Ordinance No. 6444

AN ORDINANCE TO REVISE AND CLARIFY CERTAIN PROVISIONS CONCERNING THE SEWER SERVICE SYSTEM BY AMENDING CHAPTER 13.16 OF THE RAPID CITY MUNICIPAL CODE

WHEREAS, the Common Council has adopted Chapter 13.16 Rapid City Municipal Code to govern the City’s sewer service system; and

WHEREAS, the last broad amendment to the sewer regulations was adopted by the Common Council in 2012, with a few select ordinance updates in the intervening eight years; and

WHEREAS, City staff have undergone a comprehensive review of Chapter 13.16 and are recommending clarifications and amendments to the provisions which address necessary changes to practice and policy to update the ordinances; and

WHEREAS, the City wishes to adopt proposed 13.16.080 to clarify that violations of the City’s sewer regulations may be deemed nuisances subject to the City’s processes to abate and address nuisances; and

WHEREAS, amendments to Chapter 13.16 Article II clarify the permitting procedures for connecting and tapping onto the City’s sewer service system; and

WHEREAS, amendments to Section 13.16 will clarify that property owners are to obtain sewer service for properties and that the City will no longer permit tenants or occupants to open sewer accounts; and

WHEREAS, the City wishes to amend R.C.M.C. Chapter 13.16 to clarify that Article V Appeals as well as some enforcement provisions in Article VI are limited to the City’s oversight of industrial waste and should not apply generally to all wastewater and sewer service oversight; and

WHEREAS, the City wishes to amend the liquid waste haulers regulations found in Chapter 13.16 Article VII to clarify the requirements for licensure and oversight of liquid waste haulers; and

WHEREAS, the City wishes to amend Chapter 13.16 to remove specific dollars amounts for various fees and charges in favor of their adoption and incorporation into the Council’s semi-annual fee resolution; and

WHEREAS, the City of Rapid City finds that these changes are in the best interests of the health, safety, and welfare of its citizens.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City that Chapter 13.16 of the Rapid City Municipal Code is hereby amended to read in its entirety as follows:
CHAPTER 13.16 SEWER SERVICE SYSTEM

Article I. General Provisions
13.16.010 Purpose of provisions.
13.16.020 Public access to information.
13.16.030 When connection required.
13.16.040 Unsanitary disposal of waste prohibited.
13.16.050 Disposal of wastewater to storm sewers or natural outlet prohibited.
13.16.060 Onsite systems and the like prohibited.
13.16.070 Plumbing code applicable to private wastewater systems.
13.16.080 Nuisance declared.

Article II. Building Sewers and Connections
13.16.080 Authority to use, alter or make connection.
13.16.090 Tapping and connection—Permit—Authority to refuse for failure to obey regulations.
13.16.100 Taps and connections to be made by the City.
13.16.110 Sewer tapping and connection Right to Work permits—Required.
13.16.120 Tapping Right to work permit—Application.
13.16.130 Responsibility for costs—Indemnification of City.
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13.16.150 Surface runoff and groundwater prohibited.
13.16.160 Inspection of building sewer construction.
13.16.170 Connections outside City.
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13.16.210 Materials prohibited in sewers.
13.16.220 Action resulting from deposit of deleterious materials.
13.16.230 Industrial waste permit.
13.16.240 Interceptors.
13.16.250 Screens required.
13.16.260 Pretreatment facility maintenance.
13.16.270 Monitoring, sampling, record keeping, reporting, notice, control manhole and flow measurement requirements.
13.16.280 Testing and sampling procedures.
13.16.290 Special agreements for unusual strength wastewater.
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13.16.310 Tapping fees.
13.16.320 Industrial waste permit fees.
13.16.330 Connection fees.
13.16.340 Service inspection and re-inspection fees.
ARTICLE I. GENERAL PROVISIONS

13.16.010 Purpose of provisions.

The rules and regulations prescribed in this Chapter are established for governing the sewage works of the City and the control of all persons doing any plumbing in and upon any of the mains, connections or appliances appertaining to the City sewage works.

(Ord. 5794 (part), 2012)

13.16.020 Public access to information.

Any records, reports or information obtained under this Chapter (i) shall, in the case of industrial user effluent data, be related to any applicable discharge limitation or prohibition, or permit condition, and (ii) shall be available to the public except under a showing satisfactory to
the Public Works Director by any person that the records, reports or information, or particular party thereof, other than effluent data, to which the Director has access under this Chapter, if made public, would divulge methods or procedures entitled to protection as trade secrets of the person. The Director shall consider such record, report or information, or particular portion thereof, confidential in accordance with the purposes of this Chapter, except that the record, report or information may be disclosed to officers, employees or authorized representatives of the State of South Dakota or the United States concerned with carrying out the provisions of the Clean Water Act or when relevant in any proceeding under the ordinance codified herein or other applicable laws.

(Ord. 5794 (part), 2012)

13.16.030 When connection required.

   For premises in the City or within 1 mile of the City’s corporate limits, the owner of any house or building occupied or used by any person, and located so that any part of such house or building is within 400 feet of a public sewer, shall connect such a house or building to a public sewer within 30 days from the time of receiving from the City a written notice to do so. Any extension of public infrastructure to accommodate required connections shall comply with the IDCM and the Standard Specifications.

(Ord. 5794 (part), 2012)

13.16.040 Unsanitary disposal of waste prohibited.

   It is unlawful for any person to place, deposit or permit to be placed any human or animal excrement or garbage in any unsanitary manner on public or private property, any human or animal excrement or garbage.

(Ord. 5794 (part), 2012)

13.16.050 Disposal of wastewater to storm sewers or natural outlet prohibited.

   It is unlawful to discharge to any natural outlet within the City or in any area under the jurisdiction of the City any wastewaters except where suitable treatment has been provided in accordance with this Chapter, state and federal laws, and regulations.

(Ord. 5794 (part), 2012)

13.16.060 Onsite systems and the like prohibited.

   Except as provided in the plumbing code of the City currently in effect and Chapter 13.20 of the Municipal Code, and as permitted by the Public Works Director, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility, adapted or used for the disposal of wastewater.
13.16.070 Plumbing code applicable to private wastewater systems.

All private wastewater systems within the City or within 1 mile of the City’s corporate limits of the City of Rapid City shall conform with the City plumbing code currently in effect, the Rapid City Municipal Ordinances, the IDCM, Standard Specifications, and with the law of the State of South Dakota.

13.16.080 Nuisance declared.

Violations of this Chapter are hereby declared to be public nuisances pursuant to SDCL Section 9-29-13 and Section 8.16.010.C.13. The City may abate or remove the nuisance or otherwise pursue any remedies in accordance with applicable state laws and City ordinances.

ARTICLE II. BUILDING SEWERS AND CONNECTIONS

13.16.080 Authority to use, alter or make connection.

No person except City employees or contractors directly employed by the City who are authorized to so do by the Public Works Director shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the Public Works Director.

13.16.090 Tapping and connection—Permit—Authority to refuse for failure to obey regulations.

If any plumbing or underground utility contractor fails to obey all regulations set forth in this Chapter, it shall be within the authority of the Public Works Director to refuse any more permits to such contractor until all violations have been corrected.

13.16.100 Taps and connections to be made by the City.

After permits have been issued, it shall then be the duty of the Utility Maintenance Group to tap the sewage collection pipe or inspect a tee or wye that was installed for the purpose of providing a connection point for a sewer service, as provided in this Chapter. A permit holder may furnish and install tees and wyes for the purpose of providing a connection point for a sewer service in compliance with the City’s Standard Specifications. No person shall tap or make connections, either directly or indirectly, to any of the collection systems of the sewer works of the City, to include private sewer collection systems, except through the Utility Maintenance Group.
13.16.110 Right to Work permits—Required.

