhere.

**3317.02. FLOW MEASUREMENT.** A User, when required by the District or the City Engineer, shall install and maintain a flow measurement device for instantaneous rate and/or cumulative flow volume determinations. Metered water supply may be used in lieu of flow measurement devices if it can be documented that the water usage and waste discharge are the same, or where a measurable adjustment to the metered supply can be made to determine the waste volume.

Meters and flow records shall be maintained at the User's expense in good operating condition at all times. The User shall notify the District in writing within five (5) days in the event that the User becomes aware that the meter or flow recorder has failed to accurately register the flow. The User shall also notify the District of the User's intention to alter the installation of a meter or flow recorder so as to affect the accurate recording of industrial waste entering the Facilities.

**3317.03. DISTRICT'S SELF-MONITORING ANALYSES.** All measurements, tests, and analyses of the characteristics of water and wastes shall be determined in accordance with guidelines established in 40 CFR Part 136 and 40 CFR 403.12 (g) of the General Pretreatment Regulations. Representative samples of the District's waste shall be collected on a normal operating day.

**3317.04. SELF-MONITORING REPORTS.** The District shall complete and submit accurate routine self-monitoring reports to the City of Rochester in a form and at a frequency as reasonable required by the City of Rochester.

**3317.05. INSPECTION AND SAMPLING.** The District may conduct such tests as are necessary to enforce this ordinance, and employees of the District may enter upon any property for the purpose of taking samples, obtaining information or conducting surveys or investigations relating to such enforcement. Entry shall be made during operating hours unless circumstances require otherwise. In all cases where tests are conducted by the District for the purpose of determining whether the User is in compliance with regulations, the cost of such tests shall be charged to the User and added to the User's



User Fee. In those cases where the District determines that the nature or volume of a particular User's wastewater requires more frequent than normal testing, the District may charge such User for the tests, after giving the User ten (10) days written notice of its intention to do so, and the cost thereof shall be added to the User's User Fee.

Duly authorized employees of the District, MPCA, and EPA bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance. Those employees shall have no authority to inquire into any processes except as is necessary to determine the kind and source of the discharge to the Facilities.

While performing the necessary work on private properties referred to in this section, the authorized employees of the District shall observe all safety rules applicable to the premises established by the User.

Duly authorized employees of the District bearing proper credentials and identification shall be permitted to enter all private properties through which the District holds an easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the Facilities lying within said easement. All entry and subsequent work, if any, on said easement shall be done in all accordance with the terms of the easement pertaining to the private property involved.

**3317.06. TESTING PROCEDURES.** Testing procedures for the analysis of pollutants shall conform to the guidelines established in Code of Regulations, Title 40, Part 146.

**3317.07. WASTEWATER DISCHARGE RECORDS.** Wastewater discharge records of the District shall be kept by the District for a period of not less than five (5) years or as otherwise required by law.

## **3318. INSPECTORS: DUTIES AND AUTHORITY**

### **3318.01. INSPECTORS: DUTIES AND AUTHORITY.**

Subdivision 1. The Director, City Engineer, authorized City and County employees, or the County Contractor, shall be permitted to enter all property for the purpose of inspection, observation, measurement, sampling, and testing pertinent to discharge to the public sewer system in accordance with the provisions of this chapter.

Subd. 2. The Director, City Engineer, authorized City and County employees, or the County Contractor, are authorized to obtain information concerning industrial processes which have a direct bearing on the kind or source of discharge to the wastewater collection system. An industry may withhold proprietary information in accordance with 40 CFR 403.14.

Subd. 3. While performing necessary work on private property the Director, City Engineer, authorized City and County employees, or the County Contractor, shall observe all safety

rules applicable to the premises established by the owner and the owner shall be held harmless for injury or death to the County employees, County Contractor, and the County shall indemnify the owner against loss or damage to its property by County employees or County Contractor and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required by section 3314.01.

### **3319. CONFIDENTIAL INFORMATION**

**3319.01. CONFIDENTIAL INFORMATION.** As subject to the Minnesota Government Data Practices Act, information and data on a User obtained from reports, questionnaires, permit applications, permits, monitoring programs, and from inspections shall be available to the public or other governmental agencies without restriction unless the User specifically requests and is able to demonstrate to the satisfaction of the District that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the User.

