



□ □
BENTON LEXA S SPEIDEL
Book: 7 Page: 5376 REC033274
10/17/2007 @10:37AM # Pages 20
ETC MISCELLANEOUS
Total Fees: \$0.00

BENTON COUNTY, IOWA

ORDINANCE #55

WATKINS SEWER SERVICE SYSTEMS

PURPOSE: The purposes of this Ordinance is to protect the public health, safety and welfare by facilitating the distribution of sanitary sewer service to the unincorporated village of Watkins by Poweshiek Water Association, and to establish rules pertaining to sewage and the protection of the sanitary sewer system to be established in the Watkins Service Area.

Title I General Provisions - Sewer

1. Definitions
2. Sewer Authority
3. Powers and Authority for Inspection
4. Notice to Correct
5. Remedies
6. Appeals
7. Damaging Sewer System
8. Treatment Required
9. Mandatory Connections

Title II Building Sewers and Connections

1. Permit Required
2. Conformity to Administrative Authority's Specifications
3. Interceptors Required
4. Connection Fee
5. Connection Requirements
6. Excavations
7. Abatement of Violations

Title III Use of the Service Area Sanitary Sewer System

1. Discharge Prohibited
2. Storm Sewers
3. Sanitary Sewers

4. Illegal Connections
5. Accidental Discharges
6. Discharge Prohibited Except by Permit
7. Permit Required
8. Alternatives Upon Filing of Application
9. Terms and Conditions of Discharge Permit
10. Change of Discharge Permit Terms and Conditions
11. Transfer of Permit Prohibited
12. Termination
13. Monitoring

Title IV Private on-Site Wastewater System

1. When Prohibited
2. When Required
3. Compliance with Regulations
4. Permit Required
5. Discharge Restrictions
6. Maintenance of System
7. Systems Abandoned
8. Disposal of Waste
9. Additional Requirements

Title V Wastewater Sewer Charges

1. Basis of Rates
2. Special Rates
3. Deposits
4. Adjustments for Water Leaks
5. Billing; Payment; Collection
6. Special Agreements Permitted

Title VI Miscellaneous

1. Authority of DNR
2. Conflict with State Laws
3. Severability Clause
4. When Effective

TITLE I - GENERAL PROVISIONS – SEWER

1. Definitions
2. Sewer Authority
3. Powers and Authority for Inspection
4. Notice to Correct
5. Remedies
6. Appeals

- 7. Damaging Sewer System
- 8. Treatment Required
- 9. Mandatory Connections

- 1. **DEFINITIONS.** For use in the titles of this Ordinance pertaining to the central Sanitary Sewer System, the following terms are defined:

"Administrative Authority" means the Poweshiek Water Association, its employees, agents, or designees who are hereby authorized to construct, manage, operate and own sanitary sewer service facilities in the Service Area.

"Board" means the Poweshiek Water Association Board of Directors, also referred to as "Administrative Authority Board."

"BOD" denotes "Biochemical Oxygen Demand" and means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in milligrams per liter.

"Building Lateral" means the extension from the building sewer beginning five feet outside the interface of the building wall and extending to the Service Area sewer or other place of disposal.

"Building Sewer" means that part of the lowest 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 lateral.

"Combined Sewer" means a public sewer to be used as both a sanitary sewer and a storm sewer.

"County" means Benton County, Iowa, or its authorized deputy, agent, or representative.

"Customer" means any person or business receiving sewer service from the Administrative Authority as well as the owner of the property served. Both sewer users and property owners are jointly and severally liable for the duties, responsibilities, liabilities and obligations set out in this Ordinance.

"Industrial Waste" or "Process Waste" means any solid, liquid or gaseous substance discharged, permitted to flow or escape from any industrial, manufacturing, commercial or business establishment or process, or from the development, recovery or processing of any natural resource, as distinct from sanitary wastes.

"Joint Agreement" means the Joint Agreement for the Construction, Maintenance, and Operation of Plants and Systems for Sanitary Sewer Services Under Iowa Code Chapter 28E between Benton County and Poweshiek Water Association, as approved by the County on April 3, 2007.

"Natural Outlet" means any outlet into a water course, pond, ditch, lake or other body of surface water or ground water.

"NPDES Permit" means any permit or equivalent document or requirements issued by the administrator of the United States Environmental Protection Agency, or where appropriate, by the Executive Director of the Iowa Department of Natural Resources or the Chairperson of the Iowa Environmental Protection Commission to regulate the discharge of pollutants pursuant to the applicable sections of the Federal or State law.

"pH" means the logarithm (base ten) of the reciprocal of the hydrogen-ion concentration expressed by one of the procedures in "Standard Methods."

"Public Sewer" means a sewer subject to the jurisdiction of the Administrative Authority.

"Repeat Offender" means a customer who has had service disconnected two (2) times within a twelve (12) month period for nonpayment of their bill for sewer service. The Board, at their discretion, may require such a customer to place an additional service deposit with the Administrative Authority as a condition for receiving sewer service.

"Sampling Manhole" means a structure located on a building lateral for the purpose of providing access to sample or measure wastewater discharges.

"Sanitary Sewer" means a public sewer that conveys wastewater, and into which storm, surface, ground, and unpolluted waters are not intentionally admitted.

"Sanitary Waste" means any solid, liquid or gaseous substance discharged from residences, business buildings, institutions, commercial and industrial establishments contributed by reason of human occupancy, free from storm, surface water and industrial waste.

