

ORDINANCE NO. _____
(Amend Henderson Municipal Code Chapter 14.09 - Pretreatment Regulations)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HENDERSON,
NEVADA, TO AMEND CHAPTER 14.09 - PRETREATMENT REGULATIONS OF
TITLE 14 - UTILITY SERVICES OF THE HENDERSON MUNICIPAL CODE.

- WHEREAS, Ordinance 3496 was adopted by the City of Henderson, Nevada, ("City") City Council (the "City Council") on July 10, 2018; and
- WHEREAS, Ordinance 2798 was adopted by City Council on January 20, 2009; and
- WHEREAS, Ordinance 2676 was adopted by the City Council on January 8, 2008; and
- WHEREAS, Ordinance 2536 was adopted by the City Council on December 5, 2006; and
- WHEREAS, Nevada Revised Statutes (NRS) 268.081.5 gives the City Council authority "to provide adequate, economical and efficient services to the inhabitants of the city and to promote the general welfare of those inhabitants, displace or limit competition," including sewage treatment and "[a]ny other service demanded by the inhabitants of the city which the city itself is otherwise authorized by law to provide"; and
- WHEREAS, NRS 268.083.1 gives the City Council authority to "[p]rovide those services ... on an exclusive basis or, by ordinance, adopt a regulatory scheme for providing those services or controlling development on an exclusive basis within the boundaries of the city"; and
- WHEREAS, Section 2.270.1 of the Henderson City Charter gives the City Council authority to "[p]rovide for a sanitary sewer system or any part thereof..."; and
- WHEREAS, the Department of Utility Services of the City maintains a National Pollution Discharge Elimination System (NPDES) permit from the Nevada Division of Environmental Protection, Bureau of Water Pollution Control for the discharge of treated effluent for both publicly owned treatment works (POTW) Kurt R. Segler Water Reclamation Facility and the Southwest Water Reclamation Facility; and
- WHEREAS, the permit requires the City as the permittee to implement a pretreatment program and enforce the requirements pursuant to the legal authority enforceable in federal, state or local courts, which authorizes or enables the POTW to apply requirements promulgated under sections 307(b) and (c), and 402(b)(8) of the Clean Water Act (Act) (33 U.S.C.1251 et seq.); and
- WHEREAS, this ordinance sets forth uniform requirements for all industrial users that discharge into the POTW and enables the City to comply with all applicable state and federal laws under the Act and the General Pretreatment Regulations for Existing and New Sources of Pollution (40 CFR Part 403); and
- WHEREAS, amendments are necessary to incorporate revisions to the pretreatment program and maintain compliance with all requirements of 40 CFR Part 403 and the NPDES permit; and

NOW, THEREFORE, the City Council of the City of Henderson, Nevada, does ordain:

SECTION 1. Section 14.09.030 - Wastewater discharge prohibitions and limitations is hereby amended to read as follows:

14.09.030 - Wastewater discharge prohibitions and limitations.

A. General prohibitions. No industrial user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which causes pass through or interference. These general prohibitions and the specific prohibitions in subsection B. apply to all industrial users of the POTW whether or not the industrial users are subject to other pretreatment standards or pretreatment requirements.

B. Specific prohibitions. No industrial user shall contribute the following pollutants into the POTW:

1. Any liquids, solids or gases which, by reason of their nature or quantity, are or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the wastewater facilities, including, but not limited to, waste streams with a closed cup flashpoint of less than sixty degrees Celsius (60°C) or one hundred forty degrees Fahrenheit (140°F) using the test methods specified in 40 CFR section 261.21. The director may require industrial users with the potential to discharge flammable, combustible or explosive substances to install and maintain an approved combustible gas detection meter or explosion hazard meter. No two successive readings on an explosion hazard meter at the point of discharge shall be more than five percent, nor any one reading more than ten percent, of the lower explosive limit (LEL) of the meter.

