

BILL NO. 93-12

Ordinance No. 3713

AN ORDINANCE RELATING TO WASTEWATER COLLECTION AND TREATMENT; AMENDING TITLE 14 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, TO PROVIDE RECOMMENDED CHANGES AND UPDATES TO CHAPTER 17 OF SAID TITLE; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; PROVIDING PENALTIES FOR THE VIOLATION HEREOF; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

Sponsored by:

Mayor Jan Laverty Jones

Summary: Makes recommended changes and updates to the Wastewater Collection and Treatment Ordinance.

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

SECTION 1: 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 system through the regulation of the construction and use of sewers;

(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;

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

4 (G) Provide for monitoring and enforcement activities;

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

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

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

11 (1) Relate to the proper design and construction of all
12 [sewerage] wastewater collection and treatment facilities,
13 including without limitation connections to the system;

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

16 (3) Prohibit any new connection from an inflow source into the
17 system.

18 SECTION 2: Title 14, Chapter 17, Section 25, of the Municipal Code of
19 the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

20 14.17.025: Except where the context otherwise requires, the definitions that are
21 provided in this section govern the construction of this Chapter; provided, however, if any of such
22 definitions conflict with the definition of the corresponding word or term in any Federal or State
23 law or regulation, the definition that is contained in such law or regulation shall prevail.

24 (1) "Act" means the Federal [water] Water Pollution Control Act
25 Amendments of 1972 and any amendment thereto, including without limitation the Clean Water
26 Act of 1977, together with all guidelines, limitations and standards that are promulgated by the

1 EPA pursuant to that act.

2 (2) "Authorized representative of the user" means an authorized
3 representative of a user, who may be:

4 (a) A principal executive officer of at least the level of
5 vice-president, if the user is a corporation;

6 (b) A general partner or proprietor if the user is a partnership or
7 a sole proprietorship, respectively; or

8 (c) A duly authorized representative of an individual designated
9 in paragraph [(A) or (B)] (a) or (b) of this subsection if such representative is responsible for the
10 overall operation of the facilities from which an indirect discharge of the user originates.

11 (3) "Biochemical oxygen demand" or "BOD" means the quantity of
12 oxygen, expressed in milligrams per liter, utilized in the biochemical oxidation of organic matter,
13 as determined in accordance with the appropriate procedures that are set forth in 40 CFR Part
14 136.

15 (4) "Bypass" means the intentional diversion of wastestreams from any
16 portion of an industrial user's pretreatment facility.

17 (5) "Cesspool" means an excavation in the ground that is made for
18 receiving [sewage] wastewater and is so constructed that the solid matter is retained and the liquid
19 portion is permitted to seep away.

20 (6) "CFR" means the Code of Federal Regulations.

21 (7) "Chemical oxygen demand" or "COD" means the measurement of
22 [sewage] wastewater strength in terms of the total quantity of oxygen that is required for the
23 oxidation of organic matter, as determined in accordance with the appropriate procedures that are
24 set forth in 40 CFR Part 136.

25 (8) "Chlorine demand" means the difference between the amount of
26 chlorine that is added to a [sewage] wastewater sample and the amount that remains at the end of

1 a thirty-minute period, as determined in accordance with the appropriate procedures that are set
2 forth in 40 CFR Part 136.

3 (9) "Compliance determination" means the sampling and analysis
4 conducted on specific industrial wastes to ascertain compliance with LVMC 14.17.080 to
5 14.17.135, inclusive, or with any more stringent applicable Federal or State pretreatment
6 standards.

7 (10) "Compliance schedule" means the period that is allowed by the City
8 in which an industrial user must comply with its permit conditions or discharge requirements.

9 (11) "Composite samples" means a combination of individual samples of
10 [sewage] wastewater that are taken at hourly or selected intervals in order to minimize the
11 variability of each individual sample. Individual samples may be combined in quantities that are
12 proportional to the flow at the time of the sampling.

13 (12) ["Contaminated water" means any water that is impaired in quality
14 by waste to such a degree as to create a hazard to the public health through poisoning or through
15 the spread of disease.

16 (13) "Contamination" means the impairment of quality by the disposal of
17 industrial waste to such a degree as to create a hazard to the public health through poisoning or
18 through the spread of disease.

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

22 [(15)](13) "Demand monitoring" means any flow measurement, sampling
23 and analysis that is required as a result of accidental, toxic or shock loads on the system.

24 (16) "Direct discharge" means the discharge of treated or untreated
25 wastewater directly to the waters of the State.

26 (17)](14) "Director" means the Director of Public Works of the City

or his authorized agent or representative.

[(18)](15) "Discharge" means the introduction of [sewage, liquid waste, industrial waste or other polluted water] wastewater into the system.

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

[(19)](17) "Dissolved solids," "dissolved matter" or "total dissolved solids" means the solid matter in solution in the [sewage] wastewater and shall be determined by the evaporation of a [sewage] wastewater sample from which all suspended matter has been removed by filtration, as determined in accordance with the appropriate procedures that are set forth in 40 CFR Part 136.

[(20)] "Domestic sewage" means the liquid and water borne waste matter that is derived from the process of ordinary residential living, free from industrial waste and of such a character as to permit satisfactory disposal without special treatment into the system or by means of a private sewage disposal system.]

(18) "Domestic wastewater" means wastewater discharged by residences, commercial establishments, industries, and other dischargers that is similar to wastewater discharged by ordinary residences. The phrase includes wastewater containing human excretions, household cleaning wastes, household food wastes, and wastes from household drain-cleaning products specifically designed to be introduced into the system (so long as they are used in accordance with directions on the product label). The phrase 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.

[(21)](19) "Effluent" means the liquid outflow from any treatment plant or facility that is designated to treat, convey or store [sewage,] wastewater, liquid waste or industrial waste.

1 [(22)](20) "EPA" means the United States Environmental Protection
2 Agency, and, when it is appropriate, the Administrator thereof or any other duly authorized
3 official of that agency.

4 [(23)](21) "Fee" means any charge that is made to a user of the system
5 and shall include without limitation occupancy fees for sewer connections by new customers,
6 monthly sewer user charges, industrial or liquid waste permit fees, use charges, unusual industrial
7 waste charges, testing laboratory charges and oversize sewer charges.

8 [(24)](22) "Garbage" means the putrescible animal and vegetable wastes
9 that result from the handling, preparation and dispensing of food.

10 [(25)](23) "Grab sample" means a liquid sample that is taken as a
11 representative flow at any given instant.

12 [(26)](24) "Gravity separation interceptor" means any facility that is
13 designed, constructed and operated for the purpose of removing and retaining dangerous,
14 deleterious or prohibited constituents from wastewater by differential gravity separation before its
15 discharge into the system.

16 [(27)](25) "Grease" means without limitation waxes, fats, oils and other
17 non-volatile materials as determined in accordance with the appropriate procedures that are set
18 forth in 40 CFR Part 136.

19 [(28)](26) "Grease trap" means a device that is designed and installed
20 in such a manner as to separate and retain grease, and, at the same time, permitting normal
21 [sewage] wastewater to be discharged into the system.

22 [(29)](27) "Ground garbage" means the residue from the handling,
23 preparation and dispensing of food that has been shredded to such a degree that all particles will
24 be carried freely in suspension under the flow conditions that normally prevail in the system and
25 contains no particle greater than one-half inch in any dimension.

26 [(30)](28) "Holding tank waste" means any waste from a holding tank,

1 such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum pump tank trucks.

2 [(31) "Indirect discharge" means the discharge or the introduction of
3 nondomestic pollutants from any source that is regulated in accordance with this Chapter into the
4 system, including without limitation holding tank waste.]

5 [(32)](29) "Industrial connection sewer" means the sewer that connects
6 a building sewer or building waste drainage system to the system for the purpose of discharging
7 industrial wastes into the system.

8 [(33)](30) "Industrial user" means:

9 (A) Any user who discharges industrial wastewater into the system; or
10 [of which the solid, liquid or gaseous waste discharge has pollutants different from, stronger than
11 or with constituents other than those defined for, domestic sewage;]

12 (B) Any user who [discharges industrial wastes, including without
13 limitation those that are subject to regulations that are promulgated pursuant to Section 307(b),
14 et. seq., of the Clean Water Act of 1977, regardless of the volume thereof; or] is subject to
15 regulations promulgated in accordance with Section 307(b), (c), or (d) of the Act.

16 [(C) Any user who is identified in the Standard Industrial Classification
17 Manual, 1972, prepared by the Office of Management and Budget, as the same may subsequently
18 be amended and supplemented from time to time under the Divisions A, B, C, D, E and I
19 thereof.]

20 [(34) "Industrial waste" or "industrial wastes" means any solid, liquid,
21 radioactive or gaseous waste substance that is discharged, flows or is permitted to escape from
22 any producing, manufacturing, processing, institutional, commercial, agricultural or other
23 operation or from the development, recovery or processing of any material resource which will
24 enter into the system.]

25 (31) "Industrial wastewater" means any wastewater that is not domestic
26 wastewater or stormwater.

1 [(35)](32) "Inflow source" means any building, structure, facility or
2 installation from which water, other than wastewater, enters the system from sources, including
3 without limitation roof leaders, cellar drains, yard drains, area drains, foundation drains, drains
4 from springs and swampy areas, manhole covers, cross connections between storm sewers and
5 the system, catch basins, cooling towers, storm waters, surface runoff, street wash waters and
6 drainage.

7 [(36)](33) "Inspector" means the person who is authorized by the
8 Director to inspect wastewater generation, conveyance, processing and disposal facilities within
9 the City.

10 [(37)](34) "Interference" means a discharge which, either alone or by
11 interaction with other discharges, inhibits or disrupts the system, its treatment processes or
12 operations or its sludge processes, use or disposal and is therefore a cause of a violation of any
13 requirement of the City's NPDES permit, including without limitation any increase in the
14 magnitude or duration of a violation, or of the prevention of the use or disposal by the City of
15 sludge in accordance with the following statutory provisions and regulations: Section 405 of the
16 [Clean Water] Act, the Solid Waste Disposal Act (including Title II, more commonly referred to
17 as the Resource Conservation and Recovery Act and including State regulations that are contained
18 in any State sludge management plan that is prepared pursuant to Subtitle D of the Solid Waste
19 Disposal Act), the Clean Air Act, the Toxic Substances Control Act and the Marine Protection,
20 Research and Sanctuaries Act, or in accordance with any permit that is issued under any of such
21 provisions or regulations or under any more stringent State or local regulations.

22 [(38) "Liquid waste" or "liquid wastes" means the same as "industrial
23 waste" and "industrial wastes."

24 (39)](35) "Lower explosive limit" means the minimum concentration
25 of a combustible gas or vapor in air (usually expressed in percent by volume at sea level) which
26 will ignite if an ignition source (sufficient ignition energy) is present.

1 [(40)](36) "Mass emission rate" means the weight of the material that
2 is discharged into the system during any given period.

3 (37) "Micrograms per liter (ug/L)" means a unit of the concentration of
4 a water or wastewater constituent. It is one microgram of the constituent in one liter of water.
5 It approximates parts per billion (ppb) when reporting the results of water and wastewater
6 analysis.

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

11 [(41)](39) "National Categorical Pretreatment Standard" means any
12 regulation which sets forth pollutant discharge limits that are promulgated by the EPA in
13 accordance with Section 307(b), et. seq., of the [Clean Water] Act which applies to a specific
14 category of industrial users.

15 [(42)](40) "NPDES permit" means a permit that is issued pursuant to
16 the National Pollutant Discharge Elimination System program.

17 [(43)](41) New Source.

18 (a) "New source" means any building, structure, facility or installation
19 from which there is or may be a discharge, the construction of which commenced after the
20 publication of proposed pretreatment standards pursuant to Section 307(c) of the Act which will
21 be applicable to such source if such pretreatment standards are thereafter promulgated in
22 accordance with said Section if:

23 (i) The building, structure, facility or installation is constructed
24 at a site at which no other source is located;

25 (ii) The building, structure, facility or installation totally
26 replaces the process or production equipment that causes a

1 discharge at an existing source; or

- 2 (iii) The production or wastewater generating processes of the
3 building, structure, facility or installation are substantially
4 independent of an existing source at the same site. In
5 determining whether or not the new building, structure,
6 facility or installation is substantially independent from the
7 existing source, certain factors, including without limitation
8 the extent to which such new facility is engaged in the same
9 general type of activity as the existing source, should be
10 considered.

11 (b) "New source" does not include construction on a site at which an
12 existing source is located if such construction does not create a new building, structure, facility
13 or installation of the type that is described in subparagraph (ii) or subparagraph (iii) of paragraph
14 (a) of this subsection but otherwise alters, replaces or adds to the existing process or production
15 equipment.

