BILL NO. 2010-30

ORDINANCE NO. _____

AN ORDINANCE TO REVISE AND UPDATE CHAPTER 14.17 OF THE MUNICIPAL CODE RELATING TO WASTEWATER COLLECTION AND TREATMENT, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Jorge Cervantes, Director of Public Works

Summary: Revises and updates Chapter 14.17 of the Municipal Code relating to wastewater collection and treatment.

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

SECTION 1: Title 14, Chapter 17, Section 5, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.17.005: The purpose of this Chapter is to set forth uniform requirements for the direct and indirect use of the wastewater collection and treatment system of the City [in order] and to comply with all applicable State and Federal standards that are established in accordance with [the Clean Water Act of 1977,] Federal clean water legislation, the General Pretreatment Regulations (40 CFR Part 403) and all related and applicable Federal regulations and grant conditions, as they are now constituted or as they may hereafter be amended or recodified.

SECTION 2: Title 14, Chapter 17, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.17.010: The objectives of this Chapter are to:

(A) Provide for the beneficial public use of the wastewater collection and treatment system through the regulation of the construction and use of [sewers;] the system;

(B) Prevent the introduction of pollutants into the system which will interfere with the operation of the system or contaminate the resulting wastewater or sludge, or both;

(C) Prevent the introduction of pollutants into the system which will pass through the system inadequately treated or will be incompatible with the system;

(D) Improve the opportunity to recycle and reclaim wastewater and sludge from the system;

(E) Provide for the equitable distribution of the total cost of the system and all of

the related programs through the establishment of fair and equitable fees, charges, assessments and penalties;

(F) Regulate, through the issuance of permits to certain users and through the enforcement of general requirements for all users, users whose wastewaters are discharged [directly or indirectly] into the system;

(G) Provide for monitoring and enforcement activities;

(H) Establish civil, administrative and criminal penalties for violations of the provisions of this Chapter;

(I) Provide procedures for complying with the requirements that are placed upon the City by other governmental agencies; and

(J) Conform with the policies of the agencies of the State and Federal governments concerning the requirements that:

(1) Relate to the proper design and construction of all wastewater collection and treatment facilities, including without limitation connections to the system;

(2) Prohibit the introduction of toxic, hazardous and incompatible pollutants into the system; and

(3) Prohibit any new connection [from an inflow source] that would introduce into the system[.] water or material that should be discharged into a storm drain.

SECTION 3: Title 14, Chapter 17, Section 15, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

SECTION 4: Title 14, Chapter 17, Section 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.17.020: (A) This Chapter applies to:

(1) [persons] Persons within the City; and

(2) [to persons] Persons outside the City who are, by permit, contract or agreement with the City, users of the system.

(B) Except as may be otherwise provided in this Chapter, the [director] Director shall administer, implement and enforce the provisions of this Chapter.

SECTION 5: Title 14, Chapter 17, Section 25, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

SECTION 6: Title 14, Chapter 17, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 25, reading as follows:

14.17.025: Except where the context otherwise requires, the following definitions shall govern the construction of this Chapter:

"Act" means the provisions of the Clean Water Act, as amended and as set forth in 33 U.S.C. §§ 1251 et seq., together with all guidelines, limitations and standards that are promulgated by the EPA pursuant to the Act.

"Aliquot" means a portion of a sample.

"Authorized representative," with respect to a user or industrial user, means:

(A) A responsible corporate officer, if the user submitting the information required by this Chapter is a corporation. For the purpose of this definition, a responsible corporate officer means:

(1) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation; or

(2) The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(B) A general partner or proprietor, if the user submitting the information required by this Chapter is a partnership or sole proprietorship, respectively.

(C) A duly authorized representative of an individual designated in Subsection (A) or Subsection (B) of this definition if:

(1) The authorization is made in writing by the individual described in Subsection (A) or Subsection (B) of this definition;

(2) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the discharge originates, such as the position of plant manager or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and

(3) The authorization is submitted to the Director.

➥If an authorization under this Subsection (C) is no longer accurate, a new authorization satisfying the requirements of this Subsection (C) must be submitted to the Director prior to or together with the submission of any reports to be signed by an authorized representative.

"Best management practice" or "BMP" means a structural device, facility, measure, source control practice, or any activity, along with any required documentation thereof, that helps to achieve compliance with any discharge requirement set forth in this Chapter.

"Biochemical oxygen demand" or "BOD" means the quantity of oxygen, expressed in milligrams per liter, utilized in the biochemical oxidation of organic matter, as determined in accordance with the procedures that are set forth in 40 CFR Part 136 or procedures that have been approved by NDEP.

"Bypass" means the intentional diversion of wastestreams from any portion of an industrial user's pretreatment facility.

"CFR" means the Code of Federal Regulations, a codification of regulations issued by the executive departments and agencies of the Federal Government.

"Chain of custody" means a record of each person involved in the possession and handling of a sample, from the collection of the sample to the final analysis of the sample.

"Collection system" or "sanitary sewer" means the part of the system that is used to convey wastewater to wastewater treatment plants.

"Compliance schedule" means the period that is allowed by the Director for an industrial user to comply with its permit conditions or discharge requirements, which may include specific milestone dates for completion of any increment of the compliance schedule.

"Composite sample" means a collection of a minimum of four aliquots obtained at intervals over a twenty-four hour time span. A composite sample may be either an equal-time composite, in

which an aliquot proportional to the flow is collected during a regular interval (e.g., once per hour), or an equal-volume interval, in which aliquots of equal volume are collected after a specified flow passes the sampling point (e.g., 100 ml of sample per 1000 gallons of flow).

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

"Determine compliance" refers to the sampling and analysis conducted on specific industrial wastes to ascertain compliance with LVMC 14.17.080 to 14.17.135, inclusive, or with any more stringent applicable national pretreatment standards.

"Director" means the Director of Public Works of the City, or an authorized agent or representative of the Director.

"Discharge" means the introduction of wastewater into the system.

"Discharger" means any person who discharges wastewater into the system or otherwise allows wastewater to enter the system.

"Domestic wastewater" means wastewater discharged by residences, commercial establishments, industries, and other dischargers that is similar to wastewater ordinarily discharged by residences. The term includes wastewater containing human excretions, household cleaning wastes, household food wastes, and household drain-cleaning products used in domestic quantities. The term excludes process wastewater from any business or industrial process, ground garbage and food wastes from restaurants and other commercial food vendors, and hazardous materials from residences and other users except as otherwise provided in this definition.

"Effluent" means the liquid outflow from any treatment plant or facility that is designated to treat, convey or store wastewater, liquid waste or industrial waste.

"Environmental control permit" means the permit that is described in LVMC 14.17.140, 14.17.145 and 14.17.150.

"EPA" means the United States Environmental Protection Agency, and, when it is appropriate, the Administrator thereof or any other duly authorized official of that agency.

"Fee" means any charge to a person that is made under this Chapter and shall include without limitation all fees specified in this Chapter.

"Garbage" means the putrescible animal and vegetable wastes that result from the handling, preparation and dispensing of food.

"Grab sample" means a sample collected at a particular time and place which represents the composition of the wastewater only at that time and place.

"Holding tank waste" means any liquid, solid material or waste from a holding tank, such as those associated with vessels, chemical toilets, campers, trailers, septic tanks, vacuum pump tank trucks or other tanker trucks.

"Industrial user" means:

(A) Any user who discharges or has the potential to discharge industrial wastewater into the system; or

(B) Any user who is subject to regulations promulgated in accordance with Section 307(b), (c), or (d) of the Act.

"Industrial wastewater" means any wastewater that is not domestic wastewater or stormwater.

"Interceptor" means any grease interceptor, sand/oil interceptor or any other device that is designed, constructed and operated for the purpose of removing and retaining floatable or settleable material from wastewater by differential gravity separation before its discharge into the system.

"Interference" means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

(A) Inhibits or disrupts the system, its treatment processes or operations, or its sludge processes, use or disposal; and

(B) As a result:

(1) Causes a violation of any requirement of the City's NPDES permit (including an increase in the magnitude or duration of a violation); or

(2) Prevents the use or disposal of sewage sludge in compliance with all applicable State and Federal requirements.

"Lower explosive limit" means the minimum concentration of a combustible gas or vapor in air (usually expressed in percent by volume at sea level) which will ignite if an ignition source (sufficient ignition energy) is present.

"Mass emission rate" means the weight of the material that is discharged into the system during any given period.

"Micrograms per liter (μg/L)" means a unit of the concentration of a water or wastewater parameter. One μg/L is one microgram of the parameter in one liter of water. It approximates parts per billion (ppb) when reporting the results of water and wastewater analysis.

"Milligrams per liter (mg/L)" means a unit of the concentration of a water or wastewater parameter. One mg/L is one milligram of the parameter in one liter of water. It approximates parts per million (ppm) when reporting the results of water and wastewater analysis.

"Monitoring facility" means an approved location in a building sewer to allow for sampling, monitoring and flow measurement of the contents of the sewer.

"National pretreatment standard" means any regulation that contains pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c) of the Act, and that applies to industrial users. The term includes prohibitive discharge limits established pursuant to 40 CFR 403.5.

"NDEP" means the Division of Environmental Protection of the Nevada Department of Conservation and Natural Resources.

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

"Nuisance" means anything that is hazardous, indecent or offensive to the senses or is an obstruction to the free use of property in such a manner as to interfere with the comfortable and safe enjoyment of life and property.

"Parameter" means any chemical element, substance, compound or wastewater characteristic.

"Pass through" means a discharge that exits the system into the waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's NPDES permit (including an increase in the magnitude or duration of a violation).

"Person" means any natural or artificial person, male, female or neuter, singular or plural, including without limitation any individual, firm, company, municipal or private corporation,

association, society, institution, enterprise or governmental agency or entity.

"pH" means the logarithm (base ten) of the reciprocal of the hydrogen ion concentration, expressed in moles per liter, as determined in accordance with the procedures that are set forth in 40 CFR Part 136 or procedures that have been approved by NDEP.

"Pretreatment" means the treatment of wastewater before discharge into the system, or the use of process changes or best management practices to improve the amount or quality of wastewater discharged into the system.

"Pretreatment facility" means any works or device for the treatment or flow limitation of wastewater prior to its discharge into the system.

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

"Septic tank" means a receptacle which receives the discharge from a building, sanitary drainage system, or any part thereof, and is designed and constructed in such a manner as to separate the solids from the liquid, digest the organic matter through a period of detention and allow the liquid to be discharged into the soil outside the tank through a system of open joint or perforated piping or a seepage pit.

"Severe property damage" means substantial physical damage to property, damage to the pretreatment facilities which causes them to become inoperable or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass but does not include the economic loss that is caused by delays in production.

"Sharps" means hypodermic needles, hypodermic syringes, blades and broken glass and, without limitation, includes any device, instrument or other object which has acute rigid corners, edges or protuberances.

"Significant industrial user" means any industrial user which meets the Class I criteria defined in Section 14.17.150.

"Significant noncompliance" means any violation of this Chapter or other applicable law by a significant industrial user if the violation meets one or more of the following criteria:

(A) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;

(B) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);

(C) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that, as determined by the Director, has endangered the health of City personnel or the general public, either alone or in combination with other discharges, interference or pass through;

(D) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the City's exercise of the emergency authority that is granted to it by this Chapter to halt or prevent such a discharge;

(E) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(F) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(G) Failure to accurately report noncompliance; or

(H) Any other violation or group of violations which the Director determines will adversely affect the operation or implementation of the local pretreatment program.

"Sludge" means any semisolid material that is settled or skimmed by wastewater treatment.

"Source control" means any practice that reduces the amount of any hazardous substance, pollutant, or contaminant entering the wastewater prior to recycling, treatment, or disposal. The term:

(A) Includes equipment or technology modifications, process or procedure

modifications, the reformulation or redesign of products, substitution of raw materials, and improvements in housekeeping, maintenance, training, or inventory control.

(B) Does not include any treatment that alters the physical, chemical, or biological characteristics or the volume of a hazardous substance, pollutant, or contaminant through a process or activity which itself is not integral to and necessary for the production of a product or the providing of a service.

"Spill" means any significant spill, leak, or release of any hazardous material, hazardous waste or any industrial chemical or product, whether intentional or unintentional, other than that which is part of a user's or other person's normal operation or as allowed by an environmental control permit or NPDES permit.

"Standard Industrial Classification" or "SIC" means a system of classifying industries, as identified in the Standard Industrial Classification Manual, 1987, prepared by the Office of Management and Budget.

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

"Stormwater" means runoff resulting from precipitation, irrigation, or normal residential activity.

"Surface waters" means "navigable waters" as that term is defined in the Act.

"System" means the wastewater collection and treatment system of the City, which includes, without limitation, any device or system used in the transportation (such as sewers, pipes and other conveyances that convey wastewater to the City's wastewater treatment plants), storage, treatment, recycling and reclamation of municipal wastewater or industrial wastes.

"Total dissolved solids" means the solid matter in solution, as determined in accordance with the procedures that are set forth in 40 CFR Part 136 or procedures that have been approved by NDEP.

"Total oil and grease" means relatively non-volatile hydrocarbons, vegetable oils, animal fats, waxes, soaps, greases, and related materials that are extracted and determined as hexane extractable material by EPA Method 1664 and amendments thereto.

"Total Petroleum Hydrocarbons" means petroleum compounds with a carbon number range of C5 to at least C34, as determined in accordance with procedures that are acceptable to the Director.

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

"Trade secret" means any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data or compilation of information which is not patented but which is known only to certain individuals within a commercial concern who are using it to fabricate, produce or compound an article of trade, or a service that has a commercial value and which affords the person who possesses the same the opportunity to obtain a business advantage over competitors who do not know of it or use it.

"Upset" means an exceptional incident in which there is an unintentional and temporary noncompliance with the discharge limitations that are specified in an industrial user's environmental control permit or this Chapter as the result of factors that are beyond the reasonable control of such industrial user.

"User" means any person who contributes, or causes or permits the contribution of, wastewater into the system.

"Wastewater" means any liquid, solid, gaseous, or radioactive substance that enters the system.