"Service Area" means the unincorporated village of Watkins located in Benton County more specifically described as: the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 22, the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 23, the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 26 and the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 27 Township 82 North, Range 10 West of the 5th PM, Benton County, Iowa. The Service Area will not include any areas for which a Public Sewer cannot be constructed due to applicable laws or regulations or to restrictions by the sources of funding or insurance coverage for the Public Sewer.

"Service Area Sanitary Sewer System" means the system to be constructed, maintained, operated and owned by the Administrative Authority in the Service Area.

"Service Area Sanitary Sewer System Ordinance" means this Ordinance adopted to assist in establishing the Service Area Sanitary Sewer System and implementing the Joint Agreement as it pertains to the Service Area.

"Sewage" is used interchangeably with "wastewater."

"Sewer" means a pipe or conduit for conveying sewage or other waste liquids, including storm, surface and groundwater drainage.

"Standard Methods" means examination and analytical procedures set forth in the most recent addition of "Standard Methods for the Examination of Water and Wastewater" published jointly with the American Public Health Association, the American Waterworks Association, and the Water Pollution Control Federation.

"Storm Sewer" or "Storm Drain" means a sewer that carries storm and surface waters and drainage but excludes sewage and industrial wastes, other than unpolluted cooling water.

"Unpolluted Water" means water of quality equal or better than the applicable affluent criteria in effect under the State or Federal laws, or water that would not cause violation of receiving water quality standards under the applicable law and would not be benefited by discharge to the Service Area sewer and wastewater treatment facilities.

"Wastewater" means the spent water of the community. It may be liquid or a combination of liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions.

"Water Course" means a channel in which a flow of water occurs, either continuously or intermittently.

"Water Pollution Control Facilities" or "Wastewater System" or "Watkins Sewer Service System" means the Administrative Authority owned structures, equipment, and processes required to collect, convey, and treat wastewater in the Service Area.

"Wastewater Pollution Control Plant" means the Administrative Authority owned arrangement of devices and structures for treating wastewater. It is sometime used as synonymous with "Wastewater Treatment Plant" or "Pollution Control Plant."

2. SEWER AUTHORITY. The Administrative Authority is authorized to construct, maintain, operate and own the Service Area Sanitary Sewer System serving the Service Area pursuant to Iowa Code Section 357A.11 (2007), the Joint Agreement and this Ordinance. The Sewer System shall be under the control of the Administrative Authority, who shall appoint a Sewer Superintendent to manage the system and enforce all regulations pertaining to sewer services in accordance with this ordinance. The Administrative Authority shall operate and maintain the Service Area Sanitary Sewer System, conduct necessary testing and inspection and establish any rules and regulations necessary to carry out the provisions of this ordinance. Such rules and regulations are subject to the approval by resolution of the Administrative Authority Board and shall be placed on file with the County Auditor. In the event of an emergency, the Administrative Authority may make temporary rules until due consideration is given by the Administrative Authority Board. This ordinance shall apply to all replacements of existing sewers as well as to new sewers being built in the Service Area.
3. POWERS AND AUTHORITY FOR INSPECTION.
 - A. Access to Private Property. The Administrative Authority bearing proper identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing with regard to wastewater in accordance with the provisions of this Ordinance. The Administrative Authority shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the Service Area sewers and natural outlets.
 - B. Duty of Care. While performing the necessary work on private properties referred to in Paragraph "A" above, the Administrative Authority shall observe all safety rules applicable to the premises established by the property owner.
 - C. Easement Access. The Administrative Authority bearing proper identification shall be permitted to enter all private properties through which the Administrative Authority holds an easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, improvement and maintenance of any portion of the sewage works within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the easement.
4. NOTICE TO CORRECT. Any person found to be violating any provisions of the Service Area Sanitary Sewer Systems Ordinance shall be served by the Administrative Authority with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof except as specified in Section 5 below. Such notice may be given by certified mail or by personal service. If given by certified mail,

the notice shall be deemed given when mailed. The offender shall, within the time stated in such notice, permanently cease all violations specified therein.

5. **REMEDIES.** Any person, firm or corporation who shall violate or fail to comply with any provision of this Ordinance shall be guilty of a misdemeanor, and each day in which such violation continues, shall be deemed to constitute a separate offense. Penalties shall be all those available under Iowa Code Section 331.307, and all subsequent amendments and revisions thereto. The County Attorney shall, subject to the County Attorney's prosecutorial discretion, bring any criminal action hereunder at the request of the Administrative Authority. Any person violating any such provision shall also be liable to the County and the Administrative Authority for any damage, loss, cost or expense occasioned by reason of such violation. Further:
 - A. A violation of any provision shall be deemed to be a nuisance, and the Administrative Authority, after reasonable notice and opportunity for hearing, may in addition to or instead of criminal prosecution:
 - (i) Order necessary measures to correct and abate such violation, and the Administrative Authority or his/her designee is authorized to enter on private property to do so, and
 - (ii) Order the service to the premises involved discontinued and authorize the Administrative Authority to disconnect any tapping or connections made to the wastewater system of the Service Area.
 - B. In the event a violation creates an immediate hazard to the wastewater facilities or to the operation thereof, or to the health and safety of any person, or to the preservation and protection of any property, or may prevent meeting the conditions of the NPDES permit, the Administrative Authority is authorized and directed to perform all necessary acts, without prior notice or hearing, to correct and abate such violations, and may enter on private property to do so.
 - C. The cost of any measures to return any sewer or structure to its condition prior to the corrective acts of the Administrative Authority, shall be borne by person seeking to discharge to the sanitary sewer. Any damages to public or private property and damages, whether direct or indirect, due to the loss of production, shall be borne by the person whose discharge was alleged to have created an immediate hazard, and thereby to have caused the subsequent corrective action.
 - D. The cost of any corrective measures required or permitted under the provisions of this Title shall be a lien on the property served by the wastewater facility in connection with which such violation has occurred and shall be levied and collected by the Administrative Authority in the same manner as general property taxes after certification of the cost to the County Treasurer.
 - E. In addition to any other remedies provided for, the Administrative Authority may bring suit to collect any sums due it, including user charges, from the person or persons incurring the liability for the payment of such charges.
6. **APPEALS.** If the findings, order, or decision of the Administrative Authority made under the provisions of this Ordinance are not acceptable to any person, such person shall have the right to appeal as follows: Two Professional Engineers shall be chosen, one by the appellant and the other by the Administrative Authority, neither of whom shall be a regular employee of either party. These two Engineers shall act as consultants. As soon as such consultants are chosen, the Administrative Authority shall file with them a copy of the complaint and the decision of the Administrative Authority. It shall be the duty of such consultants to investigate the complaint and to agree to either affirm or reject the findings of the Administrative Authority. The consultants