16 (c) For the purposes of this subsection, the construction of a "new
17 source" is deemed to have commenced if the owner or operator thereof has:

- 18 (i) Begun or caused to have begun, as a part of a program of
19 continuous on-site construction that includes:

- 20 A. Any placement, assembly or installation of facilities
21 or equipment; or
22 B. Significant site preparation work, including without
23 limitation the clearing, excavation or removal of
24 existing buildings, structures, facilities or
25 installations, which is necessary for the placement,
26 assembly or installation of new source facilities or

equipment; or

- (ii) Entered into a binding contractual obligation for the purchase of facilities or equipment that are intended to be used in the operation of such owner or operator within a reasonable time; provided, however, that options to purchase, contracts that can be terminated or modified without substantial loss to such owner or operator and contracts for feasibility, engineering and design studies do not constitute contractual obligations for the purposes of this Section.

[(44)](42) "Nuisance" means anything which 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.

[(45)](43) "Pass through" means a discharge that exits the system into the waters of the State in quantities or concentrations which, alone or by interaction with other discharges, is a cause of a violation of any requirement of the City's NPDES permit, including without limitation any increase in the magnitude or duration of a violation.

[(46)](44) "Peak flow rate" means the periodically determined highest flow rate of [sewage,] wastewater [liquid waste or industrial waste] that is discharged to a public sewer over a period of at least 15 minutes at any time during the measurement period.

[(47)](45) "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.

[(48)](46) "pH" means the logarithm (base 10) of the reciprocal of the hydrogen ion concentration, expressed in moles per liter, as determined in accordance with the appropriate procedures that are set forth in 40 CFR Part 136.

1 [(49)] "Polluted water" means any water that is altered in quality by waste
2 matter to such a degree as to unreasonably affect:

3 (A) Such water for beneficial uses; or

4 (B) The facilities which serve such beneficial uses, and, without
5 limitation, may include "contamination".

6 (50)](47) "Pretreatment" means the reduction of the amount of
7 pollutants, the elimination of pollutants or the alteration of the nature of the pollutant properties
8 in [sewage] wastewater to a less harmful state prior to, or in lieu of, discharging or otherwise
9 introducing such pollutants into the system.

10 [(51)](48) "Pretreatment facility" means any works or device for the
11 treatment or flow limitation of [sewage,] wastewater [liquid waste or industrial waste] prior to its
12 discharge into the system.

13 [(52)](49) "Pretreatment requirement" means any substantive or
14 procedural requirement that is related to pretreatment, other than a pretreatment standard, that is
15 imposed upon an industrial user.

16 [(53)](50) "Pretreatment standard" means any regulation [that contains]
17 containing pollutant discharge limits that are promulgated by the EPA in accordance with Section
18 307(b)[, et. seq.,] and/or (c) of the [Clean Water] Act and 40 CFR Chapter I, Subchapter N (parts
19 401 to 471) which applies to industrial users, [and, without limitation, includes] These include
20 "categorical standards" which establish specific concentration limits for certain pollutants and total
21 prohibitions of other pollutants, as specified in 40 CFR Section 403.5, et. seq.

22 [(54)](51) "Radioactive material" means material containing chemical
23 elements that spontaneously change their atomic structure by emitting particles, rays or energy
24 forms in excess of normal background radiation.

25 [(55)](52) "Reclaimed water" means water which, as a result of the
26 treatment of waste matter, is suitable for a direct beneficial use or a controlled use which would

1 not otherwise occur.

2 [(56)](53) "Sampling well" means an approved opening to a building
3 sewer to allow for sampling and flow measurement of the contents of such sewer.

4 (54) "Sand and oil interceptor" means a device installed in such a manner
5 as to separate and retain sand and oil, and at the same time, permitting normal wastewater to be
6 discharged into the system.

7 (55) "Sanitary sewer" or "collection system" means a pipe or conduit for
8 carrying wastewater.

9 [(57)](56) "Septic tank" means a watertight receptacle which receives
10 the discharge from a building, sanitary drainage system, or any part thereof, and is designed and
11 constructed in such a manner as to separate the solids from the liquid, digest the organic matter
12 through a period of detention and allow the liquid to be discharged into the soil outside the tank
13 through a system of open joint or perforated piping or a seepage pit.

14 [(58) "Service lateral" means the same as "industrial connection server."

15 (59)](57) "Settleable solids" means solids that will settle out of a liquid
16 during a specific period, as determined in accordance with the appropriate procedures that are set
17 forth in 40 CFR Part 136.

18 [(60)](58) "Severe property damage" means substantial physical damage
19 to property, damage to the pretreatment facilities which causes them to become inoperable or
20 substantial and permanent loss of natural resources which can reasonably be expected to occur in
21 the absence of a bypass but does not include the economic loss that is caused by delays in
22 production.

23 [(61) "Sewage" means the wastewater of the community that is derived
24 from human, agricultural, commercial or industrial sources, including without limitation domestic
25 sewage, liquid waste and industrial wastes, together with such surface water, groundwater and
26 storm water as may be present.

1 (62) "Sewage treatment plant" means an assemblage of devices, structures
2 and equipment for treatment of wastewater.

3 (63)](59) "Sharps" means hypodermic needles, hypodermic syringes,
4 blades and broken glass and, without limitation, includes any device, instrument or other object
5 which has acute rigid corners, edges or protuberances.

6 (60) "Significant industrial user" means any industrial user which meets
7 the Class I criteria defined in Section 14.17.150.

8 (61) "Significant noncompliance" means any violation of this Chapter
9 which meets one or more of the following criteria:

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

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

22 (c) Any other violation of a pretreatment effluent limit (daily
23 maximum or longer-term average) that the City determines
24 has caused, alone or in combination with other discharges,
25 interference or pass through (including endangering the
26 health of City personnel or the general public);

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

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

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

14 (g) Failure to accurately report noncompliance; or

15 (h) Any other violation or group of violations which the City
16 determines will adversely affect the operation or
17 implementation of the local pretreatment program.

18 [(64)](62) "Significant violator" means [a user who commits a violation
19 which remains uncorrected for forty-five days after such user is notified of its noncompliance with
20 any of the provisions of this Chapter, which is part of a pattern of noncompliance by such user
21 with any of the provisions of this Chapter, which involves a failure on the part of such user to
22 report accurately its noncompliance with any of the provisions of this Chapter or which results
23 in the exercise by the Director of any of the emergency authority that is granted to him by this
24 Chapter.] any industrial user which is found to be in significant noncompliance.

25 [(65)](63) "Sludge" means any [solid, semi-solid or liquid waste]
26 wastewater of any type that is generated by a municipal, commercial or industrial wastewater

1 treatment plant, water supply treatment plant or air pollution control facility, [or any other waste
2 that has similar characteristics and effect.] other than the treated effluent from a wastewater
3 treatment plant.

4 [(66)](64) "Slug" means any discharge of water, wastewater or industrial
5 waste which, in concentration of any constituent or in quantity of flow, or both, exceeds, for any
6 period longer than fifteen minutes, more than three times the average twenty-four-hour
7 concentration or flow, and any pollutant, including without limitation any oxygen demanding
8 pollutant, which is released in a discharge at a flow rate or in a pollutant concentration, or both,
9 which may cause an interference with the treatment process.

10 [(67)](65) "Standard industrial classification" means a system of
11 classifying industries, as identified in the Standard Industrial Classification Manual, 1972,
12 prepared by the Office of Management and Budget, as the same may subsequently be amended
13 and supplemented from time to time.

14 [(68)](66) "Storm drain" means a conveyance structure for carrying
15 storm and surface waters and drainage water excluding [sewage.] wastewater.

16 (67) "Stormwater" means uncontaminated water resulting from
17 precipitation; irrigation with drinking water; or clean groundwater.

18 [(69)](68) "Suspended solids," [or] "suspended matter," or "total
19 suspended solids" means the solid matter that is suspended in [sewage,] wastewater, as determined
20 in accordance with the appropriate procedures that are set forth in 40 CFR Part 136.

21 [(70)](69) "System" means the wastewater collection and treatment
22 system of the City and, without limitation, includes sewer service connections and all of the
23 facilities that are used by the City for the collection, pumping, transportation, treatment and final
24 disposal of wastewater.

25 [(71)](70) "Total toxic organics" means the summation of all quantifiable
26 values of organic components in 40 CFR, Section 423, Appendix A, in excess of 10 micrograms

1 per liter (ug/L).

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

8 (72) "Uncontaminated water" means any [wastewater that is not
9 contaminated or polluted with sewage and which is suitable for discharge into the City's storm
10 drain system.] water that is suitable for discharge into the City's storm drain system.

11 (73) "Upset" means an exceptional incident in which there is an
12 unintentional and temporary noncompliance with the discharge limitations that are specified in an
13 industrial user's wastewater contribution permit or this Chapter as the result of factors that are
14 beyond the reasonable control of such industrial user.

15 (74) "User" means any person who contributes, or causes or permits the
16 contribution of, wastewater into the system.

17 (75) "Wastewater" means [the same as "sewage."] any liquid, solid,
18 gaseous, or radioactive waste that enters the system.

19 (76) "Wastewater contribution permit" means the permit that is described
20 in LVMC 14.17.140, 14.17.145 and 14.17.150.

21 (77) "Wastewater treatment plant" means an assemblage of devices,
22 structures and equipment for treatment of wastewater.

23 (78) "Waters of the State" means all streams, lakes, ponds, marshes,
24 watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems
25 and other bodies or accumulations of water, surface or underground, natural or artificial, public
26 or private, which are contained within, flow through or border upon the State or any portion

1 thereof.

2 SECTION 3: Title 14, Chapter 17, Section 30, of the Municipal Code of
3 the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

4 14.17.030: It is declared to be the policy of the City to protect the health, welfare and safety
5 of the residents thereof by constructing, operating and maintaining a system of sewers and liquid
6 waste treatment and disposal facilities that service the homes and commercial and industrial
7 establishments within the City and its environs, as required by State and Federal law. The
8 following basic principles apply to [sewage,] wastewater [liquid waste and industrial waste] that
9 is discharged into the system:

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

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

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

24 (D) Provisions are made in this Chapter to regulate industrial [waste]
25 discharges, to comply with the State and Federal requirements and policies and to satisfy
26 increasingly higher standards of treatment plant effluent quality and environmental considerations.

1 This Chapter establishes quantity and quality limitations on [sewage,] wastewater [liquid waste
2 and industrial waste] discharges in situations in which such discharges may adversely affect the
3 system or the quality of the effluent therefrom, or both. These limitations are intended to improve
4 the quality of wastewater being received for treatment and to encourage water conservation by all
5 of the users who are connected to the system. The intent of the City's policy is to discourage an
6 increase in the quantity (mass emission rate) of waste constituents that are discharged; and

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

10 SECTION 4: Title 14, Chapter 17, Section 35, of the Municipal Code of
11 the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

12 14.17.035: (A) The Director is authorized, empowered and directed to adopt such rules,
13 regulations and standards as may be deemed by him to be reasonably necessary in order to protect
14 the system and to control and regulate the proper use thereof; provided, however, that the terms
15 and provisions of such rules and regulations shall be promulgated in a manner that is reasonably
16 calculated to result in the uniform control of the system.

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

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

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

26 (E) The Director shall have the responsibility of administering,

1 implementing and enforcing all of the provisions of this Chapter. However, any power that is
2 granted to, or duty that is imposed upon, the Director may be delegated by him to any other
3 person who is in the employ of the City's Department of Public Works and may be confirmed in
4 writing by the City Council upon any other person or persons, whether or not he or they are in
5 the employ of the City.

6 SECTION 5: Title 14, Chapter 17, Section 40, of the Municipal Code of
7 the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

8 14.17.040: If [sewerage] wastewater collection and treatment capacity is not available at the
9 City's [sewage] wastewater treatment plant, the City may restrict discharge into the system until
10 sufficient capacity can be made available. When it is requested to do so by a potential discharger
11 who desires to locate new facilities within the service area of the system, the City may advise
12 such discharger concerning the areas in which wastewater of the quantity and quality that it is
13 expected to generate can be received by the system. The City may refuse immediate service to
14 any new source that is located in an area in which the expected quantity or quality of wastewater
15 is unacceptable in the system.

16 SECTION 6: Title 14, Chapter 17, Section 60, of the Municipal Code of
17 the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

18 14.17.060: (A) All information and data with respect to any user that is obtained from
19 reports, questionnaires, permit applications, permits, monitoring programs or inspections shall be
20 available to the public or other governmental agency without restriction unless such user
21 specifically otherwise requests and is able to demonstrate to the satisfaction of the City that the
22 release of such information would divulge information, proprietary data, processes or methods
23 which would be detrimental to its competitive position and that such information is eligible for
24 confidential treatment pursuant to subsection (B) of this Section. All other information which is
25 submitted by any user to the City shall be available to the public, at least to the extent that is
26 provided for in 40 CFR 2.302.