A. Sewer tapping or connection to City sewage collection pipe permit. It is unlawful for any person to directly or indirectly tap or connect to any City sewage collection pipe without first obtaining a right to work permit to do such work.

B. Connections to sewer system permit. It is unlawful for any person to lay any sewer service pipe or introduce into or about any building or grounds any sewer service pipes, or do any plumbing work in any building or on any grounds for the purpose of connecting such pipes or plumbing, either directly or indirectly, to the City sewer mains, or make any additions or alterations of any sewer pipes, or other appurtenances for the collection of sewage from any premises, without first obtaining a right to work permit to do such work.

13.16.120 Tapping Right to work permit—Application.

A. Contractors Persons desirous of tapping or connecting to the City’s sewage collection pipes or discharging to the City’s sanitary sewer, within the jurisdictional areas of the city, shall have a licensed plumbing contractor or licensed underground utility contractor licensed under Chapter 13.24 make application, in writing, to the Utility Maintenance Group, City for a right to work permit. A right to work permit is required for the installation of tees or wyes for service connection to sewage collection pipes; however a tapping fee will not be charged for these installations. Such application shall state the name of the contractor, a description of the premises, a description of the tap location, the size of the tap, the kind of service pipe to be used, and the purpose for which it is to be used. Such application must be made at least 2 days before the work is to be commenced. This application may be combined with forms for other permits required by the City and shall include payment of a fee as set by resolution of the Common Council. The permit application shall be supplemented by the plans, specifications or other information considered pertinent in the judgment of the Public Works Director. A right to work permit shall be issued after the Public Works Director or his or her designee approves the application, and payment is made for tapping fees as provided for in this Chapter.

B. The owner or his or her agent shall make application for a connection permit on a form furnished by the City. This form may be combined with forms for other permits required by the City. The permit application shall be supplemented by the plans, specifications or other information considered pertinent in the judgment of the Public Works Director. Approval of the application shall be contingent upon payment of connection permit fees to the City.

B. If the contractor or property owner or agent intends to perform work in the public right of way, on City property, or within an easement designated for infrastructure owned and maintained by the City of Rapid City, a permit shall also be obtained from the City pursuant to Section 12.04.090 in addition to the permit(s) required under this Section.
13.16.140 **Responsibility for costs—Indemnification of City.**

All costs and expenses incident to the installation, connection and maintenance of the sewer service lines shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the sewer service lines.

(Ord. 5794 (part), 2012)

13.16.150 **Building sewer required for each premises.**

A separate and independent building sewer service shall be provided for each lot or premises. The location of sewer service lines shall be in conformance with the City’s Standard Specifications.

(Ord. 5794 (part), 2012)

13.16.160 **Surface runoff and groundwater prohibited.**

Except as allowed elsewhere in this Chapter, no person shall connect roof drains, foundation drains, areaway drains, storm drainage, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to the wastewater system. Outdoor dumpster(s) and refuse container(s) drains are prohibited if they are capable of receiving storm water either directly or indirectly.

(Ord. 5794 (part), 2012)

13.16.170 **Inspection of building sewer construction.**

The person holding a building sewer right to work permit shall notify the Public Works Director when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made during the presence and under the inspection of the Public Works Director or his or her representative. The inspection will include private individual wastewater pumping facilities and grease and sand interceptors when required by Code. Grease and sand interceptors are considered as a component of the Industrial Waste permit within this Chapter. Private individual wastewater pumping facilities will be considered as a facility governed by Title 15, and the fees will be in accordance with the provisions of Title 15.

(Ord. 5794 (part), 2012)

13.16.180 **Connections outside city.**

No sewer connection permit shall be issued after the effective date of this chapter to serve any property located outside the corporate limits of the city except with specific approval of the Common Council. The connections shall be authorized by resolution and shall be subject
13.16.180 Extension of public infrastructure to accommodate individual service connections.

Any extension of City public infrastructure to accommodate individual service connections shall comply with the IDCM and the Standard Specifications. The cost for installation of sewer infrastructure within a new development is the sole responsibility of the subdivider except for oversize cost as provided for in Title 16. The City may, at the discretion of the Common Council, choose to pay for a portion of the cost to extend sewer infrastructure to a new development.

(Ord. 5794 (part), 2012)

13.16.190 Special connections—Clean water to the sanitary sewer (sump pumps).

In special circumstances the Public Works Director may allow in writing, connections of sump pumps or clean water connections to the sanitary sewer. The Public Works Director, with the approval of the Common Council, shall establish written policies for the connection of sump pumps or other clean water sources to the sanitary sewer. Such policies shall include the parameters which will qualify for connection, the fees to be charged in connection therewith in addition to the rates for use of sewer, and such other matters as the Director shall deem appropriate.

ARTICLE III. USE OF PUBLIC SEWERS

13.16.200 Clean water prohibited from sanitary sewer.

No person shall discharge or cause to be discharged any storm water, surface water, groundwater or unpolluted industrial process water to any sewer, except as allowed elsewhere in this Chapter.

(Ord. 5794 (part), 2012)

13.16.210 Materials prohibited in sewers.

A. No person shall discharge or cause to be discharged any wastewaters to the wastewater system not in conformance with the national prohibited discharge standards, which may cause interference with the operation or performance of the wastewater facilities, or which may pass through the wastewater facilities. Wastewaters prohibited from discharge to the wastewater system under this Section shall include those wastewaters:

1. Containing pollutants which create a fire or explosion hazard in the wastewater facilities, including but not limited to, waste streams with a closed-cup flashpoint of less than 140° Fahrenheit (60° Celsius), or any pollutant that may create a health or safety hazard in the
wastewater system;

2. That are corrosive or that have a pH lower than 5 or greater than 12.5;

3. Containing solid or viscous pollutants in amounts that will obstruct the flow in the wastewater system;

4. Containing materials that could potentially interfere with the operation of the wastewater treatment facilities;

5. With temperatures above 150° Fahrenheit (65° Celsius), or which cause the wastewater entering the wastewater treatment facilities to exceed 104° Fahrenheit (40° Celsius);

6. Containing radioactive wastes or isotopes in concentrations that exceed limits established by state and federal regulations;

7. Containing petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass-through;

8. Containing pollutants which result in the presence of toxic gases, vapors or fumes within the wastewater facilities that may cause acute worker health and safety problems;

9. Containing any trucked or hauled pollutants, except at discharge points designated by the Public Works Director or his or her designee.

B. Unless specific limits have been established through the application of categorical pretreatment standards or categorical pretreatment standards modified by the combined wastestream formula, no person shall discharge or cause to be discharged any wastewaters containing the following chemicals with a daily maximum in excess of the local limits stated:

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Concentration (mg/l)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arsenic (As)</td>
<td>0.047</td>
</tr>
<tr>
<td>Cadmium (Cd)</td>
<td>0.0310</td>
</tr>
<tr>
<td>Chromium (Hexavalent)</td>
<td>0.054</td>
</tr>
<tr>
<td>Total Chromium</td>
<td>0.487</td>
</tr>
<tr>
<td>Copper (Cu)</td>
<td>0.718</td>
</tr>
<tr>
<td>Lead (Pb)</td>
<td>0.346</td>
</tr>
<tr>
<td>Mercury (Hg)</td>
<td>0.0002</td>
</tr>
<tr>
<td>Nickel (Ni)</td>
<td>0.510</td>
</tr>
<tr>
<td>Oil and grease (O &amp; G)</td>
<td>105</td>
</tr>
<tr>
<td>Selenium (Se)</td>
<td>0.092</td>
</tr>
</tbody>
</table>
Silver (Ag) 1.2660
Zinc (Zn) 5.307

C. These local limits do not apply to specific chemical constituents contained in an industrial user’s wastewaters when limits for the chemical constituent are set by categorical pretreatment standards. Categorical industrial users shall meet the more stringent of the local limits, applicable categorical standards, or, for a combined waste stream, the limits calculated in a manner prescribed by EPA.