shall file a report with the Administrative Authority within a reasonable time, setting out their decision. If the consultants so chosen are unable to agree, they shall choose a third Professional Engineer, and the decision or recommendation of the majority shall be reported to the Administrative Authority. Upon consideration of the report by the Administrative Authority, the Administrative Authority will make a final decision, which shall be reported to the complainant and the Administrative Authority. Fees and expenses of the consultant appointed by the person complaining shall be paid by the person complaining and the fees and expenses of the consultant appointed by the Administrative Authority shall be paid by the Administrative Authority. The fees and expenses of the third consultant shall be equally divided between the person complaining and the Administrative Authority. Any appeal of the Administrative Authority's final decision to the courts shall be made no later than twenty days from the date of the Authority's final decision. Failure to appeal within the twenty day period shall end all rights to appeal.

7. DAMAGING SEWER SYSTEM. No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, enter, deface or tamper with any structure, appurtenance or equipment which is a part of the sewer system.
8. TREATMENT REQUIRED. It shall be unlawful to discharge to any natural outlet within the Service Area, or any area served by the Public Sewer, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this Ordinance.
9. MANDATORY CONNECTIONS. The owners of any houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Service Area and abutting on any street, alley, or right-of-way in which there is now located, or may in the future be located, the Service Area Sanitary Sewer System, are hereby required to install, at such owner's expense, suitable toilet facilities therein and a building sewer connecting such facilities directly with the proper Service Area Sanitary Sewer System, and to maintain the same all in accordance with the provisions of this Ordinance. Connection shall be completed within thirty days of the time the property owner is notified that the Service Area Sanitary Sewer System is located within two hundred feet of the property line of such owner, and is of such design, as determined by the Administrative Authority, as to receive and convey such sewage as may be conveyed to it. The County Board of Health and the County Attorney are empowered to enforce this mandatory connection requirement at the request of the Administrative Authority.

TITLE II - BUILDING SEWERS AND CONNECTIONS

1. Permit Required
2. Conformity to Administrative Authority's Specifications
3. Interceptors Required
4. Connection Fee
5. Connection Requirements
6. Excavations
7. Abatement of Violations

1. PERMIT REQUIRED. No person shall uncover, make any connection with or opening into, use, alter, or disturb the Service Area sewer or appurtenance thereof without first obtaining a written permit from the Administrative Authority. Any connection to the Service Area Sanitary Sewer System shall be subject to the rules and regulations of the Administrative Authority, and to the charges, rates, rents, fees, and assessments which are or may be established by resolution of the Administrative Authority Board as being applicable, and shall be made under permits issued by the Administrative Authority.

- A. There shall be two classes of sewer permits: residential and commercial. The person or entity making an application for connection shall pay an application fee to cover the cost of issuing the permit and supervising, regulating and inspecting the work.
 - B. All permits to connect with the sewer shall be given upon the express condition that the Administrative Authority Board may at any time before the work is completed revoke and annul the permit and no interested party shall have a right to claim damages from such revocation or annulment.
2. CONFORMITY TO ADMINISTRATIVE AUTHORITY'S SPECIFICATIONS. The construction of sewers, which are to be connected to and become a part of the Service Area Sanitary Sewer System, shall be done in conformity with the Administrative Authority's specifications and the following requirements:
- A. Plans and a sewer connection application shall be submitted and approved by the Administrative Authority prior to commencement of work. Construction of said sewers shall be conducted in the presence of the Administrative Authority.
 - B. A two-year maintenance bond shall be placed on file upon completion and prior to acceptance of the work, if deemed necessary by the Administrative Authority.
 - C. No person shall tap the Service Area sewer at any other place than at the regular junction "T" or "Y" built into the sewer, without specific authority from the Administrative Authority, nor shall any connection be made except in the presence of the Administrative Authority. Connections shall be made in accordance with the specifications of the Administrative Authority.
 - D. No connection shall be made to the Service Area sewer for any premises located outside the Service Area unless permission is specifically granted by the Administrative Authority and the County Board of Health or its designee.
 - E. The construction of, and use of, any combined sewer is hereby prohibited.
 - F. When any building or structure is razed or moved, and the sewer service is discontinued, all sewer connections shall be properly stopped or cut off at the curb line, according to the specifications of the Administrative Authority and approved by an inspector of the Administrative Authority.
 - G. The Administrative Authority retains the right to revoke and annul a sewer permit at any time prior to the completion of the work, and the permittee shall have no right to claim damages as a result.
 - H. The Administrative Authority may establish terms and conditions in addition to those set out in this ordinance.
3. INTERCEPTORS REQUIRED. Grease, oil or sand interceptors shall be provided and maintained by the property owner upstream from the connection to the Service Area sewer when in the opinion of the Administrative Authority these interceptors are necessary for the proper handling of liquid wastes containing grease, any inflammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Administrative Authority, and shall be located as to be readily and easily accessible for cleaning and inspection. With the filing of the application for sewer connection, the applicant shall provide sufficient information for the Administrative Authority to determine whether an interceptor is required. A permit shall

