

ORDINANCE NO. 97-5022

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTIONS 26-401, 26-402, 26-403, 26-404, 26-405, 26-406, 26-606(b)(12) and 26-610(c) OF SAID CODE; REQUIRING A PERMIT AND MANIFEST FOR DISCHARGE OF SEPTAGE AND TRUCKED WASTE INTO THE WASTE DISPOSAL STATION; DEFINING THE TERMS "MANIFEST" AND "TRUCKED WASTE"; PROHIBITING DISCHARGE OF TRUCKED WASTE INTO THE WASTEWATER SYSTEM/STORM SEWER; EXPANDING THE RULE-MAKING AUTHORITY OF THE CITY ADMINISTRATOR TO INCLUDE TRUCKED WASTE; AND ALLOWING CERTAIN LEVELS OF GENERALLY INADMISSIBLE WASTES IF AUTHORIZED BY THE CITY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

Section 1. That Section 26-401 of the Billings, Montana City Code be amended so that such section shall read as follows:

"Sec. 26-401. Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this article shall be as follows:

Manifest means a written document issued by the city that specifies, among other things, the source and nature of wastes and, when properly executed by the city and all parties, authorizes the discharge of septage and trucked wastes into the city's approved waste disposal station.

Permit means a written receiving ticket issued by the city permitting the discharge of septage or trucked waste into the city's approved waste disposal station in accordance with the provisions of this article.

Person means any institution, public or private corporation, company, partnership, association, society or other entity as well as a natural person.

Septage means the mixed liquid and solid contents pumped from septic tanks used for receiving primarily segregated domestic wastes or wastes from sanitary conveniences.

Septage hauler means a person having a valid city business license, when appropriate, and in addition,

licensed by state and local governmental agencies in accordance with the provisions of Montana Code Annotated, Sections 37-41-101 through 37-41-212 wherein it is required that persons be licensed to operate a business for the purpose of cleaning septic tanks and transporting septage to an approved septage disposal facility.

Trucked waste means wastes, other than septage, transported to the approved waste disposal station by a septage hauler and approved by the city for disposal.

Waste disposal station means the city's approved waste disposal station which is available for the purpose of disposing of septage."

Section 2. That Section 26-402 of the Billings, Montana City Code be amended so that such section shall read as follows:

"Sec. 26-402. Prohibited discharge.

It is prohibited to discharge septage or trucked waste either directly or indirectly into any wastewater system/storm sewer or appurtenance thereof."

Section 3. That Section 26-403 of the Billings, Montana City Code be amended so that such section shall read as follows:

"Sec. 26-403. Permit and manifest required.

(a) It is unlawful for any person to discharge septage or trucked waste into the waste disposal station without first obtaining and properly executing a written permit and manifest for that purpose.

(b) It is unlawful for any person to contract with a septage hauler for the purpose of hauling septage from a non-domestic source or any trucked waste without obtaining a manifest from the city and properly executing and delivering the manifest to the septage hauler at the time of waste pickup."

Section 4. That Section 26-404 of the Billings, Montana City Code be amended so that such section shall read as follows:

"Sec. 26-404. Application and permit fee.

(a) Licensed septage haulers shall make application for septage or trucked waste disposal permits and manifests at the public utilities department on a special form furnished by the city. Permits or manifests will be issued upon compliance with the provisions of this article and any regulations adopted hereunder. The

septage disposal permit fee shall be the fee set by city resolution.

(b) The city may refuse to grant or may revoke a permit for the disposal of septage or trucked waste into the waste disposal station to any applicant who has willfully and repeatedly violated the provisions of this article. Only septage pumped from septic tanks situated within Yellowstone County and which receive primarily segregated domestic wastes or wastes from sanitary conveniences shall be allowed to be discharged into the waste disposal station. Only approved trucked waste shall be allowed to be discharged into the waste disposal station."

Section 5. That Section 26-405 of the Billings, Montana City Code be amended so that such section shall read as follows:

"Sec. 26-405. Rules and regulations.

The city administrator shall promulgate and publish rules and regulations governing and controlling septage or trucked waste disposal within the city. Said rules and regulations at a minimum shall include:

- (1) Form and procedure for execution and processing receiving tickets;
- (2) Supervision of discharge; and
- (3) Sampling and testing of septage or trucked waste."

Section 6. That Section 26-406 of the Billings, Montana City Code be amended so that such section shall read as follows:

"Sec. 26-406. Inadmissible wastes.

Unless prior written authorization is provided by the City, it is unlawful to discharge or cause to be discharged into the waste disposal station any industrial wastes, radioactive wastes, corrosive wastes, explosive mixtures, unpolluted waters, petroleum oils, nonbiodegradable cutting oils, chemical wastes, toxic or poisonous substances, floatable fats, wax and grease, solid or viscous wastes such as but not limited to mud, sand or gravel, or any other wastes or substances prohibited from being discharged into the wastewater system by existing city ordinances, or as same may be lawfully amended from time to time by the city council.

Section 7. That Subsection (b)(12) of Section 26-606 of the Billings, Montana City Code be amended so that such subsection

shall read as follows:

"Sec. 26-606. Specific pollutant limitations.

. . .

(b) No user shall discharge or cause to be discharged any of the following described pollutants into the WWS:

. . .

(12) Any trucked or hauled pollutants, except for septage or trucked waste specifically approved by the city, both of which is are to be discharged at the septage receiving station at the WWTP.

. . ."

Section 8. That Subsection (c) of Section 26-610 of the Billings, Montana City Code be amended so that such subsection shall read as follows:

"Sec. 26-610. Actions for violation; enforcement

. . .

(c) *Revocation of permit/termination of service.* Any significant industrial user who violates the following conditions of this article, the city's rules or regulations or applicable state and federal laws is subject to permit revocation in accordance with the procedures set forth in said rules and regulations or this section:

- (1) Failure to factually report wastewater constituents and characteristics or permit violations.
- (2) Failure to report significant changes in operations or wastewater constituents and characteristics.
- (3) Refusal or physical obstruction of reasonable access to the user's premises for the purposes of inspection, monitoring, review of records concerning wastewater or any purpose listed under section 26-607~~(6)~~(G).
- (4) Violation of conditions of the

industrial discharge permit.

- (5) Failure to obtain or maintain a valid industrial discharge permit.
- (6) Failure to file required reports or give notices.
- (7) Failure to comply with a city order or compliance schedule.
- (8) Failure to provide for protection against spills, slug discharges or accidental discharges.
- (9) Use of excessive discharge per section 26-604(e).
- (10) Failure to properly sample discharge with intent to deceive.
- (11) Failure to pay the applicable charges and fees.

..."

Section 9. EFFECTIVE DATE. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

Section 10. REPEALER. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 11. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading this 12th day of May, 1997.

PASSED, ADOPTED and APPROVED on second reading this 27th day of May, 1997.

CITY OF BILLINGS

By Charles F. Tracy
Mayor

ATTEST:

By Kathie Russell
City Clerk Deputy City Clerk