

SECTION 2 - PRETREATMENT STANDARDS

PART 1 - GENERAL PROVISIONS

1.1 PURPOSE AND OBJECTIVES

A. **Purpose.** The purpose of these Standards is:

1. To set forth uniform requirements for Users of the Publicly Owned Treatment Works (POTW) for Brigham City.
2. To enable the City to comply with the General Pretreatment Regulations (Title 40 Code of Federal Regulations Part 403) and other applicable Federal and State laws and regulations.
3. To provide for the public health and welfare.
4. To provide a safe working environment for all water and sewer personnel.

B. **Objectives.** The objectives of these Standards are:

1. To prevent the introduction of pollutants into the POTW which will interfere with the operation of the system or contaminate the resulting biosolids;
2. To prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the POTW;
3. To protect both municipal personnel who may come into contact with sewage, sludge, and effluent in the course of their employment as well as protecting the general public;
4. To promote reuse and recycling of wastewater and sludge from the POTW;
5. To provide for equitable distribution of the cost of operation, maintenance and improvement of the POTW.
6. To enable Brigham City to comply with its Utah Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the POTW is subject.

These Standards shall apply to all users of the Brigham City POTW. These Standards provide for the regulation of all users of the POTW, through the issuance of permits to non-domestic users and through enforcement of general requirements for all users; authorizes monitoring, compliance and enforcement activities; establishes administrative review procedures; requires industrial user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

1.2 ADMINISTRATION

Except as otherwise provided herein, the Waste Treatment Manager shall administer, implement, and enforce the provisions of these Standards. Any powers granted to or duties imposed upon the Waste Treatment Manager may be delegated by the Waste Treatment Manager to a duly authorized City employee.

1.3 ABBREVIATIONS

The following abbreviations, when used in these standards, shall have the designated meanings:

BOD – Biochemical Oxygen Demand
BMP – Best Management Practice
BMR – Baseline Monitoring Report
CFR – *Code of Federal Regulations*
CIU – Categorical Industrial User
COD – Chemical Oxygen Demand
CWA – Clean Water Act
EPA – U.S. Environmental Protection Agency
gpd – gallons per day
IU – Industrial User
mg/l – milligrams per liter
UPDES – Utah Pollutant Discharge Elimination System
POTW – Publicly Owned Treatment Works
RCRA – Resource Conservation and Recovery Act
SIU – Significant Industrial User
SNC – Significant Noncompliance
TSS – Total Suspended Solids
U.S.C. – United States Code

1.4 DEFINITIONS

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

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

- B. **Acute Toxicity** occurs when 50 percent or more mortality is observed for either test species at any effluent concentration.
- C. **Animals** for the purpose of these standards are domestic livestock.
- D. **Approval Authority** The State of Utah Department of Water Quality
- E. **Authorized or Duly 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 that 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 individual wastewater discharge permit requirements; and where authority to sign documents 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.
 - 4. 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 Waste Treatment Manager.

- F. **Best Management Practices or BMPs** means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Part 2.1 A and B. 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.
- G. **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 degrees centigrade, usually expressed as a concentration (e.g., mg/l).
- H. **Biosolids** means any material or material derived from sewage solids that have been biologically treated.
- I. **Bypass** means the intentional diversion of waste streams from any portion of a User's treatment facility.
- J. **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 apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
- K. **Categorical Industrial User.** An Industrial User subject to a categorical Pretreatment Standard or categorical Standard.
- L. **Chemical Oxygen Demand or COD.** A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.
- M. **Chronic toxicity** occurs when the survival, growth, or reproduction for either test species exposed to a dilution of a specified percent effluent (or lower) is significantly less (at the 95 percent confidence level) than the survival, growth or reproduction of the control specimens.
- N. **City** Brigham City Corporation
- O. **Control Authority** Brigham City Corporation
- P. **Cooling Water (Contact)** Water used for cooling purposes which comes into direct contact with raw material, intermediate product, waste product and/or finished product.

