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ORDINANCE NO. 23214

AN ORDINANCE AMENDING TITLE 11-C, TULSA REVISED ORDINANCES, CHAPTER 12, RELATING TO "SEWER USE," SECTION 1200, SUBSECTION D, BY ADDING THE TERM "UV TRANSMITTANCE" TO THE TERMS TO BE DEFINED; AMENDING SECTION 1201, SUBSECTION A.2, BY ADDING TO THE SPECIFIC PROHIBITIONS THE ACT OF INTRODUCING INTO THE PUBLICLY OWNED TREATMENT WORKS ANY MATERIALS THAT INHIBIT UV TRANSMITTANCE AND IMPACT THE ABILITY TO ACHIEVE COMPLIANCE WITH DISINFECTION PERMIT REQUIREMENTS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY OF TULSA:

Section 1. That Title 11-C, Chapter 12, Section 1200, Subsection D, of the Tulsa Revised Ordinances be and the same is hereby amended to read as follows:

"D. **Definitions.** Unless a provision explicitly states otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated.

Act or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C., Sections 1251, *et seq.*

Approval Authority. The state of Oklahoma Department of Environmental Quality.

Authorized Representative of the User.

1. If the User is a corporation:

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

b. The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to

assure long term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority has been assigned or delegated to the manager in accordance with corporate procedures.

2. If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
3. If the User is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

The individuals described in paragraphs 1. through 3., above, may designate a duly authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City of Tulsa.

Available Cyanide. Available cyanide consists of cyanide ion (CN⁻), hydrogen cyanide in water (HCN_{aq}), and the cyano-complexes of zinc, copper, cadmium, mercury, nickel, and silver, as measured by EPA Method OIA-1677: Available Cyanide by Flow Injection, Ligand Exchange, and Amperometry.

Best Management Practices or BMPs. Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 1201 of this chapter. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20° Centigrade usually expressed as a concentration (e.g., mg/l).

Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C., Section 1317) which apply to a specific category of Users and which appear in 40 C.F.R. Chapter I, Subchapter N, Parts 405-471, and amendments.

Categorical Industrial User. An Industrial User subject to a Categorical Pretreatment Standard or Categorical Standard.

Chemical Oxygen Demand or COD. A measure of oxygen use equivalent to the portion of organic matter that is susceptible to oxidation by a strong chemical oxidizing agent utilizing procedures approved by 40 CFR Part 136.

City or Control Authority. The City of Tulsa, Oklahoma, a municipal corporation, acting through the Tulsa Metropolitan Utility Authority, the Regional Metropolitan Utility Authority, and duly authorized agents of the City of Tulsa.

Director. The Director of the City of Tulsa's Water and Sewer Department or the person succeeding to this person's duties and functions by whatever name known, or this person's duly authorized representative.

Domestic Wastewater. Wastewater from kitchens, laundry rooms, lavatories, bathrooms, toilets and similar facilities discharging into the sanitary sewers from dwellings (including apartment buildings and houses), office buildings, factories and institutions. The term does not include storm water, surface water, groundwater, boiler and cooling tower wastewater, wastewater from health care facilities, hauled wastes, or wastewater generated by commercial or industrial processes.

Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.

Existing Source. Any source of discharge that is not a "New Source."

Flow-Proportional Composite Sample. A sample of wastewater composed of samples collected at equal intervals, throughout the operational day of a user with the volume of each sample being proportional to the flowrate of the discharge. A minimum of four (4) samples must be taken. The samples must be representative of the discharge of the facility.

Grab Sample. An individual sample which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and over a period of time not exceeding fifteen (15) minutes.

Grease Interceptor, Grease Separator or Grease Trap. Plumbing devices designed to intercept greases and solids before they enter the sanitary system.

Hauled Wastewater. Any wastes delivered by truck or railcar.

Haikey Creek WWTP. Wastewater treatment facility located at approximately: N1/2 of NW1/4 of Section 20, Township 17 North, Range 14 East of Indian Meridian, Tulsa County, state of Oklahoma. The Haikey Creek WWTP is owned by the Regional Metropolitan Utility Authority.

Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any non-domestic source.

Instantaneous Maximum Allowable Discharge Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or

composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

Interference. A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of one of the City's NPDES or OPDES permits or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent state or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

Local Limits. Specific discharge limits developed and enforced by the City upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR §403.5(a)(1) and (b).

Lower Bird Creek WWTP. Wastewater treatment facility located at approximately: SW1/4 of SW1/4 of Section 17, Township 20 North, Range 15 East of Indian Meridian, Rogers County, state of Oklahoma. The Lower Bird Creek WWTP is owned by the Tulsa Metropolitan Utility Authority.

Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

New Source.

1. Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
 - a. The building, structure, facility, or installation is constructed at a site at which no other source is located;
 - b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - c. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors

such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

2. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of subparagraphs 1.b or 1.c, of this definition, but otherwise alters, replaces, or adds to existing process or production equipment.
3. Construction of a New Source as defined under this definition has commenced if the owner or operator has:
 - a. Begun, or caused to begin, as part of a continuous onsite construction program,
 - (1) Any placement, assembly, or installation of facilities or equipment; or
 - (2) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities, which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - b. Entered into a binding contractual obligation for the purchase of facilities or equipment that is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this definition.

Non-contact Cooling Water. Water used for cooling, which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

Northside WWTP. A Wastewater treatment facility located at approximately: S1/2 of SE1/4 of Section 6, Township 20 North, Range 14 East of Indian Meridian, Tulsa County, state of Oklahoma. The Northside WWTP is owned by the Tulsa Metropolitan Utility Authority.

Pass Through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's, NPDES or OPDES permit, including an increase in the magnitude or duration of a violation.

Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, and local governmental entities.

pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.

Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

Pollution Prevention. The use of materials, procedures or practices that reduce or eliminate the concentration of pollutants or waste at the source. The hierarchy for the management of wastes is: Source Reduction, Recycling, Treatment, and Disposal. Source Reduction is considered to be the most desirable and Disposal the least desirable waste management practice.

Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard.

Pretreatment Requirements. Any substantive or procedural requirement related to Pretreatment imposed on a User, other than a Pretreatment Standard.

Pretreatment Standards or Standards. Pretreatment Standards shall mean prohibited discharge standards, Categorical Pretreatment Standards, and Local Limits.

Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 1201.A of this chapter.

Publicly Owned Treatment Works or POTW. A treatment works, as defined by Section 212 of the Act (33 U.S.C., Section 1292), which is owned or operated by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

Septic Tank Waste. Liquid or solid material removed from a septic tank, cesspool, portable toilet, Type III marine sanitation device, or similar treatment works that receives only domestic waste.

Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).

Significant Industrial User. Except as provided in paragraphs 3 and 4 of this definition, a Significant Industrial User is:

1. A User subject to Categorical Pretreatment Standards.
2. A User that:

- a. Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding domestic, non-contact cooling, and boiler blowdown wastewater);
 - b. Contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - c. Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or requirement.
3. Upon a finding that a User meeting the criteria in paragraph 2 of this definition, has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or requirement, the City may at any time, on its own initiative or in response to a petition received from a User, and in accordance with procedures in 40 C.F.R. § 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.
 4. The Director may determine that an Industrial User subject to Categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User, on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total Categorical wastewater (excluding domestic, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
 - a. The Industrial User, prior to City's finding, has consistently complied with all applicable Categorical Pretreatment Standards and requirements;
 - b. The Industrial User annually submits the certification statement required in paragraph 1205.N.2 of this chapter, together with any additional information necessary to support the certification statement; and
 - c. The Industrial User never discharges any untreated concentrated wastewater.

Slug Load or Slug Discharge. Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 1201 of this chapter. A Slug Discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or permit conditions.

