

ORDINANCE NO. 13,797

AN ORDINANCE to amend the Municipal Code of Des Moines, 1991, adopted by Ordinance No. 11,651, passed April 15, 1991, and amended by Ordinance No. 11,717, passed September 16, 1991, and Ordinance No. 11,845, passed June 22, 1992, and Ordinance No. 13,349, passed June 17, 1996, and Ordinance No. 13,616, passed June 22, 1998, by repealing Sections 21-21, 21-30 and 21-33 thereof and enacting new Sections 21-21, 21-30, 21-33, relating to waste hauler definitions, standards of disposal at the POTW and treatment fees.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of Des Moines, 1991, adopted by Ordinance No. 11,651, passed April 15, 1991, and amended by Ordinance No. 11,717, passed September 16, 1991, and Ordinance No. 11,845, passed June 22, 1992, and Ordinance No. 13,349, passed June 17, 1996, and Ordinance No. 13,616, passed June 22, 1998, is hereby amended by repealing Sections 21-21, 21-30 and 21-33 thereof and enacting new Sections 21-21, 21-30, 21-33, relating to waste hauler definitions, standards of disposal at the POTW and treatment fees, as follows:

**21-21. DEFINITIONS.**

The following terms are used in this subchapter and are defined as follows:

**"Administrator"** means the administrator of the Des Moines Metropolitan WRA Wastewater Reclamation Facility.

**"ICA Agreement"** means the intergovernmental agreement between the city and the WRA Constituent Communities, including the six Supplements to the ICA Agreement, as said Agreement and Supplements may from time to time hereafter be amended. Unless otherwise herein stated, a reference to the ICA Agreement shall be deemed to be a reference to the ICA Agreement and its Supplements.

**"Industrial Waste"** means the liquid waste from industrial users.

**"Publicly Owned Treatment Works (POTW)"** means a treatment works as defined by Section 212 of the Clean Water Act, and includes any devices and systems used in the storage, treatment,

recycling and reclamation of wastewater or industrial waste of a liquid nature or that convey wastewater to the wastewater treatment plant, regardless of ownership. POTW as used in this chapter includes the Des Moines Metropolitan WRA Wastewater Reclamation Facility.

**"Vehicle"** means a device equipped with a tank and used to remove or transport waste.

**"WRA"** or **"Wastewater Reclamation Authority"** means the WRA constituent communities who by joint governmental action known as the ICA Agreement and Supplements thereto are committed to create and utilize the Wastewater Reclamation Facility and certain out-fall and interceptor sewers of the WRA wastewater treatment system and to support the operating and capital costs thereof through payments to the WRA Operating Agency.

**"WRA Constituent Community"** or **"WRA Community"** means any one of the cities of Clive, Des Moines, Pleasant Hill, Urbandale, Johnston, Windsor Heights and West Des Moines, Iowa, the Urbandale-Windsor Heights Sanitary District, the Urbandale Sanitary Sewer District, Polk County and Warren County, Iowa.

**"WRA Operating Agency"** or **"Operating Agency"** means the City of Des Moines, acting in its capacity as Operating Agency under the ICA Agreement. **"WRA service area"** means those areas within WRA constituent communities which, pursuant to the ICA Agreement, are committed to utilize the Wastewater Reclamation Facility and certain out-fall and interceptor sewers of the WRA wastewater treatment system and to support the operating and capital costs thereof through payments to the WRA Operating Agency.

**"Waste"** means human excreta, water, scum, sludge, septage, and food waste grease solids from public and private wastewater disposal systems or holding tanks; impervious vaults, portable, or chemical toilets; and devices used to trap grease resulting from food preparation.

**"Waste Hauler"** means a person or firm engaged in the business of cleaning and disposing of waste from public or private waste facilities, including a person or firm that owns and rents or leases portable toilets.

**"Wastewater"** means a combination of the liquid and water carried waste from residences, commercial buildings, institutions and industrial establishments, together with such groundwater, surface water, and stormwater as may be present, whether treated

or untreated, which is contributed into or permitted to enter the POTW.

**"Wastewater Reclamation Facility" or "WRF"** means the wastewater treatment facility constructed and operated by the WRA in Des Moines at 3001 Vandalia Road, and to other such facilities as may hereafter be constructed and operated by the WRA.