(Ord. 5794 (part), 2012)

13.16.220 Action resulting from deposit of deleterious materials.

If any wastewaters are discharged to the wastewater facilities which, in the judgment of the Public Works Director, may contain materials or have characteristics which will have a deleterious effect upon the wastewater facilities or which may create safety, health or environmental hazards, the Public Works Director may:

A. Reject the wastes;

B. Require pretreatment to an acceptable condition for discharge to the wastewater facilities;

C. Require control over the quantities and rates of discharge;

D. Require payment to cover the added cost of handling and treating the wastes not covered by charges under other provisions of this chapter; or

E. The Public Works Director, or his or her designee, shall have the authority to establish additional discharge requirements as necessary for the protection of the wastewater facilities.

(Ord. 5794 (part), 2012)

13.16.230 Industrial waste permit.

A. No categorical or significant industrial user shall discharge wastewater to the wastewater facilities without having a valid industrial waste permit issued by the Public Works Director. A permit may be required for any industrial user as deemed necessary by the Director. All industrial users shall complete and submit an initial contract survey and any other reports required by the Director within 30 days after a written request by the City for the survey or report.

B. Industrial users shall comply fully with the terms of their permits and the provisions of this chapter. Violation of a permit condition is deemed a violation of this chapter.

C. Persons proposing to connect to the wastewater facilities and determined by the Public Works Director as requiring an industrial waste permit shall request same at least 60 days prior
to commencing the discharge to the wastewater system. All permittees shall reapply for a new permit at least 60 days prior to the expiration of the old permit.

D. All applications shall be in the form prescribed by the Public Works Director. The industry shall provide all information that could affect the characteristics of wastewaters to be discharged to the wastewater system.

E. An applicant or permittee shall notify the Public Works Director of any new or increased contribution of pollutants or changes in the nature of pollutants not indicated in the permit application.

F. Industrial waste permits shall include, but not be limited to, the following terms:

1. Notice of the general and specific prohibitions required by §13.16.210;
2. Prohibitions on discharge of certain materials determined by the Public Works Director pursuant to this Chapter;
3. Notice of applicable national categorical pretreatment standards;
4. Requirements for installation of pretreatment necessary to achieve compliance with the requirements of this Chapter. The design and installation of the technology shall be subject to the review, inspection and approval of the Public Works Director, and is also subject to the requirements of all applicable codes, ordinances and federal and state laws;
5. Compliance schedules;
6. Monitoring, sampling, recordkeeping, reporting, notice, control manhole and measuring requirements;
7. Special requirements regarding unusual strength wastewater;
8. Requirements for additional payments;
9. Other conditions necessary to carry out the requirements of this Chapter and applicable federal and state laws and regulations.

G. Permits will be issued for a period not to exceed 5 years, but no less than 1 year.

H. Permits are not transferable.

I. Permits may be modified by the Public Works Director for just cause upon 30-days’ notice. Just cause shall include, but not be limited to:

1. Promulgation of a new applicable national categorical pretreatment standard;
2. Changes in the requirements of this Chapter;
3. Changes in processes used by the permittee or changes in discharge volume or character;

4. Changes in design or capability of the wastewater facilities.

J. Permits may be revoked for just cause including, but not limited to violation of any terms and conditions of the industrial waste permit or any other violation of this Chapter; obtaining a permit by misrepresentation or failure to disclose fully all relevant facts; and false statements in any required report.

K. The permittee will allow the Public Works Director, or his or her designee, with proper identification, to enter the premises for the purpose of inspection, observation, measurement, evaluation, sampling and/or testing a minimum of once per year.

(Ord. 5794 (part), 2012)

13.16.240 Interceptors.

The following regulations shall govern the pretreatment and discharge of wastewaters from minor industrial users:

A. Grease, oil and solids interceptors shall be installed by each minor industrial user for the proper handling of liquid wastes containing floating oils, fats, or grease or sediment in excessive amounts or any flammable wastes, or other harmful ingredients. The Public Works Director may specify minimum construction standards for interceptors and other pretreatment devices. Suitable pretreatment devices shall be installed by all minor industrial users when making any modifications to the liquid waste plumbing or prior to January 1, 1995, whichever is the first to occur.

B. Interceptors shall be of a type and capacity approved by the Public Works Director and as specified by the most current Interceptor Policy adopted by the City. Interceptors shall be located under cover and shall be readily and easily accessible for cleaning and inspection. Drainwater, unpolluted runoff, groundwater or unpolluted waste streams shall not be discharged to interceptors.

C. Interceptors approved by the Public Works Director shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.

D. Interceptors shall be maintained by the owner, at his or her expense, and shall be continuously operated at all times.

E. Failure by the owner to properly clean and maintain interceptors shall be considered sufficient cause for the Public Works Director to disconnect the industrial user from the wastewater facilities or to direct that the industrial user discontinue discharging to the
wastewater facilities, or to take enforcement or punitive actions as provided for in this chapter.

(Ord. 5794 (part), 2012)

13.16.250 Screens required.

In plants processing fruits, vegetables and similar produce, screens shall be provided when, in the opinion of the Director, they are necessary to reduce the concentration of industrial wastes to acceptable levels. Screens shall be of a type and capacity approved by the Director and shall be located so as to be readily and easily accessible for cleaning and inspection. Failure by the owner to properly clean and maintain these units shall be considered sufficient cause for the Director to disconnect the industrial user from the facilities, or to direct that the discharge of wastewater to the wastewater facilities be discontinued, or to take enforcement or punitive actions as provided for in this chapter.

(Ord. 5794 (part), 2012)

13.16.260 Pretreatment facility maintenance.

Where preliminary treatment, flow measurement, sampling or flow-equalizing facilities are provided for any industrial wastewaters, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner’s expense.

(Ord. 5794 (part), 2012)

13.16.270 Monitoring, sampling, record keeping, reporting, notice, control manhole and flow measurement requirements.

A. Industrial users may be required at their own expense, to install, calibrate, operate and maintain sampling or monitoring equipment necessary to determine compliance with this chapter or requirements that may be specified as a condition of the industrial waste permit or to determine wastewater flows and characteristics as required to determine sewer use charges.

B. Industrial users subject to categorical pretreatment standards shall be required, and all other industrial users may be required, to take samples of effluents in accordance with specified methods at the locations, at the intervals and in such a manner as may be prescribed by the Director, which are necessary to determine compliance with categorical pretreatment standards and other requirements contained in the industrial waste permit.

C. Categorical industrial users shall be required to keep records as described in 40 C.F.R. pt. 403.12(o)(4) and amendments thereto. All other industrial users may be required to keep records designated by the Director.

D. Industrial users subject to categorical pretreatment standards shall be required submit to the Director the reports described in 40 C.F.R. pt. 403.12. Industrial users subject to categorical pretreatment standards shall also comply with any additional requirements specified in an
applicable categorical pretreatment standard or elsewhere in 40 C.F.R. pt. 403.12, and amendments thereto. The Director may prescribe reporting requirements for all other industrial users as he or she determines to be necessary for the enforcement of this chapter.

