

ORDINANCE NO. 268

AN ORDINANCE AMENDING THE CITY OF BROOKINGS INDUSTRIAL WASTE ORDINANCE NO. 265 PROVIDING REVISED DEFINITIONS AND ADDITIONAL PROVISIONS:

The City of Brookings ordains as follows:

Section 1: Ordinance No. 265 is hereby amended, as follows:

"'Industrial Wastes' shall mean the liquid wastes from any nongovernmental user of publicly owned treatment works identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented under the following divisions:

- (a) Division A--Agriculture, Forestry, and Fishing
- (b) Division B--Mining
- (c) Division D--Manufacturing
- (d) Division E--Transportation, Communications, Electric, Gas, and Sanitary Services
- (e) Division I--Services

A user in the Divisions listed may be excluded if it is determined that it will introduce primarily segregated domestic wastes or wastes from sanitary conveniences."

Section 2: Section 2, subsection (1) is hereby revised to conform to the definition of "industrial wastes" hereinabove set forth.

Section 3: The following section is hereby added to and shall become a part of Ordinance No. 265:

"Section 6: Industrial Cost Recovery

(1) All industrial users shall be required to pay that portion of the Federal assistance grant under PL 92-500 allocable to the treatment of waste from such users.

(2) The system for industrial cost recovery shall be implemented and maintained according to the following requirements.

(a) Each year during the industrial cost recovery period, each industrial user of the treatment works shall pay its share of the total Federal grant amount divided by the recovery period.

(b) The industrial cost recovery period shall be equal to 30 years or the useful life of the treatment works, whichever is less.

(c) Payments shall be made by industrial users no less often than annually. The first payment by an industrial user shall be made not later than one year after such user begins use of the treatment works.

(d) An industrial user's share shall be based on all factors which significantly influence the cost of the treatment works, such as strength, volume, and flow rate characteristics. As a minimum, an industry's share shall be based on its flow versus treatment works capacity except in unusual cases.

(e) An industrial user's share shall be adjusted when there is a substantial change in the strength, volume, or flow rate characteristics of a user's wastes, or if there is an expansion or upgrading of the treatment works.

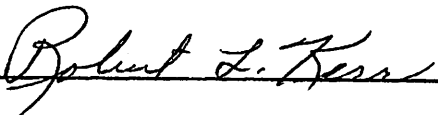
(f) An industrial user's share shall not include any portion of the Federal grant amount allocable to unused or unreserved capacity.

(g) An industrial user's share shall include any firm commitment to the City (Sanitary District or County) of increased use by such user.

(h) An industrial user's share shall not include an interest component.

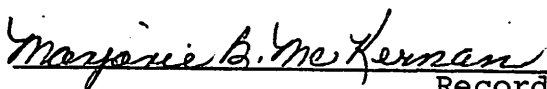
(3) This requirement applies only to those features of wastewater treatment and transportation facilities which have been constructed with Federal assistance administered by the U.S. Environmental Protection Agency under PL 92-500."

The foregoing Ordinance was duly adopted by the the Council and signed by the Mayor this 9th day of March, 1976.



Mayor

ATTEST:



Recorder