Southside WWTP. Wastewater treatment facility located at approximately: W1/2 of NW1/4 of Section 36, Township 19 North, Range 12 East of Indian Meridian, Tulsa County, state of Oklahoma. The Southside WWTP is owned by the Tulsa Metropolitan Utility Authority.

Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

Total Suspended Solids or Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

Time-Proportional Composite Sample. A sample of wastewater composed of samples collected at equal intervals, throughout the operational day of a User. The volume of each sample so collected must be equal. A minimum of four (4) samples must be taken. The samples must be representative of the discharge of the facility.

User or Industrial User. A source of indirect discharge.

Utility Authority. For discharges to the Northside, Southside, and Lower Bird Creek wastewater treatment plants, utility authority shall mean Tulsa Metropolitan Utility Authority, or TMUA. For discharges to the Haikey Creek Wastewater Treatment Plant, utility authority shall mean Regional Metropolitan Utility Authority, or RMUA.

UV Transmittance. Fraction of ultraviolet light at a 254 nanometer (NM) wavelength that passes through a water sample.

Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

Wastewater Treatment Plant or Treatment Plant or WWTP. That portion of the POTW that is designed to provide treatment of municipal sewage and industrial waste.”

Section 2. That Title 11-C, Chapter 12, Section 1201, Subsection A.2, of the Tulsa Revised Ordinances be amended by adding a new subsection r, as follows:

- “r. Materials that inhibit UV transmittance as measured at the wastewater treatment plants and impact the ability of the wastewater treatment plants’ treatment processes to achieve compliance with disinfection permit requirements.”

Section 3. REPEAL OF CONFLICTING ORDINANCES. That all ordinances or parts of ordinances in conflict herewith be and the same are hereby expressly repealed.

Section 4. SEVERABILITY. If any section, subsection, paragraph, subparagraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and to this end, the provisions of this Ordinance are hereby declared to be severable.

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Section 5. EMERGENCY CLAUSE. That an emergency is now declared to exist for the preservation of the public peace, health and safety, by reason whereof this ordinance shall take effect immediately from and after its passage, approval and publication.

ADOPTED by the Council: NOV - 6 2014
Date

Karen Whit
Chair of the Council

ADOPTED as an emergency measure: NA
Date

NA
Chair of the Council

OFFICE OF THE MAYOR

Received by the Mayor: _____, at _____
Date Time

Dewey F. Bartlett Jr., Mayor

By _____
Secretary

APPROVED by the Mayor of the City of Tulsa, Oklahoma: NOV 10 2014
Date

at _____
Time



Dewey F. Bartlett Jr.
Mayor

(Seal)
ATTEST:

Annell Hill
Deputy City Clerk

APPROVED:

Lawrence E. Martin
City Attorney rre

FILED
CITY OF TULSA
STATE OF OKLAHOMA

2014 NOV 7 AM 8 59

MICHAEL P. KIER
CITY CLERK



**MEMORANDUM
WATER AND SEWER DEPT.
WATER QUALITY ASSURANCE**

DATE: August 20, 2014
TO: Clayton Edwards
FROM: Roy W. Foster
SUBJECT: Amend Sewer Use Ordinance, Title 11C, Chapter 12

The Haikey Creek Wastewater Treatment Plant (HCWWTP) is in the process of designing and installing an ultraviolet (UV) disinfection process. Black & Veatch has recommended that we include specific language in our Sewer Use Ordinance to protect the Publicly Owned Treatment Plant (POTW) from substances that could interfere with the UV disinfection process. The following amendments to the Ordinance were recommended by Black & Veatch:

§1200 (D) – Definitions, “UV Transmittance. Fraction of ultraviolet light at a 254 nanometer (NM) wavelength that passes through a water sample.”

§1201(A)(2)(r) – Specific Prohibitions, “Materials that inhibit UV transmittance as measured at the wastewater treatment plants and impact the ability of the wastewater treatment plants’ treatment processes to achieve compliance with disinfection permit requirements.”

With concurrence from you and the TMUA we will proceed with amendment of said Ordinance.

RWF