E. Industrial users shall notify the Director or designee immediately of any slug loading.

F. If not already required by this section, the Director or designee may require any industrial user to install, at the owner’s expense, a suitable device for continuously recording the flow discharged to the City’s wastewater facilities. The measuring device may be installed on the source of the water to the industrial plant if that quantity is to be used as the measurement for the wastewater produced. If sufficient evidence is presented to the Director that not all water used reaches the sewer, an estimate will be made by the Director of the proper amount to be deducted to compute the wastewater flow.

G. The Director may require an industrial user to install at its own expense a suitable control manhole to facilitate observation and sampling of industrial waste. The manhole and any monitoring or measuring devices required under subsections A. or F. of this section shall be accessible and safely located and shall be constructed in accordance with plans approved by the Director. They shall be of such design and construction as to prevent infiltration by ground and surface waters, or introduction of slugs or solids to the wastewater facilities. The installation of screens with a maximum opening of 1 inch, but of sufficient fineness to prevent the entrance of objectionable slugs or solids, may be required. The facilities shall be so maintained by the person discharging industrial waste that the Director may readily and safely measure the flow rate or obtain samples of the flow at all times.

(Ord. 5794 (part), 2012)

13.16.280 Testing and sampling procedures.

All measurements, tests, sampling and analysis of the characteristics of wastewaters discharged to the City’s wastewater facilities shall be determined in accordance with rules, specified in 40 C.F.R. pt. 136, or in the absence of 40 C.F.R. pt. 136 methods, by methods contained in the latest edition of Standard Methods of Examination of Water and Wastewater, as published by the American Public Health Association, and shall be determined at the location designated by the Public Works Director or his or her designee.

(Ord. 5794 (part), 2012)

13.16.290 Special agreements for unusual strength wastewater.

No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the City and industrial users whereby an industrial waste may be accepted by the City for treatment subject to payment by the industrial user of additional charges.

(Ord. 5794 (part), 2012)
13.16.300 Authority to require compliance with federal categorical pretreatment standards.

A. Upon promulgation of the federal categorical pretreatment standards (authorized by § 307 of the Clean Water Act) for a particular industrial subcategory, the federal standard, if more stringent than the limitations imposed under this Chapter, or in the absence of the applicable pretreatment limitations in this Chapter, shall become applicable. The Director or designee shall promptly notify all affected industrial users of the reporting requirements contained in 40 C.F.R. pt. 403.12 and shall require that the reports be signed by an officer of the industry who shall certify the completeness and accuracy of the report.

B. The Director or designee shall have the authority to place all affected industrial users on compliance schedules, receive and analyze reports on progress toward compliance, and insure that all applicable industrial users install the facilities necessary to achieve the required levels of treatment specified by the national categorical standard on or before the deadline specified in the standard. This authority shall also be applicable to those industrial users who discharge substances identified as prohibited discharges.

(Ord. 5794 (part), 2012)

ARTICLE IV. SERVICE CHARGES

13.16.310 Tapping fees.

If it is necessary to tap a sewer at any place other than where an existing tee tap, tee, or a wye has been placed, the City will make a tap after a regular sewer connection right to work permit has been issued and the appropriate fees are paid. The tap fees shall be set by resolution of the Common Council. Any tap, tee or wye that is not used shall be abandoned in accordance with Title 13 and the City’s Standard Specifications.

(Ord. 6202 (part), 2017: Ord. 5794 (part), 2012)

13.16.320 Industrial waste permit fees.

Each permittee shall pay an annual administrative fee effective for all industrial waste permits in an amount set by resolution of the Common Council.

(Ord. 6202 (part), 2017: Ord. 5794 (part), 2012)

13.16.330 Connection fees permit.

Applicants for a permit to discharge to the sanitary sewer shall pay a fee as set by resolution of the Common Council. Owners of property desirous of discharging to the sanitary sewer, within the corporate limits of the city, shall have a licensed plumbing contractor or licensed underground utility contractor make application, in writing, to the Water and Sewer Department. Such application to state the name of the owner, a description of the premises, the size of the tap, the kind of service pipe to be used, and the purpose for which it is to be used.
Such application must be made at least 2 days before the work is to be commenced. A permit shall be issued after the application is approved by the Director of Public Works or his or her designee and payment is made for fees as provided for in this chapter.

(Ord. 5794 (part), 2012)

13.16.340 Connection Service inspection and re-inspection fees.

A service inspection fee shall be charged by City and paid by permit holder to cover the cost of a field inspection and related administrative costs. Each inspection shall require the payment of an inspection fee as set by resolution of the Common Council. Each trip for inspection of the same section of the private sewer service line shall require the payment of a separate inspection fee. A service line inspection fee shall be payable for all new service lines, which shall provide an initial field inspection of the private sewer service line from the sewer stub to the structure, mileage, administrative tracking and card drawing. Each additional inspection of the private sewer line shall require the payment of a re-inspection fee. The inspection and re-inspection fees shall be set by resolution of the Common Council.

(Ord. 6202 (part), 2017: Ord. 5794 (part), 2012)

13.16.350 Sewer construction fees.

Upon recommendation by the Director, the Common Council may, by resolution, impose sewer construction fees on individual properties in certain identified, unserved areas when properties in such area are benefitted by the installation of a sewer. All users in such service area shall pay an additional sewer construction fee prior to connecting to the sewer. This sewer construction fee shall be in addition to the ordinary tapother fees imposed by this chapter. The City may enter into agreements assigning the cost of installation of sewer and water mains to serve such service areas. The ordinance codified in this section implements authority granted in SDCL § 9-48-15.

(Ord. 5794 (part), 2012)

13.16.360 Sewer use charge.

A. Unit rate. The Common Council shall set by resolution a unit rate that includes operating, maintenance and capital expenses. Rates shall be effective on the date as set by Council, and rates shall be applied based upon the rate in effect on the billing date, not usage date.

B. Meter charge. A total meter charge, based upon the size of the non-irrigation water meter serving the user, shall be billed to each account for sewer service paid for by the customer served. This total meter charge shall include a charge associated with operating, maintenance and capital expenses plus a surcharge associated with an environmental fee. The environmental fee surcharge covers the tax imposed by the state as an environmental fee upon municipal sewage collection systems. The meter charge shall be set by resolution of the Common Council.

C. Rate determination. All wastewater and industrial waste discharged to the wastewater
facilities shall be charged topaid for by the customer served owner of the property. The methods used for determining the sewer use charge shall be as follows:

1. **Residential users.** All residential wastewater users of wastewater as defined in Section 13.04.010 shall be assessed a monthly meter charge per subsection B. of this Section. The wastewater flow from residential connections shall be determined each year from the metered water use for 3 winter months using the water meter readings showing usage in December, January, and February.

   a. The average monthly use calculated by this method shall be multiplied by the rate set by the Common Council pursuant to subsection A of this Section to determine the monthly sewer use charge for the 12-month period commencing April 1.

   b. A request to transfer service from one premises to another premises shall be considered as a request to set up a new utility service, and applicants shall be treated as a new residential user. Usage from previous premises will not be used to calculate wastewater flow at the new premises.

   c. New residential users, any users who do not have a meter reading, and users who have a meter reading showing zero usage in any month in the three-month averaging period shall be assigned the average single-family residential water use of 500 cubic feet per month per dwelling unit served for each month a meter reading is not available or has a reading of zero usage.