"Wastewater treatment plant" means an assemblage of devices, structures and equipment for treatment of wastewater.

SECTION 7: Title 14, Chapter 17, Section 30, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.17.030: It is declared to be the policy of the City to protect the health, welfare and safety of the residents thereof by constructing, operating and maintaining a system of sewers and liquid waste treatment and disposal facilities that service the homes and commercial and industrial establishments within the City and its environs, as required by State and Federal law. The following basic principles apply to wastewater that is discharged into the system:

(A) The highest and best use of the system is the collection, treatment and reclamation or disposal of domestic wastewater. The use of the system for industrial waste discharges is subject to regulation by the City;

(B) Industry is urged to seek procedures for the recovery and reuse of industrial waste discharges which will satisfy the limitations that are prescribed for industrial discharges, rather than the procedures that are designed solely to meet discharge limitations;

(C) The City is committed to a policy of wastewater renovation and reuse in order to provide an alternate source of water supply and to reduce the overall costs of wastewater treatment and disposal. The renovation of wastewater through wastewater treatment processes may necessitate more stringent quality requirements with respect to industrial waste discharges as the demand for reclaimed water increases. The optimum use of the City's facilities may require the discharge of wastewaters during periods of low flow into the system in accordance with guidelines that are established by the City;

(D) Provisions are made in this Chapter to regulate industrial discharges, to comply with the State and Federal requirements and policies, and to satisfy increasingly higher standards of treatment plant effluent quality and environmental considerations. This Chapter establishes quantity and quality limitations on wastewater discharges in situations in which such discharges may adversely affect the system or the quality of the effluent therefrom, or both. These limitations are intended to improve the quality of wastewater being received for treatment and to encourage water conservation by all of the users who are connected to the system. The intent of the City's policy is to discourage an increase in the quantity (mass emission rate) of waste [constituents] parameters that are discharged; and

(E) Methods of cost recovery are established [in] for situations in which industrial discharges impose upon the City the costs of collection, treatment or disposal, [costs,] or any combination of such costs, [on the City which may not] and recovery of those costs is necessary in order to be fair and equitable to all users of the system.

SECTION 8: Title 14, Chapter 17, Section 35, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.17.035: (A) The Director is authorized, empowered and directed to adopt [such rules, regulations and standards as may be deemed by him to be] rules and regulations that the Director may deem reasonably necessary in order to protect the system and to control and regulate the proper use

thereof; provided, however, that the terms and provisions of such rules and regulations shall be promulgated in a manner that is reasonably calculated to result in the uniform control of the system.

(B) The Director may classify dischargers by industrial categories and impose an industrial wastewater treatment surcharge that is based upon flow quality and the flow quantity, as provided for by this Chapter.

(C) Any time limit that is provided in any written notice from the Director or in any provision of this Chapter may be extended only by a written directive of the Director.

(D) The Director may perform work of an educational nature and may, for this purpose, cooperate with civic organizations, industries, water agencies, wastewater collection and treatment agencies and other public corporations.

(E) The Director shall have the responsibility of administering, implementing and enforcing all of the provisions of this Chapter. However, the Director may delegate any power that is granted to, or duty that is imposed upon, the Director [may be delegated by him] by this Chapter to any other person who is in the employ of the City's Department of Public Works. [and may be confirmed in writing by the City Council upon any other person or persons, whether or not he or they are in the employ of the City.]

SECTION 9: Title 14, Chapter 17, Section 40, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.17.040: If wastewater collection and treatment capacity is not available, [at the City's wastewater treatment plant,] the [City] Director may restrict discharge into the system until sufficient capacity can be made available. When [it is] requested to do so by a potential discharger who desires to locate new facilities within the service area of the system, the [City] Director may advise such discharger concerning the areas in which wastewater of the quantity and quality that it is expected to generate can be received by the system. The [City] Director may refuse immediate service to any new source that is located in an area in which the expected quantity or quality of wastewater is unacceptable in the system.

SECTION 10: Title 14, Chapter 17, Section 45, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.17.045: Each user of the system who is subject to this Chapter shall [be required to] retain records of waste manifests, monitoring results and related wastewater generation and pretreatment activities, whether or not the same are required by this Chapter, for a minimum period of three years. Such records shall be made available for inspection and copying by the Director at any time. The period of retention shall be extended during the course of any unresolved litigation that involves the user or the City, or both, or upon the order of the Director.

SECTION 11: Title 14, Chapter 17, Section 50, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.17.050: (A) In the event that [an uncontrolled discharge occurs,] a spill enters the system, a public street or a storm drain, the user from whose facilities [such discharge] the spill emanates shall immediately notify the Director of [such] the incident by telephone. The notification shall include the location or locations of the [discharge,] spill, the type or types of material that was [discharged,] spilled, the concentration and volume thereof and the corrective actions, if any, that have been taken.

(B) Within five days following [such uncontrolled discharge,] the spill, the user shall submit to the Director a detailed written report that describes the cause of the [discharge,] spill, the corrective action that was taken and the measures that the discharger will take to prevent future occurrences. Such notification shall not relieve the discharger of the liability for fines that may result from [such discharge.] the spill.

SECTION 12: Title 14, Chapter 17, Section 55, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.17.055: (A) In order for the employees of industrial users to be informed of the requirements of the City, each industrial user shall make available to its employees copies of the user's environmental control permits, and copies of this Chapter, together with such other wastewater information and notices as may from time to time be furnished by the [City] Director that [are directed toward] address more effective pollution control.

(B) A legible, understandable and conspicuously placed notice shall be permanently posted on each industrial user's bulletin board or other prominent place advising the industrial user's employees to [call] contact the Director in the event of [an uncontrolled discharge as soon as possible,

and no later than one hour, after the discharge and to provide the Director with at least the following information:

(1) The time, location, type, concentration and volume of the discharge;

(2) Any corrective action that has been taken.

(B) Each industrial user shall ensure that all of its employees in a position to cause or allow an uncontrolled discharge to occur are advised of this notification procedure.] a spill that enters the system, a public street or a storm drain. In the event that a substantial number of [such] an industrial user's employees use a language other than English as a primary language, the notice shall be worded in [both] English and [the language or languages that are involved.] in the other languages so used. The notice shall [set forth the current] include the phone number [of] that has been specified by the Director. [and shall identify, as the minimum, the necessary information that must be provided to the Director.]

SECTION 13: Title 14, Chapter 17, Section 60, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

SECTION 14: Title 14, Chapter 17, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new Section 60, reading as follows:

14.17.060: (A) Information and data with respect to any user that is obtained from reports, surveys, environmental control permit applications, environmental control permits, monitoring programs, and inspection and sampling activities shall be made available to the public without restriction unless the user specifically otherwise requests, and is able to demonstrate to the satisfaction of the Director that the release of such information would divulge information, processes or methods of production that are entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time the information is submitted to the City. When a request not to disclose information within a document has been timely made and the Director is satisfied that the release of information would divulge information, processes or methods of production that are entitled to protection as trade secrets under applicable State law, the portions of a document containing that information shall not be made available to the public. However, such information shall be made available upon request to governmental agencies for uses related to the NPDES program or the

pretreatment program, and in enforcement proceedings that involve the person who furnished the information. Wastewater parameters and characteristics, as well as other effluent data as defined by 40 CFR 2.302, will not be recognized as confidential information and will be made available to the public without restriction.

(B) The City may charge a reasonable fee in accordance with State law for providing copies of records requested under this Section.

SECTION 15: Title 14, Chapter 17, Section 65, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.17.065: The [City will comply with the public participation requirements that are contained in 40 CFR Part 25 in the enforcement of national pretreatment standards. Procedures with respect thereto shall include the provision for publishing] Director will publish, at least annually, in the largest daily newspaper published within the City, [public notification] a list of the names of [the industrial users who, during the preceding twelve months, were found to be] Class I industrial users who, at any time during the previous twelve months, were in significant noncompliance with [the applicable pretreatment standards or other pretreatment requirements.] applicable national pretreatment standards or other applicable requirements set forth in this Chapter.

SECTION 16: Title 14, Chapter 17, Section 70, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.17.070: Any user who discharges or causes to be discharged [into the system] any [prohibited] wastewater into the system, [and] where such discharge causes damage to, or detrimental effects on, the system, or any part thereof, shall be liable to the City for all damages, cleanup costs, and other associated costs that result therefrom.

SECTION 17: Title 14, Chapter 17, Section 85, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.17.085: (A) Except as provided for in Subsection (B) of this Section, [It] it is unlawful for any user to discharge or cause to be discharged into the system any rainwater, stormwater, groundwater, street drainage, subsurface drainage, roof drainage, [swimming pool or spa drainage from non-residential users,] yard drainage, water from [yard fountains, ponds or lawn sprays] ponds

or lawn spray runoff, or any other [uncontaminated] water[,] (except air conditioning condensate) that is suitable for discharge into the City's storm drain system. [other than air conditioning condensate.] Every private or public washrack or floor or slab drain that is used for cleaning machinery or machine parts shall be adequately protected against storm or surface inflow.

(B) [Pursuant to LVMC 14.17.190, if] If no alternate method of disposal is reasonably available, the [City] Director may issue a temporary environmental control permit for the discharge of [such] water described in Subsection (A) on a temporary basis [only.] pursuant to LVMC 14.17.190. A temporary environmental control permit may also be given in order to mitigate an environmental or health hazard with the installation of appropriate rainwater diversion devices or facilities. [If such a permit is granted for the discharge of such water into a public sewer, the user shall pay the applicable charges that are established in a separate resolution that is adopted by the City Council and shall meet such other conditions as may be imposed by the City.] The Director may also allow a user to discharge such wastewater for extended periods under a Class I or Class II environmental control permit.

SECTION 18: Title 14, Chapter 17, Section 90, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.17.090: It is unlawful for any user to discharge or cause to be discharged into the system any radioactive waste except when:

(A) The user is authorized to use radioactive materials by an applicable Federal and State agency or other governmental agency that is empowered to regulate the use of radioactive materials;

(B) The waste is discharged in strict conformity with current Federal and State regulations for safe disposal;

(C) The user is in compliance with all of the rules and regulations of all other applicable regulatory agencies; and

(D) A Class I permit has been obtained from the [City] Director pursuant to LVMC 14.17.140, 14.17.145 and 14.17.150.

SECTION 19: Title 14, Chapter 17, Section 95, of the Municipal Code of the City of

Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.17.095: It is unlawful for any user to discharge or cause to be discharged into the system any infectious waste, [unless such waste is ground in a grinder which meets the fineness of grind requirements that are set forth in LVMC 14.17.100(B). In such event, entry to the grinding mechanism shall be restricted to a six-inch by nine-inch opening, and the material shall be placed in containers that are segregated from other suitable disposal containers, do not exceed five gallons in capacity and are colored red for identification. Such containers and their contents shall be weighed and recorded prior to disposal, and such records shall be made immediately available to the City for inspection upon its request.] other than that which may be contained in domestic wastewater. Recognizable portions of the human or animal anatomy shall not be [ground or] discharged [to] into the system.

SECTION 20: Title 14, Chapter 17, Section 100, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.17.100: [(A)] It is unlawful for any industrial user to discharge or cause to be discharged into the system any [commercial garbage, food market waste or food plant waste except after the same has been suitably ground in accordance with subsection (B) of this Section.

(B) The following fineness of grind requirements for all types of grinders shall apply at all times.

(1) At least forty percent of the material must pass a No. 8 sieve;

(2) At least sixty-five percent of the material must pass a No. 3 sieve; and

(3) One hundred percent of the material must pass a 1/2-inch screen.

(C) (1) Waste from garbage grinders, other than waste that is generated in preparation of food shall not be discharged into the system.

(2) Garbage grinders shall shred the waste to the degree that all of the particles will be carried freely under the normal flow conditions that prevail in the system and will meet the fineness requirements that are set forth in subsection (B) of this Section, and such a garbage grinder shall not be used for grinding plastic, paper products, inert materials or garden refuse.

(3) The installation of any garbage grinder with a motor of three-fourths

horsepower or greater shall be subject to the review and approval of the Director.] ground food waste.

SECTION 21: Title 14, Chapter 17, Section 105, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.17.105: It is unlawful for any user to discharge or cause to be discharged into the system any ground or unground sharps. [unless they are ground in an approved grinder that is capable of meeting the fineness of grind requirements that are set forth in LVMC 14.17.100(B). Sharps shall be ground by an approved grinder the motor of which does not exceed five horsepower.]

SECTION 22: Title 14, Chapter 17, Section 110, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.17.110: (A) Except as otherwise provided by Subsection (B), [It] it is unlawful for any user to discharge or cause to be discharged into the system: [, the City's storm drain system or the waters of the State the contents of any septic tank, holding tank or cesspool or any trucked wastewater.]

(1) Any holding tank waste;

(2) The contents of any interceptor after such contents have been removed; or

(3) Any trucked or hauled wastewater.

(B) The Director may conditionally allow a user to discharge, through an approved connection, wastes that are otherwise prohibited by Subsection (A) of this Section upon:

(1) Submission by the user of a written application and approval by the Director; or

(2) Approval by the Director under emergency conditions.

(C) Discharges approved pursuant to this Section shall be subject to applicable fees and charges established by the City Council pursuant to LVMC 14.17.345.

SECTION 23: Title 14, Chapter 17, Section 115, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.17.115: It is unlawful for any user to remove any manhole cover, or to discharge or cause to be discharged any wastewater directly into a manhole or other opening in [a sewer other than through an approved (industrial) connection sewer] the system that has not been authorized for wastewater

discharge, unless such discharge is approved by the [City upon] Director. The Director may require a written application by the user and the payment of the applicable fees and charges that [are established in a separate resolution that is adopted] have been established by the City Council[.] pursuant to LVMC 14.17.345.