1 (B) Any claim of a user for confidentiality must be asserted at the time
2 of the submission to the City of the information or data for which the claim is asserted. The
3 claim may be asserted by stamping the words "confidential business information" on each page
4 that contains such information or by other means; provided, however, that if no claim is asserted
5 at the time of such submission, the City may make the information available to the public without
6 further notice. If such a claim is asserted, the information will be treated in accordance with the
7 procedure in 40 CFR Part 2.

8 (C) When the City is requested not to do so by the person who furnishes
9 a wastewater discharge report, the portions of such report which might disclose trade secrets or
10 secret processes shall not be made available for inspection by the public but shall be made
11 available, upon written request therefor, to any Federal agency for a use that is related to this
12 Chapter, the City's NPDES permit, the State disposal system permit or the pretreatment program,
13 or any combination thereof, or to any State agency for use in any judicial review or enforcement
14 proceedings that involve the person who furnished the report. Wastewater constituents and
15 characteristics will not be recognized as confidential information.

16 (D) Information that is accepted by the City as confidential shall not be
17 transmitted to any governmental agency, except those bound by the confidentiality requirements
18 of 40 CFR Part 2, [or to the general public] by the City unless and until prior and adequate
19 notification is given to the user who furnished such information. Immediate and unlimited access
20 to confidential information shall be provided to the Nevada Division of Environmental Protection
21 or the United States Environmental Protection Agency.

22 (E) With the exception of governmental agencies, any person who
23 requests [such] nonconfidential information from the City shall be required, prior to receipt of the
24 requested information, to pay the reasonable costs that are incurred by the City in gathering,
25 reproducing and transmitting such data.

26 SECTION 7: Title 14, Chapter 17, Section 65, of the Municipal Code of

1 the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

2 14.17.065: The City will comply with the public participation requirements that are contained
3 in 40 CFR Part 25 in the enforcement of national pretreatment standards. Procedures with respect
4 thereto shall include the provision for publishing at least annually, in [a newspaper of general
5 circulation] the largest daily newspaper published within the City, public notification of the names
6 of the industrial users who, during the preceding twelve months, [became significant violators of]
7 were found to be in significant noncompliance with the applicable pretreatment standards or other
8 pretreatment requirements.

9 SECTION 8: Title 14, Chapter 17, Section 70, of the Municipal Code of
10 the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11 14.17.070: Any user who discharges or causes to be discharged into the system any prohibited
12 [sewage] wastewater [liquid waste or industrial wastes] into the system, and such discharge causes
13 damage to, or detrimental effects on, the system, or any part thereof, shall be liable to the City
14 for all damages that result therefrom.

15 SECTION 9: Title 14, Chapter 17, Section 80, of the Municipal Code of
16 the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

17 14.17.080: It is unlawful for any user to discharge or cause to be discharged into the system
18 any waste that creates a stoppage, plugging, breakage, significant reduction in sewer capacity or
19 any other damage to the system, or any part thereof. In addition to any other penalty that may
20 be provided by law, any excessive [sewer or sewerage] maintenance expense or any other expense
21 that is attributable [thereto] to the unlawful discharge may be charged to and collected from the
22 offending user by the City.

23 SECTION 10: Title 14, Chapter 17, Section 85, of the Municipal
24 Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

25 14.17.085: It is unlawful for any user to discharge or cause to be discharged into the system
26 any rainwater, storm water, groundwater, street drainage, subsurface drainage, roof drainage,

1 swimming pool or spa drainage[,] from non-residential users, yard drainage, water from yard
2 fountains, ponds, lawn sprays or any other uncontaminated water, other than air conditioning
3 condensate. Every private or public washrack or floor or slab drain that is used for cleaning
4 machinery or machine parts shall be adequately protected against storm or surface inflow.
5 Pursuant to LVMC 14.17.190, if no alternate method of disposal is reasonably available, the City
6 may issue a permit for the discharge of such water on a temporary basis only. A temporary
7 permit may also be given in order to mitigate an environmental or health hazard with the
8 installation of appropriate rainwater diversion devices or facilities. If such a permit is granted for
9 the discharge of such water into a public sewer, the user shall pay the applicable charges that are
10 established in a separate resolution that is adopted by the City Council and shall meet such other
11 conditions as may be imposed by the City.

12 SECTION 11: Title 14, Chapter 17, Section 100, of the Municipal
13 Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14 14.17.100: (A) It is unlawful for any user to discharge or cause to be discharged into the
15 system any commercial garbage, food market waste or food plant waste except after the same has
16 been suitably ground in accordance with subsection (B) of this Section.

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

- 19 (1) At least forty percent of the material must pass a No. 8
20 sieve;
- 21 (2) At least sixty-five percent of the material must pass a No. 3
22 sieve; and
- 23 (3) One hundred percent of the material must pass a 1/2-inch
24 screen.

25 (C) (1) Waste from garbage grinders, other than waste that is
26 generated in preparation of food [that is consumed on the

premises,] 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.

SECTION 12: 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: 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 [waste.] or any trucked wastewater.

SECTION 13: 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 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 unless such discharge is approved by the City upon 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 by the City Council.

SECTION 14: Title 14, Chapter 17, Section 120, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:
14.17.120: (A) [Except as is expressly allowed in a wastewater contribution permit, it is

1 unlawful for any user to discharge or cause to be discharged into the system, the City's storm
2 drain system, or the waters of the State any of the following materials:] It is unlawful for any user
3 to discharge or cause to be discharged into the system any of the following materials in
4 concentrations sufficient to cause pass through or interference, or in concentrations that violate
5 any regulation promulgated in accordance with section 307(b), (c), or (d) of the Act:

6 (1) Gasoline, mercury, total identifiable chlorinated
7 hydrocarbons, kerosene, naptha, benzene, toluene, xylene,
8 ethers, alcohols, ketones, aldehydes, peroxides, chlorates,
9 perchlorates, bromates, carbides, hydrides, solvents,
10 pesticides or jet fuel.

11 (2) Acids, caustics, sulfides, concentrated chloride and fluoride
12 compounds and substances which will react with water to
13 form acidic products.

14 (3) Liquids, solids or gases which, by reason of their nature or
15 quantity, are flammable, reactive, explosive, corrosive or
16 radioactive or by interaction with other materials could result
17 in a fire, explosion or injury.

18 [(4) Solid or viscous material which could cause an obstruction
19 to the flow or cause an interference to the operation of the
20 system or the City's storm drain system, including without
21 limitation grease, garbage with particles that are greater than
22 one-half of an inch in any dimension, animal guts or tissues,
23 paunch manure, bones, hair, hides or fleshing, entrails,
24 whole blood, feathers, ashes, cinders, sand, spent lime,
25 stone marble dust, metal, glass, straw, shavings, grass
26 clippings, rags, spent grains, spent hops, waste paper, wood,

1 plastics, gas tar, asphalt residues, residues from the refining
2 or processing of fuel, lubricating oil, mud, glass grinding or
3 polishing wastes, any wastewater that has a pH of less than
4 5.0 or more than 9.0 or any wastewater that has any other
5 corrosive property that is capable of causing damage or
6 hazard to the structures, equipment, or personnel of the City.

7 (5) Toxic pollutants in a sufficient quantity to injure or interfere
8 with any wastewater treatment process, constitute a hazard
9 or cause injury to human, animal or plant life or cause any
10 limitation that is set forth in this Chapter to be exceeded.

11 (6) Noxious or malodorous liquids, gases or solids in a sufficient
12 quantity, either alone or by interaction with other materials,
13 to create a nuisance or a hazard to life or to prevent entry by
14 any person to the system.

15 (7) Any material in a sufficient quantity to interfere with any
16 sewage treatment process, render any product thereof
17 unsuitable for reclamation and reuse or cause the City to be
18 in noncompliance with the sludge use or disposal criteria,
19 guidelines or regulations in connection with Section 405 of
20 the Act, the Solid Waste Disposal Act, the Clean Air Act,
21 the Toxic Substances Control Act or other Federal or State
22 criteria that are applicable to the sludge management method
23 that is being used.

24 (8) Material which will cause the City to be in violation of its
25 NPDES permit or any applicable Federal and State statute,
26 rule or regulation.

- 1 (9) Wastewater that contains pigment which is not removed in
2 the ordinary sewage treatment process and which creates a
3 visual contrast with the material appearance of the City's
4 discharge when it is observed at the point of the discharge.
- 5 (10)](4) Wastewater from industrial facilities that contain floatable
6 fats, wax, grease or oils.
- 7 [(11) Wax, grease or oil concentration of mineral or petroleum
8 origin (non-living sources) of more than one hundred
9 milligrams per liter, whether emulsified or not, or which
10 contain substances which may solidify or become viscous at
11 temperatures between thirty-two degrees Fahrenheit and one
12 hundred fifty degrees Fahrenheit (zero degree Celsius and
13 sixty-five degrees Celsius) at the point of its discharge into
14 the system.
- 15 (12) Total fat, wax, grease or oil concentration of animal or
16 vegetable origin (biodegradable living sources) of more than
17 one hundred milligrams per liter, whether emulsified or not,
18 or which contain substances which may solidify or become
19 viscous at temperatures between forty degrees Fahrenheit and
20 one hundred degrees Fahrenheit (four degrees Celsius and
21 thirty-seven degrees Celsius) at the point of its discharge into
22 the system.
- 23 (13)](5) Non-biodegradable cutting oils, commonly called soluble oil,
24 which form persistent water emulsions.
- 25 [(14) Waste containing substances that may precipitate, solidify or
26 become viscous at temperatures between forty degrees

1 Fahrenheit and one hundred degrees Fahrenheit (four degrees
2 Celsius and thirty-seven degrees Celsius) at the point of its
3 discharge into the system.

4 (15) Wastewater that has a heat content in such a quantity that the
5 temperature of the wastewater at the introduction into the
6 sewage treatment plant exceeds one hundred four degrees
7 Fahrenheit (forty degrees Celcius).

8 (16) Pollutants, including without limitation oxygen demanding
9 pollutants, that are released at a flow rate or a pollutant
10 concentration which will cause or contribute to an
11 interference with the sewage treatment process.

12 (17) Single pass cooling water; provided, however, that the
13 blowdown or bleedoff from cooling towers or other
14 evaporative coolers may be accepted into the system as long
15 as it does not exceed one-third of the makeup of the water
16 and is expressly authorized in the user's wastewater
17 contribution permit.

18 (18) Wastewater which constitutes a hazard or causes injury to
19 human, animal or plant life or creates a public nuisance.

20 (19) Recognizable portions of the human or animal anatomy.

21 (20)](6) Floatable material which is readily removable.

22 [(21) Wastewater which constitutes a hazard or causes injury to
23 human, animal or plant life or creates a nuisance.

24 (22) Water that is added for the purpose of diluting wastes which
25 would otherwise exceed the applicable maximum
26 concentration limitations.

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- (23) Excessive amounts of organic phosphorous type compounds.
- (24) Excessive amounts of deionized water, steam condensate or distilled water.
- (25) Rainwater, storm water, groundwater, street drainage, surface drainage, roof drainage, yard drainage, water from yard fountains, ponds, lawn sprays or any other uncontaminated water.
- (26) Industrial waste which does not comply with the applicable Federal pretreatment standards, as the same are set forth in Section 207(b) and (c) of the Act and any applicable regulation thereunder, including without limitation those that are prescribed in 40 CFR 403. The most stringent standards will apply whenever Federal, State and local standards overlap.]
- (7) Any waste 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.

(B) Except as expressly allowed in a wastewater contribution permit, it is unlawful for any user to discharge or cause to be discharged into the system any of the following materials:

- (1) Solid or viscous material which could cause an obstruction to the flow or cause an interference to the operation of the system or the City's storm drain system, including without limitation grease, garbage with 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,

1 feathers, ashes, cinders, sand, spent lime, stone marble dust,
2 metal, glass, straw, shavings, grass clippings, rags, spent
3 grains, spent hops, waste paper, wood, plastics, gas tar,
4 asphalt residues, residues from the refining or processing of
5 fuel, lubricating oil, mud, glass grinding or polishing wastes,
6 any wastewater that has a pH of less than 5.0 or more than
7 11.0 or any wastewater that has any other corrosive property
8 that is capable of causing damage or hazard to the structures,
9 equipment, or personnel of the City.

