

1 **BILL NO. 2024-39**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO REPEAL AND REPLACE LVMC CHAPTER 14.17 PERTAINING TO
4 WASTEWATER COLLECTION, PRETREATMENT AND TREATMENT; ESTABLISHING
5 REGULATORY PROVISIONS CONSISTENT WITH AND REQUIRED BY STATE AND FEDERAL
STATUTES AND REGULATIONS ON THE SUBJECT, AS WELL AS THE CITY'S NPDES
(WASTEWATER) PERMIT; AND PROVIDING FOR OTHER RELATED MATTERS.

6 Proposed by: Steve Ford, Deputy City Manager

Summary: Repeals and replaces LVMC Chapter
14.17 pertaining to wastewater collection,
pretreatment and treatment, and establishes
regulatory provisions consistent with and required
by State and Federal statutes and regulations on
the subject, as well as the City's NPDES
(wastewater) permit.

10 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS
11 FOLLOWS:

12 SECTION 1: Title 14, Chapter 17, of the Municipal Code of the City of Las Vegas,
13 Nevada, 1983 Edition, is hereby repealed in its entirety.

14 SECTION 2: Title 14 of the Municipal Code of the City of Las Vegas, Nevada, 1983
15 Edition, is hereby amended by adding thereto a new chapter, designated as Chapter 17, consisting of Sections
16 5 to 100, inclusive, reading as follows:

17 **14.17.005 – General Provisions.**

18 (A) Purpose and Policy. This Chapter sets forth uniform requirements for all industrial
19 users that discharge wastewater into the publicly-owned treatment works (POTW), or that have the potential
20 to do so. This Chapter also enables the City to comply with all applicable State and Federal laws, including
21 the Federal Clean Water Act (33 United States Code Section 1251 et seq.), and the General Pretreatment
22 Regulations (Title 40, Part 403 of the Code of Federal Regulations) and the POTW's National Pollutant
23 Discharge Elimination System (NPDES) Permit issued by the Nevada Division of Environmental Protection
24 (NDEP). This Chapter shall apply to all industrial users connected to the POTW.

25 (B) Objectives. The objectives of this Chapter are to:

26 (1) Prevent the introduction of pollutants into the POTW which will interfere

1 with its operation, including interference with its use of disposal of municipal sludge;

2 (2) Prevent the introduction of pollutants into the POTW which will pass
3 through the treatment works, inadequately treated, into receiving waters, or otherwise be incompatible with
4 the POTW;

5 (3) Protect the health, safety and welfare of both POTW personnel who may be
6 affected by wastewater and sludge in the course of their employment, as well as the general public;

7 (4) Improve the opportunity to recycle and reclaim municipal and industrial
8 wastewater and sludge from the POTW;

9 (5) Provide for fees, charges, assessments, fines and penalties for the equitable
10 distribution of the cost of operation, maintenance and improvement of the City's POTW and pretreatment
11 program; and

12 (6) Enable the City to comply with its NPDES permit conditions, Federal and
13 State requirements applicable to sludge use and disposal, and any other Federal or State laws or regulations
14 to which the POTW is subject.

15 (C) Authority of the Director. Except as otherwise provided, the Director shall
16 administer, implement and enforce the provisions of this Chapter. Any powers granted to or duties imposed
17 upon the Director may be delegated by the Director to other City personnel.

18 (D) Notification to Industrial Users. The Director shall attempt to notify in writing any
19 industrial user whom the City has reason to believe is subject to a National Categorical Pretreatment Standard
20 or Requirement, or other applicable requirements promulgated by the EPA under the provisions of Section
21 204(b) or 405 of the Act, or under the provisions of sections 3001, 3004, or 4004 of the Solid Waste Disposal
22 Act. Failure of the City to so notify industrial users shall not relieve those industrial users from the
23 responsibility of complying with applicable requirements. It is the responsibility of a significant industrial
24 user (SIU) to apply for and receive a permit prior to discharge, whether or not the SIU has been identified
25 and formally requested to do so.

26 (E) Discharge by Industrial Users. If wastewaters containing any pollutant, including

1 excess flow, or as otherwise defined in this Chapter, are proposed to be discharged, are discharged, or have
2 the potential to discharge in the opinion of the Director, the Director may take any action necessary to:

- 3 (1) Prohibit the discharge of such wastewater;
- 4 (2) Require an industrial user to demonstrate that in-plant facility modifications
5 will reduce or eliminate the discharge of such substances in conformity with this Chapter;
- 6 (3) Require treatment, including storage facilities or flow equalization
7 necessary to reduce or eliminate the potential for a discharge to violate this Chapter;
- 8 (4) Require an industrial user making, causing or allowing the discharge to pay
9 any additional cost or expense incurred by the City for handling, treating, disposing or remediation costs
10 because of wastes discharged to the POTW;
- 11 (5) Require an industrial user, including those with zero discharge, to apply for
12 and obtain an industrial wastewater permit, authorization to discharge, or other control mechanism;
- 13 (6) Require timely and factual reports from the industrial user; or
- 14 (7) Otherwise meet the objectives of this Chapter.

15 **14.17.010 – Definitions, Acronyms and Abbreviations.**

16 (A) Definitions. For the purposes of this Chapter and except as the context otherwise requires,
17 the following terms, phrases, words and their derivations shall have the meanings provided in this Chapter
18 and applicable Federal and State statutes, rules, or regulations that apply to the activity being regulated.
19 Words not otherwise defined, shall be given their common and ordinary meaning.

20 “Act” or “the Act” means the Federal Water Pollution Control Act, also known as the Clean Water
21 Act, as amended, 33 U.S.C. §§ 1251 *et seq.*

22 “Approval authority” means the EPA Region 9 Regional Administrator, or upon State program
23 authorization, the Director of the Nevada Division of Environmental Protection.

24 “Authorized representative” or “duly authorized representative of the industrial user” means:

- 25 (1) If the industrial user is a corporation:
 - 26 (a) The president, secretary, treasurer, or vice president of the corporation in

1 charge of a principal business function, or any other person who performs similar policy or decision-making
2 functions for the corporation; or

3 (b) The manager of one or more manufacturing, production, or operating
4 facilities, provided the manager:

5 (i) Is authorized to make management decisions that govern the
6 operation of the regulated facility, including having the explicit or implicit duty of making major capital
7 investment recommendations, and of initiating and directing other comprehensive measures to assure long-
8 term environmental compliance with environmental laws and regulations;

9 (ii) Can ensure that the necessary systems are established or actions
10 taken to gather complete and accurate information for industrial wastewater permits or other control
11 mechanism and for reporting requirements established by the City; and

12 (iii) Has been assigned or delegated the authority to sign documents in
13 accordance with corporate procedures.

14 (2) If the industrial user is a partnership or sole proprietorship, a general partner or
15 proprietor, respectively;

16 (3) If the industrial user is a limited liability company, the managing member(s) of the
17 limited liability company;

18 (4) If the industrial user is a Federal, State, or local governmental facility, a director or
19 highest official appointed or designated to oversee the operation and performance of the activities of the
20 government facility, or designee of such official; or

21 (5) With respect to any type of industrial user identified in Paragraphs (1) through (4)
22 above, another person who has been designated by an individual described in the applicable Paragraph if the
23 designation is made in writing, specifies the individual or position responsible for the overall operation of
24 the facility from which the discharge originates or having overall responsibility for environmental matters
25 for the company, and is submitted to the City.

26 "Best management practices" or "BMPs" refers to practices or combination of practices determined

1 to be an effective means of implementing the prohibitions listed in Section 14.17.015. BMPs may include
2 schedules of activities, prohibitions of practices, maintenance procedures, and other management practices,
3 such as treatment requirements, operating procedures, and practices to control plant site runoff, spillage or
4 leaks, sludge or waste disposal, or drainage from raw materials storage. BMPs shall be considered local limits
5 and pretreatment standards for the purposes of this Chapter and Section 307(d) of the Act as specified at 40
6 CFR Section 403.5(c)(4). NOTE: BMPs may also include alternative means (such as management plans) of
7 complying with, or in place of compliance with, certain categorical pretreatment standards and effluent limits.

8 “Biochemical oxygen demand,” “5-day biochemical oxygen demand” or “BOD₅” means the quantity
9 of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five
10 (5) days at 20°C expressed in milligrams per liter (mg/L) by weight using methods approved under 40 CFR
11 Part 136 or procedures that have been approved by NDEP.

12 “Bypass” means the intentional diversion of wastestreams from any portion of an industrial user’s
13 treatment facility, which are subject to the notice requirements of 40 CFR Section 403.17 and LVMC
14 14.17.085(C).

15 “Categorical industrial user” or “CIU” means an industrial user subject to a categorical pretreatment
16 standard.

17 “Categorical pretreatment standard” or “categorical standard” means any regulation containing
18 pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33
19 U.S.C. Section 1317), as amended, that apply to a specific category of industrial users and that appear in 40
20 CFR Chapter I, Subchapter N, Parts 405-471.

21 “City’s pretreatment program” means the program administered by the POTW that is designed to
22 meet the requirements of applicable Federal and State law and regulations and that is governed by this
23 Chapter.

24 “Class I industrial user” has the same meaning as an “SIU,” as defined in this Section.

25 “Class II industrial user” means an industrial user that is not a Class I industrial user and to whom
26 the City has used its discretion to issue a permit, authorization to discharge, or other control mechanism

1 pursuant to LVMC 14.17.030.

2 “Composite sample” means a representative flow-proportioned sample generally collected within a
3 twenty-four (24) hour period or in accordance with the industrial user’s operating data, as appropriate. The
4 aliquots are combined according to flow. Time-proportional sampling may be approved or used by the City
5 where time-proportional samples are believed representative of the discharge.

6 “Contributing jurisdiction” means a municipality other than the City that contributes wastewater to
7 the POTW.

8 “Control mechanism” means a governmentally issued mechanism used to control an industrial user’s
9 discharge to the POTW in a manner designed to protect the POTW and to ensure compliance with
10 pretreatment and related standards. The term may include without limitation a discharge permit or other
11 authorization to discharge.

12 “Cooling water” includes:

13 (1) Contact. Water used for cooling purposes which comes in contact with any raw
14 material, intermediate product, waste product or finished product.

15 (2) Noncontact. Water used for cooling purposes which does not come in contact with
16 any raw material, intermediate product, waste product or finished product and the only pollutant added is
17 heat.

18 “Daily maximum discharge limit” means the maximum allowable discharge limit of a pollutant that
19 may be discharged during a twenty-four (24) hour period or as specified in an industrial wastewater discharge
20 permit. Where daily maximum limits are expressed in units of mass, the daily discharge is the total mass
21 discharged over the sampling period. Where daily maximum limits are expressed in terms of a concentration,
22 the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all
23 measurements taken during that sampling period.

24 “Director,” unless otherwise specified, means the City’s Director of Public Works, or the Director’s
25 designee.

26 “Effluent” means the liquid outflow from any treatment plant or facility that is designated to treat,

1 convey or store wastewater, liquid waste or industrial waste.

2 “Excess strength waste” means wastewater or waste that exceeds in any respect the concentration
3 limits of normal domestic strength wastewater or exceeds other applicable discharge limits, maximum
4 concentrations, or surcharge concentrations as described in Section 14.17.015.

5 “Existing source” means a CIU that is not a new source.

6 “Extra-jurisdictional user” means an industrial user located outside the City limits that contributes
7 wastewater to the POTW.

8 “Fee” means any charge to a person that is made under this Chapter, including each fee chargeable
9 by or on behalf of the City pursuant to this Chapter.

10 “Grab sample” means a sample which is taken from a wastestream on a one-time basis with no regard
11 to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

12 “Grease interceptor” means a plumbing appurtenance or appliance that is installed in a sanitary
13 drainage system to intercept non-petroleum FOG from a wastewater discharge. The term includes GGIs and
14 HMGIs. The acronyms appearing in this definition are as defined in LVMC 14.17.070(B).

15 “Hazardous waste” means any waste designated as hazardous under the provisions of 40 CFR Part
16 261 and NRS 459.430.

17 “Holding tank waste” means any liquid, solid material or waste from a holding tank, such as septic
18 tank waste, as well as waste from tanks associated with vessels, chemical toilets, campers, trailers, vacuum
19 pump tank trucks or other tanker trucks.

20 “Indirect discharge” means the discharge or introduction of pollutants into the POTW from any
21 industrial user as defined in this Chapter and all other industrial users regulated under Section 307(b), (c) or
22 (d) of the Act (33 U.S.C. 1317), including holding tank waste from a user discharged into the POTW.

23 “Industrial waste” means a liquid or solid waste from industrial manufacturing processes, trade or
24 business activities.

25 “Industrial user” or “IU” means a source of indirect discharge or any other industrial or commercial
26 facility or business that has a sewer connection to the POTW. The term also includes an industrial user to

1 whom the City has used its discretion to issue a permit, authorization to discharge, or other control mechanism
2 pursuant to LVMC 14.17.030.

3 “Industrial wastewater discharge permit” means a type of control mechanism issued by the City to
4 an industrial user that allows, limits or prohibits the discharge of pollutants or flow to the POTW as set forth
5 in this Chapter.

6 “Interceptor” means any grease interceptor (GGI or HCMI), sand/oil interceptor or any other device
7 that is designed, constructed and operated for the purpose of removing and retaining floatable or settleable
8 material from wastewater by differential gravity separation before its discharge into the wastewater collection
9 system.

10 “Interference” means a discharge which, alone or in conjunction with a discharge or discharges from
11 other sources, both:

12 (1) Inhibits or disrupts the wastewater collection system, its treatment processes or
13 operations, or its sludge processes, use or disposal; and

14 (2) Therefore is a cause of a violation of the City’s NPDES permit (including an increase
15 in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in
16 compliance with any of the following statutory or regulatory provisions or permits issued thereunder, or any
17 more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act (SWDA),
18 including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State
19 regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid
20 Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection,
21 Research, and Sanctuaries Act.

22 “Instantaneous discharge limit” or “instantaneous limit” means the maximum or minimum
23 concentration or measurement for a pollutant or pollutant property allowed to be discharged at any time as
24 determined by use of a grab sample or direct measurement.

25 “Local limit” means any regulation containing discharge limits developed by the Director in
26 accordance with 40 CFR Section 403.5(c) and (d), which are pretreatment standards and are specified in

1 Section 14.17.015.

2 “Maximum allowable industrial load” or “MAIL” means an estimate of the maximum loading of a
3 pollutant that can be received at the POTW’s headworks from all permitted industrial users and other
4 controlled sources without causing pass through or interference. The establishment of MAILs regarding
5 particular pollutants, including corresponding allocations, is at the discretion of the Director and any MAILs
6 so established are to be taken into account only if and when the Director takes such action.

7 “Medical waste” means isolation wastes, infectious agents, human blood and blood products,
8 pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated
9 laboratory wastes, pharmaceutical residues, and dialysis wastes.

10 “Normal domestic strength wastewater” means wastewater, when analyzed in accordance with
11 procedures established in 40 CFR Part 136, as amended, contains no more than three-hundred (300) mg/L of
12 5-day biochemical oxygen demand (BOD₅) or three hundred (300) mg/L of total suspended solids or thirty
13 (30) mg/L ammonia or five (5) mg/L of phosphorus. Discharges to the POTW that exceed these
14 concentrations may be surcharged for the concentrations above these levels as specified in LVMC
15 14.17.015(E).

16 “North American Industry Classification System Code” or “NAICS Code” means the industrial
17 classification scheme developed by the United States Office of Management and Budget used to classify
18 business establishments for the collection, tabulation, presentation, and analysis of statistical data describing
19 the U.S. economy. Also, see Standard Industrial Classification Code.

20 “NPDES permit” means a National Pollutant Discharge Elimination System permit that is issued by
21 NDEP pursuant to Section 402 of the Act, authorizing a person to discharge pollutants into the waters of the
22 United States.

23 “Pass through” means a discharge that exits the POTW into the waters of the State in quantities or
24 concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause
25 of a violation of any requirement of the City’s NPDES permit, including an increase in the magnitude or
26 duration of a violation.

1 “Person” means any individual, partnership, co-partnership, firm, company, association, joint stock
2 company, trust, estate, society, corporation, group, government, governmental agency or other legal entity,
3 or their legal representatives, agents or assigns. The definition includes all Federal, State and local
4 government entities.

5 “pH” means the intensity of acid or base condition of the solution expressed as the logarithm (base
6 ten) of the reciprocal of the hydrogen ion concentration, expressed in moles per liter, as determined in
7 accordance with the procedures that are set forth in 40 CFR Part 136 or procedures that have been approved
8 by NDEP.

9 “Pollutant” means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage,
10 garbage, sewage sludge, explosives, munitions, medical waste, chemical wastes, corrosive substance,
11 biological material, biological nutrient, toxic substance, radioactive materials, heat, malodorous substance,
12 wrecked or discharged equipment, rock, sand, slurry, cellar dirt, untreatable waste, or industrial, domestic,
13 or agricultural wastes and certain characteristics of wastewater (e.g., pH, temperature, TSS turbidity, color,
14 BOD₅, COD, toxicity or odor) discharged into or with water.

15 “POTW treatment plant” means that portion of the POTW or any portion thereof designed to provide
16 treatment of wastewater.

17 “Pretreatment” means the reduction of the amount of pollutants, the elimination of pollutants or the
18 alteration of the nature of pollutant properties in wastewater to a less harmful state prior to, or in lieu of,
19 discharging or otherwise introducing such pollutants into the POTW. The reduction or alteration can be
20 obtained by physical process, biological process, or by other process or means, except as prohibited by 40
21 CFR Section 403.6(d). Appropriate pretreatment technology includes control equipment, such as equalization
22 tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be
23 incompatible with the POTW. However, where wastewater from a regulated process is mixed in an
24 equalization facility with unregulated wastewater or with wastewater from another regulated process, the
25 effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with
26 40 CFR Section 403.6(e).

1 “Pretreatment requirement” means any substantive or procedural requirement related to
2 pretreatment, other than a pretreatment standard, imposed on an industrial user.

3 “Pretreatment standard” means any regulation containing pollutant limitations promulgated by the
4 EPA in accordance with Section 307(b) and(c) of the Act which applies to industrial users. The term includes
5 prohibited discharge limits established pursuant to 40 CFR Section 403.5 and those standards, BMPs, local
6 limits and specific prohibitions established by the City. In cases of differing standards, the more stringent
7 shall apply.

8 “Publicly owned treatment works” or “POTW” means a treatment works as defined by Section 212
9 of the Act (33 U.S.C 1292), which is owned by the City. This definition includes any devices or systems used
10 in the collection, storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of
11 a liquid nature and any sewers, pipes or other conveyances which convey wastewater to the treatment plant.
12 The term also means the City as the municipality having jurisdiction over indirect discharges to and
13 discharges from the wastewater collection and treatment systems.

14 “Radioactive material” means material containing chemical elements that spontaneously change their
15 atomic structure by emitting particles, rays or energy forms in excess of normal background radiation.

16 “Sector control program” means a program designed to control specific pollutants from industrial
17 users with similar operations, waste generation or treatment through the implementation of pretreatment
18 standards and requirements, including best management practices. The sector control program requirements
19 may be found in Section 14.17.070.

20 “Septic tank waste” means sewage and solids from domestic activities pumped from a septic tank
21 serving one or more private residences, wastes from chemical toilets, campers, trailers, or cesspools.

22 “Severe property damage” means substantial physical damage to property, damage to the treatment
23 facilities which causes them to become inoperable, or substantial and permanent loss of natural resources
24 which can reasonably be expected to occur in the absence of a bypass. The term does not include economic
25 loss caused by delays in production.

26 “Shall”, “May”: “Shall” is mandatory; “may” is permissive.

1 “Significant industrial user” or “SIU,” except as otherwise provided in this definition, means:

2 (1) A categorical industrial user; or

3 (2) An industrial user that:

4 (a) Discharges an average of 25,000 gpd or more of process wastewater to the
5 POTW (excluding domestic, noncontact cooling water and boiler blowdown wastewater);

6 (b) Contributes a process wastestream which makes up five percent (5%) or
7 more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

8 (c) Is designated as an SIU by the Director on the basis that the industrial user
9 has a reasonable potential for adversely affecting the POTW’s operation; or for violating any pretreatment
10 standard or requirement (in accordance with 40 CFR Section 403.8(f)(6)).

