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BILL NO. 2013-38

ORDINANCE NO. _____

AN ORDINANCE TO UPDATE THE CITY'S WASTEWATER COLLECTION AND TREATMENT REGULATIONS REGARDING DISCHARGES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Jorge Cervantes, Executive Director, Community Development	Summary: Updates the City's wastewater collection and treatment regulations regarding discharges.
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THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
AS FOLLOWS:

SECTION 1: 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 any wastewater into the system, 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. The City may assess the associated costs against the property owner and bill the owner for such costs, which may be processed as in the case of sewer charges in accordance with Sections 14.04.090, 14.04.100 and 14.04.105.

SECTION 2: Title 14, Chapter 17, Section 130, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read 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:

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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:

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...

Parameter	Surcharge Threshold (mg/L)
<u>Ammonia (as N)</u>	<u>61.0</u>
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 3: 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 industrial user who discharges wastewater under a City permit 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 its building sewer or plumbing systems. Such facilities shall normally be situated on the industrial user's premises, but the Director shall have the discretion to allow or require monitoring facilities to be constructed elsewhere at the industrial user's expense.

1 (B) Required monitoring equipment may include a calibrated flume, weir, flow
2 meter, or any similar device that is approved by the Director and that is suitable to measure the
3 industrial wastewater flow rate and total volume. A flow-indicating, recording and totalizing register
4 may also be required by the Director. In lieu of such wastewater flow measurement, the Director may
5 accept records of water consumption and may adjust the flow volumes by suitable factors in order to
6 determine the peak and average flow rates for a specific discharge.

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

12 (D) Sampling and flow measurement facilities shall be constructed and located in
13 such a manner as will provide safe access to authorized personnel from the City. If a monitoring
14 facility is in a location with restricted access, measures shall be taken in order to afford access to the
15 facility by the personnel of the City, including without limitation such measures as a gate secured with
16 a lock that is furnished by the Director. There shall be ample operating area in or near such
17 monitoring facility in order to allow accurate sampling and compositing of the samples for analysis.
18 The industrial user shall assure that the access and the sampling and measuring equipment are
19 maintained in a safe and proper operating condition at all times at no expense to the City.

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

25 (F) Monitoring facilities may be required to include a security closure that can be
26 locked during the sampling or monitoring with a lock that will be provided by the Director.

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

1 (H) Notwithstanding the provisions of this Section, if an industrial user has more
2 than one outfall, the Director may identify any particular outfall as de minimis and not require
3 monitoring regarding that outfall if the Director determines that neither the discharge volume or the
4 pollutant concentration from that outfall has reasonable potential to cause a violation of the user's
5 permit.

6 SECTION 4: Title 14, Chapter 17, Section 210, of the Municipal Code of the City of
7 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

8 **14.17.210:** Interceptors shall be installed and maintained by the user, and at the user's expense,
9 in accordance with the following requirements:

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

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

15 (C) Any facility not identified in Subsection (A) or (B) of this Section that is
16 determined by the Director to have the potential to discharge floatable or settleable material into the
17 system shall install a grease interceptor or a sand/oil interceptor, as determined by the Director, of a
18 size and design that are in accordance with current City requirements.

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

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

9 (F) Any interceptor that is required by this Section shall be readily accessible for
10 inspection and shall be properly maintained to ensure that accumulations of floatable and settleable
11 material do not impair the efficiency of the interceptor and are not discharged into the system. An
12 interceptor shall not be considered properly maintained if accumulations of floatable and settleable
13 material in any chamber total more than twenty-five percent of the chamber's operative fluid capacity.
14 Each interceptor shall be routinely pumped at an appropriate frequency, but no less than once per
15 calendar year. The Director may impose additional pumping and cleaning requirements consistent
16 with this Chapter. Every fitting, standpipe, plumbing appurtenance, baffle and chamber that is
17 required for correct operation of an interceptor shall be properly installed and in proper working
18 condition at all times.

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

25 (H) Each user that is required to use and maintain an interceptor shall ensure that
26 the interceptor does not release odors that create a public nuisance, as determined by the Director. The
27 Director may require a user to develop and implement best management practices or other measures
28 to mitigate odors relating to an interceptor.

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

5 ~~[(I)]~~ (J) It is unlawful for any person to:

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

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

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

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

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

18 ~~[(K)]~~ (L) Compliance with the maximum discharge limitations set forth in LVMC
19 14.17.130(A) shall not absolve a user from complying with any requirement of this Section.

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

28 SECTION 5: Whenever in this ordinance any act is prohibited or is made or declared

1 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
2 required or the failure to do any act is made or declared to be unlawful or an offense or a
3 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
4 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
5 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
6 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

7 SECTION 6: All ordinances or parts of ordinances or sections, subsections, phrases,
8 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
9 1983 Edition, in conflict herewith are hereby repealed.

10 PASSED, ADOPTED and APPROVED this _____ day of _____, 2013.

11 APPROVED:

12
13 By _____
CAROLYN G. GOODMAN, Mayor

14 ATTEST:

15 _____
16 BEVERLY K. BRIDGES, MMC
City Clerk

17 APPROVED AS TO FORM:

18 Val Steed 8-7-13
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2013, and referred to a committee for recommendation, the
3 committee being composed of the following members _____
4 _____; thereafter the said committee reported favorably on said ordinance on the
5 ____ day of _____, 2013, which was a _____ meeting of said
6 Council; that at said _____ meeting, the proposed ordinance was read by title
7 to the City Council as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11

12 APPROVED:

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14 By _____
CAROLYN G. GOODMAN, Mayor

15 ATTEST:

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17 BEVERLY K. BRIDGES, MMC
City Clerk

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