SECTION 24: Title 14, Chapter 17, Section 120, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

SECTION 25: Title 14, Chapter 17, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 120, reading as follows:

14.17.120: (A) It is unlawful for any user to discharge or cause to be discharged into the system any of the following materials:

(1) Pollutants that create a fire or explosion hazard in any part of the system, including, but not limited to, wastestreams with a closed cup flashpoint of less than one hundred forty degrees Fahrenheit (sixty degrees Celsius) using the test methods specified in 40 CFR 261.21;

(2) Pollutants that will cause corrosive structural damage to any part of the system, but in no case any discharge with a pH lower than 5.0 unless the works is specifically designed to accommodate such discharges;

(3) Solid or viscous pollutants in amounts that will cause an obstruction to the flow in any part of the system, resulting in interference;

(4) Any pollutant, including oxygen demanding pollutants (BOD, etc.), that are released in a discharge at a flow rate or in a pollutant concentration, or both, that will cause interference with the system;

(5) Heat in amounts that will inhibit biological activity in any wastewater treatment plant operated by the City and therefore result in interference, but in no case heat in such amounts that the temperature at any wastewater treatment plant operated by the City exceeds one hundred four degrees Fahrenheit (forty degrees Celsius), or such higher temperature limits as may be approved by the EPA upon request of the Director;

(6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil

origin in amounts that will cause interference or pass through;

(7) Pollutants that result in the presence of toxic gases, vapors, or fumes within the system in a quantity that may cause acute worker health and safety problems;

(8) Any trucked or hauled pollutants, except at discharge points designated by the Director;

(9) Any material which, by reason of its nature or quantity, is dangerously flammable, reactive, explosive or corrosive, or which by interaction with other materials results in a fire, explosion, damage to the system, injury, unreasonable safety hazard or nuisance;

(10) Any material that causes a sewer atmosphere to exceed ten percent of the lower explosive limit at the point of discharge into the system, or exceed five percent at any other point in the system;

(11) Floatable material from an industrial user that is readily removable;

(12) Any wastewater that causes interference or pass through;

(13) Any material that adversely affects the result of any whole effluent toxicity test at any wastewater treatment plant; or

(14) Any material the discharge of which violates an applicable regulation promulgated in accordance with Subsections (b), (c) or (d) of Section 307 of the Act.

(B) Except as allowed in an environmental control permit, it is unlawful for any user to discharge or cause to be discharged into the system any of the following materials in concentrations significantly greater than those found in ordinary domestic wastewater:

(1) Gasoline, jet fuel, diesel, kerosene, naphtha, benzene, toluene, ethylbenzene, xylene, ethers, alcohols, ketones, aldehydes, chlorinated hydrocarbons, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, solvents or pesticides;

(2) Acids, caustics, sulfides, fluorides or substances that will react with water to form acidic products;

(3) Particles that are greater than one-half of an inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshing, entrails, feathers, ashes, cinders, sand, silt, gravel, spent lime, stone marble dust, concrete, metallic objects, glass, straw, shavings, grass

clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas tar, asphalt residues, residues from the refining or processing of fuel, lubricating oil, mud, glass grinding or polishing wastes;

(4) Toxic priority pollutants, organophosphorus pesticides, or carbamate pesticides; or

(5) Wastewater that contains pigment or color that can be identified in the discharge from any wastewater treatment plant.

(C) Except where expressly authorized to do so by an applicable national pretreatment standard, it is unlawful for an industrial user to 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 in order to achieve compliance with a national pretreatment standard or any requirement set forth in this Chapter. The Director may impose mass limitations on any industrial user who uses dilution to meet applicable national pretreatment standards or other applicable requirements set forth in this Chapter, or in any other case where the Director deems the imposition of mass limitations to be appropriate.

SECTION 26: Title 14, Chapter 17, Section 125, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.17.125: It is unlawful for any user to discharge or cause to be discharged into the system any wastewater if the Director has determined that such discharge may have an adverse or harmful effect upon [the sewer maintenance personnel, wastewater treatment plant personnel or equipment,] <u>any part of the system, any person who operates or maintains any part of the system,</u> treatment plant effluent quality or any public or private property, or may otherwise endanger the public or local ecological systems or tend to create a nuisance. The Director, in determining the acceptability of specific wastewaters, shall consider the nature of the wastewater and the adequacy and nature of the system to accept the wastewater. A user who is affected by any such determination shall have the right to appeal that determination in the manner that is set forth in LVMC 14.17.320[, if such determination creates an extreme hardship,] and to have [such] <u>the</u> appeal finally decided before any criminal proceeding may be instituted against [such] <u>the</u> user.

SECTION 27: Title 14, Chapter 17, Section 130, of the Municipal Code of the City of

Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

SECTION 28: Title 14, Chapter 17, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 130, reading as follows:

14.17.130: (A) It is unlawful for any industrial user to introduce wastewater into the system that, at any time, exceeds the following concentrations:

Parameter	**Maximum Concentration (mg/L unless otherwise noted)**
Ammonia (as N)	61.0
Arsenic	2.3
Barium	13.1
Beryllium	0.02
Cadmium	0.15
Chromium (Hexavalent)	0.1
Chromium (Total)	5.6
Copper	0.6
Cyanide (Total)	19.9
Lead	0.20
Mercury	0.001
Nickel	1.1
pH	5.0–11.0 Standard Units
Phenols	33.6
Selenium	0.5
Silver	2.7
Total Petroleum Hydrocarbons	100
Zinc	8.2

(B) Notwithstanding the concentration limitations that are set forth in Subsection (A) of this Section, if the Director, in order to implement any provision of this Chapter or any national pretreatment standard, imposes more additional or more restrictive limitations upon a user's

environmental control permit and includes them in the permit, it is unlawful for the user to introduce wastewater into the system that exceeds the permit limitations.

(C) Except as otherwise allowed by the Director pursuant to Subsection (D), it is unlawful for any industrial user to introduce wastewater into the system that exceeds the surcharge thresholds set forth in the table below:

Parameter	Surcharge Threshold (mg/L)
Biochemical Oxygen Demand	600
Phosphorus	14.0
Total Suspended Solids	750

(D) The Director may allow a particular industrial user to discharge in excess of any surcharge threshold set forth in Subsection (C). In such a case, the Director may impose reasonable conditions on the discharge. The user shall pay surcharge fees in amounts that have been established by the City Council pursuant to LVMC 14.17.345, which shall be in addition to sewer service charges established under LVMC Chapter 14.04.

(E) The Director shall determine the method to be used to calculate the total amount of any parameter described in Subsection (C) that is discharged into the system and the amount to be subject to surcharge fees. The method shall be subject to other applicable provisions of this Chapter. The user shall pay the costs of laboratory analyses and staff coordination time used to determine the amount of surcharge fees.

(F) The Director may deny a request to exceed any surcharge threshold set forth in Subsection (C) upon a determination that the discharge has a reasonable potential, either alone or in combination with discharges from other contributing industrial users, to adversely affect the system.

(G) Concentrations of parameters identified in this Section shall be determined using sampling procedures specified in LVMC 14.17.240.

SECTION 29: Title 14, Chapter 17, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 133, reading as follows:

14.17.133: (A) The Director may require any industrial user who introduces wastewater into

the system with a total dissolved solids concentration in excess of one thousand two hundred mg/L to submit a salinity control plan. Such a plan must be submitted to the City within ninety days after notification from the Director to do so. The plan shall contain a description of chemicals and materials that contribute to the total dissolved solids concentration in the wastewater discharged by the industrial user, as well as source control practices that will be incorporated by the industrial user to reduce the total dissolved solids concentration to less than one thousand two hundred mg/L, or the lowest concentration that the Director deems to be reasonably practicable.

(B) The Director may require any industrial user who exceeds the total dissolved solids threshold to resample for this parameter on an ongoing basis and submit the results to the Director to demonstrate compliance with the user's salinity control plan. The user shall pay the costs of laboratory analyses and staff coordination time used to determine concentrations of total dissolved solids. If any subsequent sampling indicates significant deviation from the user's salinity control plan, the Director may require the user to perform corrective action.

(C) The Director may require an industrial user to submit an updated salinity control plan when the Director deems necessary. The plan shall contain additional or revised source control practices that will be incorporated by the industrial user to reduce the total dissolved solids concentration to less than one thousand two hundred mg/L, or the lowest concentration that the Director deems to be reasonably practicable. Updated salinity control plans must be submitted to the Director within ninety days after notification from the Director to do so.

(D) The Director may prohibit the introduction into the system of any wastewater that contains excessive amounts of total dissolved solids, as determined by the Director.

SECTION 30: Title 14, Chapter 17, Section 135, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.17.135: (A) Bypasses are prohibited, and the [City] Director may take enforcement action against an industrial user for a bypass unless:

(1) The bypass was unavoidable to prevent loss of life, personal injury or severe property damage;

(2) There was no feasible alternative to the bypass, including without

limitation the use of auxiliary treatment facilities, the retention of untreated wastes, or proper maintenance during normal periods of equipment downtime; provided, however, that this exception shall not apply if the Director determines that, in the exercise of reasonable engineering judgment, adequate backup equipment should have been installed to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and

(3) The industrial user submitted the notices that are required by [subsection] Subsection (B) of this Section, and the [City] Director, after considering the potential adverse effects of the anticipated bypass, has determined that the bypass will satisfy the three conditions that are set forth in paragraph (1) of this [subsection] Subsection (A) of this Section and has approved the bypass.

(B) (1) If an industrial user knows in advance of the need for a bypass, it shall submit a prior notice to the [City] Director, if possible, at least ten days before the date of the bypass.

(2) An industrial user shall submit an oral notice to the [City] Director of an unanticipated bypass that exceeds the limits that are imposed in its [wastewater contribution] environmental control permit or the applicable [Federal or State] national pretreatment standards within twenty-four hours after the time that the industrial user becomes aware of the bypass. [Such] The industrial user shall also provide a written [notice] report to the [City] Director within five days after the time the industrial user becomes aware of the bypass, which [notice] report shall contain a description of the bypass, its cause, the duration of the bypass, including the exact dates and times, the steps that have been taken or are planned to prevent the recurrence of such a bypass and, if the bypass has not been corrected, the anticipated time that it is expected to continue and the steps that have been taken or are planned to reduce or eliminate the bypass. The [City] Director may waive such written report on a case-by-case basis if the oral report has been received [by it] within the twenty-four-hour period and it contains all of the required information.

(C) Bypasses that [are determined by the Director to be essential for the proper maintenance] provide essential maintenance to assure efficient operation of an industrial user's facilities are not subject to the provisions of [subsections] Subsections (A) and (B) of this Section [and may be permitted] as long as they do not cause a violation of [such] the industrial user's [wastewater

contribution] environmental control permit or the applicable [Federal or State] national pretreatment standards.

SECTION 31: Title 14, Chapter 17, Section 140, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.17.140: (A) No statement that is contained in LVMC 14.17.080 to 14.17.135, inclusive, shall be construed as preventing the Director from issuing [a wastewater contribution] an environmental control permit that allows an industrial waste of unusual strength or character if the discharge does not violate the applicable [Federal or State] national pretreatment standards. The discharger shall pay all of the extra costs that are incurred by the City in connection with treating such discharge.

(B) For the purposes of this Chapter, the following user classifications are established in order to assign appropriate user charges and fees and permit requirements:

(1) Class I;

(2) Class II;

(3) Temporary.

(C) Users who are issued permits shall pay all fees established by the City Council pursuant to LVMC 14.17.345, including without limitation application and annual renewal fees. Failure to pay any fee within the applicable time period is sufficient grounds to withhold an environmental control permit or revoke an environmental control permit that was previously issued.

SECTION 32: Title 14, Chapter 17, Section 145, of the Municipal Code of the City of Las Vegas, Nevada, 1983, is hereby amended to read as follows:

14.17.145: (A) Permits for the use of the system [shall be] are required as provided in this Chapter. Permit applications, in the form that is prescribed by the [City] Director and accompanied by all [of the] applicable fees, shall be filed with the Director. [Application and permit fees shall be used to defray the administrative costs and shall be subject to periodic revisions. In compliance with the Federal Water Pollution Act of 1972, all of the costs of industrial waste control are mandated to be charged to the owners or operators of the contributing industrial connections. Wastewater contribution permits may be renewed by the payment of the] Environmental control permits shall be

subject to such annual fees [that are established by the City.] as have been established by the City Council pursuant to LVMC 14.17.345. The cost of the laboratory analyses and staff coordination time [that are required in order to establish] used in establishing an industrial user's compliance with its discharge limits shall be paid by the industrial user whose facility is sampled, in accordance with [the] fees [therefor] that [are] have been established by the City[.] Council pursuant to LVMC 14.17.345.

(B) Each industrial user who proposes to [connect] discharge to any part of the system [must, before doing so,] , unless exempted by the Director, shall apply for and, if required by the [City, obtain a wastewater contribution] Director, obtain an environmental control permit. Also, any industrial user [which] who does not currently have an existing [wastewater contribution] environmental control permit, but proposes to contribute new pollutants, significantly increase the existing pollutants or significantly change the characteristics of existing pollutants [must,] shall, before doing so, [apply for and, if required by the City, obtain a wastewater contribution permit. The City may deny or condition a wastewater contribution permit for a new or increased contribution of pollutants or a change in the nature of the pollutants from an industrial user upon the basis that the industry of which such user is a part has been guilty of violations of the applicable Federal or State pretreatment standards or the limitations that are imposed by this Chapter or upon the basis that such contribution could cause the City's wastewater treatment plant to violate the City's NPDES permit.] comply with LVMC 14.17.185. All industrial users who are connected to, or are discharging into, any part of the system on the date that the [ordinance codified in] 2010 ordinance amending this Chapter becomes effective [must] shall obtain [a wastewater contribution] an environmental control permit, if [the same is] required by the [City,] Director, within one hundred twenty days from and after the effective date of the [ordinance codified in] 2010 ordinance amending this Chapter. [In addition, the holder of each such permit, upon its reissue, shall pay to the City, and each application for a new permit shall be accompanied by, the appropriate fee therefor that is established by the City.]

(C) Each industrial user who submits an application for an environmental control permit shall pay an application fee as established by the City Council pursuant to LVMC 14.17.345. The failure to pay a fee within the time period specified in a permit application, permit or invoice from the City is sufficient grounds to withhold a permit or revoke a permit that was previously issued.