11 →Notwithstanding the preceding provisions of this definition, the Director has discretion, without any
12 obligation, as follows:

13 (A) To determine that an industrial user subject to categorical pretreatment standards is
14 deemed to be a non-significant CIU rather than an SIU based upon a finding that the industrial user never
15 discharges more than 100 gallons per day of total wastewater subject to categorical (but excluding sanitary,
16 non-contact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment
17 standard), and subject to compliance with the following conditions:

18 (a) The industrial user, prior to the City’s finding, has consistently complied
19 with all applicable categorical pretreatment standards and pretreatment requirements;

20 (b) The industrial user annually submits the certification statement as found in
21 40 CFR section 403.12(q), together with any additional information necessary to support the certification
22 statement; and

23 (c) The industrial user never discharges any untreated concentrated wastewater.

24 (B) To determine that an industrial user is not a significant industrial user upon a finding
25 that the industrial user, although meeting the criteria in Paragraph (2) of this definition, has no reasonable
26 potential for adversely affecting the POTW’s operation or for violating any pretreatment standard or

1 requirement. The Director may do so on the Director's own initiative or in response to a petition received
2 from an industrial user, and in accordance with 40 CFR 403.8(f)(6).

3 "Significant noncompliance" refers to the existence of one or more of the following:

4 (1) Chronic violations of wastewater discharge limits in which sixty-six percent (66%)
5 or more of all the measurements taken for the same pollutant parameter during a six (6) month period exceed
6 by any magnitude, a numeric pretreatment standard or requirement, including instantaneous limits;

7 (2) Violations of technical review criteria (TRC), in which thirty-three percent (33%) or
8 more of all measurements taken for the same pollutant parameter during a six (6) month period equal or
9 exceed the product of the numeric pretreatment standard or requirement, including instantaneous maximum
10 limits, multiplied by the applicable TRC (1.4 for BOD₅, TSS, fats, oils and grease, and 1.2 for all other
11 pollutants except pH);

12 (3) Any other violation(s) of a pretreatment standard or requirement, including daily
13 maximum, long-term average, instantaneous limit or narrative standard, that the City determines to have
14 caused, alone or in combination with other discharges, pass through or interference, or both, including an
15 endangerment to the health of the general public or of POTW personnel;

16 (4) Any discharge of a pollutant that has caused imminent endangerment to human
17 health, welfare or to the environment, or has resulted in the City's exercise of its emergency authority to halt
18 or prevent such discharge;

19 (5) Failure to meet, within ninety (90) days after the schedule date, a compliance
20 schedule milestone contained in a local control mechanism or administrative order for starting construction,
21 completing construction, or attaining final compliance;

22 (6) Failure to provide, within thirty (30) days after the due date, any required report,
23 including a baseline monitoring report, 90-day compliance report, periodic self-monitoring reports, or a
24 report on compliance with compliance schedules;

25 (7) Failure to accurately report non-compliance; or

26 (8) Any other violation or group of violations, including a violation of BMPs, which the

1 City determines will adversely affect the operation or implementation of the City's pretreatment program in
2 accordance with this Chapter.

3 "Slug load" or "slug discharge" means any discharge of a non-routine, episodic nature, including but
4 not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to
5 cause interference or pass through, enter a storm drain, public street or water of the State, or in any other way
6 violate the POTW's regulations, local limits or permit conditions. This includes a discharge which exceeds
7 the hydraulic or design capacity of an industrial user's treatment system or any part of the treatment unit.

8 "Standard Industrial Classification" or "SIC Code" means a system of classifying industries, as
9 identified in the Standard Industrial Classification Manual, 1987, as amended, prepared by the Office of
10 Management and Budget. Also, see North American Industry Classification System Code.

11 "Storm drain" means a street, gutter, wash or conveyance structure for carrying stormwater.

12 "Stormwater" means that portion of precipitation, including snowmelt, that does not naturally
13 percolate into the ground or evaporate, but flows via overland flow, interflow, pipes, and other features of a
14 stormwater drainage system into a receiving water or stormwater facility.

15 "Temporary industrial user" or "TIU" means a source of indirect discharge on a temporary basis to
16 whom the City has used its discretion to issue a permit, authorization to discharge, or other control mechanism
17 pursuant to LVMC 14.17.030.

18 "Total suspended solids" or "TSS" means the solid matter that is suspended in a liquid, as determined
19 in accordance with the procedures that are set forth in 40 CFR Part 136 or procedures that have been approved
20 by NDEP.

21 "Toxic pollutant" "or "toxic organic pollutant" means any pollutant or combination of pollutants
22 listed as toxic in regulations promulgated by the Administrator of the EPA under Section 307(a) of the Act
23 or as otherwise listed in 40 CFR Part 122, Appendix D.

24 "Wastewater" means the liquid and water-carried industrial wastes and sewage from residential
25 dwellings, commercial buildings, industrial and manufacturing facilities and institutions, together with any
26 infiltrating groundwater, surface water that may be present, whether treated or untreated, which are

1 discharged to or permitted to enter the POTW.

2 “Wastewater collection system” means the part of the wastewater treatment system that is used to
3 convey wastewater to wastewater treatment plants.

4 “Wastewater treatment system” means an assemblage of devices, structures and equipment for the
5 treatment of wastewater.

6 (B) Acronyms and Abbreviations. The following acronyms and abbreviations, when
7 used in this Chapter, shall have the designated meanings.

8 BMPs Best management practices

9 BOD₅ 5-day biochemical oxygen demand

10 °C Degrees Celsius

11 CFR Code of Federal Regulations

12 CIU Categorical industrial user

13 COD Chemical oxygen demand

14 EPA U.S. Environmental Protection Agency

15 °F Degrees Fahrenheit

16 FOG Fats, oils and grease

17 Gpd Gallons per day

18 IU Industrial user

19 LEL Lower explosive limit

20 MAIL Maximum allowable industrial loading

21 Mgd Million gallons per day

22 Mg/L Milligrams per liter

23 NAICS Code North American Industry Classification System Code

24 NDEP Nevada Division of Environmental Protection

25 NPDES National Pollutant Discharge Elimination System

26 NSCIU Non-significant categorical industrial user

1	O&M	Operations and maintenance
2	PIA	Pretreatment interlocal agreement
3	POTW	Publicly owned treatment works
4	RCRA	Resource Conservation and Recovery Act
5	SIC Code	Standard Industrial Classification Code
6	SIU	Significant industrial user
7	SNC	Significant noncompliance
8	SWDA	Solid Waste Disposal Act
9	TDS	Total dissolved solids
10	TIU	Temporary industrial user
11	TSS	Total suspended solids
12	U.S.C.	United States Code

13 **14.17.015 – Wastewater Discharge Prohibitions and Limitations.**

14 (A) General Prohibitions. No industrial user shall introduce into the POTW any pollutant
15 which causes pass through or interference. These general prohibitions and the specific prohibitions in
16 Subsection (B) apply to all industrial users of the POTW whether they are subject to pretreatment standards,
17 or any other national, State, or local pretreatment requirements.

18 (B) Specific Prohibitions. No industrial user shall introduce or cause to be introduced
19 into the POTW the following pollutants:

20 (1) Any substance which either alone or by interaction with other substances
21 create a fire or explosive hazard in the POTW, including, but not limited to wastestreams with a closed-cup
22 flashpoint of less than 60°C (140°F) using the test method specified in 40 CFR Section 261.21. The Director
23 may require industrial users with the potential to discharge flammable, combustible or explosive substances
24 to install and maintain an approved combustible gas detection meter or explosion hazard meter. No two (2)
25 successive readings on an explosion hazard meter at the point of discharge shall be more than five percent
26 (5%), nor any single reading more than ten percent (10%), of the lower explosive limit (LEL) of the meter.

1 (2) Wastewater having a pH of less than 5.0 or more than 11.0, or any
2 wastewater capable of causing corrosive structural damage to the POTW unless the POTW is specifically
3 designed to accommodate such discharges.

4 (3) Solid or viscous pollutants in amounts which cause obstruction to the flow
5 in the POTW resulting in interference.

6 (4) Any pollutant, including oxygen-demanding pollutants (BOD₅, COD , etc.)
7 released in a discharge at a flow rate, pollutant concentration, or both, which will cause interference with the
8 POTW.

9 (5) Heat in amounts which will inhibit biological activity in the POTW resulting
10 in interference, but in no case heat in such quantities that the temperature at the POTW treatment plant
11 exceeds 40°C (104°F) unless the approval authority, upon request of the POTW, approves alternate
12 temperature limits.

13 (6) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil
14 origin that will cause pass through or interference.

15 (7) Pollutants which result in the presence of toxic gases, vapors or fumes
16 within the POTW in a quantity which may cause acute worker health and safety problems, or pollutants
17 which singly or cumulatively or by interaction with other wastes are sufficient to create a public nuisance or
18 hazard to life or are sufficient to prevent or interfere with entry into the sewers for their maintenance and
19 repair.

20 (8) Trucked or hauled pollutants, except at discharge points designated and as
21 approved by the Director.

22 (9) Wastewater which contains grease, oil or any other substances that will
23 solidify or become discernibly viscous at temperatures between 0°C (32°F) and 65.5°C (150°F).

24 (10) Wastewater from food facilities containing free or floating oil and grease,
25 or any discharge containing animal fat or grease by-product in excess of two hundred fifty milligrams per
26 liter (250 mg/L). This limit will not apply if the industrial user has installed an appropriately sized gravity

grease interceptor (GGI), and is properly operating and maintaining the GGI and implementing all required BMPs, as specified in Section 14.17.070 for food-related facilities.

(11) Wastewater generated as a result of wastes pumped from GGIs, hydromechanical grease interceptors (HMGIs) or grease traps, sand/oil interceptors or other storage tanks or treatment units back into the POTW, either directly or indirectly, without approval of the Director.

(12) Wastewater which imparts color to the POTW's effluent such as, but not limited to, dye wastes and vegetable tanning solutions.

(13) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State and Federal regulations.

(14) Medical wastes that cause or contribute to pass through or interference.

(15) Discharge of any hazardous waste pharmaceutical or DEA controlled substances to the POTW by a healthcare facility or reverse distributor pursuant to 40 CFR Section 266.505.

(16) Any substance that causes the City to violate its NPDES permit or applicable water quality standards.

(17) Sludge, screenings, or other residues from the pretreatment of industrial wastes or industrial processes except as authorized by an industrial wastewater discharge permit, special approved discharge authorization or other control mechanism issued by the Director.

(18) A slug discharge as defined in Section 14.17.010.

(19) Any substance which may cause the POTW's effluent or treatment residues, sludge or sludge products produced for public distribution, or scums, to be unsuitable for reclamation or reuse or which otherwise interferes with the reclamation process.

(20) Any waste designated as hazardous waste unless done so in compliance with LVMC 14.17.065(K) and this Chapter.

(21) Any pesticides, herbicides or fungicides that cause or contribute to pass through, interference or other problems at the treatment works or in the receiving waters. In no case shall an industrial user discharge wastewater that is generated from the rinsing of any container that contains or

1 contained any concentrated or formulated pesticide, herbicide or fungicide.

2 (22) Bulk, expired, outdated or concentrated prescription or non-prescription
3 drugs.

4 (23) Wastewater or pollutants discharged directly into a manhole or other
5 opening to the POTW unless specifically authorized by the Director or as otherwise permitted under this
6 Chapter. The opening of a manhole or discharging into any opening in violation of this Chapter is prohibited.

7 (24) Wastewater contaminated because of discharge from aboveground or
8 underground gasoline (or both), diesel fuels, fuel oil, kerosene, and jet fuel tanks, tank accessories, or
9 pipelines, or any combination thereof, without applying for and obtaining a permit or other control
10 mechanism prior to discharge.

11 (25) Wastewater causing, alone or in conjunction with other sources, the POTW
12 effluent to fail a whole effluent toxicity (WET) test.

13 (26) Detergents, surfactants and other surface-active agents, or other substances
14 which may cause excessive foaming in the POTW or cause or contribute to pass through or interference.

15 (27) Discharge of nonylphenol from the use of bulk or concentrated nonylphenol
16 containing detergents as employed by some industrial or commercial laundries, car washes, asphalt
17 manufacturers or other industrial users.

18 (28) Discharge of any wastewater containing perchloroethylene (PCE) (also
19 known as tetrachloroethene and tetrachloroethylene) from any industrial user involved in the dry-cleaning
20 business.

21 (29) Discharge of concentrated or used trichlorethylene (TCE).

22 (30) Discharge into the POTW any ground or unground sharps.

23 (C) Additional Prohibitions.

24 (1) Stormwater, surface water, groundwater, subsurface drainage, yard
25 drainage, roof drain, swimming pool drainage, condensate, deionized water, effluent from groundwater
26 pump-and-treat systems and unpolluted water shall not be discharged through any direct or indirect

1 connection to the wastewater collection system unless authorized by the Director.

2 (2) No chemicals, materials, or substances, including but not limited to, paints,
3 solvents, boiler or water treatment chemicals, sludges, chemicals, or wastes shall be stored in proximity to a
4 floor drain or other sewer openings unless secondary containment is provided or there are physical barriers
5 to entry to the wastewater collection system. The storage of any chemicals, materials, substances, or wastes
6 that leak or have potential to leak or discharge into the POTW which may create an explosion hazard or in
7 any way have a deleterious effect to the POTW or constitute a nuisance or a hazard to POTW personnel, the
8 general public, the environment, or the receiving stream shall be prohibited.

9 (D) Dilution Prohibited. Dilution is prohibited as a substitute for treatment and shall be
10 a violation of this Chapter. Except where expressly authorized to do so by an applicable pretreatment standard
11 or requirement, no industrial user shall ever increase the use of process water, or in any other way attempt to
12 dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a
13 pretreatment standard or requirement. The Director may impose mass limitations on industrial users which
14 are using dilution to meet applicable pretreatment standards or requirements or in other cases where the
15 imposition of mass limitations is appropriate.

16 (E) Local Discharge Limits and Surcharge Concentrations.

17 (1) No SIU or other designated industrial user shall discharge or cause to be
18 discharged, wastewater containing pollutants that exceed the following limits, which shall apply at the point
19 where wastewater is discharged to the POTW:

20 ...

21 ...

22 ...

23 ...

24 ...

25 ...

26 ...

Pollutant	Daily Maximum Discharge Limit	Units of Measurement
Arsenic	1.11	mg/L
Cadmium	0.217	mg/L
Chromium	12.4	mg/L
Copper	6.27	mg/L
Cyanide	0.488	mg/L
Lead	0.939	mg/L
Mercury	0.150	mg/L
Molybdenum	1.14	mg/L
Nickel	8.22	mg/L
Selenium	0.169	mg/L
Silver	5.08	mg/L
Zinc	10.3	mg/L
Total petroleum hydrocarbons (TPH)	100	mg/L

(2) An SIU or other designated industrial user who introduces wastewater into the POTW may be required to submit a salinity control plan if monitoring of the industrial user's discharge shows it exceeds one thousand two hundred (1,200) mg/L of TDS. This plan shall contain a description of the chemicals and materials used that contribute to the TDS concentration and the source control measures that could be implemented to reduce the TDS concentration in the discharge to less than one thousand two hundred (1,200) mg/L or to a level specified by the Director that prevents discharges that cause or contribute to pass through or interference.

(3) The limits set forth below shall apply to wastewaters that are discharged from groundwater contaminated with petroleum or gasoline constituents or other wastewaters containing these pollutants or where these pollutants are appropriate surrogates. It shall be unlawful for any industrial user to discharge or cause to be discharged any waste or wastewater that exceeds the limits set forth below, as applicable:

...

Pollutant ^{(a), (c)}	Daily Maximum Limit (mg/L)
Benzene	0.050
BTEX ^(b)	0.750

^(a) All pollutants shown in the Table are total.

^(b) BTEX shall be measured as the sum of benzene, ethylbenzene, toluene and xylenes.

^(c) These limits are based upon installation of air stripping technology as described in the EPA document "Model NPDES Permit for Discharges Resulting from the Cleanup of Gasoline Released from Underground Storage Tanks, June 1989."

(F) Surcharges for Excess Strength Waste.

(1) A permitted SIU or other designated industrial user discharging to the POTW excess strength waste, including discharges that exceed the surcharge concentrations listed below, may be required to pay a surcharge established by the Director:

Parameter	Surcharge Concentration (mg/L)
Ammonia (as N)	61.0
Biochemical oxygen demand (BOD ₅)	600
Phosphorus	14.0
Total suspended solids (TSS)	750

(2) The Director may require an industrial user to pay surcharge fees in amounts that have been established by the City Council pursuant to Section 14.17.090, which shall be in addition to sewer service charges established under Chapter 14.04.

(3) The Director shall determine the method to be used to calculate the total cost of surcharges for the parameters in the table above that is discharged into the POTW. The method shall be subject to other applicable provisions of this Chapter including the charges and fees pursuant to Section 14.17.090.

(4) Sampling and analysis for pollutants shall be as specified in Section 14.17.060.

1 (G) More Stringent Limits. The Director may establish more stringent pollutant limits,
2 additional site-specific pollutant limits, best management practices, or additional pretreatment requirements
3 when, in the judgment of the Director, such limitations are necessary to implement the provisions of this
4 Chapter.

5 (H) State Requirements and Limitations. State requirements and limitations on
6 discharges shall apply in any case where they are more stringent than Federal pretreatment standards or
7 requirements or those in this Chapter.

8 **14.17.020 – National Categorical Pretreatment Standards.**

9 (A) Industrial users shall comply with the categorical pretreatment standards found at 40
10 CFR chapter I, subchapter N, Parts 405-471 that apply to the regulated industrial category assigned to the
11 user's business activity.

12 (B) Where a categorical pretreatment standard is expressed only in terms of either the
13 mass or the concentration of a pollutant in wastewater, the Director may impose equivalent concentration or
14 mass limits in accordance with this Section and 40 CFR Part 403.6(c).

15 (C) When the limits in a categorical pretreatment standard are expressed only in terms
16 of a mass of pollutant per unit of production, the Director may convert the limits to equivalent limitations
17 expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating
18 effluent limitations applicable to individual industrial users. Each such industrial user shall supply
19 appropriate actual or projected long-term production rates for the unit of production specified in order to
20 facilitate this process pursuant to 40 Part CFR 403.6(c)(2) as required by the Director.

21 (D) The Director may allow wastewater subject to a categorical pretreatment standard to
22 be mixed with other wastewaters prior to treatment. In such cases, the affected industrial user shall identify
23 all categorically regulated wastestreams and provide sufficient information for each non-categorical
24 wastestream to determine whether it should be considered dilute for each pollutant. In such situations, the
25 Director shall apply the appropriate formula as provided by 40 CFR Part 403.6(e) to determine appropriate
26 limits.

1 (E) When a categorical pretreatment standard is expressed only in terms of pollutant
2 concentrations, an industrial user may request that the Director convert the limits to equivalent mass limits.
3 The determination to convert concentration limits to mass limits is within the discretion of the Director. The
4 Director may establish equivalent mass limits if the industrial user meets the conditions and requirements of
5 this Subsection (E) that follow:

6 (1) To be eligible for equivalent mass limits, an industrial user must:

7 (a) Employ, or demonstrate that it will employ, water conservation
8 methods and technologies that substantially reduce water use during the term of its control mechanism;

9 (b) Currently use control and treatment technologies adequate to
10 achieve compliance with the applicable categorical pretreatment standard, and not have used dilution as a
11 substitute for treatment;

12 (c) Provide sufficient information to establish the facility's actual
13 average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device,
14 as well as the facility's long-term average production rate. Both the actual average daily flow rate and the
15 long-term average production rate must be representative of current operating conditions;

16 (d) Not have daily flow rates, production levels, or pollutant levels that
17 vary so significantly that equivalent mass limits are not appropriate to control the discharge; and

18 (e) Have consistently complied with all applicable categorical
19 pretreatment standards during the period prior to the industrial user's request for equivalent mass limits.