10 (2) Toxic pollutants in a sufficient quantity to injure or interfere
11 with any wastewater treatment process, constitute a hazard
12 or cause injury to human, animal or plant life or cause to be
13 exceeded any limitation that is set forth in this Chapter.

14 (3) Noxious or malodorous liquids, gases or solids in a sufficient
15 quantity, either alone or by interaction with other materials,
16 to create a nuisance or which result in toxic gases, vapors or
17 fumes within the system in a quantity that may cause acute
18 worker health and safety problems.

19 (4) Any material in a sufficient quantity to interfere with any
20 wastewater treatment process, render any product thereof
21 unsuitable for reclamation and reuse or cause the City to be
22 in noncompliance with the sludge use or disposal criteria,
23 guidelines or regulations in connection with Section 405 of
24 the Act, the Solid Waste Disposal Act, the Clean Air Act,
25 the Toxic Substances Control Act or other Federal or State
26 criteria that are applicable to the sludge management method

1 that is being used.

2 (5) Material which will cause the City to be in violation of its
3 NPDES permit or any applicable Federal and State statute,
4 rule or regulation.

5 (6) Wastewater that contains pigment which is not removed in
6 the ordinary wastewater treatment process and which creates
7 a visual contrast with the material appearance of the City's
8 discharge when it is observed at the point of the discharge.

9 (7) Wax, grease or oil concentration of mineral or petroleum
10 origin (non-living sources) of more than one hundred
11 milligrams per liter, whether emulsified or not, or which
12 contain substances which may solidify or become viscous at
13 temperatures between thirty-two degrees Fahrenheit and one
14 hundred fifty degrees Fahrenheit (zero degree Celsius and
15 sixty-five degrees Celsius) at the point of its discharge into
16 the system.

17 (8) Total fat, wax, grease or oil concentration of animal or
18 vegetable origin (biodegradable living sources) of more than
19 two hundred fifty milligrams per liter, whether emulsified or
20 not, or which contain substances which may solidify or
21 become viscous at temperatures between forty degrees
22 Fahrenheit and one hundred degrees Fahrenheit (four degrees
23 Celsius and thirty-seven degrees Celsius) at the point of its
24 discharge into the system.

25 (9) Waste containing substances that may precipitate, solidify or
26 become viscous at temperatures between forty degrees

Fahrenheit and one hundred degrees Fahrenheit (four degrees Celsius and thirty-seven degrees Celsius) at the point of its discharge into the system.

(10) Wastewater that has a heat content in such a quantity that the temperature of the wastewater at the introduction into the wastewater treatment plant exceeds one hundred four degrees Fahrenheit (forty degrees Celcius).

(11) Pollutants, including without limitation oxygen demanding pollutants, that are released at a flow rate or a pollutant concentration which will cause or contribute to an interference with the wastewater treatment process.

(12) Single pass cooling water; provided, however, that the blowdown or bleedoff from cooling towers or other evaporative coolers may be accepted into the system as long as it does not exceed one-third of the makeup of the water and is expressly authorized in the user's wastewater contribution permit.

(13) Wastewater which constitutes a hazard or causes injury to human, animal or plant life or creates a public nuisance.

(14) Recognizable portions of the human or animal anatomy.

(15) Wastewater which constitutes a hazard or causes injury to human, animal or plant life or creates a nuisance.

(16) Water that is added for the purpose of diluting wastes which would otherwise exceed the applicable maximum concentration limitations.

(17) Excessive amounts of organic phosphorous type compounds.

14.17.125: It is unlawful for any user to discharge or cause to be discharged into the system any [sewage,] wastewater [liquid waste or industrial waste] if[, in the opinion of the Director,] the Director has determined that such discharge may have an adverse or harmful effect upon the sewer maintenance personnel, [sewage] wastewater treatment plant personnel or equipment, 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 [wastes,] wastewaters shall consider the nature of the [waste] wastewater and the adequacy and nature of the system to accept such [waste] 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 appeal finally decided before any criminal proceeding may be instituted against such user.

SECTION 16: 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 exceeds the following limitations at any time:

Parameter	Maximum Concentration Limitation[s] (mg/[l])L unless noted otherwise)
[Ammonia (as N)	19.1
Arsenic	0.83
Biochemical Oxygen Demand	600.0
Cadmium	0.03
Chromium (Hexavalent)	0.1
Chromium (Total)	5.8
Chlorine Demand	50.0
Color	Non-persistent
Copper	0.3
Cyanide (Total)	0.65
Lead	7.4
Mercury	0.001
Methylene Blue Active Substances	3.4
Nickel	0.1
Oil and Grease	100.0
Organophosphorous or Carbamate Compounds	1.0

1	pH	5.0-9.0 Standard Units
	Phenolic Compounds	31.0
2	Phosphorus	6.2
	Selenium	0.6
3	Silver	0.1
	Suspended Solids	800.0
4	Sulfide	0.1
	Total Dissolved Solids	1000.0
5	Total Identifiable Chlorinated Hydrocarbons	1.0
	Total Toxic Organics	1.0
6	Zinc	1.1]
7		
	<u>Ammonia (as N)</u>	<u>61.0</u>
8	<u>Arsenic</u>	<u>2.3</u>
	<u>Barium</u>	<u>13.1</u>
9	<u>Beryllium</u>	<u>0.02</u>
	<u>Cadmium</u>	<u>0.15</u>
10	<u>Chromium (Hexavalent)</u>	<u>0.1</u>
	<u>Chromium (Total)</u>	<u>5.6</u>
11	<u>Copper</u>	<u>0.6</u>
	<u>Cyanide (Total)</u>	<u>19.9</u>
12	<u>Lead</u>	<u>0.20</u>
	<u>Mercury</u>	<u>0.001</u>
13	<u>Methylene Blue Active Substances</u>	<u>3.4</u>
	<u>Nickel</u>	<u>1.1</u>
14	<u>Oil and Grease (Mineral or Petroleum)</u>	<u>100</u>
	<u>Oil and Grease (Animal or Vegetable)</u>	<u>250</u>
15	<u>Organophosphorous or Carbamate Pesticides</u>	<u>1.0</u>
	pH	5.0-11.0 Standard Units
16	Phenols	33.6
	Selenium	0.5
17	Silver	2.7
	Sulfide	0.1
18	Zinc	8.2

19 (B) Notwithstanding the limitations that are set forth in subsection (A)
20 of this Section, if more restrictive limitations are imposed by such user's wastewater contribution
21 permit, if any, or the applicable Federal or State pretreatment standards, it is unlawful for any
22 user to introduce wastewater into the system that exceeds such more restrictive limitations.

23 (C) It is unlawful for any industrial user to introduce wastewater into the
24 system that exceeds the thresholds described in the table below; provided, however, that the
25 Director, on a case-by-case basis, may allow a user to discharge in excess of these thresholds.
26 In such a case, the user shall pay surcharge fees that have been established in a separate resolution

1 by the City Council.

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

5 (1) Surcharge fees shall defray the cost incurred by the City for
6 treatment and disposal. The Director shall determine the
7 method used to calculate the total pounds of these
8 constituents which are discharged into the system and the
9 amount which shall be subject to surcharge fees. This
10 method is subject to other applicable provisions of this
11 Chapter. The cost of the laboratory analyses and staff
12 coordination time that is required to determine the surcharge
13 fees shall be paid by the user.

14 (2) The Director may deny a request to exceed the thresholds
15 described in this subsection if he determines that such
16 discharge has a reasonable potential, either alone or in
17 combination with other contributing industries, for adversely
18 affecting the City's treatment plant operation.

19 (D) Any industrial user which introduces wastewater into the system with
20 a total dissolved solids concentration in excess of 1200 mg/L is required to submit a salinity
21 control plan to the City within 60 days of becoming aware of exceeding the threshold. This plan
22 shall contain a description of chemicals and materials which contribute to the total dissolved solids
23 concentration in the wastewater discharged from the facility and source control practices which
24 will be incorporated by the user to reduce the total dissolved solids concentration to less than 1200
25 mg/L or the lowest concentration that is reasonably practical.

26 (1) Any industrial user which exceeded the total dissolved solids

1 threshold shall resample for this constituent and submit the
2 results to the City within 180 days of becoming aware of
3 exceeding the threshold. If this threshold has been exceeded
4 again, an updated salinity control plan containing any
5 additional source control practices which will be
6 incorporated by the user shall be submitted to the City within
7 90 days. This resampling shall continue, semi-annually,
8 until the user can demonstrate to the City that it can remain
9 below the total dissolved solids threshold. The cost of the
10 laboratory analysis and staff coordination that is required to
11 determine total dissolved solids concentrations shall be paid
12 by the user.

- 13 (2) The Director may prohibit wastewater from being introduced
14 into the system which contains excessive amounts of total
15 dissolved solids.

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

18 14.17.140: (A) No statement that is contained in LVMC 14.17.080 to 14.17.135, inclusive,
19 shall be construed as preventing the Director from issuing a wastewater contribution permit that
20 allows an industrial waste of unusual strength or character if the discharge does not violate the
21 applicable Federal or State pretreatment standards. The discharger shall pay all of the extra costs
22 that are incurred by the City in connection with treating such discharge.

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

- 25 (1) Class I
26 (2) Class II

1 (3) [Special.] Temporary.

2 SECTION 18: Title 14, Chapter 17, Section 145, of the Municipal
3 Code of the City of Las Vegas, Nevada, 1983, is hereby amended to read as follows:

4 14.17.145: (A) Permits for the use of the system shall be required as provided in this
5 Chapter. Permit applications, in the form that is prescribed by the City and accompanied by all
6 of the applicable fees, shall be filed with the Director. Application and permit fees shall be used
7 to defray the administrative costs and shall be subject to periodic revisions. In compliance with
8 the Federal Water Pollution Act of 1972, all of the costs of industrial waste control are mandated
9 to be charged to the owners or operators of the contributing industrial connections. Wastewater
10 contribution permits may be renewed by the payment of the fees that are established by the City.
11 The cost of the laboratory analyses and staff coordination time that are required in order to
12 establish an industrial user's compliance with its discharge limits shall be paid by the industrial
13 user whose facility is sampled, in accordance with the fees therefor that are established by the
14 City.

15 (B) Each [person] industrial user who proposes to connect to[, or
16 discharge industrial wastewater into,] any part of the system must, before doing so, apply for and,
17 if required by the City, obtain a wastewater contribution permit. Also, any industrial user which
18 does not currently have an existing wastewater contribution permit, but proposes to contribute new
19 pollutants, increase the existing pollutants or change the characteristics of existing pollutants must,
20 before doing so, apply for and, if required by the City, obtain a wastewater contribution permit.
21 The City may deny or condition a wastewater contribution permit for a new or increased
22 contribution of pollutants or a change in the nature of the pollutants from an industrial user upon
23 the basis that the industry of which such user is a part has been guilty of violations of the
24 applicable Federal or State pretreatment standards or the limitations that are imposed by this
25 Chapter or upon the basis that such contribution could cause the City's wastewater treatment plant
26 to violate the City's NPDES permit. All industrial users who are connected to, or are discharging

1 into, any part of the system on the date that this Chapter becomes effective must obtain a
2 wastewater contribution permit, if the same is required by the City, within one hundred twenty
3 days from and after the effective date of the ordinance codified in this Chapter. In addition, the
4 holder of each such permit, upon its reissue, shall pay to the City, and each application for a new
5 permit shall be accompanied by, the appropriate fee therefor that is established by the City.

6 SECTION 19: Title 14, Chapter 17, Section 150, of the Municipal
7 Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

8 14.17.150: The wastewater contribution permits shall be classified as follows:

9 (A) Class I:

10 (1) Class I includes any industrial user who:

11 [(a) Has an industrial waste flow of twenty-five thousand
12 gallons or more per day;

13 (b) Has in its waste discharge a toxic pollutant in toxic
14 amounts, as that term is defined in the standards that
15 are issued pursuant to Section 307(a) of the Federal
16 Water Pollution Control Act and the Toxic
17 Substances Control Act;

18 (c) Has a waste discharge that is found by the City, the
19 EPA or the Administrator of the Division of
20 Environmental Protection of the Nevada Department
21 of Conservation and Natural Resources to have a
22 significant adverse impact, either alone or in
23 combination with other contributing industries, upon
24 the City's treatment plant or upon the quality of the
25 effluent therefrom or which may cause the City to
26 violate its NPDES permit; or

1 (d) Has a waste discharge that is subject to the
2 categorical pretreatment standards and regulations
3 that are promulgated and defined by the EPA in
4 Section 309(e) et. seq. of the Federal Clean Water
5 Act.]