- Q. **Cooling Water (Non-Contact)** Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- R. **Composite Samples** shall be flow proportioned. The composite sample shall, as a minimum, contain at least four (4) samples collected over the compositing period. Unless otherwise specified, the time between the collection of the first sample and the last sample shall not be less than six (6) hours nor more than 24 hours. Acceptable methods for preparation of composite samples are as follows:
1. Constant time interval between samples, sample volume proportional to flow rate at time of sampling;
 2. Constant time interval between samples, sample volume proportional to total flow (volume) since last sample. For the first sample, the flow rate at the time the sample was collected may be used;
 3. Constant sample volume, time interval between samples proportional to flow (i.e., sample taken every "X" gallons of flow); and,
 4. Continuous sample volume, with sample collection rate proportional to flow rate.
- S. **Daily Maximum (Daily Max.)** The arithmetic average of all effluent samples for a pollutant collected during a calendar day.
- T. **Daily Maximum Limit.** The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.
- U. **Dry Weight Basis** means 100 percent solids (i.e., zero percent moisture).
- V. **EPA** means the United States Environmental Protection Agency.
- W. **Existing Source.** Any source of discharge that is not a "New Source."
- X. **Grab sample,** A sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

- Y. **Grit and Screenings** are sand, gravel, cinders, other materials with a high specific gravity and relatively large materials such as rags generated during preliminary treatment of domestic sewage at a treatment works and shall be disposed of according to *40 CFR 258*.
- Z. **Hazardous Waste** is any solid, liquid, or gaseous waste material that, if improperly managed or disposed of, may pose substantial hazards to human health and the environment.
- AA. **Indirect Discharge or Discharge.** The introduction of pollutants into the POTW from any nondomestic source.
- BB. **Instantaneous measurement**, for monitoring requirements, is defined as a single reading, observation, or measurement.
- CC. **Instantaneous Limit.** The maximum or minimum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any grab or composited sample collected, independent of the industrial flow rate and the duration of the sampling event
- DD. **Interference** A discharge that, 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 the City's UPDES permit 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..
- EE. **Local Limit.** Specific discharge limits developed and enforced by the City upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in Part 2.1 A and B of these standards. The technical based local limits are listed in Part 2.4 of these standards. The development documents are kept on file at the City office and can be reviewed if requested.
- FF. **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.
- GG. **Monthly Average Limit** The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured

during a calendar month divided by the number of “daily discharges” measured during that month.

HH. 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 that 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; or
- (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 Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:

(a) Begun, or caused to begin, as part of a continuous onsite construction program

- (i) any placement, assembly, or installation of facilities or equipment; or
- (ii) 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 which are 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 paragraph.

- II. **Pathogen** means an organism that is capable of producing an infection or disease in a susceptible host.
- JJ. **Pass Through** A discharge which exits the POTW into Waters of the State 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 City's NPDES permit, including an increase in the magnitude or duration of a violation.
- KK. **pH** A measure of the acidity or basicity of a solution, expressed in standard units
- LL. **Pollutant** for the purposes of these standards is an organic substance, an inorganic substance, a combination of organic and inorganic substances, or pathogenic organisms that after discharge and upon exposure, ingestion, inhalation, or assimilation into an organism either directly from the environment or indirectly by ingestion through the food-chain, could on the basis of information available to the Administrator of EPA, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunction in reproduction), or physical deformations in either organisms or offspring of the organisms.
- MM. **POTW, Publicly Owned Treatment Works.** A treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), which is owned 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. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works.
- NN. **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.
- OO. **Pretreatment Requirement** Any substantive or procedural requirement related to the pretreatment program imposed on a user, other than a pretreatment standard.