20 (2) An industrial user subject to equivalent mass limits shall:

21 (a) Maintain and effectively operate control and treatment technologies
22 adequate to achieve compliance with the equivalent mass limits;

23 (b) Continue to record the facility's flow rates by a continuous effluent
24 flow monitoring device;

25 (c) Continue to record the facility's production rates;

26 (d) Notify the Director if production rates are expected to vary by more

1 than twenty percent (20%) from the submitted baseline production rates. The Director may reassess and
2 revise equivalent limits as necessary to reflect changed conditions; and

3 (e) Continue to employ the same or comparable water conservation
4 methods and technologies so long as it discharges under its equivalent mass limit.

5 (3) Equivalent mass limits under this Subsection (E):

6 (a) Shall not exceed the product of the actual average daily flow rate of
7 the regulated process(es) of the industrial user and the applicable concentration-based daily maximum and
8 monthly average standards (and the appropriate unit conversion factor);

9 (b) Upon notification of a revised production rate, shall be reassessed
10 and the limits recalculated by the Director as necessary to reflect changed conditions at the facility;

11 (c) May be retained in subsequent industrial wastewater discharge
12 permits if the industrial user's actual average daily flow rate was reduced solely as a result of the
13 implementation of water conservation methods and technologies, and the actual average daily flow rates used
14 in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute
15 for treatment as described in LVMC 14.17.015(D). The industrial user must also be in compliance with 40
16 CFR Section 403.17 (regarding the prohibition of bypass); and

17 (d) May not be expressed by the Director in terms of mass for pollutants
18 such as pH, temperature, radiation, or other pollutants which cannot appropriately be expressed as mass.

19 (F) The Director may convert the mass limits of the categorical pretreatment standards
20 at 40 CFR parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable
21 to individual industrial users, subject to and conditioned upon the requirements of the next succeeding
22 sentence. When converting such limits to concentration limits, the Director must use the concentrations listed
23 in the applicable subparts of 40 CFR parts 414, 419, and 455, and must document that dilution is not being
24 substituted for treatment as prohibited by this Chapter.

25 (G) Equivalent limitations are deemed pretreatment standards for the purposes of this
26 Chapter and Section 307(d) of the CWA. The Director must document how the equivalent limits were derived

1 and make this information publicly available. Once incorporated into the industrial wastewater discharge
2 permit, the industrial user must comply with the equivalent limitations in lieu of the promulgated categorical
3 standards from which the equivalent limitations were derived.

4 (H) Many categorical pretreatment standards specify one limit for calculating maximum
5 daily discharge limitations and a second limit for calculating maximum monthly average, or four (4)-day
6 average limitations. Where such standards are being applied, the same production or flow figure shall be used
7 in calculating both the average and the maximum equivalent limitation.

8 (I) Any industrial user operating under an industrial wastewater discharge permit
9 incorporating equivalent mass or concentration limits calculated from a production-based standard shall
10 notify the Director within two (2) days after the industrial user has a reasonable basis to know that the
11 production level will significantly change within the next calendar month. Any industrial user not notifying
12 the Director of such anticipated change will be required to meet the mass or concentration limits in its control
13 mechanism that were based on the original estimate of the long-term average production rate.

14 **14.17.025 - Pretreatment and Monitoring Facilities.**

15 (A) Treatment Required. An industrial user shall provide wastewater treatment required
16 to comply with this Chapter and shall achieve compliance with all applicable Federal, State and local
17 pretreatment standards and requirements within the time limitations specified by the EPA or the Director,
18 whichever is more stringent. Any pretreatment facilities necessary for an industrial user to comply with this
19 Chapter shall be provided, operated and maintained at the industrial user's expense and satisfy applicable
20 requirements established by the City building codes. Unless the requirement is waived by the City, any
21 engineering reports associated with the construction, operation or maintenance of such pretreatment facilities
22 shall be prepared under the supervision of, and bear the seal of, a professional licensed engineer, and be
23 submitted to the Director for review. The review and acceptance of any engineering report, plans,
24 specifications and operation and maintenance manual, shall in no way relieve the industrial user from its
25 obligation to comply with the provisions of this Chapter, including modification of its pretreatment facility
26 as necessary to produce a discharge that complies with the industrial user's permit and this Chapter.

1 (B) Proper Operations and Maintenance (O&M). An industrial user shall always
2 properly operate and maintain all facilities and systems of treatment and control (and related appurtenances)
3 which are installed or used by the industrial user, and shall do so by means of the use of qualified personnel.
4 This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed
5 by an industrial user when the operation is necessary to achieve or assure compliance with conditions of an
6 industrial wastewater discharge permit. Calibration of meters and monitoring equipment shall be performed
7 as required by manufacturer's specification or by the Director.

8 (C) Segregate Wastewater. All wastewaters from restrooms, showers, drinking fountains
9 and similar facilities shall be kept separate from all industrial wastewaters until the industrial wastewaters
10 have passed through any required pretreatment facility or monitoring device if it is reasonably practicable
11 and deemed necessary by the Director unless specifically regulated by an applicable categorical standard.

12 (D) Monitoring Facilities. The Director may require an industrial user, at the user's
13 expense, to install suitable monitoring facilities or equipment that allows for the representative sampling and
14 accurate observation of wastewater discharges. Whether constructed on public or private property, the
15 monitoring facilities shall be constructed in accordance with the City's requirements and all applicable
16 construction standards and specifications. Monitoring equipment and structures shall be maintained in proper
17 working order, always calibrated as required by manufacturer's recommendations and kept safe and
18 accessible to City personnel. The monitoring equipment shall be located and maintained on the industrial
19 user's premises outside of the building unless otherwise approved by the City. The monitoring facility shall
20 be provided with an enclosure that can be locked during sampling with a lock provided by the Director. When
21 such a location would be impractical, the City may allow such facility to be constructed in the public street
22 or easement area, with the approval of the City department or other agency having jurisdiction over such
23 street or easement and located so that it will not be obstructed by public utilities, landscaping or parked
24 vehicles. No industrial user shall cover with earth or paving any manhole, sewer cleanout, or other opening
25 in the wastewater collection system, or otherwise render it inaccessible.

26 (E) Wastewater Discharge Control. The Director may do any one or more of the

1 following regarding an industrial user's discharge of wastewater to the POTW:

- 2 (1) Require the industrial user to restrict discharge during peak flow periods;
- 3 (2) Designate that certain wastewater be discharged only into specified sewers;
- 4 (3) Require the industrial user to relocate or consolidate points of discharge, or
- 5 both;
- 6 (4) Require the industrial user to separate sewage wastestreams from industrial
- 7 wastestreams; or
- 8 (5) Establish such other requirements or impose such other conditions as may
- 9 be necessary to protect the POTW and demonstrate the industrial user's compliance with the requirements of
- 10 this Chapter.

11 (F) Flow Equalization. The Director may require any industrial user discharging into the

12 POTW to install and maintain, on the user's property and at the user's expense, a suitable storage and flow-

13 control facility to ensure equalization of flow. An industrial wastewater discharge permit may be issued solely

14 for flow equalization.

15 (G) Multi-occupant Buildings. When more than one industrial user in a building is able

16 to discharge into a common service line, the Director may require installation of separate monitoring

17 equipment or structures for each industrial user.

18 (H) Safety and Access. There shall be unobstructed, safe, and easy access to allow

19 accurate sampling and preparation of samples for analysis. The facility, sampling, and associated equipment

20 shall always be maintained in a safe and proper operating condition by the industrial user.

21 (I) Flow, pH, LEL and Other Meters and Equipment. If the Director determines an

22 industrial user is required to measure and report (a) wastewater flow, (b) discharge process wastewaters

23 necessitating continuous pH measurement, or (c) discharge wastewater that may contain flammable

24 substances or other pollutants of concern, the Director may require the industrial user to install and maintain,

25 at the industrial user's expense, approved meters and equipment.

26 (J) Tampering with Metering Devices Prohibited. No person shall install, change,

bypass, adjust, remove, alter, or otherwise tamper with any metering device or any piping arrangement connected to a metering device to show that the quantity of water used at or discharged from the facility is different than the actual quantity used or discharged.

(K) Certified Operators Required. The Director may require an industrial user to employ pretreatment facility operators who are certified as industrial waste operators by the Nevada Water Environment Association, with the minimum grade of certification required to be determined by the Director.

14.17.030 - Industrial Wastewater Discharge Permits and Related Authorizations and Control Mechanisms

(A) Industrial Wastewater Discharge Permits Required. All SIUs proposing to connect to or discharge wastewater into the POTW shall apply for and obtain an industrial wastewater discharge permit from the Director, prior to commencing discharge to the POTW. The Director may require a separate permit for each SIU building or complex of buildings.

(B) New Industrial Users. Applying for an Industrial Wastewater Discharge Permit, an Authorization to Discharge, or Another Control Mechanism. Any industrial user required to obtain an industrial wastewater discharge permit, authorization to discharge, or other control mechanism who proposes to begin or recommence discharging into the POTW must apply for and obtain such permit, authorization or other mechanism prior to the beginning or recommencing of such discharge. The industrial user shall file an industrial wastewater discharge application on forms provided by the Director containing the information specified in Subsection (F) below. The completed application must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence. An industrial wastewater discharge application containing incomplete or inaccurate information will not be processed and will be returned to the industrial user. The Director may issue an industrial wastewater discharge permit, authorization to discharge, or other control mechanism at any time after receipt of the completed wastewater industrial wastewater discharge application.

(C) Existing Industrial Users. Applying for the Reissuance of an Industrial Wastewater Discharge Permit, an Authorization to Discharge, or Other Control Mechanism. An industrial user with an

1 expiring industrial wastewater discharge permit, authorization to discharge, or other control mechanism shall
2 apply for a new permit, authorization or other control mechanism by submitting a complete industrial
3 wastewater discharge application at least ninety (90) days prior to the expiration of the industrial user's
4 existing permit, authorization or other control mechanism. The industrial user shall file an industrial
5 wastewater discharge application on forms provided by the Director containing the information specified in
6 Subsection (F) below. An industrial wastewater discharge application containing incomplete or inaccurate
7 information will not be processed and will be returned to the industrial user. An industrial user with an
8 existing industrial wastewater discharge permit, authorization to discharge, or other control mechanism that
9 has filed a complete and timely application for reissuance may continue to discharge, as approved in writing
10 by the Director, through an administrative extension of the existing permit, authorization, or control
11 mechanism if the delay in the reissuance of a permit, authorization or control mechanism is not due to any
12 act or failure to act on the industrial user's part.

13 (D) Other Industrial Users. The Director may require other industrial users to apply for
14 and obtain an industrial wastewater discharge permit, authorization to discharge or other control mechanism
15 to carry out the purposes of this Chapter. The Director may issue an industrial wastewater discharge permit,
16 a zero-discharge permit, or other control mechanism, including, but not limited to, authorizations to discharge
17 and letters authorizing discharge as determined to be appropriate.

18 (E) Enforceability. Any violation of the terms and conditions of an industrial wastewater
19 discharge permit, authorization to discharge, or other control mechanism; the failure to apply for such a
20 permit, authorization, or other control mechanism; or discharging without a permit, authorization, or other
21 control mechanism shall be deemed a violation of this Chapter and shall subject the industrial user to
22 enforcement action by the Director. Obtaining an industrial wastewater discharge permit, authorization to
23 discharge, or other control mechanism does not relieve a discharger of its obligation to comply with all State
24 and Federal pretreatment standards or requirements.

25 (F) Industrial Wastewater Discharge Application Contents. An application related to
26 industrial wastewater discharge shall contain or be accompanied by the following:

1 (1) Name of business, address of the facility, location of the discharge if
2 different from the facility address, and contact information (telephone number and email address) for the
3 owner, operator and the authorized representative of the industrial user.

4 (2) Environmental Permits. A list of any industrial wastewater permits,
5 authorizations to discharge, or other control mechanisms held by or for the facility.

6 (3) Description of Operations.

7 (a) A brief description of the nature, average and maximum rate of
8 production (including each product produced by type, amount, processes, and rate of production);

9 (b) The Standard Industrial Classification(s) (SIC) Code or North
10 American Industry Classification System (NAICS) Code, or both, for the operation(s) carried out by the
11 industrial user;

12 (c) A schematic process diagram showing each process step,
13 wastestream, treatment step, internal recycling process, and points of discharge to the POTW. This diagram
14 shall identify which wastestreams are subject to a categorical pretreatment standard, if applicable. The
15 industrial user shall also submit site plans, floor plans, mechanical and plumbing plans and details showing
16 all sewers, sewer connections, floor drains, inspection manholes, and sampling chambers by size, location,
17 and elevation;

18 (d) A listing of all industrial process streams and the type(s) of wastes
19 generated from each process;

20 (e) A list of all raw materials and chemicals used or stored at the
21 facility;

22 (f) Number of employees; and

23 (g) Hours of operation.

24 (4) Time and duration of discharges including the date the industrial user first
25 began discharge or plans to discharge to the POTW.

26 (5) The location for sampling the wastewater discharges from the industrial

1 user.

2 (6) Flow measurement. Information showing the average daily and maximum
3 daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary,
4 to allow use of the combined wastestream formula set out in 40 CFR Section 403.6(e). For new sources and
5 new permittees not currently discharging, an estimate of flows may be used for meeting the requirements of
6 the baseline monitoring report required in LVMC 14.17.065(B).

7 (7) Measurement of Pollutants.

8 (a) The categorical pretreatment standards applicable to each regulated
9 process;

10 (b) The daily maximum discharge limits adopted by the City as
11 specified in LVMC 14.17.015(D).

12 (c) The results of sampling and analysis identifying the nature and
13 concentration (or mass) of regulated pollutants in the discharge from each regulated process where required
14 by the applicable standard or by the Director;

15 (d) Instantaneous, daily maximum and long-term average
16 concentrations, or mass, where required;

17 (e) Samples representative of daily operations, which shall be collected
18 and analyzed in accordance with procedures set out in Section 14.17.060. Where an alternate concentration
19 or mass limit has been calculated in accordance with 40 CFR 403.6(e) for a categorical user covered by a
20 Categorical Pretreatment Standard, this adjusted limit, along with supporting data, shall be submitted as part
21 of the application; and

22 (f) Where an applicable standard requires compliance with BMPs or
23 pollution prevention alternative, documentation as required by the Director or the applicable standard to
24 determine compliance with the standard.

25 (8) A list of hazardous waste(s) generated and a description of the storage area
26 and procedures for handling and disposal of the wastes.

1 (9) A slug discharge control plan, as described in LVMC 14.17.065(E), for
2 SIUs and as required by the Director for other industrial users.

3 (10) Compliance Schedule. If additional pretreatment or O&M, or both, will be
4 required to meet pretreatment standards, the shortest schedule by which the industrial user will provide such
5 additional pretreatment, O&M or both. The completion date in this schedule shall not be later than the
6 compliance date established for the applicable pretreatment standard. The following conditions shall apply
7 to this schedule:

8 (a) The schedule shall contain increments of progress in the form of
9 dates for the commencement and completion of major events leading to the construction and operation of
10 additional pretreatment required for the industrial user to meet the applicable pretreatment standards (e.g.,
11 hiring an engineer, completing preliminary plans, completing final plans, executing contract for major
12 components, commencing construction, completing construction, etc.). No such increment shall exceed nine
13 (9) months.

14 (b) Not later than fourteen (14) days following each date in the schedule
15 and the final date for compliance, the industrial user shall submit a progress report to the Director including,
16 at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not,
17 the date on which it expects to comply with this increment of progress, the reason for delay, and the steps
18 being taken by the industrial user to return the construction to the schedule established. In no event shall
19 more than nine (9) months elapse between such progress reports to the Director.

20 (11) Certification. A statement, reviewed by the authorized representative of the
21 industrial user and certified by a qualified professional, indicating whether pretreatment standards are being
22 met on a consistent basis, and, if not, whether additional O&M or additional pretreatment (or both) is required
23 for the industrial user to meet the pretreatment standards and requirements.

24 (12) Signatory Certification. All industrial wastewater discharge applications
25 and certification statements must be signed by the authorized representative of the industrial user and contain
26 the applicable certification statement(s) in LVMC 14.17.065(H).

1 (13) Any other information as may be deemed by the Director to be necessary to
2 evaluate the discharge application.

3 (G) Issuance of Permits, Authorizations to Discharge, or Other Control Mechanisms.

4 (1) Industrial wastewater discharge permits shall be issued for a specified time
5 period, not to exceed five (5) years. An industrial wastewater discharge permit may be issued for a period of
6 less than five (5) years at the Director's discretion or may be stated to expire on a specific date.

7 (2) Authorizations to discharge or other control mechanisms shall be issued for
8 an indefinite period of time, at the Director's discretion.

9 (3) Where the Director is issuing an industrial wastewater discharge permit
10 containing enforceable permit-specific pretreatment standards or requirements not otherwise contained in
11 this Chapter, notice of the pretreatment standards or requirements shall be given in a way that provides for
12 meaningful public notice, either by providing notice for public comment for thirty (30) days in a newspaper
13 of general circulation or by providing notice by means of a typical City Council approval process.

14 (4) The Director shall issue to an applicant an industrial wastewater discharge
15 permit, an authorization to discharge, or other control mechanism if the Director finds that all the following
16 conditions are met:

17 (a) The applicant has provided a timely and complete application to the
18 Director;

19 (b) The proposed discharge by the applicant is in compliance with the
20 pretreatment standards and requirements established in this Chapter and 40 CFR Part 403;

21 (c) The proposed operation and discharge of the applicant would permit
22 the normal and efficient operation of the POTW; and

23 (d) The proposed discharge by the applicant would not result in a
24 violation by the City of the terms and conditions of its NPDES permit or cause pass through or interference.

25 (4) If the Director finds that the condition set out in Paragraph (4)(b) of this
26 Subsection (G) is not met, the Director has the discretion to issue an industrial wastewater discharge permit

1 to the applicant if the conditions set out in Paragraphs (4)(a), (4)(c) and (4)(d) of this Subsection (G) have
2 been met and if the applicant submits, and the Director approves, a compliance schedule setting out the
3 measures to be taken by the applicant and the dates that such measures will be implemented to insure
4 compliance with applicable pretreatment standards and requirements. At no time shall a discharge be allowed
5 to cause a violation of any general or specific prohibition established in Section 14.17.015 nor shall the final
6 compliance date for a categorical pretreatment standard be extended.

7 (H) Administrative Appeals Regarding Permits, Authorizations to Discharge, or Other
8 Control Mechanisms.

9 (1) Any industrial user may file a petition to reconsider the terms of an industrial
10 wastewater discharge permit, authorization to discharge, or other control mechanism, or may appeal a
11 decision by the Director to deny such a permit, authorization, or control mechanism. Failure to submit a
12 timely petition or appeal under this Subsection (H) shall be deemed to be a waiver of the right to such a
13 petition or appeal. The effectiveness of an existing industrial wastewater discharge permit, authorization to
14 discharge, or other control mechanism shall not be stayed pending the consideration of a petition to reconsider
15 or an appeal.

16 (2) In order for a petition to reconsider or an appeal to be considered under this
17 Subsection (H), it must be filed with the Director in writing within fifteen (15) days of the Director's action.
18 The industrial user shall set forth in detail the facts that support the petition or appeal. Such a statement of
19 facts must include any newly discovered relevant fact that was not known or was unavailable to the industrial
20 user at the time of the Director's action. The Director shall render a written decision with respect to a petition
21 or appeal under this Subsection (H) within forty-five (45) days after receipt of the petition or appeal.

22 (I) Temporary Industrial Wastewater Discharge Permit. A temporary industrial
23 wastewater discharge permit may be required of an industrial user who is not an SIU and is seeking to
24 discharge wastewater to the POTW on a limited basis. The industrial user shall be required to complete an
25 application for discharge as prescribed by the Director. No discharge shall be made until such time as the
26 Director authorizes the discharge.