2. Solid or viscous substances which may cause obstruction to the flow in the POTW resulting in interference.

3. Any wastewater having a pH less than 5.0 or higher than 12.0, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the POTW.

4. Any pollutant, including oxygen demanding pollutants (BOD₅, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW;

5. Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 40 degrees (40°) Celsius or one hundred four degrees (104°) Fahrenheit unless EPA, upon request of the POTW, approves alternate temperature limits;

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6. Any petroleum oil, non-biodegradable cutting oil, or products of mineral origin in amounts that will cause pass through or interference. The city may include sampling and reporting requirements in a permit or require compliance with permit specific limits or best management practices where the concentration has the reasonable potential to exceed 100 mg/L.
7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems or pollutants which singly or cumulatively or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent or interfere with entry into the POTW for their maintenance and repair.
8. Any trucked or hauled pollutants, except at discharge points designated by the director;
9. Rainwater, stormwater, groundwater, street drainage, subsurface drainage, roof drainage, yard drainage, water from yard fountains or water features, ponds or lawn sprays or other non-potable water as determined by the city to be discharged to the POTW without prior authorization. The director may approve the discharge of such water only when, in the opinion of the city, there is no other reasonable method of disposal available. If authorization is granted for the discharge of such water into the POTW, the industrial user shall pay an applicable user charge, as set forth in the department service rules, and meet all conditions as required. No discharge of wastewater or stormwater in any form, as defined in the Act, shall be made into the stormwater system or waters of the state of Nevada that would cause a violation of the city's NPDES permit.
10. Any substance which may cause the POTW's effluent, or any other product of the POTW, such as residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process.
11. Any substance which will cause the city to violate its NPDES permit or applicable water quality standards.
12. Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
13. A slug discharge.
14. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the director or other regulations set forth by the state of Nevada or that violates any applicable state or federal regulations.
15. Bulk, expired, outdated or concentrated prescription or non-prescription drugs.

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16. Wastewater or pollutants discharged directly into a manhole or other opening to the POTW unless specifically authorized by the director or as otherwise permitted under this chapter. Prohibited is the opening of a manhole or discharging into any opening in violation of this chapter.
17. Wastewater contaminated as a result of discharge from aboveground and/or underground gasoline, diesel fuels, fuel oil, kerosene, and jet fuel tanks, tank accessories, and/or pipelines without applying for and obtaining a permit prior to discharge.
18. Liquid wastes from chemical toilets, and trailers, campers or other recreational vehicles which have been collected and/or held in tanks or other containers shall not be discharged into the POTW except at locations authorized by the city to collect such wastes.
19. Sludges, screenings, or other residues from the treatment of industrial wastes.
20. Medical wastes that cause or contribute to pass through or interference.
21. Wastewater causing the POTW effluent to fail a Whole Effluent Toxicity (WET) test.
22. Detergents, surfactants and other surface-active agents, or other substances which may cause excessive foaming in the POTW or cause or contribute to pass through or interference.
23. Discharge of nonylphenol from the use of bulk or concentrated Nonylphenol containing detergents as employed by some industrial or commercial laundries, car washes or asphalt manufacturers or other industrial users.
24. Wastewater which contains grease or oil or any other substances that will solidify or become discernibly viscous at temperatures between thirty-two degrees (32°) Fahrenheit (0° Celsius) and one hundred fifty degrees (150°) Fahrenheit (65.5° Celsius).
25. Wastewater containing free or floating oil and grease, or any discharge containing FOG in excess of two hundred fifty milligrams per liter (250 mg/L). Unless otherwise approved by the director a food service establishment shall install and properly operate and maintain a GGI and implement all required BMPs as specified in section 14.09.160.
26. Wastewater generated as a result of wastes pumped from GGIs, HMGLs or grease traps, sand-oil separators or other storage tanks or treatment units back into the POTW, either directly or indirectly, without approval of the director.