6 (a) Is subject to Categorical Pretreatment Standards
7 under 40 CFR 403.6 and 40 CFR Chapter I,
8 Subchapter N;

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

13 (c) Contributes a process wastestream which makes up
14 five percent or more of the average dry weather
15 hydraulic or organic capacity of the wastewater
16 treatment plant;

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

24 (e) Has in its waste discharge a toxic pollutant in toxic
25 amounts, as that term is defined in the standards that
26 are issued pursuant to Section 307(a) of the Act and

the Toxic Substances Control Act.

(2) The facilities of each Class I industrial user shall be inspected and sampled a minimum of two times per year.

(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;

(b) Is not required to obtain a Class I permit; or

(c) Discharges, or has the potential to discharge,
[industrial] wastes which may have, either alone or
in combination with other industries, potential effects
on the City's treatment facilities or discharge
limitations.

(2) The facilities of each Class II industrial user shall be inspected and sampled on a random basis.

SECTION 20: 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 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 permits shall be uniformly enforced in accordance with this Chapter and applicable Federal and State regulations. The conditions of each wastewater contribution permit may, without limitation, include any or all of the following:

(A) The unit charge or schedule of user charges and 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 and

1 characteristics of the wastewater discharges from the permittee's facilities;

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

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

6 (E) The requirements for the installation of inspection and sampling
7 facilities and uncontrolled discharge containment facilities with respect to the permittee's facilities;

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

11 (G) The pretreatment facility requirements with respect to the permittee's
12 facilities;

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

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

18 (J) The compliance schedules that are required for the permittee's
19 facilities;

20 (K) The analyses of the wastewater discharges from the permittee's
21 facilities that are to be established by the City through an annual notification process and are to
22 be performed, as a part of the permittee's compliance effort, by a laboratory that is approved by
23 the City;

24 (L) The requirements for maintaining, and for affording the City access
25 to, the records of the permittee's facilities that relate to its wastewater discharges;

26 (M) The requirements for the notification of the City of any introduction

1 of new constituents or any substantial change in the volume or character of the existing
2 constituents of the wastewater discharges from the permittee's facilities;

3 (N) The requirements for the notification of the City of slug, upset or
4 bypass discharges from the permittee's facilities;

5 (O) The requirement that an amended application must be filed within
6 ten working days after any condition that is contained in the original application is changed; and

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

11 SECTION 21: Title 14, Chapter 17, Section 165, of the Municipal
12 Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

13 14.17.165: (A) Each wastewater contribution permit shall be issued for a specified period,
14 not to exceed five years and each user shall apply for renewal of its permit not later than sixty
15 days prior to the expiration of its existing permit.

16 (B) If such user makes a timely application for renewal and is not
17 notified by the City of the renewal of its permit at least thirty days prior to the expiration of its
18 existing [permits,] permit, its existing permit shall automatically be extended for an additional
19 thirty days.

20 SECTION 22: Title 14, Chapter 17, Section 170, of the Municipal
21 Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

22 14.17.170: The City may change the terms and conditions of any wastewater contribution
23 permit during the period for which it was granted [whenever the limitations or requirements
24 therefor that are identified in LVMC 14.17.160 are codified and changed.] for adequate cause.

25 The user shall be informed of any proposed change in its wastewater contribution permit at least
26 thirty days prior to the effective date such of change. Any change or new condition in such

1 permit shall include a reasonable time schedule for compliance therewith. The user will,
2 however, be required to meet milestone dates established in Federal categorical standards.

3 SECTION 23: Title 14, Chapter 17, Section 185, of the Municipal
4 Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

5 14.17.185: No wastewater discharge in which there has been a contribution of new pollutants,
6 an increase in the existing pollutants or a change in the characteristics of the existing pollutants
7 which causes such discharge to be different from that which is expressly allowed under a user's
8 existing wastewater contribution permit shall be commenced without the prior written notification
9 to, and the approval by, the Director. Upon such notification, the Director, in his sole discretion,
10 may require that a new application be filed and a new wastewater contribution permit be obtained
11 before any waste discharge that involves such change takes place. This written notification and
12 approval by the Director is also required for any industrial user who is not currently required by
13 the City to obtain a wastewater contribution permit, but who proposes any changes or
14 modifications in its nondomestic wastewater discharge.

15 SECTION 24: Title 14, Chapter 17, Section 190, of the Municipal
16 Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

17 14.17.190: (A) A temporary wastewater discharge permit shall be required of all users who
18 are granted temporary permission by the City to discharge unpolluted water, storm drainage and
19 ground water that is discharged directly or indirectly into the system. Such a temporary permit
20 may be granted if no alternate method of disposal is reasonably available. The provisions of
21 LVMC 14.17.080 to 14.17.110, inclusive, and 14.17.120 to 14.17.130, inclusive, of this Chapter
22 which pertain to wastewater strength and characteristics shall apply to such temporary permit.

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

1 (C) The City may specify and make a part of each temporary wastewater
2 discharge permit specific conditions and pretreatment requirements.

3 (D) An application fee for a temporary wastewater discharge permit shall
4 be paid by the applicant in the amount adopted by a separate resolution that is adopted by the City
5 Council. The fee shall be payable prior to issuance of the permit.

6 (E) A charge for use, to defray all of the costs of the City for providing
7 [sewerage] wastewater collection and treatment service and monitoring, shall be established by
8 a separate resolution that is adopted by the City Council. A deposit in an amount to be
9 determined by the Director as being sufficient to pay the estimated charges for use shall
10 accompany the application for a temporary wastewater discharge permit, and such deposit shall
11 be applied to the charges for the use of the system thereunder.

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

17 SECTION 25: Title 14, Chapter 17, Section 200, of the Municipal
18 Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

19 14.17.200: (A) An industrial wastewater pretreatment facility or device may be required by
20 the City to treat industrial flows prior to their discharge into the system whenever it is necessary
21 to restrict or prevent the discharge to the system of certain waste constituents, to distribute more
22 equally over a longer period any peak discharge of industrial wastewaters or to accomplish any
23 pretreatment result that is required by the City. All such pretreatment facilities or devices shall
24 be approved by the City before their use, but such approval shall not absolve the industrial user
25 that owns or operates the same of the responsibility of meeting any industrial effluent limitation
26 that is imposed by the City on such flows. In a special case, the City may require the

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

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

21 (C) All domestic or sanitary wastewaters from restrooms, showers,
22 drinking fountains and similar facilities shall be kept separate from all industrial wastewaters until
23 the industrial wastewaters have passed through any required pretreatment facility or monitoring
24 device[.] if it is reasonably practical and deemed necessary by the City.

25 (D) If it is deemed necessary by the City for an industrial user, whether
26 under permit or not, to install a pretreatment facility or device, the City shall place a time

1 constraint on the final installation and operational date of such facility or device. If appropriate
2 this constraint shall include a compliance schedule which indicates milestone dates for the design
3 of the facility or device, final engineering approval, start of construction and start up date, and
4 a compliance deadline. The industrial user shall submit regular progress reports to be received
5 monthly as required by the City. The compliance schedule may be extended only as provided for
6 by Section 14.17.290(A)(1) using the same procedures as noted therein for extension of a
7 compliance schedule associated with a wastewater contribution permit.

8 SECTION 26: Title 14, Chapter 17, Section 205, of the Municipal
9 Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

10 14.17.205: (A) Any Class I industrial user, or any other industrial user, discharging
11 wastewater under permit by the City or without such permit, at the discretion of the Director,
12 shall be required to install and maintain monitoring facilities in order to allow inspection,
13 sampling or measurement, or any combination thereof, of the building sewer or plumbing systems
14 and may also be required to provide, install and operate sampling or measuring, or both,
15 equipment at such industrial user's expense. Such facilities shall be normally situated on the
16 industrial user's premises but the Director may, in his discretion, allow monitoring facilities to
17 be constructed elsewhere at the industrial user's expense.

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

25 (C) If two or more industrial users can discharge into a common side
26 sewer, the Director may require the installation of a separate monitoring facility for each such

1 user. Also, if, in the judgment of the Director, there is a significant difference in the constituents
2 and characteristics of the wastewaters produced by the different operations of a single industrial
3 user, the Director may require that separate monitoring facilities be installed for each separate
4 discharge.

5 (D) If a monitoring facility is inside an industrial user's fences, measures
6 shall be taken in order to afford access to the facility by the personnel of the City, including
7 without limitation such measures as a gate secured with a lock that is furnished by the City.
8 There shall be ample operating area in or near such monitoring facility in order to allow accurate
9 sampling and compositing of the samples for analysis. The industrial [use] user shall assure that
10 the access and the sampling and measuring equipment are maintained in a safe and proper
11 operating condition at all times at no expense to the City.

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

17 (F) The monitoring facility shall be provided with a security closure that
18 can be locked during the sampling or monitoring with a lock that will be provided by the City.

19 (G) Unrestricted access to the monitoring facility shall be available to
20 authorized personnel of the City at all times.

21 SECTION 27: Title 14, Chapter 17, Section 210, of the Municipal
22 Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

23 14.17.210: Traps for sand, grease and oil shall be provided in accordance with the following
24 requirements:

25 (A) Each restaurant or other establishment that discharges grease wastes
26 which, under the conditions that exist in the downstream sewers, could cause or threaten to cause

1 a stoppage or a grease accumulation shall be required to install an approved grease trap and oil
2 interceptor and regularly to maintain it in such a manner as to prevent excessive discharges of
3 grease and oil into the system. Each grease trap and oil interceptor shall be easily accessible for
4 inspection by the City. An exception to the requirement of installing a grease trap and oil
5 interceptor may be granted on a case-by-case basis by the Director, taking into account the
6 following items:

- 7 (1) The size of restaurant;
- 8 (2) The number of meals served per day;
- 9 (3) The available seating capacity; and
- 10 (4) The dish washing and garbage disposal facilities that are
11 available.

12 (B) Each new car wash, vehicle service station and garage which has
13 facilities for the washing of vehicles shall install an appropriate sand and oil interceptor of a size
14 and design that is approved by the City. Each such establishment that was in existence prior to
15 the effective date of this Chapter shall install an appropriate sand and oil interceptor if, in the
16 opinion of the Director, such establishment has the potential of contributing non-compatible
17 material to the system.

18 (C) A trap or interceptor that was legally and properly installed at a
19 restaurant or similar establishment, car wash, vehicle service station or garage prior to the
20 effective date of this Chapter shall be acceptable as an alternative to the trap or interceptor that
21 is specified in subsection (A) or (B) of this Section if such trap or interceptor is effective in
22 removing grease and oil or sand and oil, as the case may be, and is designed and installed in such
23 a manner that it can be inspected and properly maintained. If the City determines that a trap or
24 interceptor is incapable of retaining adequately the grease and oil or the sand and oil, as the case
25 may be, in the wastewater flow from a restaurant or similar establishment, car wash, vehicle
26 service station or garage, the City shall issue a written notice that requires the operator of such

1 establishment to install an adequate trap or interceptor within sixty days.

2 (D) The City may maintain an information file, available for public
3 inspection, of acceptable designs of grease, sand and oil traps and interceptors. The installation
4 of a trap or interceptor of a design that is shown in such file, or of any design that meets the
5 requirements that are set forth in this Section or any [recomnnendation] recommendation or
6 requirement that is made by the City shall not impute any liability to the City as a result of such
7 trap's or interceptor's failure adequately to perform under the actual conditions of its use. Such
8 installation shall not relieve the owner or proprietor of such establishment of the responsibility to
9 keep grease and oil or sand and oil, as the case may be, from entering the system. If a trap,
10 interceptor or other pretreatment facility is not adequate under the actual conditions of its use, a
11 new trap, interceptor or pretreatment facility shall be constructed which is effective in
12 accomplishing the intended purpose.

13 (E) Any grease trap and oil interceptor or sand and oil interceptor that
14 is required by this Section shall be readily accessible for inspection by the authorized personnel
15 of the City and shall be properly maintained to ensure that accumulations of grease and oil or sand
16 and oil, as the case may be, do not impair the efficiency of the trap or interceptor or are not
17 discharged with the effluent, or both. Each establishment that is required to use and maintain a
18 grease trap and oil interceptor or a sand and oil interceptor shall keep a record of every time the
19 trap or interceptor is cleaned. This record shall include the date, the name of the pumper or
20 person who cleaned the trap or interceptor and the site at which the waste was disposed of and
21 may be reviewed by the City in its discretion. A trap or interceptor shall not be considered
22 properly maintained if accumulations of grease and oil or sand and oil, as the case may be, total
23 more than twenty-five percent of the operative fluid capacity. The City will endeavor to inspect
24 all grease traps and oil interceptors and sand and oil interceptors periodically. If it is found that
25 a trap or interceptor in any establishment is improperly maintained or adequate records with
26 respect thereto are not being kept, a warning will be issued to the operator of such establishment.