1 (J) Transferability of Industrial Wastewater Discharge Permit, Authorization to
2 Discharge, or Other Control Mechanism.

3 (1) An industrial wastewater discharge permit, authorization to discharge, or
4 other control mechanism is issued to a specific industrial user for a specific operation. An industrial
5 wastewater discharge permit may not be assigned, transferred or sold to a new owner or a new industrial user,
6 or transferred to a different premises or for a new or changed operation, without the prior written approval of
7 the Director. Failure to provide advance notice of such a transaction (a "facility transfer") renders the
8 industrial wastewater discharge permit void as of the date of facility transfer, and the discharge of wastewater
9 shall be prohibited. An authorization to discharge or other control mechanism may not be assigned,
10 transferred or sold to a new owner or a new industrial user, or transferred to a different premises or for a new
11 or changed operation.

12 (2) In the case of a proposed facility transfer, duly authorized representatives of
13 the existing industrial user and of a proposed new owner, assignee or transferee of the operation, shall jointly
14 or separately submit a written request to the Director for approval of the transaction. The request must be
15 made at least thirty (30) days prior to the facility transfer and must:

16 (a) State that there shall be no changes to the facility's operations and
17 processes unless a permit application has been submitted by the new duly authorized representative of the
18 industrial user;

19 (b) Identify the specific date on which the facility transfer will occur;

20 (c) Identify the legal name and trade name, if any, of the new industrial
21 user and the address of its corporate offices;

22 (d) Identify the contact information of the new facility's authorized
23 representative, the mailing address at which such representative may receive notice(s) from the Director, and
24 the name and contact information for the facility manager, if different than the duly authorized representative
25 of the industrial user; and

26 (e) Acknowledge and agree that:

1 (i) The new owner or operator has received a copy of the
2 industrial wastewater discharge permit and has a legal, valid and binding obligation to comply with all
3 requirements of the transferred industrial wastewater discharge permit;

4 (ii) Such transfer is within the power and authority of the
5 existing permittee and the new owner or operator without the joinder or consent of any other party, and has
6 been authorized by all requisite corporate or partnership action on the part of the permittee and new owner
7 or operator;

8 (iii) Neither the transfer nor the Director's approval of the
9 transfer shall in any respect relieve the permittee any obligation or liability occurring prior to the transfer or
10 of responsibility for acts or omissions occurring prior to the transfer, known or unknown;

11 (iv) The City waives none of its rights with respect to the
12 permittee's or the new owner's or operator's compliance with the terms and conditions of the industrial
13 wastewater discharge permit;

14 (v) The City grants its approval of the transfer in reliance upon
15 the representations, documents, and information provided by the permittee and new owner or operator in
16 connection with the request for transfer; and

17 (vi) The approval of the transfer shall not in any way be deemed
18 a representation by the City that the permittee or new owner or operator are in full compliance with the terms
19 and conditions of the permit.

20 (K) Conditions of Industrial Wastewater Discharge Permits, Authorizations to
21 Discharge or Other Control Mechanisms.

22 (1) Industrial wastewater discharge permits, authorizations to discharge, and
23 other control mechanisms shall be expressly subject to all provisions of this Chapter and all other applicable
24 regulations, as well as user charges and fees established by the City.

25 (2) Industrial wastewater discharge permits shall contain the following:

26 (a) A statement that indicates the industrial wastewater discharge

1 permit's issuance date, expiration date and effective date;

2 (b) The legal name and trade name, if any, of the industrial user and the
3 address of its corporate offices, and a requirement to notify the Director at least thirty (30) days prior to a
4 change to the legal name of the permittee;

5 (c) The name and contact information (telephone and email address) of
6 the duly authorized representative of the industrial user, the mailing address at which such representative
7 may receive notice(s) from the City, and the name and contact information (telephone and email address) for
8 the facility manager, if different than the duly authorized representative;

9 (d) A statement on industrial wastewater discharge permit
10 transferability pursuant to LVMC 14.17.030(J).

11 (e) Effluent limits, including BMPs, based upon applicable
12 pretreatment standards and information submitted by the discharger or identified by the Director;

13 (f) Self-monitoring, sampling, reporting, notification and record-
14 keeping requirements including, but not limited to, identification of the pollutants or BMPs to be monitored,
15 sampling location, sampling frequency and sample type, 24-hour notice of non-compliance and other
16 applicable pretreatment requirements based on Federal, State and local law;

17 (g) Statements of applicable enforcement remedies and administrative,
18 civil and criminal penalties for the violation of pretreatment standards and requirements, the permit, this
19 Chapter, and any applicable compliance schedule;

20 (h) Requirements to immediately notify the City of any changes at the
21 industrial user's facility affecting the potential for a slug discharge, and for the industrial user to immediately
22 report any slug discharges, spills or accidental discharges, including any discharges that may cause a problem
23 to the POTW; and

24 (i) Reapplication requirements.

25 →However, the failure of a permit to contain any of the above items shall not subject the City to liability to
26 an industrial user or a third party, and shall not by itself void or invalidate the permit.

1 (3) Industrial wastewater discharge permits, as well as authorizations to
2 discharge and other control mechanisms, may include, as appropriate:

3 (a) Any applicable schedule of user charges and fees for the wastewater
4 to be discharged into a public sewer;

5 (b) Limits on average and maximum rate and time of discharge or
6 requirements for flow equalization;

7 (c) Requirements for installation and maintenance of inspection and
8 sampling facilities and equipment;

9 (d) BMPs to control specific pollutants as necessary to meet the
10 objectives of this Chapter;

11 (e) Compliance schedules;

12 (f) Requirements to reapply for a new permit prior to expiration of the
13 existing permit, to the extent not covered in Paragraph (2)(i) above;

14 (g) Requirements for the installation of pretreatment technology,
15 pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or
16 prevent the introduction of pollutants into the POTW;

17 (h) Requirements to develop and implement waste minimization plans
18 to reduce the amount of pollutants discharged to the POTW;

19 (i) Closure requirements for permitted facilities undergoing partial or
20 complete closure activities to ensure closure activities are completed and wastes have been properly disposed
21 and remaining access to sanitary and storm sewers are protected;

22 (j) A requirement to develop (as well as maintain current) a slug
23 control plan pursuant to LVMC 14.17.065(E), if determined by the City to be necessary; and

24 (k) Other conditions as deemed appropriate by the Director to ensure
25 compliance with all applicable local, State and Federal rules and regulations.

26 (L) Modification of Industrial Wastewater Discharge Permits, Authorizations to

1 Discharge, or Other Control Mechanisms.

2 (1) An industrial wastewater discharge permit, authorization to discharge, or
3 other control mechanism may be modified by the Director in accordance with this Subsection (L).
4 Notification of a proposed modification does not stay any condition of such a permit, authorization, or other
5 control mechanism. In connection with a modification, the Director may require a compliance schedule where
6 appropriate. The Director may modify an industrial wastewater discharge permit, authorization to discharge,
7 or other control mechanism for good cause, including, but not limited to, for any one or more of the following
8 reasons:

9 (a) To incorporate any new or revised Federal, State, or local
10 pretreatment standards or requirements or to reflect changes in applicable State or Federal standards;

11 (b) To address significant alterations or additions to the industrial
12 user's operation, processes, or wastewater volume or character since the issuance of the industrial wastewater
13 discharge permit, authorization to discharge, or other control mechanism;

14 (c) To address or respond to a change in the POTW that requires either
15 a temporary or permanent reduction or elimination of the authorized discharge;

16 (d) In response to information indicating that a discharge authorized
17 pursuant to an industrial wastewater discharge permit, authorization to discharge, or other control mechanism
18 poses a threat to the POTW, City personnel, or the receiving waters;

19 (e) Violation of any terms or conditions of the industrial wastewater
20 discharge permit, authorization to discharge, or other control mechanism;

21 (f) Any misrepresentation or failure to fully disclose all relevant facts
22 in a discharge-related application or in any required reporting;

23 (g) To reflect a change in the legal name of the permittee, or a transfer
24 of the facility ownership or operation (or both) to a new owner or operator;

25 (h) When there is a revision of, or a variance is granted from, applicable
26 categorical pretreatment standards;

1 (i) To correct typographical or other errors in the industrial wastewater
2 discharge permit, authorization to discharge, or other control mechanism; or

3 (j) Upon and in accordance with a request of the holder of the permit,
4 authorization, or other control mechanism, provided the modification would not result in a violation of any
5 applicable pretreatment standards or requirements, or of this Chapter.

6 (2) An industrial user shall file a written request for a modification of an
7 industrial wastewater discharge permit whenever there has been a change in the legal name or trade name of
8 the user or a change in the name or mailing address of the duly authorized representative of the industrial
9 user. The request shall be submitted to the Director as soon as practicable but no later than thirty (30) days
10 following implementation of the change. An industrial wastewater discharge permit will be non-transferable
11 and subject to revocation if such request is not filed in the timeframe required.

12 (M) Revocation of Industrial Wastewater Discharge Permit, Authorization to Discharge,
13 or Other Control Mechanism. An industrial wastewater discharge permit, authorization to discharge, or other
14 control mechanism may be revoked pursuant to this Subsection (M) upon any grounds set forth in this
15 Subsection. Upon revocation of a permit, authorization to discharge, or other control mechanism, or discharge
16 authorization, any wastewater discharge by the industrial user to whom the permit, authorization, or other
17 control mechanism pertains is prohibited and shall constitute a violation of this Chapter. Additional
18 procedural provisions for revocation are as set forth in LVMC 14.17.075(C)(8). Permissible grounds for
19 revocation of a permit, authorization to discharge, or other control mechanism under this Subsection include,
20 but are not limited to, the following:

21 (1) Violation of the terms or conditions of an industrial wastewater discharge
22 permit, of any pretreatment standard or requirement, of other control mechanisms, of an authorization to
23 discharge, of this Chapter, or of applicable State or Federal regulations;

24 (2) Failure of an industrial user to accurately disclose or report the wastewater
25 constituents and characteristics of any discharge;

26 (3) Failure of an industrial user to report significant changes in operations or

1 wastewater constituents and characteristics as required;

2 (4) Refusal to allow timely access or entry to the industrial user's premises for
3 the purpose of inspection or monitoring;

4 (5) Falsification of records, reports or monitoring results;

5 (6) Tampering with monitoring methods or equipment;

6 (7) Misrepresentation of, or failure to submit or fully disclose, all relevant facts
7 in an industrial wastewater discharge application;

8 (8) Failure to pay fines or penalties;

9 (9) Failure to pay sewer charges, surcharges, or City pretreatment program fees;

10 (10) Failure to meet compliance schedules;

11 (11) Failure to provide advance notice of the transfer of business ownership of a
12 permitted facility;

13 (12) Failure to provide required reports, including but not limited to, a
14 wastewater survey, baseline monitoring report, 90-day compliance report, permit application, self-monitoring
15 report or other permit required reports or notifications within the timeframe required by the City;

16 (13) Causing the invocation of the City's emergency authority pursuant to
17 LVMC 14.17.075(C)(7); or

18 (14) Closure of the facility or failure of the industrial user to commence
19 discharge within one hundred and eighty (180) days after the effective date of the industrial wastewater
20 discharge permit.

21 (N) Employee Access to Certain Documents. In order for the employees of industrial
22 users to be informed of the requirements of the City, each industrial user shall make available to its
23 employees:

24 (1) Copies of the user's industrial wastewater discharge permit, authorization
25 to discharge, or other control mechanism; and

26 (2) Copies of this Chapter, together with such other wastewater information and

1 notices as may from time to time be furnished by the Director that address more effective pollution control.

2 **14.17.035 - Special Agreements.**

3 (A) Nothing in this Chapter shall be construed as prohibiting written agreements
4 between the City and any industrial user (also referred to as “special agreements”) allowing industrial waste
5 or wastewater of unusual strength or character to be discharged to the POTW, provided the industrial user
6 compensates the City for any additional costs of treatment. No such agreement, however, shall allow or cause:

- 7 (1) Any adverse effect to the POTW;
8 (2) A violation of the POTW’s NPDES permit;
9 (3) A violation of a general or specific prohibition under Section 14.17.015;
10 (4) An applicable MAIL to be exceeded, in the event one has been established;
11 (5) A violation of State or Federal law or regulation; or
12 (6) A waiver of any applicable categorical pretreatment standard.

13 (B) An industrial user may apply for a special agreement in accordance with this
14 Subsection (B). Application for a special agreement shall be submitted at least ninety (90) days prior to the
15 requested discharge date. The fees associated with a special agreement shall be established by the City on a
16 case by case basis, taking into account the quantity and strength of the wastewater to be discharged.

17 **14.17.040 - Right of Entry.**

18 (A) Whenever it shall be necessary for the purposes of this Chapter, the Director may
19 enter upon any industrial user’s facility, property, or premises and shall have ready access to all parts of the
20 premises subject to this Chapter for the purposes of one or more of the following:

21 (1) Performing all inspection, surveillance and monitoring procedures
22 necessary to determine, independent of information supplied by the industrial user, compliance or
23 noncompliance with applicable pretreatment standards and requirements by the industrial user. Compliance
24 monitoring and inspection shall be conducted at a frequency as determined by the Director and may be
25 announced or unannounced;

26 (2) Setting up on the industrial user’s property, or requiring the installation of,

1 such devices as are necessary to conduct sampling or metering, or both, of the industrial user's operations;

2 (3) Examining and copying any records required to be kept under the provisions
3 of this Chapter or of any other local, State or Federal regulation;

4 (4) Documenting and photographing any areas of the facility as deemed
5 necessary for carrying out the duties of the City's pretreatment program including, but not limited to,
6 documentation of the industrial user's compliance status, and for reinforcement of required written reports.

7 The industrial user shall be allowed to review copies of photographs for trade secret claims upon request;

8 (5) Inspecting any monitoring equipment or method, pretreatment system
9 equipment or operation;

10 (6) Sampling any discharge of wastewater into POTW; or

11 (7) Inspecting any production, manufacturing, fabricating or storage area where
12 pollutants, regulated under this Chapter, could originate, be stored, or be discharged to the POTW.

13 (B) In connection with an entry pursuant to Subsection (A), the occupant of property or
14 premises shall render all proper assistance in such activities. Where an industrial user has security measures
15 in place which require proper identification and clearance before entry into its premises, the industrial user
16 shall make necessary arrangements with its security personnel so that authorized representatives of the
17 Director will be permitted to enter without delay to perform their specified functions.

18 (C) The Director and other duly authorized agents and employees of the City are entitled
19 to enter all private properties through which the City or any connecting jurisdiction holds an easement or
20 similar access or occupancy right.

21 (D) Refusal to Allow Entry or Causing Unreasonable Delay. In the event the Director or
22 other duly authorized representative of the City is refused entry or is unreasonably delayed, such refusal or
23 delay is a violation of this Chapter and may result in enforcement action as allowed for under this Chapter,
24 including revocation of an industrial wastewater discharge permit, authorization to discharge, or other control
25 mechanism.

26 (E) Any temporary or permanent obstruction to safe and easy access to the facility to be

1 inspected or sampled, or both, shall be promptly removed by the industrial user at the written or verbal request
2 of the Director and shall not be replaced before inspection or sampling is completed. The costs of clearing
3 such access shall be borne by the industrial user.

4 (F) Search Warrants. If the Director or another authorized representative of the City is
5 refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable
6 cause to believe that there may be a violation of this Chapter, that there is a need to inspect or sample, or
7 both, as part of a routine inspection and sampling program of the City designed to verify compliance with
8 this Chapter or any permit, authorization to discharge, other control mechanism, or order issued under this
9 Chapter, or that there is a need to protect the overall public health, safety and welfare of the community, the
10 Director may seek issuance of a search warrant from the City of Las Vegas Municipal Court or another court
11 of competent jurisdiction.

12 **14.17.045 – Regulation of Extra-Jurisdictional Users.**

13 (A) The Director may allow an industrial user located outside the City's jurisdictional
14 boundaries (an "extra-jurisdictional user") to discharge industrial wastewater into the POTW if the Director
15 determines that the POTW has available capacity, treatment capability and the legal authority to regulate and
16 control such discharges. Upon such a determination and a decision to proceed, the City shall enter into a
17 Pretreatment Interlocal Agreement (PIA) with the contributing jurisdiction where the industrial user is
18 located. Such agreement shall affix responsibilities in an enforceable manner to assure that the City's
19 pretreatment program is fully administered and enforced in all contributing jurisdictions and to ensure that
20 the City has adequate legal authority to oversee implementation and enforcement of the jurisdiction, including
21 the authority to overfile, or take concurrent enforcement action, where timely and appropriate enforcement
22 has not been taken. The City will require the jurisdiction to adopt adequate legal authority to assure that
23 emergency termination of a non-complying industrial user discharge can be effected. If the contributing
24 jurisdiction has an approved pretreatment program, the PIA shall define the distribution of responsibility
25 between the City and the other jurisdiction to ensure that the City's approved pretreatment program is fully
26 implemented and enforced as required by the City's NPDES permit.

1 (B) Prior to entering into a PIA, the City shall obtain the following information from the
2 contributing jurisdiction:

3 (1) A description of the quality and volume of wastewater discharged to the
4 POTW by the contributing jurisdiction;

5 (2) An inventory of all industrial users located within the contributing
6 jurisdiction that are discharging to the POTW through the jurisdiction;

7 (3) A requirement that the contributing jurisdiction provide the Director with
8 access to all information that the contributing jurisdiction obtains regarding effluent quantity and quality
9 from industrial users; and

10 (4) Other requirements as necessary for the Director to guarantee the effective
11 administration and enforcement of the City's pretreatment program.

12 (C) A PIA under this Section shall, at a minimum, contain the following provisions:

13 (1) A requirement for a contributing jurisdiction to adopt a sewer use or
14 pretreatment ordinance which establishes pretreatment standards and requirements at least as stringent as this
15 Chapter, along with a requirement to revise such ordinance to reflect any changes to this Chapter the City
16 adopts in the future within a reasonable time frame, but not to exceed nine (9) months. Alternatively, the
17 jurisdiction may adopt a sewer use code that delegates all authority to the City to implement and enforce the
18 pretreatment program for industrial users located within the jurisdiction and meeting the definition of an
19 industrial user;

20 (2) A requirement for the contributing jurisdiction to submit a revised user
21 inventory on an annual basis, or more frequently if requested by the Director;

22 (3) A provision specifying which pretreatment implementation activities will
23 be conducted by the contributing jurisdiction and which activities will be conducted by the Director,
24 including without limitation the issuance of industrial wastewater discharge permits, authorizations to
25 discharge, or other control mechanisms; or the conducting of compliance inspections, sampling, and
26 enforcement;

1 (4) A requirement for the contributing jurisdiction to provide the Director with
2 access to all information that the contributing jurisdiction obtains as part of its pretreatment activities;

3 (5) A requirement to enforce limits on the nature, quality, and volume of the
4 contributing jurisdiction's wastewater at the point where it discharges to the POTW;

5 (6) A provision ensuring the Director's access to the facilities of all industrial
6 users within the contributing jurisdiction for inspection, sampling, and to confirm that the City's pretreatment
7 program is properly administered and that industrial users are properly categorized; and

8 (7) Provisions for addressing any breach of the terms of the PIA.

9 (D) Existing PIAs. Existing PIAs that are not in compliance with the provisions of this
10 Section shall be amended to conform, or shall be superseded by a PIA that conforms, to the requirements of
11 this Section within a reasonable time frame, but not to exceed nine (9) months following the effective date
12 of this Chapter.

13 (E) Extra-Jurisdictional Users With No PIA in Place. Until such time as the City and a
14 jurisdiction enter into a PIA for pretreatment program delegation, the City may in its discretion exercise any
15 of the following options with respect to any extra-jurisdictional user located within that other jurisdiction:

16 (1) Prohibit the discharge into the POTW of industrial wastewater from any
17 such user.

18 (2) Request the jurisdiction to issue to any such industrial user a permit,
19 authorization to discharge, or other control mechanism that is equivalent to the City's industrial wastewater
20 discharge permit, authorization to discharge, or other control mechanism, and that includes or incorporates
21 all applicable pretreatment standards and requirements.