(D) In response to an application for an environmental control permit, the Director may:

(1) Deny a permit;

(2) Determine that no permit is required;

(3) Issue a permit in accordance with the requirements of this Chapter;

(4) Issue a permit subject to conditions that are consistent with this Chapter; or

(5) Issue a permit that imposes additional or more stringent conditions than what this Chapter would otherwise require in order to prevent future violations, if the Director has reason to believe that:

(a) The user may violate applicable national pretreatment standards or any provision of this Chapter; or

(b) The user's contribution could cause a violation of the City's NPDES permit.

SECTION 33: Title 14, Chapter 17, Section 150, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.17.150: [The wastewater contribution] Environmental control permits shall be classified as follows:

(A) Class I:

(1) Class I includes any industrial user who:

(a) Is subject to [Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N;] national pretreatment standards, as defined herein;

(b) Discharges an average of twenty-five thousand gallons per day or more of process wastewater to the [treatment plant] system (excluding sanitary, noncontact cooling and boiler blowdown wastewater);

(c) Contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of [the] any wastewater treatment plant; or

(d) Is designated as such by the [City] Director on the basis that the industrial user has a reasonable potential, either alone or in combination with other contributing industries, [for adversely affecting the City's treatment plant's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(b)); or

(e) Has in its waste discharge a toxic pollutant in toxic amounts, as that term is defined in the standards that are issued pursuant to Section 307(a) of the Act and the Toxic Substances Control Act.] to adversely affect the system, cause interference, cause pass through, or violate any national pretreatment standard (in accordance with 40 CFR 403.8(f)(6)).

(2) The facilities of each Class I industrial user shall be [inspected and sampled a minimum of two times per year.] subject annually to a minimum of two inspections and one sampling by the Director.

(3) Each Class I industrial user shall perform self-monitoring as follows:

(a) A minimum of two times per year; and

(b) Such additional times per year as the Director may require in order to determine compliance with any national pretreatment standard or any requirement set forth in this Chapter.

(B) Class II:

(1) Class II includes any industrial user who:

(a) [Has a discharge flow of less than twenty-five thousand gallons a day;] Is not required to obtain a Class I permit; [or] and

[(c)] (b) [Discharges, or has the potential to discharge, wastes which may have, either alone or in combination with other industries, potential effects on the City's treatment facilities or discharge limitations.] Is designated by the Director as Class II on the basis that the user:

(i) Discharges into the system a pollutant or pollutants that have a reasonable potential, either alone or in combination with discharges from other contributing industrial users, to adversely affect the system, cause interference, cause pass through, or violate any requirement set forth in this Chapter; or

(ii) Has on the premises a pollutant or pollutants that, if

discharged or released into the system, have a reasonable potential, either alone or in combination with discharges from other contributing industrial users, to adversely affect the system, cause interference, cause pass through, or violate any requirement set forth in this Chapter.

(2) The facilities of each Class II industrial user shall be inspected and sampled [on a random basis.] as deemed necessary by the Director.

(3) The Director may require a Class II industrial user to perform periodic self-monitoring as the Director may deem appropriate or necessary in order to determine compliance with any requirement set forth in this Chapter.

(C) Temporary:

(1) Temporary includes any user who has been authorized by the Director to discharge stormwater, groundwater, or any other wastewater whose discharge is otherwise prohibited by LVMC 14.17.085.

(2) The facilities of each Temporary user shall be inspected and sampled as deemed necessary by the Director.

(3) The Director may require a Temporary user to perform periodic self-monitoring as the Director may deem appropriate or necessary in order to determine compliance with any requirement set forth in this Chapter.

SECTION 34: Title 14, Chapter 17, Section 155, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.17.155: (A) Each user who [seeks a wastewater contribution permit] is required to obtain a Class I or Class II environmental control permit, or a renewal thereof, shall complete and file with the [City] Director an application on the form that is prescribed by the Director. The application shall be accompanied by [the] any applicable [fee.] fees that have been established by the City Council pursuant to LVMC 14.17.345. In support of its application, the applicant shall submit [the following information:] all pertinent information associated with the discharge, including without limitation:

(1) The name[,] (including any company name), street address, mailing address, telephone number, names of authorized representatives, and [Standard Industrial Code number] SIC code(s) of the applicant;

(2) The volume of the wastewater that the applicant anticipates will be discharged;

(3) The [constituents] parameters and characteristics of the wastewater that the applicant anticipates will be discharged, including without limitation those that are set forth in LVMC 14.17.085 to 14.17.110, inclusive, and 14.17.120 to 14.17.130, inclusive, as those [constituents] parameters and characteristics are determined by an [analytical] independent laboratory that [is approved by the City;] meets the requirements set forth in LVMC 14.17.225;

(4) The time and duration of the proposed discharge;

(5) The average and [three minute] peak wastewater flow rates, including without limitation daily, monthly, and seasonal variations, if any;

(6) The site plans, floor plans, mechanical and plumbing plans and details of the applicant's facilities that show all of the sewers and appurtenances by size, location and elevation;

(7) A description of the applicant's activities, facilities and plant processes on the premises, including without limitation all of the materials and types of materials which are, or could be, discharged;

(8) Each product that is produced by the facilities, by type, amount and rate of production;

(9) The number and type of employees and their respective hours of work; and

(10) Any other information [that may be] requested by the Director[.], including without limitation information related to any national pretreatment standard or any requirement set forth in this Chapter.

(B) The [City] Director will evaluate the data that are furnished by the applicant and may require additional information.

(C) After the acceptance and evaluation by the [City] Director of the data that are so furnished, the [City] Director may issue [a wastewater contribution] an environmental control permit, which [will] shall be subject to [terms and conditions that are provided herein.] the provisions

of this Chapter.

SECTION 35: Title 14, Chapter 17, Section 160, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.17.160: Each [wastewater contribution] environmental control permit shall be expressly subject to all of the provisions of this Chapter and all other regulations, user charges and fees that are established by the City. The conditions of all [wastewater contribution] environmental control permits shall be [uniformly] enforced in accordance with this Chapter and applicable Federal and State regulations. The conditions of each [wastewater contribution] environmental control permit may, without limitation, include any or all of the following:

(A) The unit charge or schedule of user charges, surcharge fees and other fees that must be paid by the permittee in order for the wastewater to be discharged into the system from its facilities;

(B) [The average and maximum wastewater constituents] Limits on the parameters and characteristics of the wastewater discharges from the permittee's facilities;

(C) [The limits] Limits on rate and time of the wastewater discharges from the permittee's facilities or the requirements for flow regulation and equalization with respect thereto;

(D) [The limits regarding the discharge by the permittee of specific pollutants;

(E) The requirements] Requirements for the installation of inspection and sampling facilities and [uncontrolled discharge] spill containment facilities with respect to the permittee's facilities;

[(F)] (E) [The] Other monitoring and inspection requirements which, without limitation, may include specific sampling locations, frequency of sampling, times of sampling and number and types of test standards and reporting schedules, for the monitoring programs at the permittee's facilities;

[(G)] (F) [The pretreatment] Pretreatment facility requirements with respect to the permittee's facilities;

[(H)] (G) [The requirements] Requirements for maintaining and submitting technical reports and plant records that relate to the wastewater discharges from the permittee's facilities;

[(I) Daily average and daily maximum discharge rates or other appropriate conditions when pollutants that are subject to limitations and prohibitions are proposed or are present in the wastewater discharges from the permittee's facilities;

(J)] (H) [The compliance] Compliance schedules [that are required] for the permittee's facilities;

[(K)] (I) [The analyses] Analyses of the wastewater discharges from the permittee's facilities that are to be [established by the City through an annual notification process and are to be] performed, as a part of the permittee's compliance effort, by [a laboratory that is approved by the City;] an independent laboratory that meets the requirements set forth in LVMC 14.17.225;

[(L)] (J) [The requirements] Requirements for maintaining, and for affording the [City] Director access to, the records of the permittee's facilities that relate to its wastewater discharges;

[(M)] (K) [The requirements] Requirements for the notification of the [City] Director of any introduction of new [constituents] parameters or any substantial change in the volume or character of the existing [constituents] parameters of the wastewater discharges from the permittee's facilities;

[(N)] (L) [The requirements] Requirements for the notification of the [City] Director of [slug,] spill, upset or bypass discharges from the permittee's facilities;

[(O)] (M) The requirement that an amended application [must] shall be filed within ten working days after any [condition that is contained] information, quantity or operation that was reported in the original application is changed; [and]

(N) Compliance with the stormwater provisions of LVMC Chapter 14.18; and

[(P)] (O) Such other conditions as may be appropriate in order to ensure compliance by the permittee with this Chapter. [These conditions may include development of a slug prevention and control plan, penalty provisions, twenty-four-hour noncompliance notification, thirty-day resampling in the event of noncompliance, and notice to the City of potential problems.]

SECTION 36: Title 14, Chapter 17, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 163, reading as follows:

14.17.163: When required by the terms of an environmental control permit, the permittee shall

prominently display the permit or any related notice in the facility to which it pertains.

SECTION 37: Title 14, Chapter 17, Section 165, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.17.165: (A) Each [wastewater contribution] Class I environmental control permit shall be issued for a specified period, not to exceed five years, and each [user] permittee who desires renewal of the permit shall [apply] submit an application for renewal [of its permit] not later than sixty days prior to the expiration of its existing permit.

(B) Each Class II environmental control permit may be issued for a specified period or on an indefinite basis, and may be issued as a "custom permit" or a "general permit." If a permit is issued for a specified period and the permittee desires renewal of the permit, the permittee shall submit an application for renewal not later than sixty days prior to the expiration of its existing permit. If a permit is issued on a indefinite basis, the Director at any time may revise the permit so that it expires at a specified time, and may require the permittee to submit an application for renewal.

(C) Each temporary environmental control permit shall be issued for a specified period, not to exceed two years. A temporary environmental control permit is not subject to renewal.

[(B)] (D) If [such] a Class I or Class II industrial user [makes] submits a timely application for renewal and is not notified by the [City] Director of the renewal of its permit at least thirty days prior to the expiration of its existing [permits,] permit, its existing permit shall automatically be extended [for an additional thirty days.] until the effective date of the Director's final decision on the application.

(E) If an industrial user fails to apply for or renew an environmental control permit in a timely fashion, the Director may issue or renew such permit without an application or take other action as provided for in this Chapter.

SECTION 38: Title 14, Chapter 17, Section 170, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.17.170: (A) The [City] Director may change the terms and conditions of any [wastewater contribution] environmental control permit during the period for which it was granted for adequate cause[.], including without limitation:

(1) To incorporate any new or revised national pretreatment standards or Federal, State or local pretreatment requirements;

(2) In response to material or substantial alterations or additions to the permittee's process, discharge volume or discharge character that were not considered in issuing the permit then in effect;

(3) In response to any change in circumstance of the permittee or change in condition of the system that supports a temporary or permanent reduction or elimination of the authorized discharge;

(4) In response to information indicating that the permitted discharge poses a threat to the system, City personnel, or the receiving waters;

(5) Violation by the permittee of any terms or conditions of the permit;

(6) A misrepresentation or failure by the permittee to disclose fully all relevant facts in the permit application or in any required reporting;

(7) To reflect the terms of any variance from national pretreatment standards that has been granted pursuant to 40 CFR 403.13, or any revision to such a variance;

(8) To correct typographical or other errors in the permit; or

(9) Upon request of the permittee, provided that the request is approved by the Director and does not create or result in a violation of any national pretreatment standards or any other applicable requirements, laws, rules or regulations.

(B) The filing by a permittee of a request for the modification, revocation and reissuance, or termination of a permit, or of a notification of planned changes or anticipated noncompliance, shall not stay the enforcement of any permit condition. However, the Director has the discretion to stay the enforcement of any permit condition in connection with a request for permit modification.

(C) The [user] permittee shall be informed of any [proposed] change in its [wastewater contribution] environmental control permit at least thirty days prior to the effective date such of change. Any change or new condition in such permit shall include a reasonable time schedule for compliance therewith. The [user] permittee will, however, be required to meet milestone dates

established in [Federal categorical] any applicable national pretreatment standards.

SECTION 39: Title 14, Chapter 17, Section 175, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.17.175: (A) Each [wastewater contribution] environmental control permit will be issued to a specific user [for a specific operation] at a specific location and shall not be assigned, transferred or sold.

(B) Properties that are not connected contiguously are not eligible for regulation under the same environmental control permit.

(C) The discharge characteristics regulated by two or more environmental control permits shall not be averaged or combined for the purpose of reducing any user fee or satisfying any national pretreatment standard or any requirement set forth in this Chapter.

SECTION 40: Title 14, Chapter 17, Section 180, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

SECTION 41: Title 14, Chapter 17, Section 185, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.17.185: No wastewater discharge in which there has been a contribution of new pollutants, [an] a significant increase in the existing pollutants, or a significant change in the characteristics of the existing pollutants [which causes such discharge to be different from that which is expressly allowed under a user's existing wastewater contribution permit] shall be commenced without [the] prior written notification to[, and the approval by,] the Director. Upon such notification, the Director[, in his sole discretion,] may modify a user's existing environmental control permit or, in the case of a user without a permit, require that [a new] an application be filed and [a new wastewater contribution] an environmental control permit be obtained before any waste discharge that involves such change takes place. [This written notification and approval by the Director is also required for any industrial user who is not currently required by the City to obtain a wastewater contribution permit, but who proposes any changes or modifications in its nondomestic wastewater discharge.]

SECTION 42: Title 14, Chapter 17, Section 190, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.17.190: (A) [A temporary wastewater discharge permit shall be required of all users who are granted temporary permission by the City to discharge unpolluted water, storm drainage and ground water that is discharged directly or indirectly into the system. Such a temporary permit may be granted if no alternate method of disposal is reasonably available. The provisions of LVMC 14.17.080 to 14.17.110, inclusive, and 14.17.120 to 14.17.130, inclusive, of this Chapter which pertain to wastewater strength and characteristics shall apply to such temporary permit.