- PP. **Pretreatment Standard or Standards** shall mean shall mean prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.
- QQ. **Prohibited Discharge Standards or Prohibited Discharges.** Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Part 2.1 of these standards.
- RR. **Qualified Laboratory** For commercial laboratories; laboratories currently certified by the State of Utah, Department of Health for a particular analysis or approved by Brigham City to be used for sampling by users. For all other laboratories, including in-house laboratories; laboratories accepted and approved by the Department of Public Works.
- SS. **Runoff** is rainwater, leachate, or other liquid that drains over any part of a land surface and runs off the land surface.
- TT. **Seven (7)-day and weekly average** other than for E. Coli bacteria, is the arithmetic average of all samples collected during a consecutive 7-day period or calendar week, whichever is applicable. Geometric means shall be calculated for E. Coli bacteria. The 7-day and weekly averages are applicable only to those effluent characteristics for which there are 7-day average effluent limitations. The calendar week, which begins on Sunday and ends on Saturday, shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms. Weekly averages shall be calculated for all calendar weeks with Saturdays in the month. If a calendar week overlaps two months (i.e., the Sunday is in one month and the Saturday in the following month), the weekly average calculated for that calendar week shall be included in the data for the month that contains Saturday.
- UU. **Severe Property Damage** means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- VV. **Sewage.** Human excrement and gray water (household showers, dishwashing operations, etc.).
- WW. **Shall** and **will** are mandatory; **may** is permissive.
- XX. **Significant Industrial User** is:
- (1) An Industrial User subject to categorical Pretreatment Standards; or
 - (2) An Industrial User that:

- (a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
 - (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
 - (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 Subsection (2) of this part 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 an Industrial User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.

YY. **Significant Noncompliance** The term Significant Noncompliance shall mean: Any violation(s) that meets one or more of the following criteria:

1. Chronic violations of wastewater discharge limits, defined here are those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Part 2;
2. Technical Review Criteria (TRC) violations, defined here are those in which thirty-three percent (33%) or more of wastewater measurements taken for the same pollutant parameter during a six (6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Part 2 multiplied by the applicable TRC criteria (TRC=1.4 for BOD, TSS, fats, oils and grease, and TRC=1.2 for all other pollutants except pH);
3. Any other violation of a Pretreatment Standard or Requirement as defined by Part 2 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Waste Treatment Manager determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;
4. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the City's exercise of its emergency authority to halt or prevent such discharge;

5. Failure to meet, within ninety (90) calendar days after the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction or attaining final compliance;
6. Failure to provide within forty-five (45) calendar days after the due date, required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
7. Failure to accurately report noncompliance; or
8. Any other violation(s), which may include a violation of Best Management Practices, which the Waste Treatment Manager determines will adversely affect the operation or implementation of the local pretreatment program

AAA. **Similar Container** is either an open or closed receptacle. This includes, but is not limited to, a bucket, a box, a carton, and a vehicle or trailer with a load capacity of one metric ton or less.

BBB. **Slug Load or Slug Discharge** means any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Part 2.1 of these standards. 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.

CCC. **Standard Methods** means procedures described in the latest edition of "Standard Methods for the Examination of Water and Wastewater" as published by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation or such other procedures as may be adopted by the POTW.

DDD. **State** means the State of Utah.

EEE. **Storm Sewer** means a sewer that carries only storm, surface and ground water drainage.

FFF. **Storm Water**, means storm water runoff, snow melt runoff, and surface runoff and drainage which occur during or following any form of natural precipitation..

GGG. **Thirty-day (30-day) and monthly average** Other than for E. Coli bacteria, is the arithmetic average of all samples collected during a consecutive 30-day

period or calendar month, whichever is applicable. Geometric means shall be calculated for E. Coli bacteria. The calendar month shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms.