22 (3) Enter into an agreement with any such industrial user that binds the
23 industrial user to compliance with all pretreatment standards and requirements in connection with the City's
24 issuance to the user of an industrial wastewater discharge permit, authorization to discharge, or other control
25 mechanism.

26 . . .

1 **14.17.050 – Recordkeeping and Report Submission.**

2 (A) In addition to any recordkeeping requirements set forth in an industrial wastewater
3 discharge permit, authorization to discharge, or other control mechanism, all industrial users subject to the
4 reporting requirements of this Chapter shall retain and make available for inspection and copying, all records,
5 reports, monitoring, calibration logs or other data, applications, permits, authorizations to discharge, other
6 control mechanisms, and all other information and documentation required by this Chapter, including
7 documentation associated with BMPs.

8 (B) Industrial users shall retain such records and shall keep such records available for
9 inspection for at least three (3) years. This recordkeeping period shall be extended automatically for the
10 duration of any litigation concerning the industrial user's compliance with any provision of this Chapter, or
11 when the industrial user has been specifically and expressly notified of a longer records retention period by
12 the Director.

13 (C) Written reports required or authorized by this Chapter will be deemed to have been
14 submitted on the date postmarked. For reports which are not mailed, postage prepaid, by or into a mail facility
15 serviced by the U.S. Postal Service, the date of receipt of the report by the City shall govern.

16 **14.17.055 - Confidentiality.**

17 (A) All records, reports, data or other information supplied by any person or industrial
18 user because of any disclosure required by this Chapter or information and data from inspections shall be
19 available for public inspection except as otherwise provided in this Section, 40 CFR Section 403.14 and NRS
20 Chapter 239 regarding public records.

21 (B) Information which has been designated as a trade secret by the person supplying
22 such information, such as processes, operations, style of work or apparatus or confidential commercial or
23 statistical data, is subject to the provisions of this Subsection and Subsection (C). In order for such
24 information and data of an industrial user to be subject to Subsection (C), it must have been designated by
25 the industrial user by means of a stamp placed in a reasonably noticeable manner on each page containing
26 such information. The stamp must include the words "Confidential Business Information." In addition, the

1 industrial user must demonstrate to the satisfaction of the City that the release of such information would
2 divulge information, processes or methods of production entitled to protection as trade secrets under Federal
3 or State law.

4 (C) Information designated as a trade secret and deemed to be protectable under this
5 Section shall remain confidential and shall not be subject to public inspection. Such information shall be
6 available only to officers, employees or authorized representatives of the City charged with implementing
7 and enforcing the provisions of this Chapter and properly identified representatives of the U.S. Environmental
8 Protection Agency (EPA) and the Nevada Division of Environmental Protection (NDEP).

9 (D) Effluent data from any industrial user, whether obtained by self-monitoring,
10 monitoring by the City, or monitoring by any State or Federal agency, shall not be considered a trade secret
11 or otherwise confidential. All such effluent data shall be available for public inspection.

12 **14.17.060 - Sample Collection and Analytical Methods.**

13 (A) Sample Collection. Compliance determinations with respect to prohibitions and
14 limitations in this Chapter may be made based on either grab or composite samples of wastewater as specified
15 by the Director. Such samples shall be taken at a point or points which the Director determines to be suitable
16 for obtaining a representative sample of the discharge. Composite samples may be taken over a twenty-four
17 (24) hour period, or over a longer or shorter time span, as determined by the Director to meet specific
18 circumstances.

19 (B) Sample Type. Samples collected to satisfy reporting requirements must be based on
20 data obtained through appropriate sampling and analysis performed during the period covered by the report
21 and based on data that is representative of conditions occurring during the reporting period.

22 (1) Except as indicated in Paragraphs (2) and (3) below, an industrial user must
23 collect representative wastewater samples using twenty-four (24) hour flow proportional composite sampling
24 techniques, unless time-proportional composite sampling or grab sampling is required or authorized by the
25 Director. Where time-proportional composite sampling or grab sampling is required or authorized by the
26 Director, the samples must be representative of the permitted discharge. Composite and grab samples are

1 defined in Section 14.17.010.

2 (2) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides,
3 and volatile organic compounds must be obtained using grab collection techniques. Using protocols
4 (including appropriate preservation) specified in 40 CFR Part 136 and applicable EPA guidance, multiple
5 grab samples collected during a twenty-four (24) hour period may be composited prior to the analysis as
6 follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the
7 field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composited
8 samples for other parameters unaffected by the compositing procedures as documented in approved EPA
9 methodologies may be authorized by the Director, as appropriate. In addition, grab samples may be required
10 to show compliance with instantaneous discharge limits, including pH.

11 (3) For sampling required in support of baseline monitoring and 90-day
12 compliance reports required in Section 14.17.065, a minimum of four (4) grab samples must be used for pH,
13 cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds for facilities for which
14 historical representative sampling data do not exist. Where historical data is available, the Director may
15 authorize a lower minimum. An industrial user is required to collect the number of grab samples necessary
16 to assess and assure compliance with applicable pretreatment standards and requirements.

17 (C) Analytical Requirements. All pollutant analysis, including sampling techniques, to
18 be submitted as part of an industrial wastewater discharge application, or in connection with a report, permit,
19 authorization to discharge, other control mechanism, or an analyses required under this Chapter, shall be
20 performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless
21 otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain
22 sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part
23 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses
24 shall be performed by using validated analytical methods or any other applicable sampling and analytical
25 procedures, including procedures suggested by the Director or other parties approved by the EPA.

26 (D) Records. Records for all samples shall include:

- (1) The date, exact place, method, and time of sampling and the name of the person(s) taking the samples;
- (2) The date(s) and time analyses were performed;
- (3) The name of the person performing the analyses;
- (4) The analytical techniques/methods used, including method detection limits and QA/QC sample results;
- (5) All chain-of-custody records; and
- (6) The results of such analyses.

14.17.065 - Reporting and Notification Requirements.

(A) Periodic Compliance Reports – All SIUs.

(1) Any SIU that is subject to a Federal, State, or City pretreatment standard or requirement must submit reports, at a frequency determined by the Director but no less than once per six (6) months, indicating the nature, concentration of pollutants in its discharge which are limited by pretreatment standards, including reporting of mass where applicable, and the average and maximum daily flows for the reporting period. In cases where the pretreatment standard requires compliance with one or more BMPs or pollution prevention alternatives, the industrial user must submit documentation required by the Director or the pretreatment standard necessary to determine compliance status of the industrial user. All industrial monitoring reports must be signed and certified in accordance with Subsection (H) of this Section.

(2) The periodic compliance report shall include a record of the nature and concentrations (and mass if specified in the user's industrial wastewater discharge permit) of the pollutants in the effluent, subject to a pretreatment standard, that were measured, including a record of measured or estimated average and maximum daily flows taken at the user's designated sampling location. Flows shall be reported based on an actual measurement, unless the Director allows an industrial user to report average and maximum flows by verifiable techniques when the Director determines an actual measurement is not feasible.

(3) The periodic compliance report shall also include any sampling information required by the user's industrial wastewater discharge permit, including information necessary to determine

1 compliance with applicable BMPs, pollution prevention alternatives, or maintenance, treatment, and record
2 keeping requirements. Production data shall be reported if required by the user's industrial wastewater
3 discharge permit, or when an industrial user is subject to a unit production-based concentration limit
4 established by an applicable categorical pretreatment standard. Sampling and analysis that is conducted by
5 the user at the designated sampling location more frequently than is required by this Section shall be included
6 in the report.

7 (4) The Director may require other industrial users to report other monitoring,
8 sampling and analysis as needed to determine compliance with this Chapter.

9 (5) The Director may agree to perform sampling and analysis in lieu of the
10 industrial user for certain pollutant parameters. If the Director agrees to perform such sampling and analysis,
11 the Director may charge the industrial user for such activities based upon the costs incurred by the City for
12 the sampling and analyses, including personnel time. Any such charges shall be added to the normal sewer
13 use charges and shall be payable as part of the sewer bills. The industrial user is responsible to assure that all
14 monitoring required by the industrial wastewater discharge permit, authorization to discharge, or other
15 compliance mechanism is completed.

16 (B) Baseline Monitoring Reports – Categorical Industrial Users (CIUs)

17 (1) Within either one hundred and eighty (180) days after the effective date of
18 a categorical pretreatment standard, or the final administrative decision on a category determination under
19 40 CFR 403.6(a)(4), whichever is later, existing industrial users currently discharging to or scheduled to
20 discharge to the POTW shall submit a baseline monitoring report (BMR) which contains the information
21 listed in Paragraph (2) below. At least ninety (90) days prior to commencement of their discharge, new
22 sources, as well as sources that become CIUs subsequent to the promulgation of an applicable categorical
23 pretreatment standard, shall submit to the Director a report which contains the information listed in Paragraph
24 (2) below. A new source shall report the method of pretreatment it intends to use to meet applicable
25 pretreatment standards. A new source also shall give estimates of its anticipated flow and quantity of
26 pollutants to be discharged from regulated process streams and other non-process streams.

- 1 (2) BMRs shall include the following information:
- 2 (a) All information required in LVMC 14.17.030(F).
- 3 (b) Measurement of Pollutants.
- 4 (i) An industrial user shall take a minimum of one (1)
- 5 representative sample to compile the data necessary to comply with the requirements of this Paragraph (2).
- 6 (ii) Samples shall be taken immediately downstream from
- 7 pretreatment facilities if such facilities exist or immediately downstream from the regulated processes if no
- 8 pretreatment facilities exist. Industrial users shall measure the flows and concentrations necessary to allow
- 9 use of the combined wastestream formula in 40 CFR Section 403.6(e) if other wastewaters are mixed with
- 10 the regulated wastewater prior to pretreatment. Where an alternate concentration or mass limit has been
- 11 calculated in accordance with 40 CFR Section 403.6(e), this adjusted limit along with supporting data shall
- 12 be submitted to the Director. Both daily maximum and average concentrations (where determined) shall be
- 13 reported.
- 14 (iii) Sampling and analysis shall be performed in accordance
- 15 with the sampling techniques described in Section 14.17.060 and 40 CFR Part 136.
- 16 (iv) The Director may allow the submission of a BMR which
- 17 uses historical data only, provided the data is sufficient to determine the need for industrial pretreatment
- 18 measures.
- 19 (v) The BMR shall indicate the time, date and place of
- 20 sampling, and the methods of analysis. Industrial users shall certify that such sampling and analysis is
- 21 representative of normal work cycles and expected pollutant discharges to the POTW.
- 22 (vi) All BMRs shall be signed and certified by the duly
- 23 authorized representative of the industrial user in accordance with LVMC 14.17.065(H).
- 24 (C) 90-Day Compliance Reports – CIUs.
- 25 (1) New Sources. All new sources subject to existing categorical pretreatment
- 26 standards shall submit a report to the Director within ninety (90) days from the date of first discharge to the

1 POTW demonstrating actual and continuing compliance with those standards.

2 (2) Existing Sources. All existing sources required to comply with newly
3 promulgated categorical pretreatment standards shall submit a report to the Director within ninety (90) days
4 of the date on which compliance is required with those standards demonstrating that actual and continuing
5 compliance with such standards has been achieved.

6 (3) Such 90-day compliance report shall contain:

7 (a) The information required in LVMC 14.17.030(F), Paragraphs (6),
8 (7), (11), (12) and (13);

9 (b) Any changes to the information previously reported in the permit
10 application;

11 (c) For industrial users subject to equivalent mass or concentration
12 limits established by the Director in accordance with the procedures in 40 CFR Section 403.6(c), a reasonable
13 measure of the industrial user's long-term production rate; and

14 (d) For industrial users subject to categorical pretreatment standards
15 expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation),
16 the industrial user's actual production during the appropriate sampling period.

17 (D) 24 Hour Notice and 30-Day Re-sampling. If sampling performed by an industrial
18 user indicates a violation of this Chapter, the industrial user shall notify the Director within twenty-four (24)
19 hours after becoming aware of the violation. The industrial user shall also repeat the sampling and analysis
20 and submit the results of the repeat analysis to the Director within thirty (30) days after becoming aware of
21 the violation. The industrial user is not required to resample if either of the following occurs:

22 (1) The Director performs sampling at the industrial user's facility at a
23 frequency of at least once per month.

24 (2) The Director performs sampling at the industrial user's facility between the
25 time when the industrial user performs its initial sampling and the time when the industrial user receives the
26 results of this sampling. It is the sole responsibility of the industrial user to verify if the Director has

1 performed this sampling.

2 (E) Slug and Spill Discharges--Notification and Plan Development.

3 (1) Each industrial user shall provide protection from spills and slug discharges
4 of pollutants regulated under this Chapter. Facilities and equipment to prevent the discharge of spills or slug
5 discharges shall be provided and maintained at the industrial user's expense.

6 (2) Each SIU shall immediately report all spills to the POTW that occurs within
7 the boundaries of the industrial user's facility whether the spill results in a discharge to the POTW.

8 (3) The Director shall evaluate whether or not each SIU needs a slug/spill
9 control plan or other action to control spills and slug discharges. The Director may require any industrial user
10 to develop, submit for approval, and implement a slug/spill control plan or take such other action that may
11 be necessary to control spills and slug discharges.

12 (4) A slug/spill control plan shall address, at a minimum, the following:

13 (a) Detailed plans (schematics) showing facility layout and plumbing
14 representative of operating procedures;

15 (b) Description of contents and volumes of any process tanks;

16 (c) Description of discharge practices, including non-routine batch
17 discharges;

18 (d) Listing of stored chemicals, including location and volumes;

19 (e) Procedures for immediately notifying the City of any spill or slug
20 discharge. It is the responsibility of the industrial user to comply with the reporting requirements in this
21 Subsection (E) and Subsection (F) of this Section;

22 (f) Procedures to prevent adverse impact from any accidental or slug
23 discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas,
24 handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker
25 training, building of containment structures or equipment, measures for containing toxic organic pollutants,
26 including solvents, and measures and equipment for emergency response; and

1 (g) Any other information as required by the Director.

2 (5) Notice to Employees. A notice shall be permanently posted on an industrial

3 user's bulletin board or other prominent place advising employees whom to call in the event of an accidental

4 or slug discharge. Employers shall ensure that all employees who work in any area where an accidental or

5 slug discharge may occur or originate are advised of the emergency notification procedures.

6 (F) Reports of Potential Problems – Slug Discharges.

7 (1) In the case of any slug discharge or spill, or any other discharge that may

8 cause a problem to the POTW, an industrial user shall immediately telephone and notify the City of the

9 incident. This notification shall include:

10 (a) Name of the facility;

11 (b) Location of the facility;

12 (c) Name of the caller;

13 (d) Date and time of discharge;

14 (e) Date and time discharge was halted;

15 (f) Location of the discharge;

16 (g) Estimated volume of discharge;

17 (h) Estimated concentration of pollutants in discharge;

18 (i) Corrective actions taken to halt the discharge; and

19 (j) Method of disposal, if applicable.

20 (2) Within five (5) days following such discharge, the industrial user shall,

21 unless expressly waived by the Director, submit a detailed written report that includes all the information

22 contained in Paragraph (1) of this Subsection above, and any other information describing the cause(s) of the

23 discharge and the measures to be taken by the industrial user to prevent similar future occurrences. Such

24 notification shall not relieve the industrial user of any expense, loss, damage, or other liability which might

25 be incurred because of damage to the POTW, natural resources, or any other damage to person or property;

26 nor shall such notification relieve the industrial user of any fines, penalties, or other liability which may be

1 imposed pursuant to this Chapter.

2 (3) An industrial user shall immediately contact the City when a change occurs
3 at its facility affecting the potential for a slug discharge. The industrial user shall follow up on this immediate
4 notification with a written, detailed report outlining the changes that were identified and how the industrial
5 user will prevent slug discharges to the POTW.

6 (G) Reports for Other Industrial Users. If the Director deems it necessary to assure
7 compliance with provisions of this Chapter, any industrial user of the POTW may be required to submit an
8 industrial wastewater discharge application, questionnaire, reports on the implementation of BMPs, or other
9 reports and notifications in a format and timeframe as specified by the Director.

10 (H) Signatory Certification. All reports and other submittals required to be submitted to
11 the City shall include the following statement and signatory requirements:

12 (1) The authorized representative of the industrial user signing any application,
13 questionnaire, any report or other information required to be submitted to the City must sign and attach the
14 following certification statement with each such report or information submitted to the City:

15 "I certify under penalty of law that this document and all attachments were prepared under my
16 direction or supervision in accordance with a system designed to ensure that qualified personnel properly
17 gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage
18 the system or the persons directly responsible for gathering the information, the information submitted is, to
19 the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant
20 penalties for submitting false information, including the possibility of a fine and imprisonment for knowing
21 violations."

22 (2) If the designation of an authorized representative is no longer current
23 because a different individual or position has responsibility for the overall operation of the facility, or overall
24 responsibility for environmental matters for the company, a new authorization must be submitted to the City
25 prior to or concurrently with any reports or other documents to be signed by an authorized representative.
26 The authorization must meet the requirements of this Subsection (H), and the newly designated individual

1 must meet the requirements for an authorized representative as set forth in the definition thereof in Section
2 14.17.010.

3 (I) Compliance Schedules. Each compliance schedule that is established in accordance
4 with the requirements of this Chapter shall be as specified in LVMC 14.17.030(F)(10), or as otherwise
5 specified by the Director.

6 (J) Notification of Change in Discharge or Operations.

7 (1) Every industrial user that holds an industrial wastewater discharge permit,
8 authorization to discharge, or other control mechanism shall file a written notification with the Director a
9 minimum of thirty (30) days prior to any significant change either in the volume or character of pollutants in
10 its discharge, or a change in any manufacturing process or pretreatment modifications that may alter the
11 volume or character of pollutants in its wastewater discharge, including the listed or characteristic hazardous
12 wastes for which the user has submitted initial notification under 40 CFR 403.12(p).

13 (2) Industrial users with an industrial wastewater discharge permit,
14 authorization to discharge, or other control mechanism that imposes wastewater concentration limits based
15 on production levels shall notify the Director in writing within five (5) days after the industrial user becomes
16 aware that production levels will significantly change during the next calendar month.

17 (3) The Director may require an industrial user to submit information that is
18 necessary to evaluate a change in discharge, including the submission of a new or revised industrial
19 wastewater discharge application. The Director may issue, reissue, or modify an industrial wastewater
20 discharge permit, authorization to discharge, or other control mechanism in response to a notice required by
21 this Subsection (J).

22 (4) Known or Anticipated Facility Closure. An industrial user is required to
23 notify the Director at least thirty (30) days prior to facility shutdown or closure which might alter the
24 character, nature, quality, or volume of its wastewater.

25 (5) For purposes of this Subsection (J):

26 (a) A significant change, as referred to in Paragraph (1) above, is one

1 that is equal to or greater than twenty percent (20%) in the mass of a pollutant or volume of flow discharged
2 to the POTW.

3 (b) A notification or reporting obligation, as referred to in Paragraph
4 (2) above, arises when the industrial user knows, or reasonably should have known, of the facts giving rise
5 to a notification or reporting obligation.

6 (K) Notification of the Discharge of Hazardous Waste.

7 (1) Any industrial user shall notify the Director, in writing, of any discharge
8 into the POTW of a substance which, if otherwise disposed of, would be hazardous waste under 40 CFR Part
9 261 or NRS 459.430, as the latter may be determined by NDEP. Such notification to the Director shall be
10 made within the applicable time frame as specified in LVMC 14.17.065(D), (F) or (J), or within twenty-four
11 (24) hours after becoming aware of the discharge, whichever is shorter. Such notification must include:

12 (a) The name of the hazardous waste as set forth at 40 CFR Part 261
13 and NRS 459.430;

14 (b) The EPA hazardous waste number;

15 (c) The type of discharge (continuous, batch, or other);

16 (d) An identification of the hazardous constituents contained in the
17 wastes;

18 (e) An estimation of the mass and concentration of such constituents in
19 the wastestream discharged during that calendar month;

20 (f) An estimate of the mass of constituents in the wastestream expected
21 to be discharged during the following twelve (12) months;

22 (g) Certification that the industrial user has a program in place to reduce
23 the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically
24 practical; and

25 (h) Signatory certification as required by Subsection (H) of this
26 Section.