1 If, on any subsequent inspection, it is found that any one of the aforesaid conditions continues to
2 exist, a penalty fee in an amount that is established by the City will be levied against the operator
3 of the establishment.

4 SECTION 28: Title 14, Chapter 17, Section 215, of the Municipal
5 Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6 14.17.215: (A) Upon its receipt of a written notification from the Director, each user shall
7 provide facilities for the containment of uncontrolled discharges of prohibited material or other
8 substances that are regulated by this Chapter. Facilities to contain such discharges shall be
9 provided and maintained at the user's sole cost and expense. Each user who is so notified shall
10 provide [detailed spill containment plans,] a detailed slug prevention and control plan, including
11 without limitation plans for the facility and operating procedures, to the Director for his review
12 and approval[, and such]. This slug prevention and control plan shall contain, but is not limited
13 to, the following elements:

- 14 (1) Description of discharge, including nonroutine batch
15 discharges;
- 16 (2) Description of stored chemicals;
- 17 (3) Procedures for promptly notifying the City of slug
18 discharges, including any discharge that would violate a
19 specific prohibition contained in 40 CFR 403.5(b) or this
20 Chapter, including procedures for follow-up written
21 notification within five days;
- 22 (4) Procedures to prevent accidental spills, including as
23 necessary, inspection and maintenance of storage areas,
24 handling and transfer of materials, loading and unloading
25 operations, control of plant site runoff, worker training,
26 building of containment structures or equipment, measures

1 for containing toxic organic pollutants (including solvents);

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

7 (B) Such plans and procedures must be approved before the installation
8 or the commencement of the construction of the facility. The construction of the facility shall be
9 completed within the period that is designated by the Director in the notification to the user of his
10 approval thereof. The review and approval of [spill containment plans] a slug prevention and
11 control plan and operating procedures shall not absolve the user of the responsibility of modifying
12 its facility as may be necessary in order to satisfy the requirements of this Chapter.

13 SECTION 29: Title 14, Chapter 17, Section 220, of the Municipal
14 Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

15 14.17.220: (A) Upon its receipt of a written notification from the Director, each user of
16 flammable substances and each user who is subject to uncontrolled discharges of flammable
17 substances may be required to install, operate and maintain a combustible gas monitoring system
18 and facility to divert the entire wastewater flow to a holding tank whenever the combustible gas
19 level at its establishment is greater than twenty percent of the lower explosive limit. Such system
20 and facility shall be provided and maintained at the user's sole cost and expense. Each user who
21 is so notified shall provide detailed gas monitoring and wastewater diversion plans, including
22 without limitation plans for the facility and operating procedures, to the Director for his review
23 and approval[, and such]. Such plans shall include procedures for notification of City personnel
24 in the event of uncontrolled or emergency discharge of flammable substances, a complete
25 description of all such substances stored or used at the facility and procedures to be taken to
26 prevent an adverse impact on the wastewater treatment plant or the collection system if such an

1 event were to occur. The plans must also contain emergency procedures for containment of spills
2 of flammable materials within the facility to include specific procedures to be taken by facility
3 personnel, emergency telephone numbers and contacts, and any other procedures as required to
4 prevent the spill from impacting the wastewater treatment plant or the collection system.

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

15 SECTION 30: Title 14, Chapter 17, Section 235, of the Municipal
16 Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

17 14.17.235: (A) The sampling, analysis and flow measurement procedures, equipment and
18 results shall be subject at all reasonable times to inspection by the City. Sampling and flow
19 measurement facilities shall be constructed and located in such a manner as will provide safe
20 access to the authorized personnel of the City.

21 (B) Each user who is required by the City to make periodic
22 measurements of its wastewater flows and constituents shall make at least the minimum number
23 of such measurements required. The minimum requirement for such periodic measurements shall
24 be at least one twenty-four-hour measurement per year, and representative samples of the
25 wastewater shall be obtained at least once per hour during the twenty-four-hour period and shall
26 be properly refrigerated, composited according to measured flow rates during the twenty-four

1 hours and analyzed for the specified wastewater constituents. If the sampling protocol, as
2 established in 40 CFR 403.12, prohibits the use of composite samples, a grab sample shall be
3 taken during the twenty-four-hour period. Each user who is required to obtain only a few samples
4 per year shall take such samples during the periods of the highest wastewater flow and wastewater
5 constituent discharges. An industrial plant that has a large fluctuation in quantity or quality of
6 wastewater may be required to provide continuous sampling and analyses for every working day,
7 if it is required to do so by the City. A user [shall] may also be required to install and maintain
8 in proper order automatic flow-proportional sampling equipment or automatic analysis and
9 recording equipment, or both.

10 (C) Measurements to verify the quantities of waste flows and waste
11 constituents that are reported by each user will be conducted on a random basis by the personnel
12 of the City.

13 SECTION 31: Title 14, Chapter 17, Section 240, of the Municipal
14 Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

15 14.17.240: (A) Samples and flow measurements shall represent the normal wastewater flow
16 to the system over a twenty-four-hour period. Composite samples shall be collected [according
17 to the flow, with at least one sample's being collected hourly.] at least once per hour. Samples
18 may be collected either manually or by automatic integrated sampling equipment that is approved
19 by the Director. Any required grab samples shall be collected, when feasible, during the same
20 twenty-four-hour period in which the composite samples are collected. Chain-of-custody logs with
21 respect to each sample that is required by this Chapter shall be maintained by each user.

22 (B) The sampling, handling, storage and analysis of each sample that is
23 taken for the determination of the characteristics of a wastewater discharge shall be performed by
24 a laboratory that is approved by the City, by a laboratory of the user that is approved by the City
25 or by the personnel of the City and shall be in accordance with procedures that are established by
26 the EPA pursuant to Section 304(a) of the Act and contained in 40 CFR Part 136, as amended.

1 If such sampling, handling, storage and analysis are performed by an independent laboratory, the
2 costs thereof shall be paid by the user, and, if the same are performed by the personnel of the
3 City, a charge that is sufficient to defray the actual expenses of the City for the personnel, space,
4 equipment and supplies, as the same are determined by the City, shall be paid by the user. A
5 copy of each required wastewater analysis shall be sent directly from the independent laboratory
6 to the Director within seven days after the completion of the analysis. Prior to the submission
7 to the City of any data that are developed in the laboratory of a user, the results of such analysis
8 shall be sworn to by an authorized representative of the user under the penalties for perjury. Any
9 independent laboratory or user that performs the tests shall furnish to the City any required test
10 data or information with respect to the test methods or the equipment that were used in such tests
11 immediately upon the City's request therefor.

12 SECTION 32: Title 14, Chapter 17, Section 245, of the Municipal
13 Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14 14.17.245: (A) The determination or estimation of suspended solids or other components
15 that are contained in [sewage,] wastewater [liquid waste or industrial waste] discharges shall be
16 made in accordance with one of the following methods:

- 17 (1) Sampling and analysis by the personnel of the City;
- 18 (2) Sampling and analysis by the personnel or a laboratory of
19 the user who are or is approved by the City; or
- 20 (3) Estimates that are determined by a study of the user's waste
21 producing operations that lead to the discharge and are
22 approved by the Director.

23 (B) Each user shall have the option of selecting which of the methods
24 that are described in subsection (A) of this Section will be used; provided, however, that such
25 method must be proposed by the user and approved by the City before the beginning of the period
26 during which such sampling or estimate is to be made, and the same method must be continued

1 throughout such period. In the event that no method is selected and approved, the method that
2 is described in paragraph (1) of said subsection (A) will be used, and the appropriate fees, as
3 established by the City, shall be paid by the user. Additionally, in the event that either of the
4 methods that are described in paragraphs (2) and (3) of subsection (A) is selected and approved,
5 the City may, by appropriate sampling and analysis, determine the accuracy of the results that are
6 so obtained, and if the method that is described in paragraph (2) is selected and approved, the user
7 shall, upon the request of the City, prepare and submit a certified statement with respect to the
8 results that are so obtained during the period in question.

9 SECTION 33: Title 14, Chapter 17, Section 250, of the Municipal
10 Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:
11 14.17.250: The measurement of total flow of [sewage,] wastewater [liquid waste or industrial
12 waste] shall be made by the City by means of a metering device that is approved by the City and
13 is purchased, installed and maintained at the expense of the user, by an estimate that is based upon
14 total water which is used in the area that is occupied, or by other means that is acceptable to the
15 City and to the user. The user shall have the option of selecting whether the measurement shall
16 be made by meter, by estimate or by other means; provided, however, that the method of
17 estimating or other means must first be approved by the City.

18 SECTION 34: Title 14, Chapter 17, Section 260, of the Municipal
19 Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:
20 14.17.260: (A) Should flow measurements or other investigations demonstrate that an
21 industrial user is discharging at a flow rate, or in a quantity of flow, [chemical] biochemical
22 oxygen demand, phosphorus or suspended solids, that is significantly in excess of that which is
23 stated in its wastewater contribution permit or in excess of the quantities that are reported to the
24 City by such industrial user, and upon which its industrial wastewater treatment surcharge is
25 based, such industrial user shall apply for an amended wastewater contribution permit and shall
26 be assessed for all delinquent charges, together with any penalty and interest, as the same are

1 provided for in LVMC 14.17.340, 14.17.345(A) and 14.17.350, inclusive, and 14.17.360.
2 However, before such charges shall be assessed, at least two additional twenty-four-hour samples
3 and flow measurements shall be obtained by the City, and all of the costs of such sampling and
4 analyses shall be paid by such industrial user.

5 (B) For the purpose of establishing the correct treatment surcharge, the
6 data that are obtained in the samplings that are provided for in subsection (A) of this Section,
7 together with any other relevant information that is obtained by the City or submitted by the
8 industrial user, shall be used by the City in determining the quantity parameters that are to be
9 used in the surcharge formula. An industrial user who is found to be discharging at a flow rate,
10 or in a quantity of flow, [chemical] biochemical oxygen demand, phosphorus or suspended solids,
11 that is significantly in excess of that which is stated in its wastewater contribution permit or in
12 excess of the quantities that are reported to the City by such industrial user shall, in the absence
13 of other evidence, be presumed to have been discharging at the determined parameter values at
14 all times during the preceding three years or at all times subsequent to the previous verification
15 of quantity parameters by the City, whichever period is shorter.

16 SECTION 35 Title 14, Chapter 17, Section 265, of the Municipal Code of
17 the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

18 14.17.265: [(A) Within thirty days after the date for the final compliance by such industrial
19 user with the applicable pretreatment standards, or, in the case of a new source, after the
20 commencement of the introduction of wastewater into the system, any industrial user who is
21 subject to the pretreatment standards and requirements shall submit to the City a report which
22 contains the information that is specified in 40 CFR 403.12(b)(1-5) and indicates the nature and
23 concentration of all of the pollutants in the discharge from the regulated process that are limited
24 by the pretreatment standards and requirements and the average daily flow and the maximum daily
25 flow from each of the process units in such industrial user's facility that are limited by such
26 pretreatment standards and requirements. The report shall state whether the applicable

1 pretreatment standards and requirements are being met on a consistent basis and, if they are not,
2 what additional operation and maintenance or pretreatment, or both, is necessary in order to bring
3 such industrial user's discharge into compliance with the applicable pretreatment standards and
4 requirements. Such statement shall be sworn to by an authorized representative of the industrial
5 user under the penalties for perjury.]

6 (A) Within one hundred eighty days after the effective date of a
7 categorical standard or the final decision on a categorical determination submission, whichever
8 is later, an industrial user subject to the standard must submit to the City a report that indicates
9 whether the industrial user meets the standard. At a minimum, the report shall contain the
10 information required in 40 CFR 403.12(b)(1-7) and shall indicate the nature and concentration of
11 all pollutants in the discharge from the regulated process which are limited by pretreatment
12 standards and requirements and the average and maximum daily flow for these process units in
13 the user facility which are limited by such pretreatment standards or requirements. The report
14 shall state whether the applicable pretreatment standards or requirements are being met on a
15 consistent basis and, if not, what additional operation and maintenance and/or pretreatment is
16 necessary to bring the user into compliance with the applicable pretreatment standards or
17 requirements. This statement will be certified in accordance with the requirements of 40 CFR
18 403.12(b)(6), 40 CFR 403.12(l) and 40 CFR 403.6(a)(2)(ii) and signed by an authorized
19 representative of the industrial user. At least ninety days prior to commencement of discharge,
20 new sources, and sources that become industrial users subsequent to the promulgation of an
21 applicable categorical standard, shall be required to submit to the City a report which contains the
22 information listed in 40 CFR 403.12(b)(1-5). New sources shall also be required to include in
23 this report information of the method of pretreatment the source intends to use to meet applicable
24 pretreatment standards. New sources shall give estimates of the information requested in 40 CFR
25 403.12(b)(4 and 5). This report shall be certified in accordance with the requirements of 40 CFR
26 403.12(b)(6), 40 CFR 403.12(l) and 40 CFR 403.6(a)(2)(ii) and signed by an authorized

1 representative of the industrial user.