(B)] Each user who seeks a temporary [wastewater discharge] environmental control permit shall complete and file with the [City, prior to commencing discharge,] Director an application in the form that is prescribed by the Director. Such application shall be accompanied by [the applicable fee and such data as] any other information that may be requested by the [City] Director for [its] review and approval.

[(C)] (B) The [City] Director may specify and make a part of each temporary [wastewater discharge] environmental control permit specific conditions and [pretreatment] requirements.

[(D)] (C) Upon approval of a permit by the Director, [An application] a permit fee for a temporary [wastewater discharge] environmental control permit shall be paid by the applicant in the amount [adopted by a separate resolution that is adopted] established by the City Council[.] pursuant to LVMC 14.17.345. The fee shall be payable prior to issuance of the permit.

[(E)] (D) [A charge for use, to defray all of the costs of the City for providing wastewater collection and treatment service and monitoring, shall be established by a separate resolution that is adopted by the City Council. A deposit in an amount to be determined by the Director as being sufficient to pay the estimated charges for use shall accompany the application for a temporary wastewater discharge permit, and such deposit shall be applied to the charges for the use of the system thereunder.] Prior to the issuance of a permit, the applicant shall also pay hydraulic loading fees and, if applicable, surcharge fees based on the estimated total discharge volume for the duration of the permit; provided, however, that the Director, on a case-by-case basis, may allow the discharger to measure the flow with a flow meter or similar device that is approved by the Director, and to pay hydraulic loading fees and any applicable surcharge fees on an ongoing basis during the duration of the permit. Hydraulic loading fees shall be determined by dividing by 90,000 the total number of

gallons of water discharged, and multiplying the result by the domestic strength user rate set forth in LVMC 14.04.030. Surcharge fees, if applicable, shall be determined pursuant to LVMC 14.17.245.

[(F)] (E) [Each temporary wastewater discharge permit shall be issued for a specific period, not to exceed two years.] The terms and conditions of [such] a temporary environmental control permit [may be] are subject to modification and change by the [City] Director during the period for which it was issued. Any change or new condition in such permit shall include a reasonable time schedule for compliance therewith.

SECTION 43: Title 14, Chapter 17, Section 195 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.17.195: [Wastewater contribution permits for industrial] The City is authorized to regulate wastewater discharges from users who are located outside of the corporate boundaries of the City but are tributary to the system, [will be issued by the City by way of a specific] consistent with any interlocal agreement. The requirements of this Chapter shall apply to each such user. The Director [will be] is authorized to inspect and monitor the facilities of each such [industrial] user [who is issued a permit hereunder] in order to determine its compliance with this Chapter. [, and the requirements of this Chapter apply to each such industrial user.]

SECTION 44: Title 14, Chapter 17, Section 200, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.17.200: (A) [An] The Director may require an industrial user to establish and operate an industrial wastewater pretreatment facility [or device may be required by the City] to treat industrial flows prior to their discharge into the system whenever it is necessary to restrict or prevent the discharge to the system of [certain waste constituents,] waste parameters regulated by this Chapter, to distribute more equally over a longer period any peak discharge of industrial wastewaters, or to accomplish any pretreatment result that is required by the [City.] Director. All such pretreatment facilities or devices [shall] must first be approved by the City before their use, but such approval shall not absolve the industrial user that owns or operates the [same] facility of the responsibility of meeting any industrial effluent limitation that is imposed by the [City] Director on such flows. In a special case, the [City] Director may require the construction of sewer lines by the industrial user in order to

convey certain industrial wastes to a specific trunk sewer. All pretreatment facilities that are judged by the [City] Director to require engineering design shall have the plans therefor prepared and signed by [an] a registered professional engineer of suitable discipline who is licensed in the State[.] of Nevada. Detailed plans that show the pretreatment facilities and operating procedures, including without limitation accidental discharge procedures, shall be submitted to the [City] Director for [its] review and approval before such plans and procedures are implemented. Such review and approval, however, shall not absolve the industrial user that owns or operates such facilities from the responsibility of modifying such facilities in the future as may be necessary in order to produce an effluent that is acceptable to the [City] Director under the provisions of this Chapter. No industrial user shall ever increase the use of water, or in any other manner attempt to dilute a discharge, as a partial or complete substitute for adequate methods for the reduction of pollutants to achieve compliance with this Chapter and such industrial user's [wastewater contribution] environmental control permit.

(B) [Normally a gravity separation interceptor, equalizing tank, neutralization chamber and control manhole shall be required, respectively, in order to remove prohibited settleable and floatable solids, to equalize wastewater streams which vary greatly in quantity or quality, or both, to neutralize low or high pH flows and to facilitate inspection, flow measurement and sampling. Floor drains from commercial or manufacturing buildings, warehouses or multi-use structures, as required by the Director shall not discharge directly to the system but shall first discharge to a gravity separation interceptor.] The following shall be required when deemed necessary by the Director:

(1) An interceptor to remove prohibited settleable and floatable material;

(2) An equalizing tank to equalize wastewater streams which vary greatly in quantity or quality;

(3) A neutralization chamber to neutralize low or high pH flows; and

(4) A monitoring facility to facilitate inspection, flow measurement and sampling.

(C) All domestic or sanitary wastewaters from restrooms, showers, drinking fountains and similar facilities shall be kept separate from all industrial wastewaters until the industrial

wastewaters have passed through any required pretreatment facility or monitoring device if it is reasonably [practical] practicable and deemed necessary by the [City.] Director.

(D) If it is deemed necessary by the [City] Director for an industrial user, whether under permit or not, to install a pretreatment facility, [or device,] the [City] Director shall place a time constraint on the final installation and operational date of [such] the facility. [or device.] If appropriate, this constraint shall include without limitation a compliance schedule which indicates milestone dates for the design of the facility, [or device,] final engineering approval, start of construction and start up date, and a compliance deadline. The industrial user shall submit regular progress reports [to be received monthly] as required by the [City.] Director. The compliance schedule may be extended, [only as provided for by Section 14.17.290(A)(1) using the same procedures as noted therein for extension of a compliance schedule associated with a wastewater contribution permit.] but only if the industrial user has shown good faith in attempting to comply with the conditions of its permit but requires additional time for the construction or acquisition, or both, of equipment that is related to pretreatment.

(E) An industrial wastewater pretreatment facility shall be properly operated and maintained at all times. Proper operation and maintenance includes, without limitation, adequate operator staffing and training; adequate laboratory and process controls, including appropriate quality assurance procedures; appropriate observation of equipment performance; appropriate calibration and adjustment to ensure good performance; good housekeeping; appropriate replacement of parts; regular removal of waste materials; and implementation of good management practices. Backup or auxiliary facilities or similar systems may also be required to ensure compliance with this Chapter.

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

(G) If the Director determines that a pretreatment facility has been improperly shut off or bypassed, is not operational, is not properly operated or maintained, or does not provide adequate treatment, the Director may require that another pretreatment facility be installed.

SECTION 45: Title 14, Chapter 17, Section 205, of the Municipal Code of the City of

Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.17.205: (A) Any [Class I] industrial user[, or any other industrial user, discharging] who discharges wastewater under a City permit [by the City or without such permit, at the discretion of the Director, shall be required to] shall, as required and approved by the Director and at the user's expense, install and maintain monitoring facilities and equipment in order to allow inspection, sampling or measurement, or any combination thereof, of [the] its building sewer or plumbing systems. [and may also be required to provide, install and operate sampling or measuring, or both, equipment at such industrial user's expense.] Such facilities shall [be] normally be situated on the industrial user's premises, but the Director [may, in his discretion,] shall have the discretion to allow or require monitoring facilities to be constructed elsewhere at the industrial user's expense.

(B) [Each industrial user who makes periodic measurements shall furnish and install, at its own cost and expense, at the sampling well or other appropriate location] Required monitoring equipment may include a calibrated flume, weir, flow meter, or any similar device that is approved by the [City] Director and that is suitable to measure the industrial wastewater flow rate and total volume. A [flow indicating,] flow-indicating, recording and totalizing register may also be required by the [City.] Director. In lieu of such wastewater flow measurement, the [City] Director may accept records of water [usage] consumption and may adjust the flow volumes by suitable factors in order to determine the peak and average flow rates for a specific discharge.

(C) If two or more industrial users can discharge into a common side sewer, the Director may require the installation of a separate monitoring facility for each such user. Also, if, in the judgment of the Director, there is a significant difference in the [constituents] parameters and characteristics of the wastewaters produced by the different operations of a single industrial user, the Director may require that separate monitoring facilities be installed for each separate [discharge.] operation.

(D) Sampling and flow measurement facilities shall be constructed and located in such a manner as will provide safe access to authorized personnel from the City. If a monitoring facility is [inside an industrial user's fences,] in a location with restricted access, measures shall be taken in order to afford access to the facility by the personnel of the City, including without limitation

such measures as a gate secured with a lock that is furnished by the [City.] Director. There shall be ample operating area in or near such monitoring facility in order to allow accurate sampling and compositing of the samples for analysis. The industrial user shall assure that the access and the sampling and measuring equipment are maintained in a safe and proper operating condition at all times at no expense to the City.

(E) [The monitoring facility,] Monitoring facilities, and the sampling and measuring equipment therein, shall be provided in accordance with [the City's] design requirements provided by the City and all [of the] applicable construction standards, safety devices and specifications. Construction shall be completed within ninety days following the industrial user's receipt of written notification from the City to provide [the same.] the monitoring facilities.

(F) [The monitoring facility shall be provided with] Monitoring facilities may be required to include a security closure that can be locked during the sampling or monitoring with a lock that will be provided by the [City.] Director.

(G) Unrestricted access to [the monitoring facility] monitoring facilities shall be available to authorized personnel of the City at all times[.] that are deemed necessary by the Director.

SECTION 46: Title 14, Chapter 17, Section 210, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

SECTION 47: Title 14, Chapter 17, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 210, reading as follows:

14.17.210: Interceptors shall be installed and maintained by the user, and at the user's expense, in accordance with the following requirements:

(A) Each commercial food preparation or food dispensing facility shall install a grease interceptor, the size and design of which shall be in accordance with current City requirements.

(B) Each vehicle or equipment maintenance, repair or washing facility shall install a sand/oil interceptor, the size and design of which shall be in accordance with current City requirements.

(C) Any facility not identified in Subsections (A) or (B) of this Section that is

determined by the Director to have the potential to discharge floatable or settleable material into the system shall install a grease interceptor or a sand/oil interceptor, as determined by the Director, of a size and design that are in accordance with current City requirements.

(D) An interceptor that, at the time of its installation at a user's facility, was legally and properly installed in accordance with then-applicable requirements, but which does qualify as an interceptor required under Subsection (A), (B) or (C) of this Section, shall be acceptable as an alternative if the interceptor is effective in removing floatable and settleable material, and is designed and installed in such a manner that it can be inspected and properly maintained. If at any time the Director determines that such interceptor is incapable of adequately retaining the floatable and settleable material in the wastewater flow, or that it was installed in such a manner that it can no longer be inspected or properly maintained, the user shall install a new interceptor, of a size and design that are in accordance with current City requirements, within ninety days after being notified of the requirement.

(E) A user's installation of an interceptor of a design that is specified in Subsection (A), (B) or (C) of this Section shall not relieve the user of the responsibility to keep floatable and settleable material from entering the system contrary to the provisions of this Chapter. If at any time the Director determines that an interceptor is not adequate under the actual conditions of its use, the user shall install a new interceptor or pretreatment facility that is effective in accomplishing the intended purpose. The new interceptor or pretreatment facility shall be of a size and design that are in accordance with current City requirements, and shall be installed by the user within ninety days after the user is notified of the requirement.

(F) Any interceptor that is required by this Section shall be readily accessible for inspection and shall be properly maintained to ensure that accumulations of floatable and settleable material do not impair the efficiency of the interceptor and are not discharged into the system. An interceptor shall not be considered properly maintained if accumulations of floatable and settleable material in any chamber total more than twenty-five percent of the chamber's operative fluid capacity. Each interceptor shall be routinely pumped at an appropriate frequency, but no less than once per calendar year. The Director may impose additional pumping and cleaning requirements consistent

with this Chapter. Every fitting, standpipe, plumbing appurtenance, baffle and chamber that is required for correct operation of an interceptor shall be properly installed and in proper working condition at all times.

(G) Each user that is required to use and maintain an interceptor shall keep a record of every time the interceptor is pumped or cleaned. This record shall include the date, the name of the company that pumped or cleaned the interceptor, and the amount of waste that was removed. Such records shall be made available to the Director upon request. The removal of waste shall be done by a company licensed to haul such waste and the waste shall be disposed of in accordance with Federal, State and local regulations.

(H) If a user fails to comply with any requirement of this Section, a notice of violation may be issued to, and a penalty fee levied against, the user. If, on any subsequent inspection, it is found that the failure to comply continues, additional penalty fees may be levied against the user. The Director may also take any other action concerning the user that is provided for in this Chapter.

(I) It is unlawful for any person to:

(1) Discharge into the system wastewater from any mobile catering vehicle, other than through an approved connection that is designed for such purpose and that flows into an approved grease interceptor;

(2) Dispose of oil, grease or any other floatable or settleable material into an interceptor, other than material that has been washed off during normal cleaning;

(3) Dispose of any material into an interceptor other than through the approved inlet plumbing; or

(4) Introduce into an interceptor any additive that causes or is designed to cause any floatable or settleable material to be discharged into the system that would otherwise have been retained in the interceptor.

(J) Compliance with this Section shall not absolve a user from complying with the maximum discharge limitations set forth in LVMC 14.17.130(A).

(K) Compliance with the maximum discharge limitations set forth in LVMC 14.17.130(A) shall not absolve a user from complying with any requirement of this Section.

SECTION 48: Title 14, Chapter 17, Section 215, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.17.215: (A) Upon [its receipt of a] written notification from the Director, or as required by an environmental control permit, [each] an industrial user shall provide [facilities for the] secondary containment [of uncontrolled discharges of] for prohibited material or other substances that are regulated by this Chapter[.], as determined by the Director. [Facilities to contain such discharges] Secondary containment for such material shall be provided and maintained at the user's sole cost and expense.