   d. An intermittent residential user whose residence is unoccupied during the averaging period or users who experienced a water leak during the averaging period may, upon application on a form provided by the Public Works Department, petition for an adjustment to the monthly sewer use charge, using a process determined by the Public Works Director. Alternately, a user may request to use the average of the total monthly usage for the previous calendar year when requesting an adjustment. When granted, adjustments will be applied to future bills; if appropriate, adjustments may also be applied to the previous month’s bill but shall not otherwise be applied retroactively. The Director of Public Works or his or her designee shall have the discretion to grant such petition for good cause. Residential users who move to a new residence shall have the use from their previous residence assigned to them. The average monthly winter use measured in hundreds of cubic feet, shall be multiplied by the rate set by the Common Council pursuant to subsection A. of this section and the product will determine the monthly sewer use charge for the 12-month period commencing April 1 for each year. New residential users, or intermittent users who do not petition as provided above, shall pay a sewer use charge based on the average single family residential water use of 500 cubic feet per month per dwelling unit served and this volume shall be used until the end of the next averaging period (December, January and February). For any of the 3 averaging months in which the meter is not actually read, the amount of 500 cubic feet times the number of dwelling units shall be inserted for that month to determine the average for the 3 months.
e. Residents with cCity sewer service only (i.e., no cCity water) shall pay a
   cCity use charge of 700 cubic feet per month. The resident may elect to install a
   potable water meter and radio read as an alternative to the 700 cubic feet per
   month and be charged per the normal winter use average as identified within this
   cChapter.

Residents experiencing leaks located after the meter during the sewer usage averaging period
will be allowed sewer billing adjustments until the completion of the next sewer averaging
period following notification by the customer. Sewer usage will be adjusted by taking the
average of the last 3 winter averaging periods, or the minimum billing volume of 500 cubic feet
if the record is less than 3 years.

Residential users irrigating during any of the 3 months from which the sewer rates are
determined will be allowed a rate reduction, as set forth in the previous paragraph. To receive
such an adjustment, a residential user must sign an affidavit provided by the Public Works
Department, affirming that they irrigated during the time of the sewer charge calculation.

2. Commercial and institutional users discharging domestic wastewater. All
   commercial and institutional wastewater users shall be assessed a monthly meter charge per
   subsection B. of this cSection. The sewer use charge for commercial and institutional
   connections discharging wastewaters similar in physical, biological and chemical quality to
   domestic wastewater shall be determined by multiplying the monthly wastewater volume in units
   by the rate established by the Common Council pursuant to subsection A. The wastewater
   volume shall be determined from the monthly metered water use from a City approved water
   meter unless special allowances are made or the wastewater is metered as provided herein.

3. Industrial users. All industrial wastewater users shall be assessed a monthly meter
   charge per Subsection B. of this cSection. The sewer charge for industrial connections shall be
determined by multiplying the monthly wastewater volume measured in units by the rate set by
the Common Council pursuant to subsection A. of this cSection, whenever the BOD
concentration is less than 260 mg/l and the suspended solids concentration is less than 250 mg/l
based on the average of flow proportioned, composite samples, collected at the times,
frequencies and in the manner designated by the Director. Whenever the BOD concentration
exceeds 260 mg/l or the suspended solids concentration exceeds 250 mg/l, based on the sampling
and testing program specified by the Director, a surcharge will be assessed per pound of BOD
and TSS on the portion of wastes in excess of 260 mg/l BOD or 250 mg/l TSS. The surcharge
shall be set by resolution of the Common Council.

4. The rate to be paid for sewer service through lines owned by a governmental entity
   other than the cCity shall may be established by contract.

D. Non-residential rate adjustments. Non-residential users may receive an adjustment to
their sewer charge for non-irrigation water that is not discharged to the sanitary sewer. Such an
adjustment shall only be made if the water is not used for irrigation and if the amount of water
that is prevented from being discharged into the sanitary sewer system is metered, or if the actual
sewage flow is metered.
E. **Sewer Utility Rate Relief Program.** Residential sewer utility account holder users can apply for rate relief on monthly sewer and unit utility service charges, under the Utility Rate Relief Program as provided in Section 13.08.400.C. Eligibility for this program is based upon criteria outlined by the State of South Dakota Department of Revenue for the purpose of the Assessments Freeze for the Elderly and Disabled Program (hereinafter “State Program”). The Sewer Rate Relief Program shall be administered through the city Public Works Department. The Director of Public Works shall have the authority to establish policies and procedures for administration of the program. In order to qualify for the program an applicant must meet the following criteria:

1. Must either be 65 years of age or older or disabled as defined by the Social Security Act.

2. Income (applicant’s federal adjusted gross income plus any other income including social security payments) must meet the requirements set by the State Program.

3. Applicant may own, rent, lease, or have a life estate in the property for which the freeze is applied for. Applicant must physically reside at the property. The sewer bill must be in the applicant’s name. If the residence has multiple units, but is served by only 1 service line, the residents of the property are not eligible for the program. If the applicant owns or has a life estate in the property, it must have a fair market value that meets the requirements set by the State Program. If the applicant rents or leases the property the rent or lease payment must be less than $900 for a single person or less than $1,200 for a multiple income household.

4. If an applicant qualifies for the program, their sewer and meter rates will be reduced by 20% for a period of 2 years or until the renewal date established by the Public Works Director. The applicant must reapply at least every 2 years, or more frequently as the policies established by the Public Works Director may require. If the fair market value of the applicant’s property or the rent paid by them exceeds the threshold amounts, they can still qualify for the program if they were qualified in the immediately preceding 2 years and remain domiciled in the same residence.

F. **Monitoring.** All categorical and significant industrial users shall, at their own expense, monitor their wastewater discharge to determine their sewer use rate. Any other industrial user choosing to monitor its discharge may do so at its own expense.

G. **Exempt from monitoring.** All minor industrial users shall be exempt from self-monitoring for the purposes of this Section.

H. **Wastewater volume measurement.**

1. Any industrial user may choose to measure the actual wastewater flow in lieu of basing the wastewater use charges on the metered water. In such cases, the conditions set forth herein shall apply.

2. Any industrial user receiving non-metered water shall either install water meters for
all non-metered sources or provide wastewater flow measurement in accordance to the conditions set forth herein.

3. All meters for non-metered water sources and wastewater flow measurement devices shall be installed in accordance with plans and specifications approved by the Director. All costs for design and installation shall be borne by the owner. The owner shall guarantee the City access to the meter or meters for periodic meter reading.

I. Review of each user’s wastewater service charge. If an industrial user has completed in-plant modifications which would change the user’s wastewater characteristics or flows, the user can request that the Public Works Director adjust the industrial user’s surcharge rate. The Public Works Director’s decision can be appealed to the City Common Council in a manner designated in § 13.16.400.


13.16.370 Annual contracts.

Industrial users may enter into annual contracts for sewer surcharges based on historical wastewater charges tied to water use or units of production. This alternative must be requested by the industry, and the contract must be approved by the Public Works Director.

(Ord. 5794 (part), 2012)

13.16.380 Billing.

The sewer use billing shall be monthly, and shall be based on the rates determined in § 13.16.360 the rates for any and all charges the City shall make under this Chapter shall be set by resolution of the Common Council. The sewer use bill shall be submitted with the monthly water utility bill, and the provisions of §§ 13.08.470 and 13.08.500 shall apply. Rates shall be applied based upon the rate in effect on the billing date, not usage date.