2 [(B) Within one hundred eighty days after the effective date of a
3 categorical standard or the final decision with respect to a category determination submission,
4 whichever is later, an industrial user who is subject to the standard must submit to the City a
5 report that indicates whether or not the industrial wastewater discharge from such industrial user's
6 facilities meets the standard. At the minimum, the report must, without limitation, include the
7 identifying information, the environmental control, the permits that are held by such industrial
8 user, a description of such industrial user's operations, the flow measurements, the measurements
9 of pollutants, a statement which certifies to the foregoing that is sworn to by an authorized
10 representative of such industrial user under the penalties for perjury and the compliance schedule
11 as is required by 40 CFR 403.12(b)(1-7).

12 (C)](B) Each Class I industrial user who is required to submit a
13 compliance schedule must report its progress to the City within fourteen days after each date in
14 its schedule.

15 [(D)](C) Within ninety days after the date for the final compliance by
16 such industrial user with any applicable categorical standard, an industrial user who is affected
17 by such standard, and any user which may become subject to categorical standards after
18 commencement of its wastewater discharge, must submit to the City a report that indicates the
19 nature and concentration of all of the limited pollutants in the regulated discharges from such
20 industrial user's facilities and the average daily flow and the maximum daily flow of such
21 discharges. Such report also must indicate whether or not the pretreatment standards are being
22 met on a consistent basis. This report shall be certified in accordance with the requirements of
23 40 CFR 403.12(b)(6), 40 CFR 403.12(l) and 40 CFR 403.6(a)(2)(ii) and signed by an authorized
24 representative of the industrial user.

25 [(E)](D) Each Class I industrial user who is subject to a pretreatment
26 standard shall, after the date for compliance with such pretreatment standard, or, in the case of

1 a new source, after the commencement of the introduction of wastewater into the system, submit
2 to the City, during the months of June and December of each year or as may otherwise be
3 required in such pretreatment standard or by the Director, a report that indicates the nature and
4 concentration of the pollutants in the effluent from such industrial user's facility which are limited
5 by such pretreatment standard. Additionally, such report shall, without limitation, include a
6 record of all daily flows which, during the reporting period, exceeded the average daily flows that
7 are reported in accordance with this Chapter. At the discretion of the Director and in
8 consideration of the local high and low flow rates, holidays, budget cycles and similar factors,
9 the Director may agree to alter the months during which the reports that are required by this
10 Section are to be submitted. This report shall be certified in accordance with the requirements
11 of 40 CFR 403.12(b)(6), 40 CFR 403.12(l) and 40 CFR 403.6(a)(2)(ii) and signed by an
12 authorized representative of the industrial user.

13 [(F)](E) Each industrial user shall notify the City immediately of any
14 slug loading at its facility.

15 [(G)](F) Each industrial user shall notify the City immediately of any
16 upset at its facility.

17 [(H)](G) Each industrial user shall notify the City with respect to any
18 bypass at its facilities in accordance with LVMC 14.17.135.

19 (H) Each industrial user shall notify the City, the Environmental
20 Protection Agency (EPA) Regional Waste Management Division Director, and State hazardous
21 waste authorities in writing of any discharge into the system of a substance which, if otherwise
22 disposed of, would be a hazardous waste under 40 CFR 261.

23 SECTION 36: Title 14, Chapter 17, Section 280, of the Municipal
24 Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:
25 14.17.280: (A) The noncompliance with the discharge requirements of the wastewater
26 contribution permit of any industrial user may be determined by an analysis of a grab [(for pH

only)] or composite sample of the effluent from such industrial user's facilities for any constituent or condition that is specified in such permit or in LVMC 14.17.085 to 14.17.110, inclusive, and 14.17.120 to 14.17.130, inclusive. For pH, volatile organics, hexavalent chromium, oil and grease, phenols, cyanide and sulfide, a grab sample shall be utilized. If collection of any other composite sample is not feasible, as determined by the City, a grab sample may be utilized.

(B) If the effluent of an industrial user is found by an analysis of the sample to be in excess of the concentrations, mass emission rates or conditions that are specified in such industrial user's wastewater contribution permit or in LVMC 14.17.085 to 14.17.110, inclusive, and 14.17.120 to 14.17.130, inclusive, such industrial user shall pay to the City the noncompliance 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 by the City Council.

(C) [The noncompliance fees shall continue to accumulate for each day, not to exceed ten working days, until such industrial user has demonstrated, to the satisfaction of the Director, compliance with the conditions of its wastewater contribution permit.] The Director may impose an additional noncompliance fee for each day of noncompliance. The payment of noncompliance fees shall not bar the City from undertaking any enforcement actions authorized by this Chapter, nor waive the requirement for the industrial user to comply with all Federal and State Pretreatment standards.

(D) [A subsequent composite sample will be taken within thirty days after the taking of the first composite sample, which] If sampling performed by an industrial user indicates a violation, the user shall notify the City within twenty-four hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the City within thirty days after becoming aware of the violation, except the industrial user is not required to resample if:

(1) The City performs sampling at the industrial user's facilities

1 at a frequency of at least once per month, or

2 (2) The City performs sampling at the industrial user's facilities
3 between the time when the user performs its initial sampling
4 and the time when the user receives the results of this
5 sampling.

6 (E) Each subsequent sample will also subject such industrial user to the
7 payment of noncompliance fees if [it] the sample is also found to be in noncompliance. If such
8 subsequent sample reveals noncompliance, a sampling and evaluation program for such industrial
9 user's facilities may be initiated by the City, and, in such event, the provisions of LVMC
10 14.17.285 and 14.17.290 shall apply.

11 SECTION 37: Title 14, Chapter 17, Section 285, of the Municipal
12 Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

13 14.17.285: (A) If the sampling and evaluation program that is established for the facilities
14 of any industrial user reveals noncompliance by such industrial user with the concentrations, mass
15 emission rates or conditions that are specified in the wastewater contribution permit of such
16 industrial user or in LVMC 14.17.085 to 14.17.110, inclusive, and 14.17.120 to 14.17.130,
17 inclusive, such industrial user shall pay the fees determined by the Director to be appropriate, but
18 not to exceed the fees that are specified in the City's schedule of fees and charges that are set
19 forth in a separate resolution that is adopted by the City Council. [and] A noncompliant
20 discharger may be assessed all of the other costs that are incurred by the City during such
21 sampling and evaluation program, including without limitation the costs of labor, equipment,
22 materials and overhead. [The fees that are specified shall be retroactive to the date that the
23 sampling and evaluation program was initiated.]

24 (B) The noncompliance fees shall continue to accumulate for each day,
25 not to exceed ten working days, until such industrial user has demonstrated to the satisfaction of
26 the Director compliance with the conditions of such industrial user's wastewater contribution

1 permit.

2 SECTION 38: Title 14, Chapter 17, Section 290, of the Municipal
3 Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

4 14.17.290: (A) If noncompliance by such industrial user with the concentrations, mass
5 emission rates or conditions that are specified in such industrial user's wastewater contribution
6 permit or LVMC 14.17.085 to 14.17.110, inclusive, and 14.17.120 to 14.17.130, inclusive, is
7 determined, the Director may proceed with any one or more of the following actions:

8 (1) Amend the existing permit to comply with a compliance
9 schedule, which may be accomplished after consultation with
10 such industrial user, but only if such industrial user has
11 shown good faith in attempting to comply with the conditions
12 of its permit but requires additional time for the construction
13 or acquisition, or both, of equipment that is related to
14 pretreatment. If such permit is so amended, the period
15 during which such amended permit is valid shall not exceed
16 one hundred eighty days; provided, however, that that period
17 may be extended for an additional period of not to exceed
18 one hundred eighty days upon the determination by the
19 Director that good cause exists for such extension. No
20 further extension shall be granted except upon approval of
21 the City Council. Any condition of the compliance schedule
22 that is not acceptable to such industrial user are subject to
23 the provisions of this Chapter that relate to requests for
24 reconsideration and appeals.

25 (2) If such industrial user is not under permit, issue a permit or
26 a compliance schedule, after consultation with the user,

1 which requires compliance with the City's discharge
2 standards, any Federal or State standards or any conditions
3 of this Chapter. Such compliance schedule shall not exceed
4 one hundred eighty days; provided, however, that that period
5 may be extended for an additional one hundred eighty days
6 if the Director deems that good cause exists for such an
7 extension. Further extensions may only be granted by the
8 City Council after a formal hearing. Any condition of the
9 compliance schedule that is not acceptable to the industrial
10 user is subject to the provisions of this Chapter that relate to
11 requests for reconsideration and appeal.

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

21 [(3)](4) Commence any enforcement action that is authorized by this
22 Chapter.

23 (B) The payment of noncompliance fees will not bar the City from
24 undertaking any other enforcement procedure that is specified in this Chapter.

25 SECTION 39: Title 14, Chapter 17, Section 310, of the Municipal
26 Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

1 14.17.310: [The Director shall have the full power and authority to take any necessary
2 precaution, including without limitation ordering the decontamination, sewer closure, packaging,
3 diking or transportation, or any combination thereof, of materials, that is deemed by him to be
4 reasonably necessary in order to protect life or property or to prevent further damage that may
5 result from a condition which is likely to result in a discharge which presents an imminent hazard
6 to the public health and safety or the welfare of the environment, which discharges either alone
7 or by interaction with other discharges, prevents an imminent hazard to the system or which
8 places the City in violation of its NPDES permit.] The Director shall have the full power and
9 authority to immediately and effectively halt or prevent, through whatever means and procedures
10 he deems reasonably necessary, after informal notice to the discharger, any discharge of pollutants
11 into the system which appears to present an imminent endangerment to the health or welfare of
12 any person or the environment, or which discharge threatens property or the proper operation of
13 the wastewater treatment plant or collection system, or which places the City in violation of its
14 NPDES permit. The affected user shall have the opportunity to respond, after the fact, to any
15 action taken. In implementing such [precautionary] measure or measures, the personnel of the
16 City, any party with which the City has contracted for such purpose or a duly authorized
17 representative of any other government agency shall have immediate access to the premises on
18 which such condition exists. The Director may prohibit the approach to the premises on which
19 such condition exists by any person, vehicle, vessel or thing, and all persons who are not actually
20 employed in the abatement of such condition or in the preservation of life or property on, or in
21 the vicinity of, such premises may be excluded from such premises.

22 SECTION 40: Title 14, Chapter 17, Section 315, of the Municipal
23 Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

24 14.17.315: (A) [A] An industrial user who wishes to assert the affirmative defense that an
25 alleged violation is the result of an upset shall demonstrate, through properly signed
26 contemporaneous operating logs or other relevant evidence, that:

- 1 (1) The upset occurred and that the industrial user can identify
- 2 the specific cause or causes thereof;
- 3 (2) The facilities at which the violation is alleged to have
- 4 occurred were, at the time that the violation allegedly
- 5 occurred, being properly operated;
- 6 (3) The industrial user submitted notice of the upset to the
- 7 Director within the time and accompanied by the information
- 8 that is specified in LVMC 14.17.265; and
- 9 (4) The industrial user complied with any remedial measure that
- 10 is required in order to minimize or correct any adverse
- 11 impact on the environment that could have resulted from the
- 12 upset.

13 (B) In any enforcement proceeding, an industrial user who seeks to
14 establish the occurrence of an upset shall have the burden of proof. Such industrial user shall
15 control the production of all discharges from its facilities to the extent that may be necessary in
16 order to maintain compliance with the Federal and State pretreatment standards upon the reduction
17 or loss of capacity in, or failure of, its pretreatment facilities until such pretreatment facilities are
18 restored or an alternative method of pretreatment is provided. This requirement for the control
19 of production of discharges applies in the situation in which, among other things, the primary
20 source of the pretreatment facilities is reduced, lost or fails.

21 SECTION 41: Title 14, Chapter 17, Section 335, of the Municipal
22 Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:
23 14.17.335: The City shall cause a list of the names of the industrial users who [become] have
24 been in significant [violators] noncompliance during the preceeding twelve months to be published
25 once each year in [a] the largest daily newspaper [of general circulation that is] published within
26 the City.