1 (2) Any industrial user shall notify the EPA Regional Waste Management
2 Division Manager and NDEP, in writing, of the discharge into the POTW of a substance which, if otherwise
3 disposed of, would be hazardous waste under 40 CFR Part 261 or NRS 459.430, or both, and meets the
4 reporting criteria specified at 40 CFR Section 403.12(p). Notification to the EPA and NDEP is the
5 responsibility of the industrial user and shall be made as required under 40 CFR Section 403.12(p). The
6 industrial user shall copy the Director on all notifications made to EPA and NDEP.

7 (3) In the case of any new regulation under Section 3001 of the Resource
8 Conservation and Recovery Act (RCRA) identifying additional characteristics of hazardous waste or listing
9 any additional substance as hazardous waste, the industrial user must notify the Director, the EPA Regional
10 Waste Management Waste Division Director and NDEP of the discharge of such substance within ninety
11 (90) days of the effective date of such regulations.

12 (4) Nothing in this Subsection (K) creates a right to discharge any substance not
13 otherwise allowed to be discharged by this Chapter; a permit, authorization to discharge, or other control
14 mechanism issued under this Chapter; or any applicable Federal or State law.

15 (L) Requests for Information.

16 (1) An industrial user shall furnish to the City, within the timeframe set by the
17 Director, any information which the Director may request to determine whether cause exists for modifying,
18 revoking, and reissuing, or terminating the user's industrial wastewater discharge permit, authorization to
19 discharge, or other control mechanism, or to determine compliance with such permit, authorization, or control
20 mechanism, and with this Chapter. Such user shall also, upon request, provide to the Director, within the
21 timeframe required by the Director, copies of any records that are required by the user's industrial wastewater
22 discharge permit, authorization to discharge, or other control mechanism, or by this Chapter.

23 (2) When requested by the Director, any industrial user shall submit
24 information to the Director regarding industrial processes, nature and characteristics of wastes and
25 wastewaters generated at the industrial facility, method of disposal of wastes, or other information required
26 by the Director in order to fulfill responsibilities under this Chapter, State law, and 40 CFR Part 403. Failure

1 to provide information within the timeframe specified shall be a violation of this Chapter.

2 **14.17.070 - Sector Control Programs.**

3 (A) General Requirements.

4 (1) Authority. The City may establish specific sector control programs for
5 industrial users to control specific pollutants as necessary to meet the objectives of this Chapter. Pollutants
6 subject to these sector control programs shall generally be controlled using best management practices
7 (BMPs). The Director may implement these sector control programs through an industrial wastewater
8 discharge permit, by letter, by an authorization to discharge, by other control mechanisms, or by directly
9 enforcing this Chapter. All industrial users that are covered by these sector control programs shall comply
10 with this Section, whether or not specifically notified by the City to do so.

11 (2) Notification Requirements and City Review. The City will review new
12 construction and existing facilities undergoing any physical change that requires a building permit; any
13 change in ownership (regardless of how the change came to the City's attention); any change in operations;
14 or any other change that could alter the nature, properties, or volume of wastewater discharge, to ensure that
15 current sector control program requirements are implemented and the facility is in compliance. In connection
16 with such review, the City may require appropriate measures to insure compliance, including without
17 limitation the installation of one or more appropriate pretreatment devices, such as an interceptor. An
18 industrial user shall inform the Director prior to any:

19 (a) Sale or transfer of ownership of the business, including a written
20 description (including capacity, model and manufacturer) of any and all interceptors currently installed and
21 then-current interceptor BMPs;

22 (b) Change in the trade name under which the business is operated;

23 (c) Change in the nature of the services provided that affect the
24 potential to discharge sector control program pollutants; or

25 (d) Remodeling of the facility that may result in an increase in flow or
26 pollutant loading or that otherwise requires the facility to submit plans or specifications for approval through

1 a local building or zoning department, or for any other formal local approval process.

2 (3) Inspections.

3 (a) The Director may conduct inspections of any facility of an industrial
4 user with or without notice for determining applicability of or compliance with sector control programs.

5 (b) If any inspection reveals noncompliance with any sector control
6 program requirement, corrective action shall be required.

7 (c) Inspection results will be provided in writing to a facility upon
8 request.

9 (4) Closure. With respect to any facility of an industrial user, the Director may
10 require closure of plumbing, treatment devices, storage components, containments, or other such physical
11 structures that are no longer required for their intended purpose. Closure may include the removal of
12 equipment, or the filling in or cementing, capping, plugging, etc., of facilities, or any combination thereof.

13 (5) Enforcement and Compliance.

14 (a) Sector control program requirements established pursuant to this
15 Section shall be deemed to be part of this Chapter, and their enforcement governed by the express terms of
16 this Chapter.

17 (b) Any extraordinary costs incurred by the City due to interference,
18 damage, pass through, or maintenance necessary in the wastewater collection system or wastewater treatment
19 system (or both) shall be paid by the industrial user to the City. The direct costs of all labor, equipment and
20 materials incurred in rectifying the interference or damage, including reasonable attorney's fees, shall be
21 billed directly to the owner or the industrial user by the City, and such costs shall become part of the total
22 charges due and owing to the City and shall constitute a lien on the property associated with the costs until
23 paid in full in accordance with pursuant to Section 14.17.090.

24 (B) Best Management Practices for Fats, Oil and Grease (FOG) Facilities.

25 (1) Definitions. For purposes of this Subsection (B) and parallel references
26 within this Chapter:

1 (a) "Fats, oil and grease" or "FOG" means non-petroleum organic polar
2 compounds derived from animal or plant sources such as fats, non-hydrocarbons, fatty acids, soaps, waxes,
3 and oils that contain multiple carbon chain triglyceride molecules. These substances are detectable and
4 measurable using the approved method for Hexane Extractable Materials in the analytical procedures
5 established in 40 CFR Part 136.

6 (b) "Gravity grease interceptor" or "GGI" means an in-ground tank
7 containing at least one baffle in which solids, greases and oils are separated from wastewater, located outside
8 an industrial user's building and made accessible for maintenance and inspections.

9 (c) "Hydromechanical grease interceptor" or "HMGI" means a small
10 device hooked directly to the outgoing drains of sinks located inside a commercial food preparation facility
11 that allows for the separation of fats, oils and grease of a non-petroleum nature from wastewater prior to
12 being discharged into the POTW.

13 (2) Applicability. These BMPs establish requirements for any facility that the
14 Director determines that has the potential to discharge floatable or settleable material. The requirements
15 established in this BMP shall apply to facilities where preparation, manufacturing, processing of food or
16 washing/sanitizing of dishes or equipment occurs. Trucks containing mobile kitchens shall discharge their
17 grease containing wastewater to a discharge point that has a GGI, such as a commissary or as otherwise
18 required by the Director. Each facility that the Directory determines has the potential to discharge floatable
19 or settleable material shall install and maintain a GGI within ninety (90) days after being notified of such
20 requirement.

21 (3) No food-related facility covered by Paragraph (2) above shall discharge or
22 cause to be discharged any wastewater containing free or floating oil and grease, or any discharge containing
23 animal fat or grease by-product in excess of two hundred fifty milligrams per liter (250 mg/L). Unless
24 otherwise approved by the Director, such food-related facility shall install and properly operate and maintain
25 a GGI, implement all required BMPs and not violate any general or specific prohibition described in Section
26 14.17.015.

1 (4) A GGI or HMGI that was legally and properly installed at an industrial
2 user's facility prior to the effective date of this Chapter and that does not comply with the requirements of
3 this Chapter shall be acceptable as an alternative if such device is effective in removing floatable and
4 settleable material and is designed and installed in such a manner that it can be inspected and properly
5 maintained. If the Director determines at any time that such a GGI or HMGI is incapable of adequately
6 retaining or capturing the floatable and settleable material, that it was installed in such a manner that it cannot
7 be inspected and properly maintained, the industrial user shall install a GGI or HMGI that complies with all
8 applicable City plumbing codes within ninety (90) days after being notified of such requirement.

9 (5) Variance.

10 (a) A variance of the requirement to install a GGI or HMGI may be
11 granted by the Director for good cause. An industrial user seeking a variance has the burden of demonstrating
12 through data and other information why a variance should be granted. In no case shall a variance result in the
13 violation of any pretreatment standard or requirement that is specified in this Chapter and applicable to the
14 discharge. The granting of any variance shall be at the sole discretion of the Director and may be revoked at
15 the Director's discretion.

16 (b) If a variance is granted, the facility shall institute BMPs and other
17 mitigation measures as specified by the Director. These BMPs may include, but are not limited to, the
18 following:

19 (i) Allowing the installation of a properly sized HMGI, or
20 continuing to allow the use of an HMGI, in lieu of installing a GGI, where the HMGI is shown to be effective.
21 If an HMGI is not shown to be effective, the Director may require the industrial user to install a GGI.

22 (ii) Equipping all sinks and drains connected to the wastewater
23 collection system with an approved strainer or grate that is removable and accessible and that will catch
24 garbage and food debris and prevent it from entering the waste collection system.

25 (iii) Prohibiting food grinders, unless the industrial user installs
26 and properly operates a solids separator prior to discharging to the POTW.

1 (iv) Prohibiting the use of biological or enzyme treatment
2 unless approved by the Director, but in no case permitting the use of enzymes or other chemical or biological
3 treatments or products that emulsify or act to emulsify FOG.

4 (v) Instituting an employee training program regarding FOG
5 waste management, to be provided to all new employees and to other employees on a periodic basis.

6 (vi) Providing for quarterly cleaning of its private service line
7 to prevent the buildup of oil, grease and solids, or as otherwise specified by the Director.

8 (vii) Submitting records of private service line cleaning as
9 specified by the Director.

10 (viii) Paying costs incurred by the City or another jurisdiction for
11 accelerated cleaning of the sewer line providing service between the facility and the POTW, as well as for
12 costs incurred by the City treating excess strength waste and for sampling and analysis.

13 (6) General Control Requirements.

14 (a) A GGI or HMGI shall be required for the proper handling of liquid
15 wastes which may be harmful to, or cause obstruction in the wastewater collection system or cause or
16 contribute to pass through or interference with respect to the wastewater treatment system.

17 (b) It shall be the responsibility of the industrial user or the owner of
18 the property, or both, to contact the City's building and safety function in order to obtain any necessary
19 permits for the installation of any interceptor or any modifications to the facility's plumbing. Written
20 approval from the City must be obtained prior to installation of any interceptor. The timing of review and
21 approval of such permits shall in no way relieve the industrial user of its responsibility to produce discharges
22 acceptable to the City under the provisions of this Chapter.

23 (c) The design and sizing of interceptors shall be in accordance with
24 the edition of the Uniform Plumbing Code most recently adopted by the City, together with local City
25 amendments to that Code. The preceding sentence applies whether the industrial user's facility is located in
26 the City or another jurisdiction. An interceptor shall be designed, sized, installed, maintained and operated

1 to accomplish the intended purpose of intercepting pollutants from the industrial user's wastewater and
2 preventing the discharge of such pollutants to the City's wastewater collection and treatment systems,
3 including pollutants that result in toxic, noxious or malodorous conditions that create a public nuisance or
4 unsafe working conditions, which endanger life or the environment.

5 (d) All sinks which are connected to an interceptor shall be equipped
6 with an approved strainer or grate that is removable and accessible and that will catch garbage and food
7 debris and prevent it from entering the interceptor. Food grinders are prohibited unless the industrial user
8 installs and properly operates a solids separator captures and removed all waste product prior to its entry to
9 an interceptor.

10 (e) An industrial user must ensure that interceptors are accessible and
11 unobstructed to allow for inspection, cleaning, and removal of FOG.

12 (f) An industrial user must always maintain interceptors at its expense
13 and keep them in efficient operating condition by the regular removal of accumulated FOG. All grease
14 interceptors shall be completely pumped out, including all solids, liquid and grease. No pumped-out waste
15 shall be re-introduced.

16 (g) Each industrial user that is required to use and maintain a grease
17 interceptor shall keep a record of every time the interceptor is pumped, cleaned or repaired. This record shall
18 include the date, the name of the company that pumped or cleaned the grease interceptor, and the amount of
19 waste that was removed. Such records shall be made available to the Director upon request. The removed
20 contents from any grease interceptor shall be handled by a person licensed to haul such waste and shall be
21 disposed of in accordance with Federal, State and local regulations.

22 (7) Required Maintenance.

23 (a) Grease interceptors shall be maintained by regularly scheduled
24 cleaning so that they will properly operate as intended to efficiently intercept FOG and settleable materials
25 from the facility's wastewater and prevent the discharge of said materials into the City's wastewater
26 collection and treatment systems, or if toxic, noxious, or malodorous conditions associated with such

1 interceptors create a public nuisance or unsafe working conditions which endanger health. GGIs shall be
2 serviced at a minimum of once every three hundred sixty-five (365) days, or whenever the combined
3 thickness of FOG and settleable materials is greater than twenty five percent (25%) of the hydraulic working
4 capacity of any grease interceptor chamber. HMGIs with a liquid volume less than one hundred (100) gallons
5 shall be serviced at a minimum of once every thirty (30) days. HMGIs with a liquid volume of one hundred
6 one (101) to five hundred (500) gallons shall be serviced at a minimum of once every ninety (90) days.
7 HMGIs with a liquid volume more than five hundred (500) gallons shall be serviced at a minimum of once
8 every three hundred sixty-five (365) days.

9 (b) The Director may require more frequent cleaning than that
10 prescribed in Subparagraph (a) above. A variance from the requirement in Subparagraph (a) may be obtained
11 if the industrial user can demonstrate through analytical data that less frequent cleaning is sufficient. The
12 industrial user will be required to continue to monitor, on an ongoing basis, the facts supporting the variance
13 in order to continue to support the decrease in cleaning frequency.

14 (c) Maintenance of grease interceptors shall be done in a workman-like
15 manner and only by a business or professional normally engaged in the servicing of such plumbing fixtures.

16 (d) In the event a grease interceptor is not properly maintained by the
17 industrial user, owner, lessee, or authorized representative of the industrial user, the Director may authorize
18 such maintenance work be performed on behalf of the industrial user. The costs of such maintenance shall
19 be billed directly to the industrial user or property owner and shall become part of the charges due and owing
20 to the City.

21 (e) Biological treatment or enzyme treatment shall not be a substitute
22 for the servicing of a grease interceptor. Use of enzymes or other chemical or biological treatment or product
23 that emulsifies or acts to emulsify FOG is prohibited.

24 (f) An industrial user must document each pump-out of a grease
25 interceptor with a waste manifest or trip ticket, which must be kept by the industrial user on site for at least
26 three (3) years.

1 (g) An industrial user must take reasonable steps to assure that all waste
2 is properly disposed of in accordance with Federal, State and local regulations (i.e., through a statement
3 certifying proper disposal by the hauler included on the waste manifest or trip ticket for each load).

4 (C) Best Management Practices for Sand/Oil Interceptors.

5 (1) Applicability. These BMPs establish requirements for any facility that has
6 the potential to discharge petroleum oil, mineral oil, cutting oils, non-food grease and solids. All facilities
7 subject to these BMPs must comply with the requirements which include the requirement for installation and
8 proper operation and maintenance of an interceptor, as well as reporting requirements.

9 (2) For purposes of this Subsection (C) and parallel references within this
10 Chapter, "sand/oil interceptor" or "interceptor" means a plumbing appurtenance or appliance that is installed
11 in a sanitary drainage system to intercept sand (or other aggregate) and petroleum-based oil and grease from
12 a wastewater discharge; is designed with consideration of retention times, volumes in gallons calculated for
13 each facility, and gravity separation; and includes one or more baffles and a minimum of two compartments.

14 (3) A sand/oil interceptor that was legally and properly installed at an industrial
15 user's facility prior to the effective date of this Chapter and that does not conform to the requirements of this
16 Chapter shall be acceptable as an alternative if such device is effective in removing floatable and settleable
17 material and is designed and installed in such a manner that it can be inspected and properly maintained. If
18 the Director determines at any time that such interceptor is incapable of adequately retaining the floatable
19 and settleable material or if it was installed in such a manner that it cannot be inspected and properly
20 maintained, the industrial user shall install an interceptor that complies with all City codes within ninety (90)
21 days after being notified of such requirement.

22 (4) Implementation. These interceptor requirements may be implemented by
23 letter, order, authorization, permit or other appropriate control mechanism specified by the Director.

24 (5) General Control Requirements.

25 (a) An interceptor shall be required for the proper handling of liquid
26 wastes which may be harmful to, or cause obstruction in, the wastewater collection system or cause or

1 contribute to pass through or interference with respect to the wastewater treatment system.

2 (b) It shall be the responsibility of the industrial user or the owner of
3 the property, or both, to contact the City's building and safety function in order to obtain any necessary
4 permits for the installation of any interceptor or any modifications to the facility's plumbing. Application
5 requirements and the installation of interceptors, as well as any other modifications to plumbing systems,
6 shall be in accordance with applicable building-related codes, including without limitation the edition of the
7 Uniform Plumbing Code most recently adopted by the City, together with local City amendments to that
8 Code. Written approval from the City must be obtained prior to installation of any interceptor. The timing of
9 review and approval of permits shall in no way relieve the industrial user of its responsibility to produce
10 discharges acceptable to the City under the provisions of this Chapter.

11 (c) Toilets, urinals and similar fixtures shall not discharge through an
12 interceptor. Such fixtures shall be plumbed directly into the wastewater collection system.

13 (d) An industrial user shall ensure that interceptors are accessible for
14 inspection, cleaning, and removal of sand, oils and other accumulated wastes.

15 (e) An industrial user shall always maintain interceptors at its own
16 expense and keep them in efficient operating condition by the regular removal of waste materials.

17 (6) Required Maintenance.

18 (a) Each sand/oil interceptor shall be maintained by regularly
19 scheduled cleaning so that it will properly operate as intended to efficiently intercept the sand and oil from
20 the industrial user's wastewater and prevent the discharge of said materials into the City's wastewater
21 collection and treatment systems. An interceptor shall be serviced at a minimum of once every three hundred
22 sixty-five (365) days, or more frequently as deemed necessary or appropriate by the Director. The industrial
23 user should periodically check the interceptor for the accumulation of pollutants or solids to avoid exceeding
24 the capacity of the interceptor. The Director may require more frequent servicing or cleaning. A variance
25 from this requirement may be obtained when the industrial user can demonstrate with analytical data that less
26 frequent cleaning is sufficient.

1 (b) Maintenance of interceptors shall be performed in a professional
2 and competent manner, and in accordance with applicable professional standards. Such work shall be
3 performed only by businesses or professionals qualified to engage, and regularly engaged, in the servicing of
4 such plumbing fixtures.

5 (c) In the event an interceptor is not properly maintained by the
6 industrial user, or by an owner or lessee, the Director may authorize such maintenance work be performed
7 on behalf of the facility. The costs of such maintenance shall be billed directly to the customer and shall
8 become part of the charges due and owed to the City.

9 (d) An industrial user must document each pump-out of an interceptor
10 with a waste manifest or trip ticket, which must be kept by the industrial user on site for at least three (3)
11 years.

12 (e) An industrial user must take reasonable steps to assure that all waste
13 is properly disposed of in accordance with Federal, State and local regulations (i.e., through a statement
14 certifying proper disposal by the hauler included on the waste manifest or trip ticket for each load).

15 (f) Each industrial user that is required to use and maintain an
16 interceptor shall keep a record of every time the interceptor is pumped or cleaned or repaired. This record
17 shall include the date, the name of the company that pumped or cleaned the interceptor and the amount of
18 waste that was removed. Such records shall be made available to the Director upon request. The removed
19 contents from any interceptor shall be handled by a person licensed to haul such waste and shall be disposed
20 of in accordance with Federal, State and local regulations.