not be issued until such time as the Administrative Authority makes the determination. If the Administrative Authority determines there is the need for an interceptor, the applicant must submit construction plans for the Administrative Authority's review and approval before issuance of a permit for service connection.

4. CONNECTION FEE. Before any permit is issued, the person or entity making the application shall pay the connection fee to the Administrative Authority. The connection fee shall be in the amount established by the Administrative Authority.
5. CONNECTION REQUIREMENTS. Any connection with the Service Area Sanitary Sewer System must be under the direct supervision of the Administrative Authority and in accordance with the following:
 - A. Plumber or Pipe Layer to Make Installations. Any installation of a private sewer building service and its connection to the Service Area sewer shall be made by a Plumber or Sewer Service Installer who is actively engaged in the business and is insured for the acts to be completed.
 - B. Inspection. All connections with the Service Area Sanitary Sewer System before being covered shall be inspected and approved, in writing, by the Administrative Authority. As soon as all pipe work from the Service Area sewer to inside the building has been completed, and before any backfilling is done, the Administrative Authority shall be notified and shall inspect and test the work as to workmanship and material. No sewer pipe laid under ground shall be covered or trenches filled until after the sewer has been so inspected and approved. If the Administrative Authority refuses to approve the work, the plumber or owner of the premises must proceed immediately to correct the work.
 - C. Connection Deadline. All approved connection permits shall require the owner to complete construction and connection of the building sewer to the Service Area sewer within thirty days from the approval of the permit.
 - D. Extension of Time. When, in the judgment of the Administrative Authority, a property owner on application has made sufficient showing that due to conditions beyond said property owner's control or due to a peculiar hardship, the period of time set forth for the completion of the connection shall be inequitable or unfair to the property owner, an extension of time within which to comply with the provisions herein may be granted.
 - E. Preparation of Basement or Crawl Space. No connection for any residence, business or other structure with the Service Area Sanitary Sewer System shall be made unless the basement floor is poured, or in the case of a building with a slab or crawl space, unless the ground floor is installed with the area adjacent to the foundation of such building cleared of debris and backfilled. The backfill shall be well compacted and graded so that the drainage is away from the foundation. Prior to the time the basement floor is poured, or the first floor is installed in buildings without basements, the sewer shall be plugged and the plug shall be sealed by the Administrative Authority. Any accumulation of water in any excavation or basement during construction and prior to connection to the sanitary sewer shall be removed by means other than draining into the sanitary sewer.
 - F. Water Course Crossings. No sewer connection shall be laid so that it is exposed when crossing any Water Course. Where an old Water Course must of necessity be crossed and where there is any danger of undermining or settlement, cast iron soil pipe or vitrified clay sewer pipe thoroughly encased in concrete shall be required for such crossings. Such encasement shall extend to at least six inches on all sides of the pipe. The cast iron pipe or encased clay pipe shall rest on firm, solid material at either end.

- G. Specifications. Materials, sizing, grade and location of piping; joints and connections; cleanouts; changes in direction; and sewage lifts for building sewers shall be as specified the Iowa Statewide Urban Standard Specifications for Public Improvements Manual. Also, a backflow prevention valve meeting the specifications of the Administrative Authority shall be installed at the expense of the customer.
 - H. Property Owner's Responsibility. All costs and expenses incident to the installation, connection and maintenance of the building sewer shall be borne by the owner. The owner shall indemnify the Administrative Authority from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
 - I. Streets and Alleys. All trench work, excavation or disturbance of any street, parking area, or alley in making a connection shall be performed in accordance with applicable excavation provisions as provided in this Ordinance.
6. EXCAVATIONS. All excavations for building sewer installations shall be made in accordance with the following:
- A. Barricades and Lighting. Adequate barricades and warning lights shall be so placed as to protect the public from hazard.
 - B. Public Convenience. Streets and alleys shall be opened in the manner, which will cause the least inconvenience to the public and admit the uninterrupted passage of water along the gutter in the street.
 - C. Trenching, Excavation, and Backfill. Trenching, excavation and backfill for building sewers shall be as specified in the Iowa Statewide Urban Standard Specifications for Public Improvements Manual.
 - D. Restoration of Public Property. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Administrative Authority at the expense of the property owner.
 - E. Completion by the Administrative Authority. Should any excavation in any street or alley be left open or unfinished, for a period of twenty-four hours, or should the work be improperly done, the Administrative Authority shall have the right to finish or correct such work and any expense shall be charged to the property owner.
 - F. County Engineer and utility permitting requirements.
7. ABATEMENT OF VIOLATIONS. Construction or maintenance of building sewer lines located upon the private property of any owner, the construction or maintenance of which is in violation of any other requirements of this Ordinance, shall be corrected at the owner's expense within thirty days after official notice from the Administrative Authority of such violation. If not made within such time, the Administrative Authority shall in addition to the other penalties herein provided, have the right to finish and correct the work and assess the cost thereof to the property owner. Such assessment shall be collected with and in the same manner as general property taxes after certification of the cost to the County Treasurer.