(Ord. 5794 (part), 2012)

13.16.390 Use of fees.

A. All sewer use charges, meter fees, connection fees, sewer tapping fees, and re-inspection fees and other fees directly related to the City wastewater system and paid to the City pursuant to this chapter shall be deposited into the wastewater enterprise fund, shall be separately accounted for, and shall be used for the purpose of providing funds for amortizing sewer bonds, wastewater facility capital improvements or wastewater facility operation. This collective funding shall be used for the purposes of providing funds for payment of wastewater system bonds; constructing and completing wastewater system improvements; operating, maintaining, and repairing the City’s wastewater system; and all other expenses directly related to the wastewater system.
B. A portion of the wastewater system funds collected shall be spent on construction for wastewater system replacement, improvement, and expansion/economic development type projects as defined in Section 13.04.010. All sewer use charges, industrial user permit fees and connection fees shall be deposited in the wastewater enterprise fund and used for the purpose of providing funds for payment of wastewater facilities bonds, construction and completion of wastewater facility improvements and for the payment of operation, maintenance and repair of the wastewater facilities.

(Ord. 5794 (part), 2012)

ARTICLE V. APPEALS

13.16.400 Generally.

Any person who feels aggrieved by a decision of the Director under this chapter made pursuant to Article III may file an appeal with the Public Works Committee of the Common Council as a Utility Board of Appeals on the terms and conditions hereinafter specified. The Utility Board of Appeals may be the Common Council sitting as such Board, or the Common Council may designate another entity or may appoint individuals to sit as such Board. As such board, the Utility Board of Appeals shall have the power to adopt, amend or modify any order or determination made by the Public Works Director or his or her designee under this chapter.

(Ord. 5794 (part), 2012)

13.16.410 Filing.

A. Form of appeal. Any person entitled to appeal may do so by filing an appeal at the office of the Public Works Director within 10 days from the date of determination or order of the Public Works Director, or his or her designee. The appeal shall contain the following:

1. A heading in the words: Before the Public Works Committee of the Common Council; Utility Board of Appeals of the Rapid City Common Council;

2. A caption reading: Appeal of [giving the names of all appellants participating in the appeal];

3. A brief statement setting forth the legal interest of each of the appellants in the building or the land involved in the notice and order;

4. A brief statement describing in ordinary and concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant;

5. A brief statement describing in ordinary and concise language of the relief sought, and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside;
6. The signatures of all parties named as applicants and their official mailing addresses; and

7. The verification (by declaration under penalty of perjury) of at least 1 appellant as to the truth of the matters stated in the appeal.

B. Processing of appeal. Upon receipt of any appeal filed pursuant to this chapter, the Public Works Director shall notify the Chairperson of the Public Works Committee and shall timely present the appeal at the next regular or special meeting of the Public Works Committee.

C. Scheduling and noticing appeal for hearing. As soon as practicable after receiving the written appeal, the Utility Board of Appeals shall fix a date, time and place for the hearing of the appeal by the Board. The date shall be not less than 10 days nor more than 60 days from the date the appeal was filed with the Director. Written notice of time and place of the hearing shall be given at least 10 days prior to the date of the hearing to each appellant by the Director either by causing a copy of the notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at his or her address shown on the appeal.

D. Failure of any person to file an appeal. In accordance with the provisions of this chapter, failure to timely file an appeal shall constitute a waiver of his or her right to an administrative hearing and adjudication of the notice and order, or any portion thereof.

E. Scope of hearing an appeal. Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.

F. Staying of order under appeal. Except for certain orders made pursuant to this chapter, enforcement of any notice and order of the Public Works Director or his or her designee issued under this chapter shall be stayed during the pendency of an appeal therefrom which is properly and timely filed.

(Ord. 5794 (part), 2012)

13.16.420 Procedure for conduct of hearing.

A. Hearing examiners. The Public Works Committee may appoint 1 or more hearing examiners or designate 1 or more of its members to serve as hearing examiners to conduct the hearings. The examiner hearing the case shall exercise all powers relating to the conduct of hearings until it is submitted to the Committee for decision.

B. Record. A record of the entire proceedings shall be made by tape recording, or by any other means of permanent recording determined to be appropriate by the Committee.

C. Reporting. The proceedings at the hearing shall also be reported by a phonographic reporter if requested by any party thereto. A transcript of the proceedings shall be made available to all parties upon request and upon payment of the fee prescribed therefor. The fees may be
established by the Committee Board, but shall in no event be greater than the cost involved.

D. **Continuances.** The Committee Board may grant continuances for good cause shown; however, when a hearing examiner has been assigned to the hearing, no continuances may be granted except by him or her for good cause shown so long as the matter remains before him or her.

E. **Oaths—certification.** In any proceedings under this chapter, the Committee Board, any Committee Board member, or the hearing examiner has the power to administer oaths and affirmation and to certify to official acts.

F. **Reasonable dispatch.** The Committee Board and its representatives shall proceed with reasonable dispatch to conclude any matter before it. Due regard shall be shown for the convenience and necessity of any parties or their representatives.

G. **Form of notice of hearing.** The notice to appellant shall be substantially in the following form, but may include other information:

You are hereby notified that a hearing will be held before the Public Works Committee Utility Board of Appeals of the Rapid City Common Council at __ on the __________ day of __, at the hour __, upon the notice and order served upon you. You may be present at the hearing. You may be, or may but not be, represented by counsel, you may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You may request the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by filing an affidavit therefor with the Public Works Committee Utility Board of Appeals.

H. **Subpoenas.**

1. **Filing of affidavit.** The Public Works Committee Utility Board of Appeals or examiner may obtain the issuance and service of a subpoena for the attendance of witnesses or the production of other evidence at a hearing upon the request of a member of the Committee Board or upon the written demand of any party. The issuance and service of the subpoenas shall be obtained upon the filing of an affidavit therefor which states the name and address of the proposed witness; specifies the exact things sought to be produced and the materiality thereof in detail to the issues involved; and states that the witness has the desired things in his or her possession or under his or her control. A subpoena need not be issued when the affidavit is defective in any particular.

2. **Cases referred to examiner.** In cases where a hearing is referred to an examiner, all subpoenas shall be obtained through the examiner.

3. **Penalties.** Any person who refuses without lawful excuse to attend any hearing, or to produce material evidence in his or her possession or under his or her control as required by any subpoena served upon the person as provided for herein shall be guilty of a misdemeanor.

   I. **Conduct of hearing.**
1. **Rules.** Hearings need not be conducted according to the technical rules relating to evidence and witnesses.

2. **Hearsay evidence.** Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be efficient in itself to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in this state.

3. **Admissibility of evidence.** Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of the evidence over objection in civil actions in courts of competent jurisdiction in the state.

4. **Oral evidence.** Oral evidence shall be taken only as an oath or affirmation.

5. **Excluding of evidence.** Irrelevant and unduly repetitious evidence shall be excluded.

6. **Rights of parties.** Each party shall have these rights, among others:
   
   a. To call and examine witnesses on any matter relevant to the issues of the hearing;
   b. To introduce documentary and physical evidence;
   c. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
   d. To impeach any witness regardless of which party first called him or her to testify;
   e. To rebut the evidence against him or her; and
   f. To represent himself or herself or to be represented by anyone of his or her choice who is lawfully permitted to do so.

7. **Official notice—what may be noticed.** In reaching a decision, official notice may be taken, either before or after submission of the case for decision, of any fact which may be judicially noticed by the courts of the state or of official records of the Public Works CommitteeUtility Board of Appeals or departments and ordinances of the City or rules and regulations of the Public Works CommitteeUtility Board of Appeals.

8. **Parties to be notified.** Parties present at the hearing shall be informed of the matters to be noticed, and these matters shall be noted in the record, referred to therein or appended thereto.

9. **Opportunity to refute.** Parties present at the hearing shall be given a reasonable opportunity, on request, to refute the officially noticed matters by evidence or by written or oral presentation of authority, the manner of the refutation to be determined by the...
Committee Utility Board of Appeals or hearing examiner.