27. Discharge of any wastewater containing perchloroethylene (PCE) (also known as tetrachloroethene and tetrachloroethylene) from any industrial user.

28. Wastewater of domestic origin or associated with any industrial activities shall not be discharged to the city stormwater system unless permitted by the state and approved by the city in writing.

29. Any pollutant or wastewater containing pollutants with UV (254 nm) absorbing substances which causes interference with UV disinfection at the treatment plant.

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

C. Specific discharge limitations.

1. No significant industrial user shall discharge or cause to be discharged wastewater that exceeds the following limits:

Pollutant ^(a)	Daily Maximum Discharge Limit (mg/L)
Arsenic	<u>0.71</u> [0.96]
Cadmium	<u>0.02</u> [0.027]
Chromium	<u>1.48</u> [1.49]
Copper	<u>1.93</u> [2.19]
Lead	<u>0.65</u> [1.13]
Mercury	<u>0.015</u> [0.046]
Nickel	<u>3.84</u> [3.72]
Selenium	<u>0.05</u> [0.48]

Silver	<u>1.15</u> [1.50]
Zinc	<u>4.58</u> [7.17]
5-Day Biochemical Oxygen Demand (BOD ₅) ^{(b)(c)}	<u>13,611</u> [13,953] lbs/day
Total Suspended Solids (TSS) ^{(b)(c)}	<u>20,577</u> [14,463] lbs/day
Phosphorus ^(b)	<u>701</u> [441] lbs/day
<u>Ammonia</u> ^(b)	<u>2,084 lbs/day</u>

(a) All pollutants as total and in mg/L unless otherwise specified.

(b) These limits are the total mass in pounds per day (lbs/day) that are available to allocate to all permitted industrial users. Allocations are at the sole discretion of the city.

(c) Discharges containing BOD₅ or TSS concentrations over that of normal domestic strength wastewater shall be surcharged.

2. The city may, at its sole discretion, implement local limits through allocation of the Maximum Allowable Industrial Load (MAIL) to significant industrial users and correspond to the uniform concentration local limits shown in the table above. The MAILs that correspond to the daily maximum discharge limits are hereby incorporated by reference.

D. A significant 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 1,200 mg/L 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 will be implemented to reduce the TDS concentration in the discharge to less than 1,200 mg/L or to a level specified by the director that prevents discharges that cause or contribute to pass through or interference.

E. The city may establish more stringent pollutant limits by ordinance and/or the director may establish additional site-specific pollutant limits in a permit, best management practices, or additional pretreatment requirements when, in the judgment of the director, such limitations are necessary to implement the provisions of this chapter.

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

G. State requirements and limitations on discharges shall apply in any case where they are more stringent than federal pretreatment standards and pretreatment requirements or those in this chapter.

SECTION 2. In accordance with 40 CFR section 403.18(c)(2), this Ordinance shall be effective upon approval by the United States Environmental Protection Agency, and a copy of that approval letter shall be attached as Exhibit A hereto.

SECTION 3. If any section, subsection, sentence, clause, phrase, provision, or portion of this Ordinance, or the application thereof to any person or circumstances, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or provisions of this Ordinance or their applicability to distinguishable situations or circumstances.

SECTION 4. All ordinances, or parts of ordinances, sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Henderson, Nevada, in conflict herewith are repealed and replaced as appropriate.

SECTION 5. A copy of this Ordinance shall be filed with the office of the City Clerk and notice of such filing shall be published once by title in the Las Vegas Review-Journal, a newspaper having general circulation in the City of Henderson, at least ten (10) days prior to the adoption of said Ordinance (Initial Publication). Following adoption by the City Council, this Ordinance shall be published by title together with the names of the Council members voting for or against passage (Final Publication). This Ordinance is scheduled for Final Publication on _____, in the Las Vegas Review-Journal, at which time it will become effective.

END OF ORDINANCE

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Exhibit A

United States Environmental Protection Agency Approval Letter

[Attached]