TITLE III - USE OF THE SERVICE AREA SANITARY SEWER SYSTEM

1. Discharge Prohibited
2. Storm Sewers
3. Sanitary Sewers
4. Illegal Connections
5. Prohibited Discharges
6. Discharge Prohibited Except by Permit
7. Permit Required
8. Alternatives Upon Filing of Application
9. Terms and Conditions of Discharge Permit
10. Change of Discharge Permit Terms and Conditions
11. Transfer of Permit Prohibited
12. Termination
13. Monitoring

1. **DISCHARGE PROHIBITED.** No person shall discharge or cause to be discharged any of the following described substances, materials, waters and/or wastes into any of the Service Area sewers:

- A. Any gasoline, benzene, naphtha, fuel oil, or other inflammable or explosive liquid, solid or gas.
- B. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to deteriorate the Service Area sewer, injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to the following list indicating maximum concentrations allowable in the wastes as discharged to the Service Area sewer.

Substance	<u>Maximum Concentration (mg/l)</u>
Arsenic	.3 mg/l
Cadmium	1.0 mg/l
Chromium (Hexavalent)	2.5 mg/l
Copper	4.6 mg/l
Cyanide	0.2 mg/l
Lead	1.6 mg/l
Mercury	.0026 mg/l
Nickel	3.6 mg/l
Total Chromium	5.0 mg/l
Zinc	5.0 mg/l

- C. Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to the Service Area Sanitary Sewer System or structures, equipment, and personnel of the Water Pollution Control Facilities, or operation thereof.
- D. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the Water Pollution Control Plant such as,

but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders.

2. STORM SEWERS. No wastewaters except unpolluted waters shall be discharged to storm sewers. Storm waters and all other unpolluted water shall be discharged into such sewers as are specifically designed and designated as storm sewers.
3. SANITARY SEWERS. No storm waters, surface water, ground water, roof runoff, subsurface drainage, cooling water, or unpolluted water shall be discharged to any sanitary sewer. Where a storm sewer or natural outlet is not available, such unpolluted water may be discharged to a sanitary sewer only after written approval of the Administrative Authority. Such written approval may be revoked at any time. No person constructing a sanitary sewer, building, or house connection, shall leave same open, unsealed or incomplete in such a fashion to permit storm, surface or subsurface water to enter the sanitary sewer.
4. ILLEGAL CONNECTIONS. Any connections which discharge prohibited materials shall be considered illegal and shall be subject to immediate removal by owner of the premise so connected and at such owner's expense. Should the owner of such an illegally connected premise fail to remove the connection within thirty days, the Administrative Authority shall cause the connection to be removed and the cost thereof shall be billed to the owner of the premise.
5. PROHIBITED DISCHARGES. The discharge of any prohibited liquid, gaseous, or solid material into the Service Area sewer or natural outlet, either directly or indirectly, shall be reported to the Administrative Authority immediately by the person or entity responsible for the discharge. It shall be understood that the person or entity shall not be relieved of its responsibilities and shall be liable for any expense, loss or damage sustained by the Administrative Authority by reason of such discharge.
6. DISCHARGE PROHIBITED EXCEPT BY PERMIT. No person shall discharge or caused to be discharged, the following described substances, materials, waters, or wastes without a permit issued pursuant to Section 7 of this Title. In forming an opinion as to the acceptability of these wastes, the Administrative Authority shall give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction in the sewers, nature of the treatment processes, capacity of the Water Pollution Control Facilities, degree of treatability of wastes in question, and other pertinent factors. Factors influencing this ruling and known conditions at the time of this ruling shall be recorded by the Administrative Authority in the plant file at the time the ruling is made.
 - A. Any water or wastes excluding sanitary wastes having:
 - i. 5-day BOD greater than 300 parts per million by weight or,
 - ii. Suspended solids concentration greater than 350 parts per million by weight or,
 - iii. Average daily flow greater than two (2) per cent of the average sewage flow of the system.
 - B. Any liquid or vapor having a temperature higher than 120 degrees Fahrenheit (48 degrees Centigrade).
 - C. Any water or wastes which contain grease, fats, wax, or oil, whether emulsified or not, in excess of 100 mg/l, or other substances that will solidify or become discernibly viscous at temperatures between 32 degrees and 150 degrees Fahrenheit (0 degrees and 65 degrees Centigrade).