When requested by the person furnishing a report, the portions of a report that might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this ordinance, the Nonpoint Discharge Elimination System (NPDES) permit, state disposal system permit, and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the District as confidential, shall not be transmitted to any governmental agency or to the general public by the District until and unless a ten (10) day notification is given to the User.

### **3320. SEVERABILITY AND CONFLICTS.**

**3320.01. SEVERABILITY.** If the provisions of any section, paragraph, or sentence of this ordinance shall for any reason be held to be unconstitutional or invalid by any court of competent jurisdiction, the provisions of the remaining sections, paragraphs, and sentences shall nevertheless continue in full force and effect.

**3320.02. CONFLICTS.** If conflicts arise between this ordinance and the Rochester Sewer ordinances (76 and 76A), the Rochester Ordinances, and the interpretations thereof, shall take precedence.

### **3321. ENFORCEMENT.**

**3321.01. NOTIFICATION OF VIOLATION.** Whenever the District finds or is otherwise notified by the City Engineer, that any Person has violated or is violating this ordinance, or any prohibition, limitation or requirement contained herein, the District may serve upon such Person a written notice stating the nature of the violation. Within ten (10) days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the District and City Engineer by the Person.

**3321.02. REMEDIES AVAILABLE.** The District may suspend service when such suspension is necessary, in the opinion of the District or upon notification and recommendation of the City Engineer, in order to stop an actual or threatened discharge that presents or may present an imminent or substantial endangerment to the health or welfare of humans, to the environment, or to the Facilities, or would cause the District or the City of Rochester to violate any condition of its NPDES or state disposal system permits, or any other law or regulation. Any User notified of a suspension of service shall immediately stop discharging to the Facilities. In the event of a failure of the User to comply voluntarily with the suspension order, the District shall take such steps as deemed necessary, including immediate severance of the User's connection to the Facilities, to prevent or minimize damage to the Facilities or endangerment to any individuals. The District shall reinstate service upon proof of the elimination of the noncomplying discharge.

A detailed written statement submitted by the User describing the causes of the Slug or accidental discharge and the measures taken to prevent any future occurrence shall be submitted to the District and City Engineer within five (5) working days of the date of occurrence.

**3321.03. ENFORCEMENT OF VIOLATIONS AND APPEALS.** Except as otherwise provided by Minnesota law, the procedures which must be followed in the event a) an exception or variance to any provision of this ordinance is sought where no process for an exception or variance has been spelled out in this ordinance, b) a violation of any provision of this ordinance occurs, or c) an appeal of a notice of violation is sought shall be governed by the Olmsted County Administrative Enforcement and Appeals Ordinance set forth in Chapter 4000 of the Olmsted County Code of Ordinances.

**3321.04. ADDITIONAL CHARGES.** In addition to any penalty that may be imposed for violation of any provision of this ordinance, the County may assess against any person the cost of repairing or restoring sewers or associated facilities damaged as a result of the discharge of prohibited wastes by such person and may collect such assessment as an additional charge for the use of the public sewer system or in any other manner deemed appropriate by the County or the laws of the State of Minnesota.

## **3322. SEWER CONNECTION AND SERVICE FEES.**

**3322.01 SEWER CONNECTION FEES.** The County Board will set fees for the connection to the District by resolution with advice from the Chester Heights Sewer Advisory Board.

**3322.02 SEWER SERVICE FEES.** The County Board will set monthly fees for the availability and use of District Facilities by resolution with advice from the Chester Heights Sewer Advisory Board.

**3323. EFFECTIVE DATE**

This ordinance shall be in full force and effect upon adoption and publication pursuant to Minnesota law.

Dated this 17<sup>th</sup> day of October 2017.

OLMSTED COUNTY BOARD OF COMMISSIONERS

/s/ Ken Brown

Ken Brown, Chair of the Board of Commissioners

**ATTEST:**

/s/ Heidi Welsch

Heidi Welsch, Deputy Clerk-Administrator

END OF CHAPTER 3300