10. Inspection of the premises. The Public Works Committee Utility Board of Appeals or the hearing examiner may inspect any building or premises involved in the appeal during the course of the hearing; provided, that (i) notice of the inspection shall be given to the parties before the inspection is made, (ii) the parties are given an opportunity to be present during the inspection, and (iii) the Committee Board or the hearing examiner shall state for the record upon completion of the inspection the material facts observed and the conclusions drawn therefrom. Each party then shall have a right to rebut or explain the matters so stated by the Committee Board or hearing examiner.

J. Method and form of decision.

1. Hearing before the Public Works Committee Utility Board of Appeals itself. Where a contested case is heard before the Public Works Committee Utility Board of Appeals itself, no member thereof who did not hear the evidence or has not read the entire record of the proceedings shall vote on or take part in the decision.

2. Hearing before examiner. If a contested case is heard by a hearing examiner alone, he or she shall within a reasonable time (not to exceed 90 days from the date the hearing is closed) submit a written report to the Committee Board. The report shall contain a brief summary of the evidence considered and state the examiner’s findings, conclusions and recommendations. The report also shall contain a proposed decision in such form that it may be adopted by the Committee Board as its decision in the case. All examiner’s reports filed with the Committee Board shall be matters of public record. A copy of each such report and proposed decision shall be mailed to each party on the date they are filed with the Committee Board.

3. Consideration of report by Committee Board notice. The Committee Board shall fix a time, date and place to consider the examiner’s report and proposed decision. Notice thereof shall be mailed to each interested party not less than 5 days prior to the date fixed, unless it is otherwise stipulated by all of the parties.

4. Exceptions to report. Not later than 2 days before the date set to consider the report, any party may file written exceptions to any part or all of the examiner’s report and may attach thereto a proposed decision with written argument in support of the decision. By leave of the Committee Board, any party may present oral argument to the Public Works Committee Utility Board of Appeals.

5. Disposition by the Committee Board. The Committee Board may adopt or reject the proposed decision in its entirety, or may modify the proposed decision.

6. Proposed decisions not adopted. If the proposed decision is not adopted as provided in subdivision 5. of this subsection, the Committee Board may decide the case upon the entire record before it, with or without taking additional evidence or may refer the case to the same or another hearing examiner to take additional evidence. If the case is reassigned to a hearing examiner, he or she shall prepare a report and proposed decision as provided in subdivision 2. of this subsection after any additional evidence is submitted. Consideration of the proposed
decision by the Committee Board shall comply with the provisions of this section.

7. **Form of decision.** The decision shall be in writing and shall contain findings of fact, a determination of the issues presented, and the requirements to be complied with. A copy of the decision shall be delivered to the appellant personally or sent to him or her by certified mail, postage prepaid, return receipt requested.

8. **Effective date of decision.** The effective date of the decision shall be as stated therein.

(Ord. 5794 (part), 2012)

ARTICLE VI. ENFORCEMENT

13.16.430 Prosecution for damage to system.

No unauthorized person shall maliciously, willfully or negligently deposit materials in a manhole or sewer, break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment; or open manholes or enter on any property which is part of the wastewater facilities. Any person violating this provision shall be subject to immediate arrest under charges of disorderly conduct.

(Ord. 5794 (part), 2012)

13.16.440 Inspection of premises of industrial users.

The Public Works Director and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter upon the property of all industrial users for the purpose of inspection, observation, measurement, sampling and testing to determine compliance with the provisions of this chapter or any other permits issued there under. The Public Works Director or his or her duly authorized representative shall have the authority to examine and copy any and all records required to be maintained by industrial users for the purpose of determining compliance with this chapter.

(Ord. 5794 (part), 2012)


While performing the necessary work on private properties referred to in § 13.16.440, the Public Works Director or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the industrial user, and the industrial user shall be held harmless for injury or death to the city employees, and the city shall indemnify the industrial user against loss or damage to its property by city employees and against liability claims and damages for personal injury or property damage asserted against the industrial user and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the industrial user to maintain safe conditions as required in this chapter.
13.16.460 Notice of violation for industrial users.

Any person found to be violating any provision of Article III of this Chapter shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in the notice, permanently cease all violations. The notice requirements of this Section may be waived by the Public Works Director if, in the Public Works Director’s opinion, the violation constitutes an imminent threat to human health, safety, or the environment, or to the proper operation of the wastewater facilities or is a violation of federal or state law.

13.16.470 Violation—Penalty—Industrial users.

A. Any person who violates the provisions of Article III of this Chapter who continues any violation beyond the time limit provided for in the notice of violation issued in accordance with § 13.16.460, the violation shall be punishable by a fine not to exceed $1,000. Each day in which the violation shall continue shall be deemed as a separate offense.

B. Any industrial user who shall be found to be in significant noncompliance with the provisions of the Clean Water Act, including regulations promulgated by EPA in accordance with the provisions of the Clean Water Act, shall be subject to the penalties provided for in the Clean Water Act and in EPA regulations promulgated under the authorities granted to EPA by the Clean Water Act.

13.16.480 Violation—Liability for related costs.

Any person violating any of the provisions of this Chapter shall become liable to the City for any expense, loss or damage occasioned by the City by reason of the violations. If a user violates the conditions of this Chapter and continues to discharge wastewaters after receiving the notice under § 13.16.460, the Director may terminate the facility’s service by terminating water service and/or physically disconnecting the facility’s sewer service.

ARTICLE VII. LIQUID WASTE HAULERS REGULATIONS

13.16.490 Applicability.

These regulations shall apply to all liquid waste haulers that dispose of liquid wastes at the City wastewater treatment works.
13.16.500 Interagency cooperation.

In those cases where statutes, ordinances, regulations or other legal conditions exist which refer to or require approval by the county, the Director will coordinate with said entity for proper liquid waste disposal.

(Ord. 5794 (part), 2012)

13.16.510 Liquid waste disposal.

It is unlawful to dispose of liquid waste into surface waters, fractured bedrock, groundwater or in any other manner which would endanger public health. It is also unlawful to dispose of liquid waste in a manner not in compliance with 40 C.F.R. part 503.

(Ord. 5794 (part), 2012)

013.16.520 Liquid waste haulage.

A. It is unlawful to haul liquid waste in any vehicle that is improperly maintained such that the waste leaks or may reasonably be expected to leak from the tank, pump or associated equipment.

B. Anyone engaged in the business of liquid waste and disposing of liquid wastes at the wastewater treatment works shall be required to obtain a liquid waste haulage owner’s permit.

C. Anyone operating a liquid waste hauling vehicle while in the employ of a person or company engaged in the business of liquid waste haulage and disposing of liquid wastes at the wastewater treatment works shall be required to obtain a liquid waste haulage operator’s permit.

(Ord. 5794 (part), 2012)

13.16.530 Liquid waste haulage permits.

A. General requirements.

1. Written application, on forms provided by the City, shall be submitted to the Public Works Director before a liquid waste hauler’s permit will be considered. All permit applications shall include payment of an application fee set by resolution of the Common Council.

2. Applicant shall possess all necessary county, state and federal licenses and requirements.

3. The Public Works Director may issue liquid waste haulage permits only after all
requirements of the application process have been met. Permits are not transferrable; any may be denied or revoked for violation by the holder of any applicable provision of this ordinance or similar laws or rules of the state.

4. Permits shall expire June 30 of each year unless the permit has been suspended prior to that date. Permits submitted for renewal 30 days or longer following the expiration date will be considered as a new permit and not a renewed permit.