- D. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower (0.76 hp. metric) or greater shall be subject to the review and approval of the Administrative Authority.
- E. Any water or wastes containing non-edible type oil or grease such as petroleum or mineral oil or grease.
- F. Any water or wastes that contain more than 10 parts per million by weight of the following gases: hydrogen sulphide, sulphur dioxide, or nitrous oxide.
- G. Any water or wastes that contain phenols or other taste and odor producing substances in excess of 0.5 parts per million by weight.
- H. Any water or wastes, acid or alkaline in reaction, and having corrosive properties capable of causing damage or hazard to structures, equipment and personnel of the Administrative Authority.
- I. Any water or wastes containing any of the constituents listed in this Title or any other objectionable or toxic substances.
- J. Any water or wastes containing the discharge of strong acid iron pickling wastes, or concentrated plating solution whether neutralized or not.
- K. Any noxious or malodorous gas or substances, which either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life or of preventing entry into sewers for the maintenance and repair thereof.
- L. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Administrative Authority in compliance with applicable State and Federal regulations.
- M. Materials which exert or cause:
 - i. Unusual concentrations of 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).
 - ii. Excessive discolorations such as, but not limited to, dye wastes and vegetable tanning solutions.
- N. Any water or wastes containing substances which are not amenable to treatment or reduction by the water pollution control processes employed, or are amenable to treatment only to such a degree that the Water Pollution Control Plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving water.
- O. Any water or waste which by interaction with the other water or wastes in the Service Area Sanitary Sewer System, releases noxious gases or develops color of undesirable intensity; or forms suspended solids in objectionable concentration; or creates any other conditions deleterious to structures and treatment processes, shall be subject to control or shall be banned from the system as determined by the Administrative Authority.

- P. Any wastes, which in the opinion of the Administrative Authority may harm either the Service Area sewer, Water Pollution Control Plant, treatment process, equipment, or have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance.
7. PERMIT REQUIRED. Any person discharging the described substances, materials, waters or wastes as defined in Section 6 of this Title shall file an Application for a Discharge Permit with the Administrative Authority. The application shall contain the following information.
- A. Names and address of owner.
 - B. Title of official making such application.
 - C. Location of plant.
 - D. The nature of business conducted in such plant.
 - E. The volume of industrial waste mixture and sewage discharged by each plant.
 - F. The average daily number of employees employed in each plant by shifts.
 - G. The source of water supply of each plant and the volume of water used by each such plant daily, specified separately as to each source.
 - H. Such additional information as is deemed applicable to ascertain the volume, nature and composition of industrial waste so discharged.
8. ALTERNATIVES UPON FILING OF APPLICATION. Upon receiving the application, the Administrative Authority alternatives are as follows:
- A. Accept the wastes,
 - B. Reject the wastes,
 - C. Require pretreatment to an acceptable condition for discharge to the Service Area sewers,
 - D. Require control over the quantities and rates of discharge, and/or
 - E. Require payment to cover the added cost of handling and treating the wastes not covered by wastewater service charges under the provisions of Title 5 of this Ordinance.
9. TERMS AND CONDITIONS OF DISCHARGE PERMIT.
- A. Terms. All wastewater discharge permits shall be expressly subject to all provisions of this Title and all rates and charges established by the Board by resolution. As long as there is full compliance, all permits shall be valid for two years and must be renewed thereafter; provided that the Administrative Authority may establish renewal dates from 12 to 24 months after issuance of the initial permits issued after the effective date of the ordinance. All permits shall contain the following terms:

- i. The daily average and maximum wastewater flow volumes.
 - ii. The average and maximum limits on the constituents of the discharger's wastewater.
- B. Conditions. Wastewater discharge permits may contain any or all of the following conditions.
- i. For discharges which will require pretreatment to meet the terms of the permit:
 - (a) Facilities Approval. Plans, specifications and other pertinent information relating to such treatment facilities shall be submitted for the approval of the Administrative Authority and no construction of such facilities shall be commenced until said approval is obtained in writing.
 - (b) Facilities Maintenance and Records. Where such facilities are provided, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense and shall be subject to periodic inspection by the Administrative Authority. The owner shall maintain operating records and shall submit to the Administrative Authority a monthly summary report of the character of the influent and effluent to show the performance of the treatment facilities.
 - ii. Limits on rate and time of discharge or requirements for flow regulation and equalization.
 - iii. Requirements for sampling manhole, including Administrative Authority access to such facilities.
 - iv. Monitoring program which may include: sampling locations; frequency and method of sampling; number, types and standard of tests; and establishing a reporting schedule. The discharger assigned a monitoring program in conformance with this Title shall pay all applicable Administrative Authority charges.
 - v. Submission of technical reports or discharge reports.
 - vi. Maintenance of plant records relating to wastewater discharges, as specified by the Administrative Authority and affording Administrative Authority access thereto.
 - vii. Other conditions as deemed appropriate by the Administrative Authority to ensure compliance with this Title or the terms and conditions of the permit.
10. CHANGE OF DISCHARGE PERMIT TERMS AND CONDITIONS. The Administrative Authority may change the terms and conditions of a wastewater discharge permit, including changing the average limits of constituents of the wastewater, from time to time as circumstances may require. The Administrative Authority shall allow a discharger reasonable time to comply with any required changes in the permit except that a change in average limits of wastewater strength shall immediately affect calculation of the sewage service charge.
11. TRANSFER OF PERMIT PROHIBITED. A wastewater discharge permit shall not be assigned or transferred.
12. TERMINATION. The Administrative Authority may terminate any wastewater discharge permit for violation of the terms and conditions of the permit or the provisions of this Title. A permit shall be terminated by the Administrative Authority if the discharger exceeds the maximum allowable discharge limits. A person whose

permit has been terminated shall apply for a new permit within thirty days of notice of termination. Any person whose permit has been terminated but is temporarily allowed to continue to discharge shall pay wastewater service charges based upon the former permit until a new permit has been applied for, approved, and issued.