(B) [Each user who is so notified shall provide a detailed slug] Upon written notification from the Director, or as required by an environmental control permit, an industrial user shall submit to the Director and implement a spill prevention and control plan, including, without limitation, plans for the [facility] secondary containment system and operating procedures. [, to the Director for his review and approval.] This [slug] spill prevention and control plan shall contain, but is not limited to, the following elements:

(1) Description of discharge, including nonroutine batch discharges;

(2) Description of stored chemicals;

(3) Procedures for promptly notifying the [City] Director of [slug discharges, including] any spill or any discharge that would violate [a specific prohibition contained in 40 CFR 403.5(b) or] any provision of this Chapter; [, including procedures for follow-up written notification within five days;]

(4) Procedures to prevent [accidental] spills, including as necessary, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents);

(5) Procedures and practices for responding to [accidental] spills, including as necessary measures and equipment for emergency response and follow-up practices to minimize [the] any damage. [suffered by the City's wastewater treatment plant or the environment.]

[(B)] (C) [Such plans and procedures must be approved before the installation or the

commencement of the construction of the facility. The construction of the facility shall be completed within the period that is designated by the Director in the notification to the user of his approval thereof. The review and approval of a slug prevention and control plan and operating procedures shall not absolve the user of the responsibility of modifying its facility as may be necessary in order to satisfy the requirements of this Chapter.] If at any time the Director determines that a spill prevention and control plan is inadequate, such plan shall be modified and implemented as specified by the Director.

SECTION 49: Title 14, Chapter 17, Section 220, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.17.220: (A) [Upon receipt of a written notification from the Director, each user of flammable substances and each user who is subject to uncontrolled discharges of flammable substances may be required to] The Director may require any user who has the potential to discharge flammable substances to install, operate and maintain a combustible gas monitoring [system] device and [facility] a mechanism to divert the entire wastewater flow to a holding tank whenever the combustible gas level at its establishment is greater than twenty percent of the lower explosive limit. Such [system and facility] device and mechanism shall be provided and maintained at the user's sole cost and expense.

(B) Each user who is so notified shall provide, within the time specified by the Director, detailed gas monitoring and wastewater diversion plans, including without limitation plans and specifications for the [facility] monitoring device and operating procedures, to the Director for [his] review and approval. At a minimum, the monitoring device and diversion mechanism shall be installed in a field location and have an indicator, automatic continuous recorder, adjustable two-stage alarm system, calibration for methane detection, and a means for diverting the flow to a holding tank; provided, however, that the Director has the discretion to waive any of these installation requirements by way of written notice to the user. [Such plans] Plans required by this Subsection (B) shall include procedures for notification of City personnel in the event of [uncontrolled] any spill or emergency discharge of flammable substances, a complete description of all such substances stored or used at the facility, and procedures to be [taken] implemented in order to prevent an adverse impact [on] to the

[wastewater treatment plant or the collection] system if such an event were to occur. The plans [must] shall also contain descriptions of emergency procedures for containment of [spills] releases of flammable materials within the facility, [to include] including the specific procedures to be taken by facility personnel, emergency telephone numbers and contacts, and [any other] procedures [as required] to prevent the [spill from impacting the wastewater treatment plant or the collection] release from harming the system.

[(B)] (C) [Such plans and procedures must be approved before the installation or the commencement of the construction of such system and facility. At the minimum, the monitoring system and facility must be installed in a field location and have an indicator, automatic continuous recorder, adjustable two-stage alarm system, calibration for methane detection and a means for diverting the flow to a holding tank; provided, however, that the Director, in his sole discretion, may waive any of these requirements by way of a written notice to the user.] The installation or construction of [such system and facility] the monitoring device and diversion mechanism shall be completed within a period that is designated by the Director. [in the notification to the user of his approval thereof.] The review and approval of gas monitoring and wastewater diversion plans shall not absolve the user of the responsibility of satisfying [the requirements of] any national pretreatment standard or any requirement set forth in this Chapter.

SECTION 50: Title 14, Chapter 17, Section 225, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

SECTION 51: Title 14, Chapter 17, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 225, reading as follows:

14.17.225: (A) Periodic measurements of flow rates, flow volumes and wastewater characteristics shall be made at the times and in the manner prescribed by the Director. The Director may impose monitoring requirements on, and include them within, a permit, or may provide written notice to a user requiring the user to perform wastewater analyses. The permit or written notice may specify the times and locations for monitoring, as well as the manner of sampling, manner of analysis, and manner of reporting.

(B) Each wastewater analysis that is required pursuant to this Chapter or by the Director shall be performed by an independent laboratory that has a current wastewater certification from the State of Nevada to perform the required analysis. If the State of Nevada does not certify laboratories for the required analysis, it shall be performed by a laboratory that is certified by the State of Nevada for at least one other wastewater parameter. Each analysis shall be performed using analytical methods that are set forth in 40 CFR Part 136 or methods that have been approved by NDEP.

(C) Monitoring data shall be submitted to the City as specified by the Director or as required by this Chapter. Unless exempted by the Director, the submitted data shall include all laboratory analytical reports, chain-of-custody records, any required supporting documentation.

(D) All documentation with respect to any sample that is collected pursuant to this Chapter shall be maintained by the user for a minimum of three years. The period shall be extended during the course of any unresolved litigation concerning the user or the user's contribution to the system, or upon the request of the Director. The documentation required by this Section shall be made available for inspection and copying by the Director at all reasonable times, and shall include without limitation the following:

(1) The date, exact location, method, and time of sampling, and the names of the person or persons who collected the samples;

(2) The sample preservatives and the dates on which the analyses were performed;

(3) The identity and addresses of the laboratory or laboratories that performed the analyses; and

(4) The results of each such analysis, including any laboratory-supplied documentation.

(E) Each user who submits monitoring data shall certify under penalty of law that the document and all attachments were prepared under the user's direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. The user shall also certify that, based on the user's inquiry to the person or

persons who manage the system or those who are directly responsible for gathering the information, the information is, to the best of the user's knowledge and belief, true, accurate and complete.

(F) All costs associated with sampling, analyses and flow measurements required by the Director or otherwise pursuant to this Chapter shall be paid by the user. If any sampling, analysis or flow measurement is performed by the Director or an employee or agent of the City, the user shall pay the City a charge sufficient to defray the actual expenses for personnel, space, equipment and supplies so incurred.

SECTION 52: Title 14, Chapter 17, Section 230, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

SECTION 53: Title 14, Chapter 17, Section 235, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.17.235: **[**(A) The**]** All sampling, analysis and flow measurement procedures, equipment and results pertaining to any user shall be subject at all reasonable times to inspection by the **[**City.**]** Director. **[**Sampling and flow measurement facilities shall be constructed and located in such a manner as will provide safe access to the authorized personnel of the City.

(B) Each user who is required by the City to make periodic measurements of its wastewater flows and constituents shall make at least the minimum number of such measurements required. The minimum requirement for such periodic measurements shall be at least one twenty-four-hour measurement per year, and representative samples of the wastewater shall be obtained at least once per hour during the twenty-four-hour period and shall be properly refrigerated, composited according to measured flow rates during the twenty-four hours and analyzed for the specified wastewater constituents. If the sampling protocol, as established in 40 CFR 403.12, prohibits the use of composite samples, a grab sample shall be taken during the twenty-four-hour period. Each user who is required to obtain only a few samples per year shall take such samples during the periods of the highest wastewater flow and wastewater constituent discharges. An industrial plant that has a large fluctuation in quantity or quality of wastewater may be required to provide continuous sampling and analyses for every working day, if it is required to do so by the City. A user may also be required to install and maintain in proper order automatic flow-proportional

sampling equipment or automatic analysis and recording equipment, or both.

(C) Measurements to verify the quantities of waste flows and waste constituents that are reported by each user will be conducted on a random basis by the personnel of the City.] The Director may take measurements at any user's facility to determine wastewater flows and wastewater parameters. The Director may by written notice require any user to split samples, providing part of the sample to the Director and sending the remainder to an independent laboratory for testing.

SECTION 54: Title 14, Chapter 17, Sections 240 and 245, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, are hereby repealed in their entirety.

SECTION 55: Title 14, Chapter 17, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto two new sections, designated as Sections 240 and 245, reading respectively as follows:

14.17.240: (A) The Director may require any user to collect composite or grab samples, and designate the sampling procedures. Users shall collect grab samples for the determination of pH, volatile organics, hexavalent chromium, total oil and grease, total petroleum hydrocarbons, phenols, cyanide and sulfide, and any other substance for which a composite sample is inappropriate. Users may collect either grab or composite samples for other parameters unless otherwise specified by the Director. A user shall collect samples when normal business operations are generating typical wastewater discharges. An industrial user who has a large fluctuation in quantity or quality of wastewater may be required to install and maintain automated sampling equipment or automated analysis and recording equipment, or both.

(B) Samples shall be handled and stored in accordance with procedures that are set forth in 40 CFR Part 136 or procedures that have been approved by NDEP. The Director may require sampling, handling and storage of samples to be performed by a qualified independent contractor.

(C) If a user monitors any parameter more frequently than is required by the user's permit or by written notification from the Director, and uses the procedures that are set forth in 40 CFR Part 136 or procedures that have been approved by NDEP, the results of such monitoring shall be included in any calculations of pollutant discharge (daily maximum or monthly average), and included in any monitoring reports required by this Chapter.

(D) The Director may require a user to provide a minimum notification of up to fourteen days in advance of any scheduled monitoring or sampling that is to be performed. Such notification shall include the date, time and location of the proposed monitoring or sampling. If such notification is not provided, the Director may decline to accept the data generated and require the user to repeat the procedure after proper notice is given.

14.17.245: (A) The Director may require any user to monitor in order to quantify the amount of wastewater or of any parameter that is subject to surcharge fees in accordance with LVMC 14.17.130. Such monitoring shall be subject to all requirements of this Chapter that apply to monitoring.

(B) The Director may allow surcharges to be determined on the basis of estimates. The Director may require that the estimates be made by a qualified independent consultant who has implemented a study plan approved by the Director.

(C) If the Director determines that an industrial user has not accurately reported surcharge data, the Director may estimate amounts, both past and current, of wastewater or parameters that pertain to that user for purposes of establishing surcharge fees and penalties.

SECTION 56: Title 14, Chapter 17, Section 250, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.17.250: The [measurement of total flow of] <u>determination of a user's</u> wastewater <u>flow</u> shall be made by the [City] <u>Director</u> by means of a metering device that is approved by the [City] <u>Director</u> and is purchased, installed and maintained at the expense of the user, [by] <u>using</u> an estimate that is based upon <u>the</u> total <u>amount of</u> water which is used in the area that is occupied, or by other means that is acceptable to the [City] <u>Director.</u> [and to the user. The user shall have the option of selecting whether the measurement shall be made by meter, by estimate or by other means; provided, however, that the method of estimating or other means must first be approved by the City.]

SECTION 57: Title 14, Chapter 17, Sections 255 and 260, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, are hereby repealed in their entirety.

SECTION 58: Title 14, Chapter 17, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto two new sections, designated as Sections

255 and 260, reading respectively as follows:

14.17.255: (A) Any person who is subject to 40 CFR 403.12 shall comply with the requirements set forth therein. When the provisions of that section require a report to be sent to the "control authority" regarding a discharge to a POTW (publicly owned treatment works), the report shall be sent to the Director.

(B) Each industrial user shall notify in writing the Director, the EPA's Regional Waste Management Division Director, and State hazardous waste authorities of any discharge into the system of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR 261.

14.17.260: Each industrial user shall notify the Director immediately of any unauthorized discharge unless otherwise provided for in LVMC 14.17.265.

SECTION 59: Title 14, Chapter 17, Sections 265 and 270, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, are hereby repealed in their entirety.

SECTION 60: Title 14, Chapter 17, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto two new sections, designated as Sections 265 and 270, reading respectively as follows:

14.17.265: If sampling and analysis performed by a Class I industrial user indicates a violation of this Chapter, the user shall notify the Director within twenty-four hours after the user becomes aware of the violation. This notification may be made by telephone or e-mail. The user shall also repeat the sampling and analysis, and submit the results thereof to the Director within thirty days after the user becomes aware of the violation, except that the user is not required to resample if the Director:

(A) Performs the required resampling;

(B) Performs sampling at the industrial user's facilities at a frequency of at least once per month; or

(C) Has performed sampling at the industrial user's facilities between the time when the user performed its initial sampling and the time when the user receives the results of the first resampling.

14.17.270: The Director may allow or require any industrial user to implement best management practices in lieu of requiring sampling and analysis in order to determine partial or complete

compliance with any requirement set forth in this Chapter. The use of best management practices shall not absolve any user from complying with any requirement set forth in this Chapter. The use of best management practices shall be subject to the following conditions:

(A) Any industrial user that is allowed or required to implement best management practices shall not be absolved from any sampling and analysis requirement imposed by any applicable national pretreatment standard.

(B) If at any time the Director determines that an industrial user's best management practices are insufficient to determine compliance with any requirement set forth in this Chapter, or if an industrial user fails to comply with those practices, the Director may modify the user's best management practices, or rescind their use as a means of determining compliance. The Director may also require such a user to conduct frequent sampling and analysis in order to determine compliance.

SECTION 61: Title 14, Chapter 17, Section 275, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.17.275: (A) Whenever it is necessary to make an inspection to monitor or enforce any of the provisions of, or to perform any duty imposed by, this Chapter or other applicable law, or whenever the Director has reasonable cause to believe that there exists upon any premises any violation of the provisions of this Chapter or other applicable law or any condition which makes such premises hazardous, unsafe or dangerous, the Director is authorized to enter such premises at all reasonable times and inspect the same and perform any duty that is imposed upon the Director by this Chapter or other applicable law, [; provided, however, that:] subject to the following conditions:

(1) If the premises are occupied, the Director shall first present proper credentials to the occupant and request entry after explaining the reasons therefor and the purpose of the inspection; or

(2) If the premises are unoccupied, the Director shall first make a reasonable effort to locate the owner or other person who has the care or control of such premises and request entry after explaining the reasons therefor and the purpose of the inspection. If such entry is refused or cannot be obtained because the owner or other person who has the care or control of such premises cannot be found after due diligence, the Director may have recourse to every remedy that is provided

by law to effect lawful entry and to inspect such premises.

(B) Notwithstanding the [foregoing,] provisions of Subsection (A) of this Section, if the Director has reasonable cause to believe that the wastewater discharge conditions on or emanating from the premises are so hazardous, unsafe or dangerous as to require immediate inspection and action in order to safeguard the public health or safety, the Director shall have the right immediately to enter and inspect such premises and may use any reasonable means that may be required in order to effect such entry and make such inspection, whether the premises are occupied or unoccupied and whether or not formal permission to enter and inspect has been obtained. [If the premises are occupied, the Director shall first present proper credentials to the occupant thereof and demand entry after explaining the reasons therefor and the purpose of the inspection.]

(C) It shall be unlawful for any person to fail or refuse, after a proper demand has been made upon that person in accordance with [subsection] Subsection (B) of this Section, promptly to permit the Director to enter such premises and to make any inspection that is provided for by [subsection] Subsection (B). In addition to any criminal penalty that may be imposed upon any person who violates this [subsection] Subsection (C), such person's [wastewater contribution] environmental control permit may be revoked.

(D) Any user, by accepting any permit that is issued pursuant to this Chapter, is conclusively presumed to have consented and agreed to the entry at all reasonable times by the Director or [his] designated personnel upon the premises that are described in such permit for any of the following purposes:

(1) To inspect all areas of the user's facilities that have the potential to influence the characteristics of the wastewater that is, or may be, discharged to the system;

[(1)] (2) To inspect, sample and take flow measurements of the discharge from such user's facilities and to examine records in the performance of the Director's authorized duties;

[(2)] (3) To set up on such user's property such devices as may be necessary or appropriate in order to conduct sampling inspections, compliance monitoring, flow measuring or metering operations, or any combination thereof;

[(3)] (4) To inspect and copy any record, report, test result or other information

that is required to carry out the provisions of this Chapter; and

[(4)] (5) To photograph or otherwise create a record of any waste, waste container, vehicle, waste treatment process, discharge location or violation that is discovered during any such inspection.

(E) If a user has instituted security measures that require proper identification and clearance before entry upon its premises, such user shall make all arrangements with its security guards that may be necessary in order that, upon presentation of their credentials, the duly designated personnel of the City shall be permitted to enter upon the premises without delay for the purpose of performing their authorized duties.

SECTION 62: Title 14, Chapter 17, Section 280, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

SECTION 63: Title 14, Chapter 17, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 280, reading as follows:

14.17.280: (A) The Director may rely on any appropriate evidence to determine noncompliance with an environmental control permit or this Chapter. Upon finding noncompliance, the Director may issue a notice of violation.

(B) An industrial user who is found to be discharging wastewater into the system at rates or in concentrations greater than:

(1) Any limit imposed by the user's permit;

(2) The levels set forth in LVMC 14.17.130(C); or

(3) The quantities the user reported to the Director for the period in question,

➥ may, in the absence of other evidence, be presumed by the Director to have been discharging at those rates or concentrations at all times during the preceding three years.

SECTION 64: Title 14, Chapter 17, Section 285, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.17.285: (A) If the sampling and evaluation program that is established for the facilities of

any industrial user reveals noncompliance by [such] the industrial user with the concentrations, mass emission rates or conditions that are specified in the [wastewater contribution] environmental control permit of [such] the industrial user or in LVMC 14.17.085 to 14.17.110, inclusive, and 14.17.120 to 14.17.130, inclusive, [such] the industrial user shall pay the fees determined by the Director to be appropriate, but not to exceed the fees that [are specified in the City's schedule of fees and charges that are set forth in a separate resolution that is adopted] have been established by the City Council[.] pursuant to LVMC 14.17.345. [A noncompliant discharger] The industrial user may be assessed all of the other costs that are incurred by the City during such sampling and evaluation program, including without limitation the costs of labor, equipment, materials and overhead.

(B) The noncompliance fees shall continue to accumulate for each day[, not to exceed ten working days,] until [such] the industrial user has demonstrated to the satisfaction of the Director compliance with the conditions of [such] the industrial user's [wastewater contribution permit.] environmental control permit or any national pretreatment standard or any requirement set forth in this Chapter.

(C) If flow measurements, sampling, or other investigations demonstrate that an industrial user is discharging wastewater into the system at a flow rate, quantity of flow, or containing parameter concentrations set forth in LVMC 14.17.130(C) that are in excess of any limits imposed by the user's permit or in excess of the quantities the user reported to the Director for the period in question, the user may be assessed the amount of all delinquent surcharge fees, together with any penalties and interest, that are provided for in LVMC 14.17.340, 14.17.345, 14.17.350 and 14.17.360.

SECTION 65: Title 14, Chapter 17, Section 290, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.17.290: (A) [If] In the case of noncompliance by [such] an industrial user with the concentrations, mass emission rates or conditions that are specified in [such industrial] the user's [wastewater contribution] environmental control permit or [LVMC 14.17.085 to 14.17.110, inclusive, and 14.17.120 to 14.17.130, inclusive, is determined,] noncompliance with other provisions of this Chapter, the Director may proceed with any one or more of the following actions:

(1) Amend the existing permit to [comply with] add a compliance schedule,

[which may be accomplished after consultation with such industrial user,] but only if [such industrial] the user has shown good faith in attempting to comply with the conditions of its permit but requires additional time for the construction or acquisition, or both, of equipment that is related to pretreatment. If [such] the permit is so amended, the period [during which such amended permit is valid shall not exceed one hundred eighty days; provided, however, that that period may be extended for an additional period of not to exceed one hundred eighty days upon the determination by the Director that good cause exists for such extension. No further extension shall be granted except upon approval of the City Council.] for compliance shall be as determined by the Director. Any condition of the compliance schedule that is not acceptable to [such industrial] the user [are] is subject to the provisions of this Chapter that relate to requests for reconsideration and appeals.

(2) If [such industrial] the user is not under permit, issue a permit or a compliance schedule, after consultation with the user, which requires compliance with the City's discharge standards, any [Federal or State] national pretreatment standards or any [conditions of] applicable requirements set forth in this Chapter. [Such compliance schedule shall not exceed one hundred eighty days; provided, however, that that period may be extended for an additional one hundred eighty days if the Director deems that good cause exists for such an extension. Further extensions may only be granted by the City Council after a formal hearing.] The period for compliance shall be as determined by the Director. Any condition of the compliance schedule that is not acceptable to the [industrial] user is subject to the provisions of this Chapter that relate to requests for reconsideration and appeal.

(3) Issue a cease and desist order, prohibiting [such industrial] the user [to discharge] from discharging industrial wastewater from its facilities into the system[, the City's storm drain system or the waters of the State,] if corrective action is not taken within a [reasonable period after the completion of the sampling and evaluation program and the notification of such industrial user of the expiration of the compliance schedule and such industrial user is still not in compliance with the conditions of its permit or this Chapter.] specified time.

(4) Commence any enforcement action that is authorized by this Chapter.

(B) The payment of noncompliance fees [will not bar the City] by the user or any

other person shall not preclude the Director from undertaking any other enforcement procedure that is specified in this Chapter.

SECTION 66: Title 14, Chapter 17, Section 295, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.17.295: (A) The Director may suspend [a wastewater contribution] an environmental control permit or the privilege of any industrial user to discharge into the system when such suspension is necessary in order to stop a discharge which presents an imminent hazard to the public health and safety or the welfare of the local environment or which, either alone or by interaction with other discharges, presents an imminent hazard to the system [, the City's storm drain system or the waters of the State] or places the City in violation of its NPDES permit.

(B) Any industrial user who is notified of a suspension [of its wastewater contribution permit] pursuant to this Section shall immediately cease and desist the discharge of all industrial wastewater from its facilities into the system. [, the City's storm drain system or the waters of the State.]

(C) If [such] an industrial user fails to comply voluntarily with the suspension order, the Director may take such action as may be reasonably necessary in order to ensure immediate compliance with such order, including without limitation the immediate blockage or the disconnection of [such industrial] the user's connection to the system.

(D) In addition, the Director, in the event of any violation of this Chapter by any industrial user, may serve such industrial user with a notice of an intended order of suspension which states the reasons therefor, notifies the industrial user of its opportunity for a hearing with respect thereto and establishes the proposed effective date of the intended order.

(E) Any industrial user [whose wastewater contribution permit is suspended or who is served with a notice of an intended order for the suspension of its wastewater contribution permit] who has been notified of a suspension under this Section may file with the Director a request for a hearing with respect thereto; provided, however, that the filing of such a request shall not stay the existing or proposed suspension. [In the event of the suspension of a permit because of an imminent hazard that is related to the continued discharge, the industrial user may request a hearing before the

City Manager, and the City Manager shall conduct such hearing within three working days after his receipt of such request.]

(F) If a hearing is requested with respect to an existing or proposed suspension, [other than the suspension of a permit because of an imminent hazard,] the Director shall hold a hearing with respect to such suspension within fourteen days after [his] receipt of [such] the request. [At] Within two working days following the close of the hearing, the Director shall make [his] a determination concerning whether to affirm, to terminate or conditionally to terminate the suspension, or the Director may order that the permit be revoked in accordance with LVMC 14.17.300. [Except in the case of a hearing with respect to the suspension of a permit because of an imminent hazard, reasonable] Reasonable notice of the hearing shall be given to such industrial user no less than five working days prior to the date of the hearing.

(G) The Director may terminate [the] a suspension [of any suspended wastewater contribution permit] under this Section upon proof of the compliance by the industrial user [to whom the same was issued] with [the] permit conditions [of such permit] or other requirements, which compliance ends the emergency nature of the hazard that had caused the Director to initiate the suspension; provided, however, that the Director must be satisfied that [such industrial] the user will henceforth comply with all of the discharge requirements that are set forth in this Section, the City's rules and regulations that relate to the discharge of wastewater and any lawful order that is issued pursuant to this Chapter.

SECTION 67: Title 14, Chapter 17, Section 300, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.17.300: (A) The Director may revoke [a wastewater contribution] an environmental control permit or the privilege of any industrial user to discharge into the system upon a finding that the permittee or industrial user [to whom the same has been issued] has violated any provision of this Chapter or any of the City's rules and regulations that relate to the discharge of wastewater; provided, however, that no such revocation shall be ordered until a notice and the opportunity for a hearing with respect to the proposed revocation before the Director has been provided in the same manner that is set forth in LVMC [14.17.305.] 14.17.295 (D) and (E) with respect to suspensions.

(B) Any industrial user [whose wastewater contribution permit has been revoked] who has been notified of a revocation pursuant to Subsection (A) of this Section shall immediately cease and desist the discharge of all industrial wastewater from its facilities into the system.[, the City's storm drain system or the waters of the State.] In order to enforce such revocation, the Director may disconnect or permanently block [such industrial] the user's connection to the system, if such action is deemed by [him] the Director to be reasonably necessary in order to ensure [such industrial] the user's compliance with the order of revocation.

(C) After [the] a revocation [of any industrial user's wastewater contribution permit,] pursuant to Subsection (A) of this Section, there shall be no further discharge of industrial wastewater from [such industrial] the user's facilities into the system[, the City's storm drain system or the waters of the State] unless and until an application for a new [wastewater contribution] environmental control permit has been filed[,]; all of the fees and charges that are required in connection with an initial application and all delinquent fees, charges, penalties and other sums that are owed by [such industrial] the user or the applicant for the new permit, or both, have been paid to the City; and a new [wastewater contribution] environmental control permit has been issued. [Such industrial] The user or the applicant for the new permit, or both, shall also reimburse the City for any cost that was incurred by the City, including without limitation administrative costs and investigative fees, in revoking such permit and disconnecting or blocking such industrial user's connection to the system before the issuance of a new [wastewater contribution] environmental control permit.

SECTION 68: Title 14, Chapter 17, Section 305, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

SECTION 69: Title 14, Chapter 17, Section 310, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.17.310: The Director shall have the full power and authority to immediately and effectively halt or prevent, through whatever means and procedures [he deems] are deemed reasonably necessary, and after informal notice to the discharger, any discharge of pollutants into the system, or into any storm drain, which appears to present an imminent endangerment to the health or welfare of any person or the environment, or which discharge threatens property or the proper operation of the [wastewater

treatment plant or collection] system, or which places or threatens to place the City in violation of its NPDES permit. [The affected user shall have the opportunity to respond, after the fact, to any action taken.] In implementing such measure or measures, the personnel of the City, any party with which the City has contracted for such purpose; or a duly authorized representative of any other government agency shall have immediate access to the premises on which such condition exists. The Director may prohibit the approach to the premises on which such condition exists by any person, vehicle, vessel or thing, and all persons who are not actually employed in the abatement of such condition or in the preservation of life or property on, or in the vicinity of, such premises may be excluded from such premises. The affected user or other person shall have the opportunity to respond, after the fact, to any action taken pursuant to this Section by requesting a hearing in the same manner that is set forth in LVMC 14.17.295 (D) and (E) with respect to suspensions.

SECTION 70: Title 14, Chapter 17, Section 315, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.17.315: (A) An industrial user who wishes to assert the affirmative defense that an alleged violation is the result of an upset shall demonstrate, through properly signed contemporaneous operating logs or other relevant evidence, that:

(1) The upset occurred and that the industrial user can identify the specific cause or causes thereof;

(2) The facilities at which the violation is alleged to have occurred were, at the time that the violation allegedly occurred, being properly operated;

(3) The industrial user submitted notice of the upset to the Director within the time and accompanied by the information that is specified in LVMC [14.17.265;] 14.17.050; and

(4) The industrial user complied with any remedial measure that is required in order to minimize or correct any adverse impact on the environment that could have resulted from the upset.

(B) In any enforcement proceeding, an industrial user who seeks to establish the occurrence of an upset shall have the burden of proof. [Such industrial user shall control the production of all discharges from its facilities to the extent that may be necessary in order to maintain

compliance with the Federal and State pretreatment standards upon the reduction or loss of capacity in, or failure of, its pretreatment facilities until such pretreatment facilities are restored or an alternative method of pretreatment is provided. This requirement for the control of production of discharges applies in the situation in which, among other things, the primary source of the pretreatment facilities is reduced, lost or fails.]

SECTION 71: Title 14, Chapter 17, Section 320, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.17.320: (A) Any [user, applicant for a permit or holder of a permit] person who is affected by any decision, action or determination made by the Director in the interpretation or the implementation of the provisions of this Chapter or in any permit that is issued hereunder may file with the Director a written request for the reconsideration of such decision, action or determination. The person requesting reconsideration must file the request within [fifteen] thirty days after [its] receipt of notice [thereof in which such user sets] of the decision, action or determination, and must set forth in detail the facts that support the [user's] request for reconsideration. Such facts must include a statement that sets forth any newly discovered relevant fact that was not known or was unavailable to the [user at the time of the hearing.] person requesting reconsideration at the time of the initial decision, action or determination. The Director shall render a written decision with respect to [such] the request within [fifteen] thirty days after [his] receipt thereof.

(B) [A fee which will be established in the schedule of fees and charges that is set forth in a separate resolution that is adopted by the City Council shall accompany each request for reconsideration. Such] Each request for reconsideration shall be accompanied by the fee, if any, that has been established by the City Council pursuant to LVMC 14.17.345 for the filing of such a request. Any such fee may, in the sole discretion of the Director, be refunded if the Director's ruling with respect to such request is in favor of the [user.] person who made the request.

(C) If the ruling of the Director with respect to a request for reconsideration is unacceptable to the [user] person who made such request, [such user] the person may, within ten working days after the date of its receipt of the notification of the Director's ruling, file a written appeal to the City Council.

(D) [A fee which will be established in the schedule of fees and charges that is set forth in a separate resolution that is adopted by the City Council shall accompany any such appeal.] Each appeal shall be accompanied by the fee, if any, that has been established by the City Council pursuant to LVMC 14.17.345 for the filing of an appeal. Any such fee may, in the sole discretion of the City Council, be refunded if the City Council's ruling with respect to such appeal is in favor of the [user.] person who filed the appeal.

(E) The appeal shall be heard by the City Council within forty-five days after the date on which the [same] appeal was filed, and the City Council shall make a final ruling with respect to [such] the appeal within forty-five days after [such] the hearing is concluded.

SECTION 72: Title 14, Chapter 17, Section 325, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.17.325: (A) In the event of any violation by a user of its [wastewater contribution] environmental control permit, if any, or a violation by any person of any provision of this Chapter, for which violation the Director is authorized by this Chapter to issue a compliance order pursuant to this Section, the Director is authorized to commence a civil action against such [user] person for appropriate relief, including without limitation civil penalties or a temporary and permanent injunction against the perpetuation of such violation, or both, or to impose administrative penalties upon such [user] person for such violation in accordance with LVMC 14.17.330.

(B) A user or other person shall be liable for [such] civil penalties pursuant to Subsection (A) of this Section under any of the following circumstances:

(1) The failure of [such] a user to accurately [to] report the wastewater [constituents] parameters and characteristics of its discharge;

(2) The failure of [such] a user to report significant changes in its operations that could affect the wastewater [constituents] parameters and characteristics of its discharge;

(3) The refusal of [such] a user to permit access by the authorized personnel of the City to such user's premises for the purposes of inspection or monitoring, or both;

(4) The failure of [such] a user to submit any self-monitoring report on or before the date on which such report was due;

(5) The failure of [such] a user to report, in a timely manner, its proposed interim or permanent remedial or corrective action in the event of a violation of the discharge limits for the parameters that are noted in such user's self-monitoring report;

(6) The failure of [such] a user to submit, in a timely manner, a report with respect to its proposed interim or permanent remedial or corrective action and a time schedule in the event that a notice of violation is issued by the Director and such report is required by such notice;

(7) The failure of [such] a user to maintain all of the required monitoring equipment in good working order at all times;

(8) The failure of [such] a user to comply with any of the conditions of its [wastewater contribution permit, if any;] environmental control permit; and

(9) The failure of [such] a user or any other person to comply with any of the provisions of this Chapter.

(C) [Whenever, on the basis of the information that is available, the Director finds that any user is in violation of any of the provisions of this Chapter, any condition of such user's wastewater contribution permit, if any, or any limitation that implements any of the conditions of any such permit,] Before commencing a civil action against a user or other person pursuant to this Section, the Director shall issue an order that requires [such] the user or other person to comply with [such provision, condition or limitation, or any combination thereof,] this Chapter and advises [such user] the user or other person that, upon [its] failure to comply with [such] the order, the Director [will] is authorized to bring a civil action in accordance with this Section.

(D) Any order which the Director issues pursuant to this Section shall be in writing and shall be delivered in person to [such] the user or other person, or served by registered or certified mail that is addressed to [such] the user or other person at [its] the user or other person's last known address, return receipt requested, shall state with reasonable specificity the nature of the violation in respect of which [such] the order is issued and shall specify a period in which compliance therewith is required. [, which] The period for compliance shall not exceed thirty days, in the case of a violation of an interim compliance schedule or operation and maintenance requirement, and shall not [to] exceed the period that the Director determines is reasonable, in the case of a violation of a final

deadline. In determining [such period,] the period for compliance, the Director shall consider the seriousness of the violation and any good faith effort on the part of [such] the user or other person to comply with the applicable requirements.

(E) In any civil action that is brought by the Director for enforcement of the provisions of this Chapter, the Director shall seek the imposition of a civil penalty upon the user or other person against whom the action is brought in an amount that is not less than one thousand dollars nor more than twenty-five thousand dollars for each day that each such violation continues. In determining the amount of a civil penalty that is to be imposed, following a finding by the court of liability, the court shall consider the circumstances, extent and gravity of the violation in respect of which [such] the action is brought, the economic benefit, if any, that has inured to [such] the user or other person as the result of [such] the violation, any history of similar violations, the degree of culpability of [such] the user[,] or other person, any good faith effort on the part of [such] the user or other person to comply with the applicable requirements, the potential economic impact of the penalty upon [such] the user or other person, and such other matters as justice may require.

(F) The civil and administrative penalties that are provided for in this Section and in LVMC 14.17.330, respectively, and the seeking or imposition thereof, shall be in addition to, and not in substitution for, any criminal penalty that may be imposed for the violation that forms the subject matter of any such civil or administrative relief and in addition to, and not in substitution for the invocation of the provisions of this Chapter that authorize the suspension or revocation of [such user's wastewater contribution] an environmental control permit as the result of [such] the violation.

SECTION 73: Title 14, Chapter 17, Section 330, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.17.330: (A) Whenever, on the basis of the information that is available, the Director finds that any [user] person is in violation of any of the provisions of this Chapter, any condition of [such user's wastewater contribution] a user's environmental control permit, if any, or any limitation that implements any of the conditions of any such permit, the Director may assess an administrative penalty in an amount that is not less than [one thousand] five hundred dollars nor more than ten thousand dollars for each day that each such violation continues, unless a different administrative

penalty for any of such violations is established in the schedule of fees and charges that [is set forth in a separate resolution that is adopted] has been established by the City Council[.] pursuant to LVMC 14.17.345.

(B) Before assessing any administrative penalty pursuant to this Section, the Director shall give the user or other person upon whom such penalty is to be imposed written notice of the proposed assessment and the opportunity to request, within thirty days after the date on which such notice is received by it, a hearing with respect to the proposed order of assessment.

(C) In determining the amount of any penalty assessed pursuant to this Section, the Director shall consider the nature, circumstances, extent and gravity of the violation in respect of which [such] the penalty is proposed to be assessed[,]; the economic benefit, if any, that has inured to [such] the user or other person as the result of such violation[,]; any good faith effort on the part of [such] the user or other person to comply with the applicable requirements[,]; the potential economic impact of the penalty upon [such] the user[,] or other person; any history of similar violations[,]; the degree of culpability of [such] the user or other person; and such other matters as justice may require.

(D) An order which imposes an administrative penalty pursuant to this Section shall become final:

(1) [thirty] Thirty days after its issuance[.]; or

(2) If a hearing has been requested pursuant to Subsection (B) of this Section, upon the Director's issuance of a decision following the hearing.

(E) The failure of [such] a user to pay any administrative penalty that is imposed by the Director pursuant to this Section within thirty days after the imposition thereof shall be [ground] grounds for the suspension or revocation of [such user's wastewater contribution] the user's environmental control permit, if any, as well as for any other remedy that is available under this Chapter for terminating [such] the user's ability to discharge or cause to be discharged wastewater from its facilities into the system. [In addition, the user's failure timely to pay the assessment shall result in the imposition of an additional penalty for such nonpayment in an amount that is equal to twenty percent of the original amount of such assessment, plus the amount of the attorneys' fees and court costs that the City may incur in collecting such assessment and penalty.]

SECTION 74: Title 14, Chapter 17, Section 335, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

SECTION 75: Title 14, Chapter 17, Section 345, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.17.345: (A) In order to provide for the recovery by the City of its costs that are related to the discharge of industrial wastewater into the system and for the enforcement of the provisions of this Chapter, or both, the City Council shall establish a schedule of fees and charges. [by the adoption by the City Council of a separate resolution.] Such schedule, which shall be subject to periodic revision, may establish a specific amount for any fee, charge, assessment, penalty or other cost that is related to the discharge of industrial wastewater to the system or the enforcement of the provisions of this Chapter, or both, including without limitation:

(1) Permit application fees;

(2) Permit issuance fees;

(3) Permit renewal fees;

(4) Nonroutine inspection fees;

[(2)] (5) Compliance or surcharge monitoring fees;

[(3)] (6) [Surcharges] Wastewater surcharge fees that are based upon the quantity of the flow or the [BOD, phosphorus and suspended solids content thereof,] surcharge parameters that are specified in LVMC 14.17.130(C), or both;

[(4)] (7) Administrative penalties;

[(5)] (8) Fees for filing requests for reconsideration and appeals; and

[(6)] (9) Fees for the disposal of special wastes.

(B) Except as may be otherwise provided in this Chapter, whenever any fee, charge, assessment or penalty that is required by this Chapter to be paid is based upon an estimated value or an estimated quantity, the [City] Director shall make such determination in accordance with generally recognized practices.

SECTION 76: Title 14, Chapter 17, Section 350, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.17.350: All fees, charges, assessments and penalties that are imposed pursuant to the provisions of this Chapter or the approved schedule of fees and charges that is established in accordance with LVMC 14.17.345(A) shall be due and payable upon [receipt of notice thereof.] delivery of notice thereof, or upon mailing such notice to the last known mailing address of the person or entity responsible for payment thereof. All such fees, charges, assessments and penalties shall be and become delinquent thirty days after [the mailing or delivering of a notice with respect thereto to the last known mailing address of the person who is subject to the same.] delivery or mailing of the notice described above.

SECTION 77: Title 14, Chapter 17, Section 360, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.17.360: Whenever a [different] delinquency charge [with respect to a specific fee, charge or assessment is not provided elsewhere] has not been specifically provided for in this Chapter, any fee, charge or assessment that becomes delinquent shall have added to it a basic delinquency charge that is equal to ten percent of the fee, charge or assessment that became delinquent, and thereafter an additional delinquency charge shall accrue on the total amount that is due, including the [aforesaid] ten percent basic delinquency charge, at the rate of [one-half of one percent per month until the amount of such fee, charge or assessment, together with all applicable delinquency charges, is paid in full.] ten percent per month compounding, but the amount of the delinquent fee, charge or assessment, as increased by delinquency charges, shall not exceed twice the amount of the original fee, charge or assessment. In addition to the delinquency charges described in this Section, the City may also assess the collection costs, including, without limitation, attorneys' fees and court costs, that the City may incur in collecting the fee, charge or assessment and the delinquency charges.

SECTION 78: Title 14, Chapter 17, Section 365, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.17.365: Any action that is brought by the City for the purpose of collecting any fee, charge, assessment or penalty that is provided for in this Chapter may[, in the discretion of the City Council,] include a prayer for an injunction to prevent repeated and recurring violations of this Chapter.

SECTION 79: Title 14, Chapter 17, Section 370, of the Municipal Code of the City of

Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.17.370: (A) Any person who negligently or wilfully violates any of the provisions of this Chapter is guilty of a misdemeanor, and each day during which such violation continues constitutes a separate offense.

(B) Any person who negligently or wilfully introduces or causes to be introduced into the system any pollutant or hazardous substance which such person knew, or with the exercise of reasonable diligence would have known, could cause personal injury or property damage or, unless such action is necessary in order for such person to comply with all applicable Federal, State and local [requirement or permit,] requirements or permits, which causes any of the City's wastewater treatment [plant] plants to violate any effluent limitation or condition of any permit that has been issued to the City pursuant to the [Clean Water] Act is guilty of a misdemeanor, and each day during which such person continues to introduce or cause to be introduced such pollutant or substance into the system shall constitute a separate offense.

(C) Any person who knowingly makes a false statement, representation or certification of any material fact in any application, record, report, plan or other document that is filed or required to be maintained pursuant to this Chapter or who knowingly falsifies, tampers with or renders inaccurate any monitoring device or method that is required by this Chapter to be maintained is guilty of a misdemeanor.

(D) Whenever in this Chapter any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in this Chapter the doing of any act is required or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of any such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than one thousand dollars or by imprisonment for a term of not more than six months, or by any combination of such fine and imprisonment. Any day of any violation of this Chapter shall constitute a separate offense.

SECTION 80: If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or

effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 81: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2010.

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM:

Val Steed 6-22-10
_____
Date

The above and foregoing ordinance was first proposed and read by title to the City Council on the _____ day of _____, 2010, and referred to the following committee composed of _____ and _____ for recommendation; thereafter the said committee reported favorably on said ordinance on the _____ day of _____, 2010, which was a _____ meeting of said Council; that at said _____ meeting, the proposed ordinance was read by title to the City Council as first introduced and adopted by the following vote:

VOTING "AYE": _____

VOTING "NAY": _____

ABSENT: _____

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BEVERLY K. BRIDGES, MMC
City Clerk