B. **Liquid waste haulage owner’s permit.**

1. As part of the application process, all applicants shall make their liquid waste haulage vehicles available for inspection by the Director to ensure that equipment used to pump, haul, and dispose of liquid waste is maintained and operated in a sanitary manner and is capable of properly handling and disposing of liquid waste.

2. Each vehicle used for hauling liquid wastes shall be registered with the City and display the owner’s permit number in black 3-inch-high numbers, on a white reflective background, in 3 locations on each vehicle. The locations shall be on opposing sides and the back. Permit numbers shall be visible and easily readable at all times.

3. Liquid waste haulage vehicles shall be inspected as needed, as determined by the City, on a yearly basis as a condition of renewal of the owner’s permit to verify continued accordance with these regulations.

C. **Liquid waste haulage operator’s permit.**

1. Applicants shall have their application signed by the permitted owner by whom they are employed who shall certify that the applicant is authorized to operate equipment registered by the owner.

2. Operators shall renew their permit annually and at any time they become employed by an owner other than the person who signed the applicant’s operator’s permit application.

D. **Permit fees.**

1. The permit fee and the annual renewal fee for a liquid waste haulage owner’s permit shall be as shown below:

<table>
<thead>
<tr>
<th></th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permit Fee</td>
<td>$110</td>
<td>$121</td>
<td>$133</td>
<td>$140</td>
<td>$147</td>
</tr>
<tr>
<td>Annual Renewal Fee</td>
<td>$28</td>
<td>$34</td>
<td>$34</td>
<td>$36</td>
<td>$37</td>
</tr>
</tbody>
</table>

2. The permit fee for a liquid waste haulage operator’s permit and the annual renewal
fee shall be as shown below:

<table>
<thead>
<tr>
<th></th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Operator’s Permit</strong></td>
<td>$28</td>
<td>$31</td>
<td>$34</td>
<td>$36</td>
<td>$37</td>
</tr>
<tr>
<td><strong>Annual Renewal Fee</strong></td>
<td>$11</td>
<td>$12</td>
<td>$13</td>
<td>$14</td>
<td>$15</td>
</tr>
</tbody>
</table>

ED. Disposal fees.

1. Liquid waste disposal fees shall be set by resolution of the Common Council.

1. The following fees shall be charged for disposal of liquid waste at the Rapid City Wastewater Treatment Works:

<table>
<thead>
<tr>
<th></th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Domestic Septage</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>First 1,000 gal</td>
<td>$26.40</td>
<td>$29.05</td>
<td>$31.95</td>
<td>$33.55</td>
<td>$35.20</td>
</tr>
<tr>
<td>Each 500 gal increment in excess of 1,000 gal</td>
<td>$8.80</td>
<td>$9.70</td>
<td>$10.65</td>
<td>$11.20</td>
<td>$11.75</td>
</tr>
<tr>
<td><strong>Holding Tank Wastes</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>First 1,000 gal</td>
<td>$26.40</td>
<td>$29.05</td>
<td>$31.95</td>
<td>$33.55</td>
<td>$35.20</td>
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<td>$9.70</td>
<td>$10.65</td>
<td>$11.20</td>
<td>$11.75</td>
</tr>
<tr>
<td><strong>Portable Toilet Wastes</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>First 1,000 gal</td>
<td>$26.40</td>
<td>$29.05</td>
<td>$31.95</td>
<td>$33.55</td>
<td>$35.20</td>
</tr>
</tbody>
</table>


| Each 500 gal increment in excess of 1,000 gal | $8.80 | $9.70 | $10.65 | $11.20 | $11.75 |

2. Other hauled wastes shall be at a rate determined by the Director. Individuals hauling other wastes not listed above shall pay a fee as set by resolution of the Common Council.

3. Surcharges for high strength wastes as established in § 13.16.360 by resolution of the Common Council also apply to holding tank wastes.

(Ord. 5794 (part), 2012)

13.16.540 Operation.

Only liquid wastes generated within the City or within 100 miles of the City’s corporate limits the planning jurisdictional area (3-mile limit) of the city or within the Rapid Creek drainage basin between the Pactola Reservoir Dam and the city’s western boundary will be accepted at the wastewater treatment works unless otherwise approved by the Common Council.

A. Manifest requirements.

1. All liquid waste haulers shall complete a hauled waste manifest for each liquid waste system that is pumped.

2. The liquid waste generator must certify by signature that no known hazardous materials or wastewaters prohibited from discharge are contained in the liquid wastes pumped from their system. The liquid waste hauler shall certify that the liquid wastes disposed at the wastewater treatment works are only those wastes certified by the generator.

3. The top copy of each hauled waste manifest shall be collected at the City’s water reclamation facility each time liquid waste is deposited there. The liquid waste hauler shall retain the middle copy of each invoice for a period of at least 3 years. The bottom copy of the hauled waste manifest shall be given to the liquid waste generator following each pumping of a system.

4. Liquid waste manifest forms shall be as provided by the Public Works Director.

B. Disposal procedures.

1. No person shall dispose of liquid waste at the wastewater treatment works without first obtaining permission from the Superintendent or designee. Permission to dispose of liquid waste will not be granted until a complete hauled waste manifest from each generator of liquid waste being disposed is provided to the Superintendent or designee.
2. When the hauler combines liquid wastes from more than 1 generator, the liquid waste hauler shall collect separate representative samples from each generator and shall deliver all such samples with manifests to the Superintendent at the time of disposal.

3. No person shall dispose of liquid waste at the wastewater treatment works except in the presence of an authorized designee of the Public Works Director.

4. The Superintendent or designee may refuse to accept any liquid waste which, in his or her judgment, may cause interference or pass-through, or may contain hazardous materials or wastewaters prohibited from discharge.

5. Samples of each load disposed at the wastewater treatment works will be collected by the Superintendent or designee.

6. Liquid wastes may be disposed only during regular business hours of the wastewater treatment works. The Superintendent or designee may accept liquid wastes during nonworking hours upon receipt of additional fees as he or she may establish.

7. Any costs incurred by the City as a result of a liquid waste hauler’s spillage or damage to the wastewater treatment works facilities shall be reimbursed by the person or company holding the liquid waste haulage owner’s permit. Use of the disposal facilities at the wastewater treatment works will be denied to the haulers until all such costs have been paid.

(Ord. 5794 (part), 2012)

13.16.550 Discharge of liquid waste through other facilities.

Except with the written approval of the City, no person or entity which discharges to the City’s wastewater treatment works may allow the discharge of liquid waste through its facility in a way that disposes of liquid wastes at the City wastewater treatment works.


A. This article shall not be construed as imposing upon the City any liability or responsibility resulting from damage caused by improper collection and/or final disposal of liquid waste, nor shall the City or county or its employees be held as assuming any liability or responsibility by reason of authorized inspection.

B. Liquid waste generators and haulers shall be jointly and severally liable for any and all costs resulting from improper transportation, storage or disposal of liquid wastes.

(Ord. 5794 (part), 2012)

13.16.560.570 Penalties.
Any person who shall fail to comply with any of the provisions of this Article or who shall counsel, aid and/or abet any such violation or failure to comply, shall be subject to the general penalty provision as set forth in § 1.12.010 of this Code. Each day any violation of this chapter continues shall constitute a separate offense. In addition, a civil penalty of not more than $1,000 per violation per day may be assessed against any person violating any provision of this Article. Each day of violation of this Article shall constitute a separate offense.

(Ord. 5794 (part), 2012)

CITY OF RAPID CITY

__________________________________________
Mayor

__________________________________________
Finance Director

(seal)

First Reading:
Second Reading:
Published:
Effective: