

**SUBSTITUTE NO. 1 TO ORDINANCE NO. 24-034**

**AN ORDINANCE TO AMEND CHAPTER 11 OF THE CITY CODE TO REVISE THE CITY OF WILMINGTON PRETREATMENT ORDINANCE**

**Rev. 1  
#0435**

**Sponsor:**

**Council  
Member  
Oliver**

**WHEREAS**, the City owns the wastewater treatment plant located in Wilmington, Delaware and is required to operate its industrial discharge pretreatment program in compliance with the federal Clean Water Act (“CWA”) and its regulations, as promulgated by the United States Environmental Protection Agency (“EPA”); and

**WHEREAS**, in 2005, the EPA amended the CWA regulations to require all industrial discharge pretreatment discharge programs to implement various streamlining rule changes; and

**WHEREAS**, in 2011, the City repealed its existing industrial pretreatment ordinance and adopted the EPA’s model pretreatment ordinance with certain minor modifications (the “Pretreatment Ordinance”) in order to comply with the EPA’s required streamlining changes; and

**WHEREAS**, the Pretreatment Ordinance has not been updated since 2011; and

**WHEREAS**, the Department of Public Works would like to revise the Pretreatment Ordinance to (i) incorporate the updated and approved local limits as required by the EPA, (ii) update select definitions to better align with specific language in the EPA regulations, (iii) clarify select general prohibitions intended to prevent the discharge of corrosive and explosive substances, (iv) codify requirements (a) regarding the time allocated for permittee review of draft permits (b) regarding the required use of accredited laboratories for all compliance monitoring, (c) to ensure consistency between the Pretreatment Ordinance and its enforcement response plan, and (d) to update maximum penalty levels to reflect EPA

adjustments since 2011, and (v) move the detailed local limits and program fees to appendices to facilitate future updates; and

**WHEREAS**, in light of the foregoing, City Council deems it necessary and appropriate to amend Chapter 11, Article V of the City Code to revise the Pretreatment Ordinance as described above and as set forth below.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF WILMINGTON  
HEREBY ORDAINS:**

**SECTION 1.** Chapter 11 of the City Code is hereby amended by amending Section 11-200 thereof by deleting the stricken language and adding the underlined language to read as follows:

**Sec. 11-200 – GENERAL PROVISIONS**

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**Sec. 11-200.3 - Abbreviations.**

The following abbreviations, when used in this article, shall have the designated meanings:

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BMR - Baseline Monitoring Report

CBOD - Carbonaceous Biochemical Oxygen Demand

CFR - Code of Federal Regulations

\*\*\*\*

**Sec. 11-200.4 - Definitions.**

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this article, shall have the meanings hereinafter designated.

\*\*\*\*

*Biochemical oxygen demand or BOD.* The quantity of oxygen utilized in the biochemical oxidation of organic and nitrogenous matter under standard laboratory procedures for ~~five~~ 5 days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).

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*Carbonaceous biochemical oxygen demand or CBOD.* A component of BOD that is the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for 5 days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l) where nitrogenous bacteria has been suppressed.

*Categorical pretreatment standard or categorical standard.* ~~Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that applies to a specific category of users and that appears in 40 CFR Chapter I, Subchapter N, Parts 405-471.~~ Standards specifying the quantity, concentration, or pollutant properties of pollutants that may be discharged to POTWs. EPA promulgates pretreatment standards for specific industry categories in accordance with CWA section 307. These standards are codified in 40 CFR chapter I, subchapter N, Parts 405 - 471.

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*City.* The City of Wilmington, Delaware.

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*Control authority.* The City of Wilmington, Delaware.

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*Indirect discharge or discharge.* The introduction of pollutants into the POTW from any nondomestic source regulated under section 307(b), (c), or (d) of the Act.

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*Significant industrial user or SIU.* A significant industrial user is:

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(2) An industrial user that:

\*\*\*\*

b. Contributes a process wastestream which makes up ~~five~~ 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

\*\*\*\*

*Significant noncompliance or SNC.* An industrial user is in significant noncompliance if its violation meets one or more of the following criteria:

\*\*\*\*

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

(6) Failure to provide, within 45 calendar days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

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**SECTION 2.** Chapter 11 of the City Code is hereby amended by amending Section 11-201 thereof by deleting the stricken language and adding the underlined language to read as follows:

**SECTION 11-201 - GENERAL SEWER USE REQUIREMENTS**

**Sec. 11-201.1 - Prohibited discharge standards.**

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(b) Specific prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

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(7) Any water or wastes that contain more than 10 mg/L of hydrogen sulfide in the liquid phase. The city reserves the right to require installation of either vapor phase and/or liquid phase on-line monitoring equipment if a hydrogen sulfide source is suspected;

\*\*\*\*

(17) Wastewater causing two readings on an explosion hazard meter ~~at the point of discharge into the POTW, or at any point in the POTW,~~ of more than ~~five~~ 5 percent or any single reading over ~~ten~~ 10 percent of the lower explosive limit of the meter at the point of discharge into the POTW, or at any point in the POTW. The city reserves the right to require installation of vapor phase and/or liquid phase on-line monitoring equipment if a potentially explosive pollutant source is suspected.

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**Sec. 11-201.3 - Local limits.**

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(b) The ~~following~~ pollutant limits set forth in Appendix A are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the ~~following limits listed in Appendix A:~~ limits listed in Appendix A:

	<b>Contributory User 30-day Avg. mg/L</b>	<b>Wilmington POTW Maximum Allowable Industrial Loading lbs/day</b>
Arsenic	0.09	8.18
Cadmium	0.07	9.15
Chromium, total	4.00	177.66
Copper	0.91	108.39
Lead	1.94	175.97
Mercury	0.0057	0.42
Nickel	1.00	206.40
Selenium	0.65	67.46
Zinc	3.49	422.37
Ammonia as Nitrogen	35.00	4950
Cyanide	0.49	79.59
Phenolics, total	10.00	6780
BOD	500.00	118991
Suspended Solids	500.00	72268

(c) The ~~above~~ local limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise.

~~(e)~~ (d) Significant industrial users shall, when operationally feasible, take steps to minimize wastewater discharge during periods of high flow (i.e. wet weather events such as rain or snow-melt).

(d) ~~(e)~~ The commissioner may develop best management practices (BMPs), by ordinance, or by rule, or in individual wastewater discharge permits or general permits, to implement local limits and the requirements of section 11-201.1.

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**SECTION 3.** Chapter 11 of the City Code is hereby amended by amending Section 11-203 thereof by adding the underlined language to read as follows:

**SECTION 11-203 - INDIVIDUAL WASTEWATER DISCHARGE PERMITS AND GENERAL PERMITS**

**Sec. 11-203.1 - Wastewater analysis.**

When requested by the commissioner, a user must submit information on the nature and characteristics of its wastewater within 60 calendar days of the request. The commissioner is authorized to prepare a form for this purpose and may periodically require users to update this information.

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**Sec. 11-203.3 - Individual wastewater discharge and general permitting: existing connections.**

Any user required to obtain an individual wastewater discharge permit or a general permit who was discharging wastewater into the POTW without a permit prior to the effective date of this article, but who wishes to continue such discharges in the future, shall, within 60 calendar days after said date, apply to the commissioner for an individual wastewater discharge permit or a general permit in accordance with section 11-203.5, and shall not cause or allow discharges to the POTW to continue after 180 calendar days of the effective date of the ordinance from which this article is derived except in accordance with an individual wastewater discharge permit or a general permit issued by the commissioner.

**Sec. 11-203.4 - Individual wastewater discharge and general permitting: new connections.**

Any user required to obtain an individual wastewater discharge permit or a general permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or

recommencing of such discharge. An application for this individual wastewater discharge permit or general permit, in accordance with section 11-203.5, must be filed at least 180 calendar days prior to the date upon which any discharge will begin or recommence.

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**Sec. 11-203.8 - Individual wastewater discharge and general permit decisions.**

The commissioner will evaluate the data furnished by the user and may require additional information. Within 30 calendar days of receipt of a complete permit application, the commissioner will determine whether to issue an individual wastewater discharge permit or a general permit. The commissioner may deny any application for an individual wastewater discharge permit or a general permit.

**SECTION 4.** Chapter 11 of the City Code is hereby amended by amending Section 11-204 thereof by deleting the stricken language and adding the underlined language to read as follows:

**SECTION 11-204 - INDIVIDUAL WASTEWATER DISCHARGE AND GENERAL PERMIT ISSUANCE**

**Sec. 11-204.1 - Individual wastewater discharge and general permit duration.**

An individual wastewater discharge permit or a general permit shall be issued for a specified time period, not to exceed ~~five~~ 5 years from the effective date of the permit. An individual wastewater discharge permit or a general permit may be issued for a period less than ~~five~~ 5 years, at the discretion of the commissioner. Each individual wastewater discharge permit or a general permit will indicate a specific date upon which it will expire.

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**Sec. 11-204.6 - Individual wastewater discharge permit and general permit reissuance.**

A user with an expiring individual wastewater discharge permit or general permit shall apply for individual wastewater discharge permit or general permit reissuance by submitting a complete permit application, in accordance with section 11-203.5, a minimum of 90 calendar days

prior to the expiration of the user's existing individual wastewater discharge permit or general permit. If the user is not notified by the commissioner in the form of a draft permit 30 calendar days prior to the expiration of the permit, the permit shall be extended ~~one~~ 1 additional year or until a new permit is reissued. Upon receipt of the draft permit, the user shall have 30 calendar days to review and provide comment on the draft permit. The terms and conditions of the permit may be subject to modification and change by the commissioner during the life of the permit as limitations or requirements are modified and changed. The user shall be informed of any proposed changes in the permit at least 90 calendar days prior to the effective date of those changes. All users shall be allowed a comment period, relating to any of the proposed changes in his permit; such comment period shall be the first 45 calendar days of the 90-day calendar period prior to the effective date of the changes. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

**SECTION 5.** Chapter 11 of the City Code is hereby amended by amending Section 11-206 thereof by deleting the stricken language and adding the underlined language to read as follows:

**SECTION 11-206 - REPORTING REQUIREMENTS**

**Sec. 11-206.1 - Baseline monitoring reports.**

(a) Within either 180 calendar days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical industrial users currently discharging to or scheduled to discharge to the POTW shall submit to the commissioner a report which contains the information listed in subsection (b). At least 90 calendar days prior to commencement of their discharge, new sources, and sources that become categorical industrial users subsequent to the promulgation of an applicable categorical standard, shall submit to the commissioner a report which contains the information listed in subsection (b). A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

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**Sec. 11-206.2 - Compliance schedule progress reports.**

The following conditions shall apply to the compliance schedule required by section 11-206.1(b)(4):

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(3) The user shall submit a progress report to the commissioner no later than 14 calendar days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and

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**Sec. 11-206.3 - Reports on compliance with categorical pretreatment standard deadline.**

Within 90 calendar days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the commissioner a report containing the information described in sections 11-203.5(a)(6) and (7) and 11-206.1(b)(2). For users subject to equivalent mass or concentration limits established in accordance with the procedures in section 11-201.2, this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with section 11-206.13(a). All sampling will be done in conformance with section 11-206.10.

**Sec. 11-206.4 - Periodic compliance reports.**

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(b) The city may authorize an industrial user subject to a categorical pretreatment standard to forego sampling of a pollutant regulated by a categorical pretreatment standard if the industrial user has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the

industrial user. This authorization is subject to the following conditions:

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(2) The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than ~~five~~ 5 years. The user must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit. See section 11-203.5(a)(8).

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(c) The city may reduce the requirement for periodic compliance reports for users subject to categorical standards (see section 11-206.4(a)) to a requirement to report no less frequently than once a year, unless required more frequently in the pretreatment standard or by the EPA, where the industrial user's total categorical wastewater flow does not exceed any of the following:

(1) ~~Five thousand~~ 5,000 gallons per day as measured by a continuous effluent flow monitoring device unless the industrial user discharges in batches;

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#### **Sec. 11-206.5 - Reports of changed conditions.**

Each user must notify the commissioner of any significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least 90 calendar days before the change.

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#### **Sec. 11-206.6 - Reports of potential problems.**

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(b) Within ~~five~~ 5 business days following such discharge, the user shall, unless waived by the commissioner, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this article.

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**Sec. 11-206.7 - Notice of violation/repeat sampling and reporting.**

If sampling performed by a user indicates a violation, the user must notify the commissioner within 24 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 commissioner within 30 calendar days after becoming aware of the violation.

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**Sec. 11-206.9 - Analytical requirements.**

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the commissioner or other parties approved by EPA. All analyses shall be conducted using a lab certified by either a national or other state accredited program or a lab that is able to provide documentation such that the control authority determines that sufficient quality control/quality assurance procedures are in place to ensure verifiable results. If the State of Delaware implements a statewide laboratory accreditation program, then analyses shall be conducted using the requirements of such program.

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**SECTION 6.** Chapter 11 of the City Code is hereby amended by amending Section 11-210 thereof by deleting the stricken language and adding the underlined language to read as follows:

**Sec. 11-210.1 - Informal Notification.**

The commissioner, at their discretion, may implement various informal approaches, including, but not limited to, a phone call or notice of noncompliance to address minor violations of pretreatment standards or requirements. The goal of such informal responses is to ensure that

information submitted by users is technically correct. Informal notifications shall be issued by the commissioner with 14 calendar days of receipt of information from the user.

**Sec. 11-210.12 - Notification of violation.**

When the commissioner finds that a user has violated, or continues to violate, any provision of this article, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other pretreatment standard or requirement, the commissioner may serve upon that user a written notice of violation. Such notice shall be issued within 14 calendar days from receipt of information indicating that the user has committed a violation. Within ~~ten~~ 10 business days of the receipt of such notice, the user shall provide an explanation of the violation and a plan for the satisfactory correction and prevention thereof. The plan shall ~~to~~ include specific required actions, and shall be submitted by the user to the commissioner. Submission of such a plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the commissioner to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

**Sec. 11-210.23 - Consent orders.**

The commissioner may enter into consent orders, assurances of compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents shall include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to sections 11-210.45 and 11-210.56 and shall be judicially enforceable.

**Sec. 11-210.34 - Show cause hearing.**

The commissioner may order a user which has violated, or continues to violate, any provision of this article, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the commissioner and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ~~ten~~ 10 business days prior to the hearing. Such notice may be served on any authorized representative of the user as defined in section 11-200.4 and required by section 11-203.7(a). A show cause

hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

**Sec. 11-210.45 - Administrative orders.**

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**Sec. 11-210.56 - Cease and desist orders.**

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**Sec. 11-210.67 - Administrative fines.**

(a) When the commissioner finds that a user has violated, or continues to violate, any provision of this article, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other pretreatment standard or requirement, the commissioner may fine such user in an amount not to exceed ~~\$1064,000.00~~ \$164,000.00 per violation plus all expenses incurred by the POTW as a result of the violation. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.

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(c) Users desiring to dispute such fines must file a written request for the commissioner to reconsider the fine along with full payment of the fine amount within 30 calendar days of being notified of the fine. Where a request has merit, the commissioner may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The commissioner may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

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**Sec. 11-210.78- Emergency suspensions.**

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**Sec. 11-210.89 - Termination of discharge.**

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**SECTION 7.** Chapter 11 of the City Code is hereby amended by amending Section 11-211 thereof by deleting the stricken language and adding the underlined language to read as follows:

**SECTION 11-211 - JUDICIAL ENFORCEMENT REMEDIES**

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**Sec. 11-211.2 - Civil penalties.**

(a) A user who has violated, or continues to violate, any provision of this article, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the city for a civil penalty of not less than \$1,000.00 nor more than \$1064,000.00 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

\*\*\*\*

**Sec. 11-211.3 - Criminal prosecution.**

(a) A user who willfully or negligently violates any provision of this article, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not less than \$2,500.00 nor more than \$2564,000.00 per violation, per day or imprisonment for not more than 1 ~~one~~-year, or both.

(b) A user who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a Class D Felony and sentenced in compliance with guidelines established for Class D Felonies in Section 4205 of Title 11 and be subject to a penalty of not less than \$2,500.00 nor more than \$2564,000.00 or imprisonment for not more than 1 ~~one~~-year, or both. Any penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.

(c) A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this article, individual wastewater discharge permit, or general permit or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this

article shall, upon conviction, be punished by a fine of not less than \$500.00 nor more than ~~\$1064,000.00~~ per violation, per day or imprisonment for not more than ~~two~~ 2 years, or both.