- HHH. **Total Solids** the total content of suspended and dissolved solids in water.
- III. **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 that is removable by laboratory filtering.
- JJJ. **Treatment Works** are either Federally owned, publicly owned, or privately owned devices or systems used to treat (including recycling and reclamation) either domestic sewage or a combination of domestic sewage and industrial waste or liquid manure.
- KKK. **Upset** means an exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.
- LLL. **User or Industrial User.** A source of indirect discharge.
- MMM. **Volatile Solids** is the amount of the total solids in wastewater lost when a sample of the total solids is combusted at 550 degrees Celsius for 15-20 minutes in the presence of excess air.
- NNN. **Vector Attraction** is the characteristic of biosolids that attracts rodents, flies mosquitoes or other organisms capable of transporting infectious agents.
- OOO. **Waste Treatment Manager.** means the Waste Treatment Manager of Brigham City Corporation or his representative designated and authorized to complete tasks related to the pretreatment program.
- PPP. **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.
- QQQ. **Wastewater Treatment Plant or Treatment Plant.** That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.
- RRR. **Water of the State** means all streams, lakes, ponds, marshes, water-courses, waterways, wells, springs, irrigation systems, drainage systems, and all other

bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through, or border upon this state or any portion thereof, except that bodies of water confined to and retained within the limits of private property, and which do not develop into or constitute a nuisance, or a public health hazard, or a menace to fish and wildlife, shall not be considered to be "waters of the state" under this definition (Section 19-5-102).

PART 2 - GENERAL SEWER USE REQUIREMENTS

2.1 Prohibited Discharge Standards.

- A. General Prohibitions. No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.
- B. Specific Prohibitions. No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
1. Pollutants which create a fire or explosion hazard in the publicly owned treatment works (POTW), including, but not limited to, wastestreams with a closed cup flashpoint of less than 140° F (60° C) using the test methods specified in 40 CFR 261.21.
 2. Wastewater which will cause corrosive structural damage to the POTW, but in no case, discharges with a pH lower than 5.0
 3. Wastewater which will cause structural damage to the POTW, but in no case, discharges with a pH higher than 12.5.
 4. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in Interference.
 5. Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at such volume or strength as to cause Interference in the POTW.
 6. Heat in amounts, which will inhibit biological activity in the POTW, resulting in Interference, but in no case, heat in such quantities that the influent to the sewage treatment works exceeds 104 ° F (40 ° C).
 7. Petroleum oil, non biodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through.
 8. Pollutants which result in the presence of toxic gases, vapor, or fumes within the POTW in a quantity that may cause acute worker health or safety problems.
 9. Any trucked or hauled pollutants, except at discharge points designated by the Waste Treatment Manager in accordance with Part 3.4 of these standards.

10. Hazardous waste as defined under 40 CFR Part 261 in accordance with Part 6.9 of these standards.

Pollutants, substances, or wastewater prohibited by this Standard shall not be processed or stored in such a manner that they could be discharged to the POTW.

2.2 Categorical Pretreatment Standards.

- A. National pretreatment standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged to a POTW by existing or new industrial users in specific industrial subcategories have been established by EPA in 40 CFR Chapter I, Subchapter N, Parts 405-471 and are hereby incorporated.
- B. Any user subject to a categorical pretreatment standard must comply with the applicable categorical Pretreatment Standard found at 40 CFR Chapter I, subchapter N, Parts 405-471.
- C. When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the Waste Treatment Manager shall impose an alternate limit in accordance with 40 CFR 403.6(e).

2.3 State Pretreatment Requirements State of Utah Pretreatment standards established by the Utah Administrative Code R317-8-8 are hereby incorporated. Any user subject to a state pretreatment standard is required to comply with the applicable standard.