21 (D) Best Management Practices for Dental Wastewater Dischargers.

22 (1) Applicability. These BMPs apply to dental wastewater dischargers. A dental
23 wastewater discharger is not considered an SIU unless expressly so designated by the Director. Dental
24 wastewater dischargers are not considered a CIU. These BMPs do not apply to dental wastewater dischargers
25 that:

26 (a) Exclusively practice one or more of the following dental specialties:

1 Oral pathology, oral and maxillofacial radiology, oral and maxillofacial surgery, orthodontics, periodontics,
2 or prosthodontics;

3 (b) Discharge wastewater from a mobile unit operated by another
4 dental wastewater discharger;

5 (c) Do not discharge any amalgam process wastewater to a POTW,
6 such as dental wastewater dischargers that collect all dental amalgam process wastewater for transfer to a
7 Centralized Waste Treatment facility as defined in 40 CFR Part 437; or

8 (d) Do not place dental amalgam, and do not remove amalgam except
9 in limited emergency or unplanned, unanticipated circumstances, and that certify such to the City as required
10 in 40 CFR Section 441.50.

11 (2) Definitions. For purposes of this Subsection (D) and parallel references in
12 this Chapter:

13 (a) "Amalgam process wastewater" means any wastewater generated
14 and discharged by a dental wastewater discharger through the practice of dentistry that may contain dental
15 amalgam.

16 (b) "Amalgam separator" means a collection device designed to capture
17 and remove dental amalgam from the amalgam process wastewater of a dental facility.

18 (c) "Dental amalgam" means an alloy of elemental mercury and other
19 metals that is used in the practice of dentistry.

20 (d) "Dental wastewater discharger" means a dental facility where the
21 practice of dentistry is performed, including, but not limited to, institutions, permanent or temporary offices,
22 clinics, home offices, and facilities owned and operated by Federal, State or local governments, that
23 discharges wastewater to a POTW.

24 (e) "Exempt dental wastewater discharger" means a dental wastewater
25 discharger exempted pursuant to Paragraph (1) above.

26 (f) "Mobile unit" means a specialized mobile self-contained van,

1 trailer, or equipment used in providing dentistry services at multiple locations.

2 (g) "New source dental wastewater discharger" means a dental
3 wastewater discharger whose first discharge to a POTW occurs on or after July 15, 2017, or where a transfer
4 of ownership occurred on or after July 15, 2017.

5 (3) Reporting. The duly authorized representative of a dental wastewater
6 discharger shall submit a dental wastewater discharger survey and one-time certification to the City on a form
7 provided by the Director. The dental wastewater discharger survey and one-time certification must be
8 submitted within ninety (90) days after discharge to the POTW.

9 (4) Amalgam Separator Requirements.

10 (a) All dental wastewater dischargers that discharge amalgam process
11 wastewater to the POTW shall install an amalgam separator or device and implement the required BMPs set
12 forth and in accordance with this Subsection (D).

13 (b) A new source shall install, operate, and maintain an amalgam
14 separator or device compliant with 40 CFR section 441.30 prior to discharge to the POTW.

15 (c) Existing sources with non-compliant amalgam separators that were
16 installed prior to June 14, 2017, shall comply by June 14, 2027, unless replaced earlier due to malfunction.

17 (5) Amalgam Separator Required Best Management Practices.

18 (a) The installation and operation of amalgam separators required
19 pursuant to Paragraph (4) above shall meet the following criteria:

20 (i) The amalgam separator must be compliant with 40 CFR
21 Section 441.30(1) and certified to meet at least a 95% solids removal efficiency as specified by Federal or
22 State regulations per 40 CFR Section 441.30(1)(i).

23 (ii) The amalgam separator must be designed and approved for
24 a flow rate capable of handling the maximum volume discharged from the dental wastewater discharger.

25 (iii) The amalgam separator must allow the dental wastewater
26 discharger to make direct observations as to the level of solids in the collection container, proper solid and

1 liquid separation, and the condition of all plumbing connections.

2 (iv) The amalgam separator must be installed so that all
3 amalgam contaminated wastewater passes through the unit before being discharged to the POTW.

4 (v) The amalgam separator must be installed in a manner so as
5 to be accessible for cleaning and inspection.

6 (vi) The amalgam separator must be serviced at a minimum of
7 once every twelve (12) months in accordance with the manufacturer's instructions, or more frequently if
8 visual inspections indicate that the level of solids is at or over 85% of the recommended maximum level,
9 whichever is more stringent.

10 (vii) Amalgam waste removed from the amalgam separator must
11 be collected and handled in accordance with the manufacturer's instructions and Federal, State, and local
12 laws and regulations.

13 (b) Each dental wastewater discharger shall ensure that amalgam
14 wastestreams from chair side traps, screens, vacuum pump filters, dental tools, cuspidors, or collection
15 devices discharge through an appropriate amalgam separator.

16 (c) Each dental wastewater discharger shall operate and maintain all
17 equipment in accordance with the manufacturer's instructions.

18 (d) Each dental wastewater discharge facility shall use disinfecting line
19 cleaners that are non-acidic and non-oxidizing with a pH between 6-8 Standard Units. Prohibited cleaning
20 chemicals include but are not limited to bleach; chorine; iodine; and peroxide chemicals and other oxidizing
21 cleaners.

22 (e) All water containing amalgam waste shall be plumbed through the
23 amalgam separator. When cleaning, ensure all filters or traps are rinsed over sinks or drains that discharge to
24 the amalgam separator.

25 (f) Each dental wastewater discharger shall ensure proper disposal of
26 amalgam waste through a licensed amalgam recycler or a permitted and licensed treatment, dangerous waste

1 storage or disposal facility in accordance with Federal, State and local regulations.

2 (g) No dental wastewater discharger shall cause or contribute to pass
3 through or interference, violate a specific prohibition as specified in Section 14.17.015, or cause the City to
4 exercise its emergency authority as specified in LVMC 14.17.075C)(7).

5 (E) Best Management Practices for the Acceptance of Trucked and Hauled Waste.

6 (1) Applicability. The requirements established in this Subsection (E) shall
7 apply to persons and operators of companies who discharge trucked and hauled waste to the POTW, including
8 any discharge that enters the City's wastewater treatment system. Where the Director elects to allow hauled
9 waste to be accepted by the POTW, the following shall apply:

10 (a) Hauled wastes may be introduced into the POTW only at locations
11 designated by the Director, and at such times as are established by the Director.

12 (b) The Director shall have the right to refuse any hauled waste load.

13 (c) Waste haulers are prohibited from discharging wastes that would
14 violate the standards regarding prohibited discharges that are specified in Section 14.17.015.

15 (d) Waste haulers are prohibited from discharging hazardous wastes to
16 the POTW or other wastes that are generated by a CIU.

17 (e) Waste haulers shall comply with specific pollutant limitations
18 established by the City specific to the hauled waste to be discharged.

19 (f) The Director shall require compliance with these BMPs by permit,
20 authorization to discharge, letter, or another control mechanism. The Director may require generators of the
21 hauled wastes to obtain a control mechanism.

22 (g) The Director may sample and analyze the hauled wastes or require
23 the hauler to perform such sampling and analysis to verify that each hauled load complies with applicable
24 pretreatment standards or requirements, or both.

25 (h) The Director may sample and analyze the hauled wastes or require
26 the hauler to perform such sampling and analysis at the location where the waste is generated.

1 (i) The Director may require an industrial waste hauler to receive prior
2 approval or consent before discharging.

3 (j) A waste hauler must notify the Director of any new commercial or
4 industrial customers or changes in the nature of hauled waste originating from existing customers. Customer
5 lists shall be considered confidential business information under Federal law and regulations if designated as
6 such by the waste hauler.

7 (k) The Director may restrict the maximum number of loads that a
8 waste hauler may discharge during a specific period of time, and the discharge rate of each load.

9 (l) Waste haulers must provide a manifest form or similar trip ticket
10 for every load prior to discharge. The form or ticket shall include, at a minimum:

11 (i) The name and address of each customer or source of waste;

12 (ii) The number of any permit(s) required by any jurisdiction in
13 order to haul or dispose of waste;

14 (iii) Truck identification;

15 (iv) Volume of wastewater from each source;

16 (v) Type of waste to be discharged;

17 (vi) Known or suspected pollutants present in load(s);

18 (vii) Signatory certification; and

19 (viii) Certification that the hauled waste is not hazardous.

20 (m) Waste haulers shall use a manifest form/trip ticket approved by the
21 Director.

22 (n) The Director may impose fees or charges for hauled wastes.

23 (o) The waste hauler shall:

24 (i) Maintain tanks, pumps, valves, hoses, racks, cylinders,
25 diaphragms, pipes, connections, and other appurtenances on a vehicle in good repair and free from leaks.

26 (ii) Provide a safety plug or cap for each tank.

1 (iii) Ensure that the vehicle exterior is clean at the beginning of
2 each workday prior to entry to the POTW.

3 (iv) Clean the inside of tanks to ensure that non-permitted
4 residual wastes are not left in the tank and allowed to mix with permitted wastes.

5 (v) Ensure that tanks are an integral part of a vehicle to
6 transport liquid waste. Portable tanks or other containers temporarily installed in vehicles are prohibited
7 (unless prior approval is obtained from the Director, e.g., portable toilets).

8 (vi) Ensure that piping, valves, and connectors (excluding the
9 discharge hose) are permanently attached to the tank or vehicle, or both.

10 (vii) Ensure that tanks are liquid tight and are constructed so that
11 every interior and exterior portion can be easily cleaned.

12 (viii) Ensure that the openings of tanks are constructed so that
13 collected waste will not spill during filling, transfer, transport or disposal.

14 (ix) Provide for outlet connections that are constructed so that
15 no liquid waste will leak, run, or spill out from the vehicle.

16 (x) Provide for outlets that are of a design and type suitable for
17 the liquid waste handled and capable of controlling flow or discharge without spillage and undue spray on or
18 flooding of immediate surroundings while in use.

19 (xi) Ensure that pumps, valves, cylinders, diaphragms, and
20 other appurtenances are of a design and type suitable for the type of waste handled, capable of operation
21 without spillage, spray, or leakage, and capable of being easily disassembled for cleaning.

22 (2) Authorized Disposal Site. Waste haulers may dispose of waste only at a
23 location that is properly permitted to receive such waste. In the case of waste to be disposed of at a location
24 that has the potential to enter the POTW, disposal of such waste at that location must first be authorized in
25 writing by the Director before the location may receive trucked or hauled waste.

26 (3) Sanitation and Safety Standards. Each hauler who discharges wastes to the

POTW shall be responsible for cleanliness and safety practices at the points of disposal, including the prompt cleanup of any spills. Each hauler is also responsible for keeping vehicles used and related facilities clean and in good repair while being used for disposal to the POTW. These sanitary and safety practices shall be carried out in a manner acceptable to the Director. Failure to comply with these sanitation and safety standards shall be grounds for suspension of a permit, authorization to discharge, or other control mechanism.

(4) Quality of Wastes. Wastes approved for discharge to the POTW shall be representative of what the waste hauler disclosed in the manifest. The waste hauler consents to the Director's right to sample and analyze the contents of any vehicle utilizing the POTW for the discharge of wastes and charge the industrial user for such sampling and analytical costs. The purpose of such sampling and analysis will be to determine conformance with this Chapter. It shall be the responsibility of any industrial user whose discharge is at issue to assist in sample collection as required by the Director.

(5) Performance Bond. Waste haulers subject to regulation under this Subsection (E) may be required to secure and maintain a bond in an amount as specified by the City, indemnifying the City against damages sustained by reason of any spill or any dumping or discharge of any liquid waste, hazardous waste, or incompatible waste within the jurisdictional limits of the City. Proof of bonding shall be provided to the City prior to authorization to discharge. In addition, the City may decline to authorize discharge to any industrial user who has failed to comply with any provision of this Chapter unless such industrial user first files a satisfactory bond, payable to the City, in a sum not to exceed a value determined by the City to be necessary to achieve consistent compliance.

(6) Suspension of Discharge. The City, at its discretion, may revoke an authorization to discharge and take other enforcement actions as specified in Section 14.17.075. Violations that may result in a suspension of authorization to discharge include:

- (a) Failure to submit accurate or timely reports;
- (b) Failure to pay charges or fees when due;
- (c) Failure to maintain vehicles as required;
- (d) Discharging waste at a location other than an authorized disposal

1 site;

2 (e) Failure to comply with applicable sanitation standards;

3 (f) Discharging of industrial sludges or other unacceptable wastes into
4 the POTW;

5 (g) Failure to maintain valid and current registrations, permits, and
6 licenses as required by any local, State or Federal regulation or requirement; or

7 (h) Other violations of this Chapter when it is determined that
8 suspension is necessary to protect the POTW.

9 **14.17.075 - Compliance and Enforcement.**

10 (A) Pretreatment Enforcement Response Plan. As required by Federal regulations, the
11 City will establish a pretreatment enforcement response plan for carrying out the provisions of this Chapter,
12 as well as enforcement policies and procedures consistent with that plan.

13 (B) Publication of Industrial Users in Significant Noncompliance. The City shall publish
14 annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdiction
15 served by the POTW, a list of the SIUs which, at any time during the previous twelve (12) months, were in
16 significant noncompliance with applicable pretreatment standards and requirements. For purposes of this
17 Subsection (B), "significant noncompliance" is as defined in LVMC 14.17.010. In addition, the City shall
18 include in that publication a list of all IUs which, during that same period, were noncompliant with Paragraph
19 (3), (4) or (8) as set forth in the definition of "significant noncompliance" referred to above.

20 (C) Administrative Enforcement.

21 (1) Notice of Violation. Whenever the Director finds that an industrial user has
22 violated or continues to violate any provision of this Chapter, a pretreatment standard or requirement, an
23 industrial wastewater discharge permit, an authorization to discharge, or an order or other control mechanism
24 issued under this Chapter, the Director may serve upon the industrial user a written notice of violation (NOV).
25 Within five (5) days after the receipt of an NOV, the industrial user shall submit to the Director an explanation
26 of the violation and a plan for satisfactory correction and prevention of further violations. Submission of such

1 a plan in no way relieves the industrial user of liability for any violations occurring before or after receipt of
2 the NOV. Nothing in this Section shall limit the authority of the Director to take any action, including
3 emergency actions or any other enforcement action, without first issuing a NOV.

4 (2) Administrative Order. Whenever the Director finds that an industrial user
5 has violated or continues to violate any provision of this Chapter, a pretreatment standard or requirement, an
6 industrial wastewater discharge permit, an authorization to discharge, or an order or other control mechanism
7 issued under this Chapter, the Director may issue an administrative order to the industrial user responsible
8 for the discharge directing that the industrial user come into compliance within a specific time. If the
9 industrial user does not come into compliance within the time provided, the City may discontinue sewer
10 service to the industrial user unless adequate treatment facilities, devices, or other related appurtenances are
11 installed and properly operated. An administrative order also may contain other requirements to address the
12 noncompliance, including additional self-monitoring and management practices designed to minimize the
13 amount of pollutants discharged to the POTW. An administrative order may not extend the deadline for
14 compliance established for a pretreatment standard or requirement, nor does it relieve the industrial user of
15 liability for any violation, including any continuing violation. Issuance of an administrative order shall not
16 be a bar against, limitation, or a prerequisite for, taking any other action against the industrial user.

17 (3) Consent Order. The City may enter into a consent order, a document
18 containing assurances of voluntary compliance, or any other similar document establishing a commitment by
19 or agreement with any industrial user responsible for noncompliance. Any such document shall include
20 specific actions to be taken by the industrial user to correct the noncompliance within a time period specified
21 by the document. A consent order or similar document may include penalties, supplemental environmental
22 projects, or other conditions and requirements as agreed to by the City and the industrial user. A consent
23 order or similar document shall have the same force and effect as an administrative order and shall be
24 judicially enforceable.

25 (4) Show Cause Hearing.

26 (a) Whenever the Director finds that an industrial user has violated or

1 continues to violate any provision of this Chapter, a pretreatment standard or requirement, an industrial
2 wastewater discharge permit, an authorization to discharge, or an order or other control mechanism issued
3 under this Chapter, the Director may order the industrial user to appear before the Director and show cause
4 why enforcement action proposed in the order should not be taken. Notice shall be served on the user
5 specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action,
6 and a request that the user show cause why the proposed enforcement action should not be taken. The notice
7 of the meeting shall be served personally or by certified mail (return receipt requested) at least ten (10) days
8 prior to the hearing. Such notice may be served on any authorized representative of the industrial user. Neither
9 the decision to order a show cause hearing nor the holding of a show cause hearing shall act as a bar against,
10 limitation of, or prerequisite for taking any other action against the industrial user.

11 (b) After the Director has reviewed the evidence presented in
12 connection with a show cause hearing, the Director may issue regarding the industrial user:

13 (i) An order directing that, following a specified time period,
14 sewer service to the industrial user be discontinued unless adequate treatment facilities, devices or other
15 related appurtenances have been installed, or existing treatment facilities, devices or other related
16 appurtenances are properly operated.

17 (ii) Further orders and directives as are deemed necessary and
18 appropriate to correct the violation.

19 (5) Cease and Desist Order.

20 (a) Whenever the Director finds that an industrial user has violated or
21 continues to violate any provision of this Chapter, a pretreatment standard or requirement, an industrial
22 wastewater discharge permit, an authorization to discharge, or an order or other control mechanism issued
23 under this Chapter, and that the industrial user's past violations are likely to recur, the Director may issue a
24 cease and desist order to the industrial user directing it to cease and desist all such violations and directing
25 the industrial user to:

26 (i) Immediately comply with all requirements;

1 (ii) Take such appropriate remedial or preventive action as may
2 be needed to properly address a continuing or threatened violation, including halting operations or
3 terminating the discharge, or both.

4 (b) The issuance of a cease and desist order shall not act as a bar against,
5 limitation of, or prerequisite for taking any other action against the industrial user.

6 (6) Administrative Fines.

7 (a) Whenever the Director finds that an industrial user has violated or
8 continues to violate any provision of this Chapter, a pretreatment standard or requirement, an industrial
9 wastewater discharge permit, an authorization to discharge, or an order or other control mechanism issued
10 under this Chapter, the Director may fine the industrial user in an amount not to exceed ten thousand dollars
11 (\$10,000) per violation per day, or as otherwise limited by law. In the case of monthly or other long-term
12 average discharge limits, fines shall be assessed for each day during the period of violation. The Director
13 may add the actual costs of preparing administrative enforcement actions, such as notices and orders, to the
14 fine.

15 (b) An industrial user who disputes a fine or the amount thereof may
16 seek reconsideration thereof by filing a written request for reconsideration with the Director. The Director
17 may require that the filing of the request be accompanied by full payment of the fine amount, either
18 immediately or within thirty (30) days after have been notified of the fine. The Director shall provide the
19 industrial user the opportunity to submit information in support of the request for reconsideration, including
20 the setting of a hearing where the Director deems appropriate. The Director may conduct the hearing or direct
21 that the hearing be held by a designee of the Director. In the event the reconsideration is granted in favor of
22 the industrial user, either by reducing the amount of the fine or canceling the fine, the amount of the reduction
23 or cancellation shall be returned to the industrial user, together with any accrued interest.

24 (c) The issuance of an administrative fine shall not act as a bar against,
25 limitation of, or prerequisite for taking any other action against the industrial user.

26 (7) Emergency Suspension of Service.

1 (a) Endangerment to Health or Welfare of the Community.
2 Notwithstanding any other provision of this Chapter, the City, without formal notice to an industrial user,
3 may immediately and effectively halt or prevent any discharge of pollutants into any natural waterway,
4 surface drainage within the City, any area under jurisdiction of the City, the POTW of the City or any
5 wastewater collection system tributary thereto, by any available means, including physical disconnection
6 from the wastewater collection system, whenever it reasonably appears that such discharge presents an
7 imminent endangerment to the health or welfare of the community.