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**SECTION 8.** Chapter 11 of the City Code is hereby amended by amending Section 11-212 thereof by deleting the stricken language and adding the underlined language to read as follows:

**SECTION 11-212 - AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS**

**Sec. 11-212.1 - Upset.**

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(c) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

\*\*\*\*

(3) The user has submitted the following information to the commissioner within 24 hours of becoming aware of the upset [if this information is provided orally, a written submission must be provided within ~~five~~ 5 business days]:

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**Sec. 11-212.3 - Bypass.**

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(c) Bypass notifications.

(1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the commissioner, at least ~~ten~~ 10 business days before the date of the bypass, if possible.

(2) A user shall submit oral notice to the commissioner of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within ~~five~~ 5 business days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass

and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The commissioner may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

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**SECTION 9.** Chapter 11 of the City Code is hereby amended by amending Section 11-213 thereof by deleting the stricken language and adding the underlined language to read as follows:

**SECTION 11-213 - PRETREATMENT PERMIT FEES**

**Sec. 11-213.1 - Pretreatment permit fees.**

The commissioner is hereby authorized to develop and recommend to city council a structure of categories of permits and permit fees, ~~to be set forth herein by ordinance of council amending this subsection,~~ for the issuance or modification, or both, of wastewater discharge permits and for issuance of variances. Such fees, as approved by city council, are set forth in Appendix B. ~~The structure of categories and fees for industrial users shall be as follows:~~

~~(1) One time user: \$200.00 per six month period, flow fee of \$2.99 per 1,000 gallons of discharge, and surcharge fees for BOD and TSS consistent with section 45-58 unit charges.~~

~~(2) Fully permitted user: \$200.00 per six month period.~~

**SECTION 10.** Chapter 11 of the City Code is hereby amended by adding Appendices A and B to the end of the Pretreatment Ordinance by adding the underlined language to read as follows:

**APPENDIX A – LOCAL LIMITS**

The pollutant limits set forth in this Appendix A are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the limits listed in the table below.



	<b>Contributory User 30 day Avg. mg/L</b>	<b>Wilmington POTW Maximum Allowable Industrial Loading lbs/day</b>
Ammonia as Nitrogen	35.00	39,000.00
Arsenic	0.12	4.04
BOD5	500.00	181,000.00
Cadmium	0.12	3.80
CBOD5	500.00	133,000.00
Chromium, total	8.02	263.48
Copper	1.70	55.94
Cyanide	1.45	47.59
Lead	1.01	33.11
Mercury	0.02	0.50
Molybdenum	0.84	27.63
Nickel	1.13	37.17
PCBs	None	None
Phenols	10.00	6780
Selenium	0.29	9.43
Silver	None	None
TSS	500.00	165,000.00
Zinc	2.97	97.49

**APPENDIX B – PRETREATMENT PERMIT FEES**

The structure of categories and fees for industrial users shall be as follows:

(1) One-time user: \$200.00 per 6-month period, flow fee of \$2.99 per 1,000 gallons of discharge, and surcharge fees for BOD and TSS consistent with city code section 45-58 unit charges.

(2) Fully permitted user: \$200.00 per 6-month period.

**SECTION 11.** This Substitute Ordinance shall become effective upon its passage by City Council and approval by the Mayor.

First Reading.....June 6, 2024  
Second Reading.....June 6, 2024  
Third Reading.....

Passed by City Council,

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President of City Council

ATTEST: \_\_\_\_\_  
City Clerk

Approved this \_\_\_\_ day of \_\_\_\_\_, 2024.

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Mayor

**SYNOPSIS:** This Substitute Ordinance amends Article V of Chapter 11 of the City Code to revise the City of Wilmington Pretreatment Ordinance to (i) incorporate the updated and approved local limits as required by the EPA, (ii) update select definitions to better align with specific language in the EPA regulations, (iii) clarify select general prohibitions intended to prevent the discharge of corrosive and explosive substances, (iv) codify requirements (a) regarding the time allocated for permittee review of draft permits (b) regarding the required use of accredited laboratories for all compliance monitoring, (c) to ensure consistency between the Pretreatment Ordinance and its enforcement response plan, and (d) to update maximum penalty levels to reflect EPA adjustments since 2011, and (v) move the detailed local limits and program fees to appendices to facilitate future updates. Finally, as a housekeeping matter, this Substitute Ordinance replaces certain written numbers with numerals for consistency.

**FISCAL IMPACT STATEMENT:** This Substitute Ordinance has no anticipated negative fiscal impact.

W0125043