13. **MONITORING.** All users of the Water Pollution Control Facilities may be subject to having their waste discharge monitored by the Administrative Authority. All permit users and special rate users shall have their process waste discharge monitored not less than annually by the Administrative Authority. The frequency of monitoring shall be stipulated in the discharge permit and shall be carried out in the following manner:
- A. **Sampling Manhole.** Any permit user discharging wastes into the Service Area sewers shall, if required by the Administrative Authority, construct a suitable sampling manhole, downstream from any treatment, storage tank or other approved works, to facilitate observations, continuous measurements and sampling of all such wastes from the user. Continuous sampling shall be by an automatically operated sampling device. Continuous flow measurement shall be indicating, recording and totalizing. Where pH control is necessary, or where other waste characteristics require special control, suitable waste monitoring equipment shall be installed by the user to monitor and record those waste characteristics being controlled. The sampling manhole shall be accessible to authorized Administrative Authority personnel on a twenty-four hour basis, and it shall be constructed in accordance with plans approved by the Administrative Authority. The control structure shall be installed by the owner at the owner's expense, and shall be maintained by the owner, in a safe, accessible, and operating condition at all times.

In its sole discretion, the Administrative Authority may waive the requirement for a sampling manhole if the user agrees to pay the wastewater service charges required under Title IX of this Ordinance, and that the strength of waste on which the service charge is based on tests of comparable strength wastes discharged by similar industries, if such information is available; if not, by such other methods as the Administrative Authority may wish to employ. Whatever method is used for finding the strength of the waste, the determination of the Administrative Authority shall be binding as a basis for charges.
 - B. **Flow Measurement.** The volume of flow used in computing sewer rental charges shall be based upon actual in situ flow measurements. In the event the Administrative Authority finds it is not practical to measure either the actual sewage and industrial waste flow or the flow of diverted water, it may at its discretion approve some other manner of computing or estimating the amount of water diverted from or discharged to the Service Area sewerage system. Also, in the event that the Administrative Authority finds it is not practical to make an actual measurement of the waste discharge from the premises of the customer into the Service Area sewerage system, the Administrative Authority may at its discretion accept as the volume of waste discharged from the premises that amount shown by water meters of the Administrative Authority. Where a user discharging wastes into the Service Area Sanitary Sewer System procures any part, or all of, the user's water supply from sources other than the Service Area water system, all or part of which is discharged into the Service Area Sanitary Sewer System, the user discharging said waste shall install and maintain, at said user's expense, water meters of a type approved by the Administrative Authority for the purpose of determining the proper volume of flow to be charged.
 - C. **Testing Wastes.** All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Title shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association. Samples for testing shall be collected at the sampling manhole. In the event that

no sampling manhole has been required, the sampling manhole shall be considered to be the nearest downstream control structure in the Service Area sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the Water Pollution Control Facilities and to determine the existence of hazards to life, limb, and property.

TITLE IV - PRIVATE ON-SITE WASTEWATER SYSTEMS

1. When Prohibited
2. When Required
3. Compliance with Regulations
4. Permit Required
5. Discharge Restrictions
6. Maintenance of System
7. Systems Abandoned
8. Disposal of Waste
9. Additional Requirements

1. WHEN PROHIBITED. Except as otherwise provided in this Title, it is unlawful to construct or maintain any on-site wastewater treatment and disposal system or other facility intended or used for the disposal of sewage in the Service Area.
2. WHEN REQUIRED. Where the Service Area sewer is not available under provisions of Title I, Section 9, every building wherein persons reside, congregate or are employed shall be provided with a private on-site wastewater treatment and disposal system complying with the provisions of County Ordinance 38 - *On-Site Wastewater Treatment and Disposal Systems*.
3. COMPLIANCE WITH REGULATIONS. The type, capacity, location and layout of a private on-site wastewater treatment and disposal system shall comply with the specifications and requirements set forth by the Iowa Administrative Code 567, Chapter 69, and to such additional requirements as are prescribed by the regulations of the County, the Administrative Authority and the County Board of Health.
4. PERMIT REQUIRED. No person shall install or reconstruct a private on-site wastewater treatment and disposal system without first obtaining permission from the Administrative Authority and the County Board of Health.
5. DISCHARGE RESTRICTIONS. It is unlawful to discharge any wastewater from a private on-site wastewater treatment and disposal system to any ditch, stream, pond, lake, natural or artificial waterway, drain tile or to the surface of the ground unless such system has been approved by the Administrative Authority and the County Board of Health.
6. MAINTENANCE OF SYSTEM. The owner of a private on-site wastewater treatment and disposal system shall operate and maintain the system in a sanitary manner at all times and at no expense to the Administrative Authority.
7. SYSTEMS ABANDONED. At such time as the Service Area Sanitary Sewer System becomes available to a property served by a private on-site wastewater treatment and disposal system, as provided in Title I, Section 9, a direct connection shall be made to the Service Area sewer in compliance with this Ordinance, and the on-site

wastewater treatment and disposal system shall be abandoned and filled with suitable material as provided by County Ordinance 38 - *On-Site Wastewater Treatment and Disposal Systems*.

8. **DISPOSAL OF WASTE.** It is unlawful for any person to place any effluent or waste from cesspools, septic tanks or privy vaults in any other location in the Service Area except in such location as may be designated by the Administrative Authority. The rate of charge for receiving such waste shall be determined by the Administrative Authority.
9. **ADDITIONAL REQUIREMENTS.** No statement contained in this Ordinance shall be construed to interfere with any additional requirements that may be imposed by any health officer acting in an official capacity.