2.4 Local Limits

- A. The Waste Treatment Manager is authorized to establish Local Limits pursuant to 40 CFR 403.5(c). The development documents are kept at the City office and can be reviewed if requested.
- B. Wastewater limits for discharges to the Brigham City POTW to protect against Pass Through and Interference are shown in Table 2-1. No User shall discharge wastewater that will exceed the limits in Table 2-1 unless, authorized by the Waste Treatment Manager, authorization to exceed the limits must be in writing by the Waste Treatment Manager.
- C. The Waste Treatment Manager may develop Best Management Practices (BMPs), by standard as set forth in City ordinance or in individual wastewater discharge permits, to implement Local Limits and the requirements of Section 2.1

Table 2-1 Discharge Limitations to Brigham City POTW

Parameter	Units	Daily Maximum	30-day Avg
BOD	mg/l	690	
TSS	mg/l	1430	
Oil & Grease (total)	mg/l	100	n/a
Nitrogen (as ammonia)	mg/l	72.6	
Arsenic	mg/l	1.92	n/a
Cadmium	mg/l	.62	.058
Chromium (total or III)	mg/l	237.6	12.8
Chromium (VI)	mg/l	2.99	2.21
Copper	mg/l	8.96	5.65
Cyanide	mg/l	1.17	.317
Lead	mg/l	10.4	1.09
Mercury	mg/l	0.115	.006
Molybdenum	mg/l	6.69	n/a
Nickel	mg/l	66.7	8.38
Selenium	mg/l	1.06	.07
Silver	mg/l	3.72	n/a
Zinc	mg/l	24.4	n/a
Temperature	Degrees F	150	n/a

The above limits apply at the point where wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. The City may impose mass limitations in addition to or in place of the concentration-based limitations above.

2.5 Brigham City's Right of Revision. The Waste Treatment Manager is authorized to develop and issue other types of permits and documents as necessary to control discharges to the POTW. In addition, the Waste Treatment Manager is authorized to temporarily or permanently revoke or suspend issuance of any type of permit at any time in order to protect the POTW from Pass Through or Interference in order to maintain compliance with any UPDES permit requirement or pretreatment program requirement. The Waste Treatment Manager shall also have the right to deny new or increased contributions or to set additional conditions on such contributions to protect the POTW, including limits that may be more stringent than the limits set in Table 2-1.

2.6 Dilution Prohibition. No user shall increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in these standards or in any other pollutant specific limitation unless expressly authorized by the Waste Treatment Manager or an applicable pretreatment standard or requirement. The Waste Treatment Manager may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or Requirements or in other cases when the imposition of mass limitations is appropriate.

PART 3 - PRETREATMENT OF WASTEWATER

3.1 Pretreatment Facilities Users shall provide wastewater treatment as necessary to comply with these standards and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, permit limitation, and the prohibitions set out in Part 2.1 of these standards within the time limitations specified by EPA, the State, or the City, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User’s expense. Detailed plans describing such facilities and operating procedures shall be submitted to the City for review, and shall be acceptable to the City before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under the provisions of these standards.

3.2 Additional Pretreatment Measures

- A. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Waste Treatment Manager, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity complying with the Brigham City Public Works Standards, and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired by the User at their expense.
- B. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

3.3 Slug Discharge Control Plans The Waste Treatment Manager may require any industrial user to develop and implement a slug control plan. At least once every two years the Waste Treatment Manager shall evaluate whether each Significant Industrial User (SIU) needs such a plan. Any industrial user required to develop and implement a slug discharge control plan shall submit the plan to the Waste Treatment Manager within 60 days. The slug discharge control plan shall addresses, at a minimum, the following:

- A. Description of discharge practices, including non-routine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying the POTW of any accidental or Slug Discharge, as required by Part 6.6 of these standards; and
- D. Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment

structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

3.4 Hauled Wastewater. The City reserves the right to regulate disposal of industrial waste in the sewer system. These general prohibitions and regulations apply to all users of the POTW whether or not they are Significant Industrial Users or are subject to categorical pretreatment standards or any other National, State or local pretreatment standards or requirements.