#### **21-30. STANDARDS OF DISPOSAL AT THE POTW.**

Disposal of wastes to the POTW shall be carried out in accordance with pretreatment standards and requirements established by federal, state, and city governments including categorical standards developed for the waste generator's industrial category. The administrator may reject wastes from waste haulers that do not comply with this paragraph or with any other provision of this subchapter. Waste haulers shall not deliver wastes to the wastewater treatment plant that:

(1) Are prohibited by Section 21-84 or exceed the limits found in sections 21-85(C) (4), 21-86, and 21-87 found in subchapter 7 of chapter 21.

(2) Are hazardous wastes or hazardous substances as defined in 40 CFR Part 261 or 567 I.A.C., Chapter 131.

(3) Originate from mineral oil and grease traps unless first treated to remove the oil and grease.

(4) Are not completely identified or are from industrial/ commercial sources that are not approved by the administrator as required in section 21-28.

(5) Are mixed in a manner prohibited in section 21-29.

(6) Are wastes other than residential from outside the WRA, except through requests to the administrator.

#### **21-33. TREATMENT FEES FOR HAULED WASTES.**

A treatment fee shall be charged per gallon of hauled waste for all wastes originating within the WRA service area which are treated through the headworks using all treatment processes at the wastewater reclamation facility, which fee shall be equal to the cost of disposal and treatment of an equivalent volume and mass of pollutants other wise delivered into the city sanitary sewer system. The treatment fee shall include: 1) the volume charge component found in section 21-37(b), 2) a treatment surcharge component for each pollutant as found in section 21-94 of subchapter 7 of chapter 21 of this code, and 3) a program cost component. The program cost component shall be calculated by dividing the annual administrative costs of the waste hauler program by the total gallons of hauled waste treated in the previous calendar year. The surcharge component shall be calculated using the average concentration of pollutants found in hauled wastes delivered to the wastewater reclamation facility. The treatment surcharge and program cost components shall be reviewed and updated annually based on the most recent data collected by the operating agency. The treatment fee for loads originating outside the WRA service area shall be 1.5 times the fee for loads originating within the WRA service area.

**A treatment fee shall be charged for hauled wastes originating within the WRA service area which are treated using only a portion of the treatment processes at the wastewater reclamation facility, which fee shall be calculated to recover the cost of treatment. The cost of treatment shall include electrical, chemical, personnel, and any capital costs associated with the treatment processes utilized, and a program cost component which shall be calculated by dividing the annual administrative costs of the waste hauler program associated with partial process treatment by the total gallons of hauled waste treated using only a portion of the treatment processes in the previous calendar year. Treatment costs shall be reviewed and updated annually based on the most recent data collected by the operating agency. The treatment fee for loads originating outside the WRA service area shall be 1.5 times the fee for loads originating within the WRA service area.**

Fees shall be computed and recorded at the disposal station and shall be paid by the waste hauler on the basis of monthly billings by the finance department. Limits of credit shall not exceed 60 days. Abuse of such credit shall be grounds for liability on the waste hauler's bond and for refusal of disposal services to any waste hauler under this subchapter.

A customer service charge, as provided for in section 21-41 of subchapter 4 of chapter 21, shall be assessed for each monthly invoice issued to a hauler. Fees for testing and sampling waste loads shall be as provided for in section 21-94 of chapter 21.

The fee for sampling waste loads at the wastewater treatment plant shall be \$5.00 per load.

Waste haulers may elect to have their loads tested for actual concentration at their expense as set out in section 21-94. When a waste hauler has elected to have loads tested for actual concentration, the treatment fee will be based on the actual concentration whether it be higher or lower than the average concentration treatment fee. Said testing will be done at least once a month or more often as required by the administrator or his or her designee.

Sec. 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

Terrence L. Timmins, Deputy City Attorney

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Attest:

I, Donna Boetel-Baker, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 00-669), passed by the City Council of said City at a meeting held March 6, 2000, signed by the Mayor on March 6, 2000, and published as provided by law in the Business Record on March 20, 2000. Authorized by Publication Order No. 6434.

Donna Boetel-Baker, CMC/AAE, City Clerk