TITLE V - WASTEWATER SERVICE CHARGES

1. Basis of Rates
2. Special Rates
3. Deposits
4. Adjustments for Water Leaks
5. Billing; Payment; Collection
6. Special Agreements Permitted

1. **BASIS OF RATES.** Every sewer user in and outside of the Service Area being served by the Administrative Authority shall pay for sewer usage. The rates or comprehensive wastewater service charges shall ensure that the system generates adequate revenues to pay the costs of operation, maintenance, and debt including replacement. Monthly rates will be established by the Administrative Authority.
2. **SPECIAL RATES.** Where in the judgment of the Administrative Authority special conditions surround the proposed use by an applicant of the Service Area sewer to the extent that the application of the basic charge would be inequitable or unfair to either the Administrative Authority or the sewer system user, a special rate may be established by the Administrative Authority. Special Rates may be set in the following circumstances, among others:
 - A. Where the nature of the use of Service Area sewer is such that in the opinion of the Administrative Authority the resulting sewage or industrial waste has characteristics making it more or less difficult to purify than ordinary domestic waste.
 - B. Where a major portion of the Administrative Authority water consumed is not polluted and/or is not discharged into or does not reach the Service Area sewer.
 - C. Where privately produced water supplies are discharged directly or indirectly into the Service Area sewer. It shall be the duty of every person responsible for the production of such private water supply to report forthwith to the Administrative Authority and further, to cooperate with the Administrative Authority in the determination of the quantity and character of the waste originating from each such respective private water supply. The Administrative Authority shall designate in each such special rate case any necessary means of measurement of such private water supply and resulting sewage flow, which meter or other means of measurement shall be installed by and at the expense of the user upon written order of the Administrative Authority.

3. **DEPOSITS.** A deposit in the amount established by the Administrative Authority shall be paid and refunded in the manner determined by the Administrative Authority.
4. **ADJUSTMENTS FOR WATER LEAKS.** Where there has been an accidental and undetectable breakage or vandalism in a plumbing system, not including:
 - A. A loss caused by neglect, or
 - B. A building vacant for more than 30 days immediately before the loss,

a user may request an adjustment to the sewer bill. An allowance, not exceeding the current and the previous bill, is to be calculated as follows: One-half the apparent excess usage over the average consumption (including seasonal variations) at the user's premises. The allowance proposed shall be presented to the Administrative Authority Board for approval before a credit or reduction in the bill is granted.
5. **BILLING; PAYMENT; COLLECTION.** The Administrative Authority shall bill each user of the Service Area Sewer monthly. Sewer service charges shall be due and payable under the terms and conditions determined by the Administrative Authority. The provisions contained in Title II relating to delinquency and lien notices shall also apply in the event of a delinquent sewer charge.
 - A. **Collection of Charges.** The Administrative Authority or any other person or entity appointed by Administrative Authority shall collect wastewater service charges.
 - B. **Failure to Pay Wastewater Service Charges.** All wastewater service charges shall be due and payable when rendered, shall be considered past due at ten days, and shall be considered delinquent not less than thirty days from the time it was rendered. A bill shall be considered rendered by the Administrative Authority when deposited in the U.S. Mail with postage prepaid or when delivered by the Administrative Authority to the last known address of the party responsible for payment.
 - C. **Late Payment Penalty.** A late payment penalty as determined by the Administrative Authority shall be added to each delinquent bill.
 - D. **Lien for Nonpayment.** The owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for sewer service charges to the premises. Sewer service charges remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified to the County Treasurer by the Administrative Authority for collection in the same manner as property taxes.
6. **SPECIAL AGREEMENTS PERMITTED.** No statement in this Ordinance shall be construed as preventing a special agreement, arrangement, or contract between the Administrative Authority and any commercial or industrial concern whereby a waste of unusual strength or character may be accepted subject to special conditions, rates and costs as established by the Administrative Authority.

TITLE VI - MISCELLANEOUS

1. Authority of DNR
2. Conflict with State Laws
3. Severability Clause
4. When Effective


1. AUTHORITY OF DNR. Nothing herein shall preclude the State, through the DNR, from exercising rights of enforcement pursuant to Iowa Code Chapter 455B and the Iowa Administrative Code.
2. CONFLICT WITH STATE LAWS. This ordinance is intended to be consistent with State law. In the event this ordinance conflicts with State law, the more stringent standards shall be controlling.
3. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.
4. WHEN EFFECTIVE. The ordinance shall be in effect after this final passage, approval and publication as provided by law.

Passed and adopted by the Benton County of Supervisors this 11th day of October 2007.

BENTON COUNTY BOARD OF SUPERVISORS




Jason Sanders, Chairman



David Vermedahl

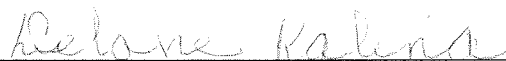


Ronald Buch

ATTEST: 
Delane Kalina, Deputy Benton County Auditor

October 9, 2007 – Approved 1st Consideration of Ordinance #55
October 11, 2007 – Approved 2nd Consideration of Ordinance #55
October 11, 2007 – Waived 3rd Consideration of Ordinance #55
October 11, 2007 - Adopted Ordinance #55
October 17, 2007 – Published Ordinance #55

I, Delane Kalina, do hereby certify the above to be a true and correct copy of Ordinance #55 and the dates of consideration and publication are correct.



Delane Kalina, Deputy Benton County Auditor