1 SECTION 42: Title 14, Chapter 17, Section 345, of the Municipal
2 Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

3 14.17.345: (A) In order to provide for the recovery by the City of its costs that are related
4 to the discharge of industrial wastewater into the system and for the enforcement of the provisions
5 of this Chapter, or both, the City shall establish a schedule of fees and charges by the adoption
6 by the City Council of a separate resolution. Such schedule may establish a specific amount for
7 any fee, charge, assessment, penalty or other cost that is related to the discharge of industrial
8 wastewater to the system or the enforcement of the provisions of this Chapter, or both, including
9 without limitation:

- 10 (1) Permit application fees;
- 11 (2) Compliance monitoring fees;
- 12 (3) Surcharges that are based upon the quantity of the flow or the
13 BOD, phosphorus and suspended solids content thereof, or both;
- 14 (4) Administrative penalties;
- 15 (5) Fees for filing requests for reconsideration and appeals; and
- 16 (6) Fees for the disposal of special wastes.

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

21 SECTION 43: Title 14, Chapter 17, Section 350, of the Municipal
22 Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

23 14.17.350: All fees, charges, assessments and penalties that are imposed pursuant to the
24 provisions of this Chapter or the approved schedule of fees and charges that is established in
25 accordance with LVMC 14.17.345(A) shall be due and payable upon receipt of notice thereof.
26 All such fees, charges, assessments and penalties shall be and become delinquent [forty-five] thirty

1 days after the mailing or delivering of a notice with respect thereto to the last known mailing
2 address of the person who is subject to the same.

3 SECTION 44: Title 14, Chapter 17, Section 370, of the Municipal
4 Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

5 14.17.370: (A) Any person who negligently or wilfully violates any of the provisions of this
6 Chapter is guilty of a misdemeanor, and each day during which such violation continues
7 constitutes a separate offense.

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

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

22 (D) Whenever in this Chapter any act is prohibited or is made or declared
23 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any
24 act is required or the failure to do any act is made or declared to be unlawful or an offense or a
25 misdemeanor, the doing of any such prohibited act or the failure to do any such required act shall
26 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more

1 than \$1,000.00 or by imprisonment for a term of not more than six months, or by any
2 combination of such fine and imprisonment. Any day of any violation of this Chapter shall
3 constitute a separate offense.

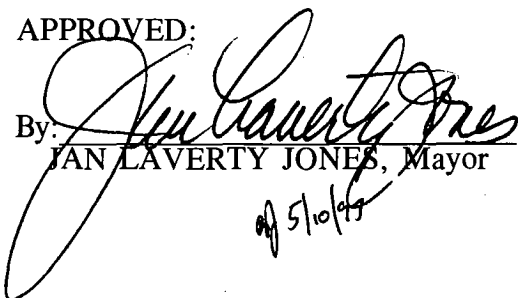
4 SECTION 45: If any section, subsection, subdivision, paragraph,
5 sentence, clause or phrase in this ordinance or any part thereof, is for any reason held to be
6 unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision
7 shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part
8 thereof. The City Council of the City of Las Vegas, Nevada, hereby declares that it would have
9 passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof
10 irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs,
11 sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

12 SECTION 46: All ordinances or parts of ordinances, sections,
13 subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City
14 of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

15 PASSED, ADOPTED and APPROVED this 5th day of May,
16 1993.

17 APPROVED:

18 By:

19 
IAN LAVERTY JONES, Mayor
of 5/10/93

20 ATTEST:

21 
22 KATHLEEN M. TIGHE, City Clerk
23
24
25
26

1 The above and foregoing ordinance was first proposed and read by title to
2 the City Council on the 7th day of April, 1993, and referred to the following committee
3 composed of Mayor Jones and Councilman Higginson for
4 recommendation; thereafter the said committee reported favorably on said ordinance on the 5th
5 day of May, 1993, which was a regular meeting of said Council; that at said
6 regular meeting, the proposed ordinance was read by title to the City Council as first
7 introduced and adopted by the following vote:

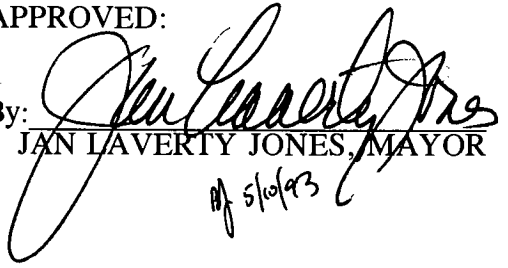
8 VOTING "AYE": Councilmen Adamsen, Higginson, Hawkins Jr. and Mayor Jones

9 VOTING "NAY": NONE

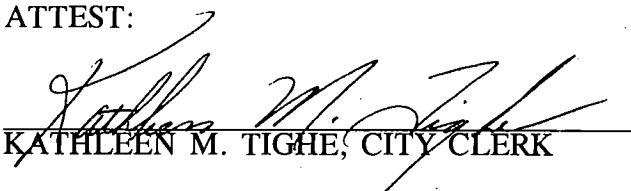
10 ABSENT: Councilman Nolen

11 APPROVED:

12 By:

13 
JAN LAVERTY JONES, MAYOR
14 of 5/10/93

14 ATTEST:

15 
16 KATHLEEN M. TIGHE, CITY CLERK
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RECEIVED
CITY CLERK

AFFIDAVIT OF PUBLICATION

PASTE CLIPPING HERE

BILL NO. 93-12
ORDINANCE NO. 3713

AN ORDINANCE RELATING TO WASTEWATER COLLECTION AND TREATMENT; AMENDING TITLE 14 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, TO PROVIDE RECOMMENDED CHANGES AND UPDATES TO CHAPTER 17 OF SAID TITLE; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; PROVIDING PENALTIES FOR THE VIOLATION HEREOF; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

SPONSORED BY: Mayor Jan Laverly Jones

SUMMARY: Makes recommended changes and updates to the Wastewater Collection and Treatment Ordinance.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 7th day of April, 1993, and referred to the following committee composed of Mayor Jones and Councilman Higginson, for recommendation; thereafter the said committee reported favorably on said ordinance on the 5th day of May, 1993 which was a regular meeting of said City Council; and that at said regular meeting the proposed ordinance was read by title to the City Council as first introduced and adopted by the following vote:

VOTING "AYE" Councilmen: Adamsen, Higginson, Howkins Jr. and Mayor Jones

VOTING "NAY" NONE

EXCUSED: Councilman: Nolen
COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 5TH FLOOR, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.
PUB: May 8, 1993
Las Vegas Review-Journal

STATE OF NEVADA)
COUNTY OF CLARK) SS:

ANDREA DAVIS, being first duly sworn, deposes and says:

That she/he is a legal clerk for the LAS VEGAS REVIEW-JOURNAL and THE LAS VEGAS SUN, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy of which is attached, was continuously published in the LAS VEGAS REVIEW-JOURNAL or THE LAS VEGAS SUN for a period of ONE insertions from the period of MAY 8, 1993 to MAY 8, 1993, on the following days:

MAY 8, 1993

Signed: Andrea Davis

Subscribed and sworn to before me this

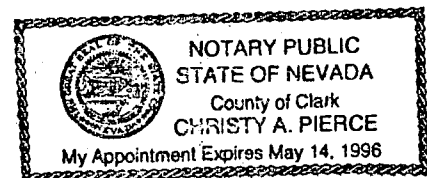
20

day of

May

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Christy A. Pierce
Notary Public



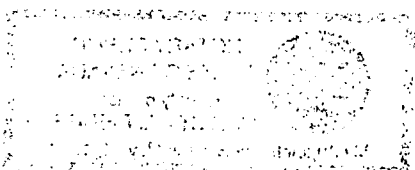
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STATE OF NEVADA)
COUNTY OF CLARK) SS:

ANDREA DAVIS, being first duly
sworn, deposes and says:

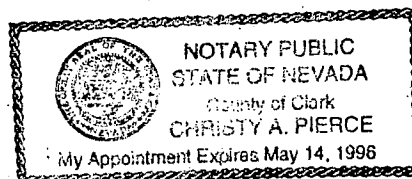
That she/he is a legal clerk for the LAS VEGAS
REVIEW-JOURNAL and THE LAS VEGAS SUN,
daily newspapers regularly issued, published and
circulated in the City of Las Vegas, County of
Clark, State of Nevada, and that the
advertisement, a true copy of which is attached,
was continuously published in the LAS VEGAS
REVIEW-JOURNAL or THE LAS VEGAS SUN for a
period of ONE insertions
from the period of APRIL 22, 1993
to APRIL 22, 1993, on the following
days:

APRIL 22, 1993

Signed: Andrea Davis

Subscribed and sworn to before me this
28 day of April, 19 93

Christy A. Pierce
Notary Public



BILL NO. 93-12

ORDINANCE RELATING TO
WASTEWATER COLLECTION
AND TREATMENT; AMENDING
TITLE 14 OF THE MUNICIPAL
CODE OF THE CITY OF LAS VE-
GAS, NEVADA, 1983 EDITION, TO
PROVIDE RECOMMENDED
CHANGES AND UPDATES TO

CHAPTER 17 OF SAID TITLE;
PROVIDING FOR OTHER MAT-
TERS PROPERLY RELATING
THERETO; PROVIDING PENAL-
TIES FOR THE VIOLATION HERE-
OF; AND REPEALING ALL ORDI-
NANCES OR PARTS OF ORDI-
NANCES IN CONFLICT
HEREWITH.
SPONSORED BY: Mayor Jon

Laverly Jones
SUMMARY: Makes recommended
changes and updates to the Wastewa-
ter Collection and Treatment Ord-
inance.
At a City Council meeting
April 7, 1993
BILL NO. 93-12 WAS READ BY
TITLE AND REFERRED TO REC-
OMMENDING COMMITTEE: May-

or Jones AND Councilman Higginson
COPIES OF THE COMPLETE OR-
DINANCE ARE AVAILABLE FOR
PUBLIC INFORMATION IN THE
OFFICE OF THE CITY CLERK,
5TH FLOOR, CITY HALL, 400 EAST
STEWART AVENUE, LAS VEGAS,
NEVADA
PUB: April 22, 1993
Las Vegas Review-Journal

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AFFIDAVIT OF PUBLICATION

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BILL NO. 93-12
ORDINANCE NO. 3713

AN ORDINANCE RELATING TO WASTEWATER COLLECTION AND TREATMENT; AMENDING TITLE 14 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, TO PROVIDE RECOMMENDED CHANGES AND UPDATES TO CHAPTER 17 OF SAID TITLE; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; PROVIDING PENALTIES FOR THE VIOLATION HEREOF; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith.

SPONSORED BY: Mayor Jan Laverly Jones

SUMMARY: Makes recommended changes and updates to the Wastewater Collection and Treatment Ordinance.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 7th day of April, 1993, and referred to the following committee composed of Mayor Jones and Councilman Higginson, for recommendation; thereafter the said committee reported favorably on said ordinance on the 5th day of May, 1993 which was a regular meeting of said City Council; and that at said regular meeting the proposed ordinance was read by title to the City Council as first introduced and adopted by the following vote:

VOTING "AYE" Councilmen: Adamsen, Higginson, Hawkins Jr. and Mayor Jones

VOTING "NAY" NONE

EXCUSED: Councilman: Nolen
COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 5TH FLOOR, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.

PUB: May 8, 1993

Las Vegas Review-Journal

STATE OF NEVADA)
COUNTY OF CLARK) SS:

ANDREA DAVIS

, being first duly sworn, deposes and says:

That she/he is a legal clerk for the LAS VEGAS REVIEW-JOURNAL and THE LAS VEGAS SUN, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy of which is attached, was continuously published in the LAS VEGAS REVIEW-JOURNAL or THE LAS VEGAS SUN for a period of ONE insertions from the period of MAY 8, 1993 to MAY 8, 1993, on the following days:

MAY 8, 1993

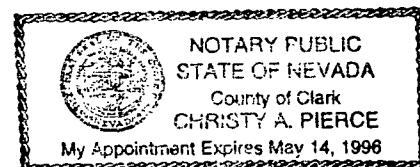
Signed: Andrea Davis

Subscribed and sworn to before me this

20 day of May, 19 93

Christy A Pierce

Notary Public



085954

AFFIDAVIT OF PUBLICATION

RECEIVED
CITY CLERK
MAY 4 9 44 AM '93

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STATE OF NEVADA)
COUNTY OF CLARK) SS:

ANDREA DAVIS, being first duly
sworn, deposes and says:

That she/he is a legal clerk for the LAS VEGAS
REVIEW-JOURNAL and THE LAS VEGAS SUN,
daily newspapers regularly issued, published and
circulated in the City of Las Vegas, County of
Clark, State of Nevada, and that the
advertisement, a true copy of which is attached,
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APRIL 22, 1993

BILL NO. 93-12

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Las Vegas Review-Journal

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28 day of April, 19 93

Phusky O Pierce
Notary Public