8 (b) Endangerment to Environment or Treatment Works. Whenever a
9 discharge presents or may present an endangerment to the environment or threatens to interfere with the
10 operation of the POTW, the City, after written notice to the discharger, may halt or prevent any discharge of
11 pollutants into any natural waterway, any area of surface drainage within the City, any area otherwise under
12 the jurisdiction of the City, the POTW, or any wastewater collection system tributary thereto, and may do so
13 by any available means, including physical disconnection from the wastewater collection system,

14 (c) In the case of an emergency suspension referred to in Subparagraph
15 (b) of this Paragraph (7), where the notice referred to is accompanied by an order to stop the discharge or
16 contribution, the discharger so notified shall immediately stop or eliminate the discharge or contribution that
17 is the subject of the notice. In the event of a failure of the discharger to comply voluntarily with the suspension
18 order, the City shall take such steps as deemed necessary, including immediate severance of the sewer
19 connection, in order to prevent or minimize damage to the POTW or endangerment to individuals or the
20 environment. Upon receipt of proof of the elimination of the non-complying discharge, the City may
21 reinstate:

22 (i) An industrial wastewater discharge permit, authorization to
23 discharge, or other wastewater treatment service;

24 (ii) Wastewater treatment service; or

25 (iii) A combination of Subparagraphs (i) and (ii) just above.

26 (d) In the case of any discharge that has been the subject of an

1 emergency suspension under this Paragraph (7), the industrial user shall provide to the City a detailed written
2 statement describing the causes of the harmful contribution and the measures taken to prevent any future
3 occurrence. The statement shall be provided to the City within five (5) days after the date of the occurrence.

4 (e) Suspension of service under this Paragraph (7) shall not act as a bar
5 against, limitation of, or prerequisite for taking any other action against the industrial user.

6 (8) Revocation of Industrial Wastewater Discharge Permit or Authorization to
7 Discharge. In connection with a revocation proceeding referred to in LVMC 14.17.030(M):

8 (a) An industrial user whose industrial wastewater discharge permit or
9 authorization to discharge has been revoked or who has been served with a notice of an intended order for
10 revocation may file with the Director a request for a hearing with respect thereto. The filing of a request for
11 a hearing shall not stay the existing or proposed suspension.

12 (b) If a hearing is requested with respect to an existing or proposed
13 suspension or revocation, other than for action taken by the City under LVMC 14.17.075(C)(7), the Director
14 shall hold a hearing following, as much as is practicable, the process described in LVMC 14.17.075(C)(4).

15 (D) Judicial Enforcement Remedies.

16 (1) Injunctive Relief.

17 (a) Whenever the City finds that an industrial user has violated or
18 continues to violate any provision of this Chapter, a pretreatment standard or requirement, an industrial
19 wastewater discharge permit, an authorization to discharge, or an order or other control mechanism issued
20 under this Chapter, the City may petition a court of competent jurisdiction for the issuance of a temporary or
21 permanent injunction, as appropriate, which restrains or compels the specific performance of the industrial
22 wastewater discharge permit, order, or other requirement imposed by this Chapter on the activities of an
23 industrial user. The City may also seek such other action as is appropriate for legal or equitable relief (or
24 both), including a requirement for the industrial user to conduct environmental remediation. A petition for
25 injunctive relief shall not act as a bar against, limitation of, or prerequisite for taking any other action against
26 the industrial user.

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(2) Civil Penalties.

(a) An industrial user who has violated, or continues to violate, any provision of this Chapter, an industrial wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the City in a judicial proceeding for a maximum civil penalty not to exceed ten thousand dollars (\$10,000) per day per violation, or as otherwise limited by law. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of violation.

(b) The City may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.

(c) Filing a suit for civil penalties shall not act as a bar against, limitation of, or prerequisite for taking any other action against the industrial user.

(3) Civil/Administrative Fine Pass Through. If an industrial user discharges pollutants that cause the City to violate any condition of its NPDES permit and the City is fined by the EPA or NDEP for such violation, then the industrial user shall be fully liable for the total amount of the fine assessed against the City by the EPA or NDEP.

(4) Criminal Penalties.

(a) An industrial user that willfully, recklessly or negligently violates any provision of this Chapter, including making false statements, shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed ten thousand dollars (\$10,000) for each violation, or as otherwise limited by law, or by imprisonment up to six (6) months, or both. Each day any violation of this Chapter occurs shall constitute a separate offense.

(b) The City may refer any violation that may warrant criminal prosecution to the U.S. Attorney General's Office, State Attorney General, EPA Criminal Investigation Division or other appropriate agency. This referral shall not preclude the City from taking a parallel administrative or civil enforcement action.

1 (E) Other Remedies Available to the City.

2 (1) Liability Insurance. Whenever the City finds that an industrial user has
3 violated or continues to violate any provision of this Chapter, a pretreatment standard or requirement, an
4 industrial wastewater discharge permit, an authorization to discharge, or an order or other control mechanism
5 issued under this Chapter, the City may decline to issue or to reissue an industrial wastewater discharge
6 permit, authorization to discharge, or other control mechanism unless the industrial user first submits proof
7 that it has obtained liability insurance coverage sufficient to restore or repair damage to the POTW caused
8 by a discharge for which the industrial user is responsible.

9 (2) Performance Bonds. Whenever the City finds that an industrial user has
10 violated or continues to violate any provision of this Chapter, a pretreatment standard or requirement, an
11 industrial wastewater discharge permit, an authorization to discharge, or an order or other control mechanism
12 issued under this Chapter, the City may decline to issue or reissue an industrial wastewater discharge permit,
13 authorization to discharge, or other control mechanism unless the industrial user first files a satisfactory bond,
14 payable to the City, in a sum not to exceed a value determined by the City to be necessary to achieve
15 consistent compliance.

16 (3) Public Nuisance. The violation by an industrial user of any provision of this
17 Chapter, a pretreatment standard or requirement, an industrial wastewater discharge permit, an authorization
18 to discharge, or an order or other control mechanism issued under this Chapter, is hereby declared a public
19 nuisance and shall be corrected or abated as directed by the City. Any persons(s) creating a public nuisance
20 shall be subject to the provisions of the Las Vegas Municipal Code governing such nuisances, including
21 reimbursing the City for any costs incurred in removing, abating, or remedying the nuisance.

22 (4) Damage/Tampering. It is unlawful for any person, without authority to do
23 so, to willfully or negligently break, damage, destroy, uncover, deface, tamper with, or prevent access to any
24 structure, appurtenance or equipment, or other part of the POTW. Such person shall be subject to an
25 appropriate criminal prosecution or civil proceeding available under this Code or other applicable law, and
26 is liable for such penalties as may be established in connection therewith.

1 **14.17.080 - Reconsideration of Certain City Actions.**

2 (A) Except as otherwise specifically provided in LVMC 14.17.030(H), 14.17.075(C),
3 and 14.17.075(D) regarding City determinations under those provisions, an industrial user may request
4 reconsideration of any decision, action or determination made by the Director in the interpretation or the
5 implementation of the provisions of this Chapter in accordance with this Section. The industrial user may file
6 a written request for the reconsideration of such decision, action or determination with the Director within
7 fifteen (15) days after receipt of notice of the decision, action or determination. The written request must set
8 forth in detail the facts that support the request for reconsideration. Such facts must include a statement that
9 sets forth any newly discovered relevant fact that was not known or was unavailable at the time of the initial
10 decision, action or determination. The Director shall render a written decision with respect to the request
11 within forty-five (45) days after receipt thereof.

12 (B) Each request for reconsideration shall be accompanied by the fee, if any, that has
13 been established by the City Council pursuant to Section 14.17.090 for the filing of such a request. Any such
14 fee may, in the sole discretion of the Director, be refunded if the Director's ruling with respect to such request
15 is in favor of the person who made the request.

16 (C) If the industrial user disagrees with the ruling of the Director with respect to a request
17 for reconsideration, the industrial user may, within ten (10) days after the date of its receipt of the notification
18 of the Director's ruling, file a written appeal to the City Council.

19 (D) Each appeal to the City Council shall be accompanied by the fee, if any, that has
20 been established by the City Council pursuant to Section 14.17.090 for the filing of an appeal. Any such fee
21 may, in the sole discretion of the City Council, be refunded if the City Council's ruling with respect to such
22 appeal is in favor of the industrial user who filed the appeal.

23 (E) Except as otherwise agreed to by the appellant, the appeal shall be heard by the City
24 Council within forty-five (45) days after the date on which the appeal was filed, and the City Council shall
25 make a final ruling with respect to the appeal within forty-five (45) days after the hearing is concluded. The
26 City Council may overturn the Director's decision only upon a determination that the decision was

1 inconsistent with the provisions of this Chapter or that the decision was without factual support or contrary
2 to law.

3 **14.17.085 - Affirmative Defenses to Discharge Violations.**

4 (A) Upset.

5 (1) For the purposes of this Section, "upset" means an exceptional incident in
6 which there is unintentional and temporary noncompliance with categorical pretreatment standards because
7 of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to
8 the extent caused by operational error, improperly designed treatment facilities, inadequate treatment
9 facilities, lack of preventive maintenance, or careless or improper operation.

10 (2) An upset shall constitute an affirmative defense to an action brought for
11 noncompliance with categorical pretreatment standards if the requirements of Paragraph (3) below are met.

12 (3) An industrial user who wishes to establish the affirmative defense of upset
13 shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

14 (a) An upset occurred, and the industrial user can identify the cause(s)
15 of the upset;

16 (b) The facility where the upset occurred, at the time in question, was
17 being operated in a professional and competent manner and in compliance with applicable operational and
18 maintenance procedures; and

19 (c) The industrial user submitted the following information to the
20 Director within twenty-four (24) hours after becoming aware of the upset (and, if the information was
21 provided orally, a written submission was provided to the Director within five (5) days):

22 (i) A description of the indirect discharge and cause of
23 noncompliance;

24 (ii) The period of noncompliance, including exact dates and
25 times, or, if not corrected, the anticipated time the noncompliance is expected to continue; and

26 (iii) The steps being taken and plans being made to reduce,

1 eliminate, and prevent recurrence of the noncompliance.

2 (4) In any enforcement proceeding, the industrial user seeking to establish the
3 occurrence of an upset shall have the burden of proof.

4 (5) An industrial user will have the opportunity for a judicial determination on
5 any claim of upset only in connection with a judicial enforcement action brought against the user for
6 noncompliance with categorical pretreatment standards.

7 (6) In cases where an upset has occurred by reason of the reduction, loss, or
8 failure of its treatment facility, the industrial user shall control production of all discharges to the extent
9 necessary to maintain compliance with categorical pretreatment standards until the facility is restored or an
10 alternative method of treatment is provided. This requirement applies in the situation where, among other
11 things, the primary source of power of the treatment facility is reduced, lost, or fails.

12 (B) Standards Regarding Prohibited Discharges. An industrial user shall have an
13 affirmative defense to an enforcement action brought against it for noncompliance with the general
14 prohibitions set forth in LVMC 14.17.015(A) or the specific prohibitions set forth in LVMC 14.17.015(B),
15 Paragraphs (3), (4), (5), (6) or (8) where the industrial user can demonstrate the existence of the circumstance
16 in Paragraph (1) below and the existence of the circumstance listed in either Paragraph (2) or Paragraph (3)
17 below:

18 (1) It did not know, or have reason to know, that its discharge, alone or in
19 conjunction with discharges from other sources, would cause pass through or interference; and

20 (2) A local limit designed to prevent pass through or interference was developed
21 for each pollutant in the industrial user's discharge that caused pass through or interference, and the industrial
22 user was in compliance with each such local limit directly prior to and during the pass through or interference;
23 or

24 (3) If a local limit designed to prevent pass through or interference, or both, as
25 the case may be, was not developed for the pollutant(s) that caused the pass through or interference, the
26 industrial user's discharge directly prior to and during the pass through or interference did not change

1 substantially in nature or constituents from the user's prior discharge activity when the POTW was regularly
2 in compliance with the requirements of the POTW's NPDES permit and, in the case of interference,
3 applicable requirements for sewage sludge use or disposal.

4 (C) Bypass.

5 (1) For the purposes of this Subsection (C), the terms "bypass" and "severe
6 property damage" have the meanings ascribed to them in LVMC 14.17.010.

7 (2) An industrial user may allow any bypass to occur which does not cause
8 pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure
9 efficient operation. These bypasses are not subject to the provision of Paragraphs (3) and (4) of this
10 Subsection (C) but are reportable under LVMC 14.17.065, Subsections (A), (D), (F), (J) and (K), as
11 applicable.

12 (3) Notice.

13 (a) If an industrial user knows in advance of the need for a bypass, it
14 shall submit prior notice to the Director at least ten (10) days before the date of the bypass.

15 (b) An industrial user shall submit oral notice to the Director of an
16 unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the
17 time the industrial user becomes aware of the bypass. A written submission shall also be provided within five
18 (5) days from the time the industrial user becomes aware of the bypass. The written submission shall contain
19 a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if
20 the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned
21 to reduce, eliminate, and prevent recurrence of the bypass.

22 (4) The Director may take an enforcement action against an industrial user for
23 a bypass, unless:

24 (a) Bypass was unavoidable to prevent loss of life, personal injury, or
25 severe property damage;

26 (b) There were no feasible alternatives to the bypass, such as the use of

1 auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of
2 equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed
3 in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods
4 of equipment downtime or preventive maintenance; and

5 (c) The industrial user submitted notices as required under Paragraph
6 (3) of this Subsection (C).

7 (5) The Director may approve an anticipated bypass, after considering its
8 adverse effects, if the Director determines that it will meet the three conditions set forth in Subparagraphs
9 (a), (b) and (c) of Paragraph (4) above.

10 **14.17.090 - Pretreatment Program Fees and Charges.**

11 (A) The City Council may adopt reasonable fees for the recovery of costs of setting up
12 and operating the City's pretreatment program, which may include, but are not limited to:

13 (1) Fees for wastewater discharge applications including the cost of processing
14 such applications;

15 (2) Fees related to the issuance or reissuance of industrial wastewater discharge
16 permits, authorizations to discharge, or other control mechanisms;

17 (3) Fees for monitoring, inspection, and surveillance procedures including the
18 cost of collection and analyzing an industrial user's discharge, and reviewing monitoring reports submitted
19 by industrial users;

20 (4) Fees for reviewing and responding to spills and slug discharges, including
21 accidental discharge procedures and construction;

22 (5) Surcharge rates for pollutants specified in LVMC 14.17.015(E), for flow, or
23 for pollutants or pollutant parameters, in each case as determined appropriate by the Director;

24 (6) Fees and charges for disposal of special wastes;

25 (7) Fees for filing requests for reconsideration and appeals; and

26 (8) Other fees as the City may deem necessary to carry out the requirements of

1 this Chapter.

2 →The fees and charges listed in this Subsection (A) relate solely to the matters covered by this Chapter and
3 are separate from all other fees and charges assessed by the City.

4 (B) Schedule of Fees, Charges, Assessments and Penalties – Due Upon Delivery of
5 Notice. All fees, charges, assessments and penalties that are imposed pursuant to the provisions of this
6 Chapter or the approved schedule of fees and charges that is established in accordance with this Section shall
7 be due and payable upon delivery of notice thereof, or upon mailing such notice to the last known mailing
8 address of the industrial user or entity responsible for payment thereof.

9 (C) Additional Penalties. Unpaid fees, charges, assessments, fines and penalties shall,
10 after sixty (60) days, be subject to the assessment of an additional penalty of twenty-five percent (25%) of
11 the unpaid balance. Interest shall accrue thereafter at a rate of one percent (1%) per month. A lien against the
12 industrial user's property may be sought in accordance with Subsection (D). The failure to pay a penalty may
13 be the basis for revocation of an industrial wastewater discharge permit, authorization to discharge, or other
14 control mechanism, as specified in LVMC 14.17.030(M).

15 (D) Unpaid Fees, Etc., Constitute Lien.

16 (1) All fees, charges, assessments and penalties imposed by or under this
17 Chapter shall be due within thirty (30) days after delivery or mailing of the notice described above. Any fee,
18 charge, assessment or penalty that remains unpaid after the thirty (30) days shall constitute a perpetual lien
19 on and against the premises which are subject to such fee, charge, assessment or penalty as well as
20 constituting a debt that is owing to the City by the industrial user upon whom such fee, charge, assessment
21 or penalty is imposed and the owner of record of such premises, if the owner is someone other than the
22 industrial user.

23 (2) The City may bring a civil action in any court of competent jurisdiction to
24 recover such fee, charge, assessment or penalty, or any combination thereof, together with interest thereon,
25 and may enforce such lien by recording a notice thereof with the county recorder upon the expiration of such
26 thirty (30) day period and foreclosing the same against the premises that are subject to such lien in the same

1 manner as is provided by the laws of the State for the foreclosure of mechanics' liens.

2 (3) The City shall keep a permanent and accurate account of all fees, charges,
3 assessments and penalties that are received by it under this Chapter, which account shall include the name
4 and address of each person who paid any such fee, charge, assessment or penalty or on whose behalf the
5 same was paid, the date of such payment and amount thereof and the purpose for which the same was paid.

6 (4) Whenever a delinquency charge has not been specifically provided for in
7 this Chapter, any fee, charge, assessment or penalty that becomes delinquent shall have added to it a basic
8 delinquency charge that is equal to ten (10) percent of the fee, charge, assessment or penalty that became
9 delinquent, and thereafter an additional delinquency charge shall accrue on the total amount that is due,
10 including the ten (10) percent basic delinquency charge, at the rate of ten (10) percent per month
11 compounding, but the amount of the delinquent fee, charge, assessment or penalty, as increased by
12 delinquency charges, shall not exceed twice the amount of the original fee, charge, assessment or penalty. In
13 addition to the delinquency charges described in this Section, the City may also assess the collection costs,
14 including, without limitation, attorneys' fees and court costs, that the City may incur in collecting the fee,
15 charge, assessment or penalty and the delinquency charges.

16 **14.17.095 - Severability.** If any portion of this Chapter, as now or hereafter amended, or its application to
17 any person or circumstances, is held invalid, unenforceable or unconstitutional, such adjudication shall not
18 affect the validity of this Chapter, as now or hereafter amended, or any section, provision or part hereof or
19 thereof not adjudicated to be invalid, unenforceable or unconstitutional, and its application to other persons
20 or circumstances shall not be affected.

21 **14.17.100 – Non-Exclusive Remedies.** The remedies provided for in this Chapter are not exclusive of any
22 other remedies that the City may have under Nevada law. The City may take any, all, or any combination of
23 actions described in this Chapter against an industrial user who violates this Chapter. The City may seek
24 damages from any industrial user who discharges or causes to be discharged to the POTW, any pollutant that
25 causes damage or detrimental effects on the POTW or otherwise causes the City to expend resources to
26 respond to such discharge. Furthermore, the City may pursue any other available remedies that exist in law

1 or equity against an industrial user that violates this Chapter. Enforcement for violations of this Chapter will
2 generally be in accordance with Section 14.17.075 and the City's pretreatment enforcement response plan.

3 SECTION 3: If any section, subsection, subdivision, paragraph, sentence, clause or phrase
4 in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by
5 any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the
6 remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby
7 declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase
8 thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs,
9 sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

10 SECTION 4: Whenever in this ordinance any act is prohibited or is made or declared to
11 be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required
12 or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of
13 such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon
14 conviction thereof, shall, except as otherwise provided in this ordinance, be punished by a fine of not more
15 than \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
16 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

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PASSED, ADOPTED and APPROVED this _____ day of _____, 2024.

By _____
CAROLYN G. GOODMAN, Mayor

DR. LUANN D. HOLMES, MMC
City Clerk

Val Steed 10-2-24
Val Steed, Date
Deputy City Attorney

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the ____ day
2 of _____, 2024, and referred to a committee for recommendation, the committee being
3 composed of the following members _____;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2024, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council as first
7 introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11 APPROVED:

12
13 By _____
CAROLYN G. GOODMAN, Mayor

14 ATTEST:

15 _____
16 DR. LUANN D. HOLMES, MMC
City Clerk

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