- A. The contents of a waste hauler's truck shall not, under any circumstance, be emptied into a car wash, recreational vehicle (RV) dump station, manhole, or any other unauthorized location. The only authorized location for waste hauler to dump waste into the sewer system is at the City wastewater treatment plant.
- B. Waste haulers must be licensed by the Box Elder County Health Department and shall comply with all Federal, State, and Local regulations, including but not limited to; Utah Department of Transportation, Division of Motor Vehicles, Box Elder Health Department, EPA and Brigham City.
- C. Before dumping the contents of their vehicles, waste haulers must provide the Waste Treatment Manager a completed manifest stating the origin of the waste. The manifest shall state the name of the resident or business, address, phone, time when tank was pumped, contents of the load and any other pertinent information that the City may deem necessary. The manifest shall identify the type of industry, known or suspected waste constitutes, and whether any wastes are hazardous wastes.
- D. The City may collect samples of each hauled load to ensure compliance with applicable Standards. The City may require waste haulers to pay cost of sampling. The City may also require industrial waste hauler to provide a waste analysis of any load prior to discharge.
- E. The City may require haulers of industrial waste to obtain individual wastewater discharge permits. The City may also require the generators of hauled industrial waste to obtain individual wastewater discharge permits. The City may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of these Standards.
- F. Any person operating a waste hauler business shall pay for all costs, expenses and damages incurred by the Brigham City POTW resulting from any load or materials which violate any of these standards or any other applicable regulations. Costs, expenses, and damages include, but not limited to, sampling, analysis, investigations, inspections, damage to facility, plant Upset and any fines assessed resulting from the improper discharge.

PART 4 - WASTEWATER DISCHARGE PERMITS

4.1 Industrial Wastewater Survey When requested by the Waste Treatment Manager a Industrial User must submit information on the nature and characteristics of its wastewater by completing a questionnaire and/or a baseline monitoring report within 30 days of the request. The Waste Treatment Manager is authorized to prepare a form for this purpose and may periodically require Users to update this information. If the Industrial User changes or adds a process the Industrial User is required to complete a questionnaire 30 days prior to the process being changed or added.

4.2 Individual Wastewater Discharge Permit Requirement

- A. No Significant Industrial User (SIU) shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit from the City, except that a SIU that has filed a timely application pursuant to Part 4.3 of these standards may continue to discharge for the time period specified therein.
- B. The Waste Treatment Manager may require other Users to obtain individual wastewater discharge permits as necessary to carry out the purposes of these standards.
- C. Any violation of the terms and conditions of an individual wastewater discharge permit shall be deemed a violation of these standards and subjects the wastewater discharge permittee to the sanctions set out in Parts 10 through 12 of these standards. Obtaining an individual wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

4.3 Individual Wastewater Discharge Permitting: Existing Connections

Any User required to obtain an individual wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of these standards and who wishes to continue such discharges in the future, shall, within 90 days after said date, apply to the City for an individual wastewater discharge permit in accordance with Part 4.5 of these standards, and shall not cause or allow discharges to the POTW to continue after 180 days of the effective date of these standards except in accordance with an individual wastewater discharge permit issued by the City.

4.4 Individual Wastewater Discharge Permitting: New Connections

Any User required to obtain an individual wastewater discharge 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, in accordance with Part 4.5 of these standards, must be filed at least 90 days prior to the date upon which any discharge will begin or recommence.

4.5 Individual Wastewater Discharge Permit Application Contents

- A. All Users required to obtain an individual wastewater discharge permit must submit a permit application. All permittees that will be continuing to discharge are required to complete an application 90 days prior to the permit expiring. The City may require Users to submit all or some of the following information as part of a permit application:
1. Identifying Information. The name and address of the facility, including the name of the operator and owner.
 2. Environmental Permits. A list of any environmental control permits held by or for the facility.
 3. Description of Operations.
 - a. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
 - b. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
 - c. Number and type of employees, hours of operation, and proposed or actual hours of operation;
 - d. Type and amount of raw materials processed (average and maximum per day);
 - e. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
 4. Time and duration of discharges;
 5. The location for monitoring all wastes covered by the permit;
 6. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).

7. Measurement of Pollutants.
 - a. The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
 - b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the Waste Treatment Manager, of regulated pollutants in the discharge from each regulated process.
 - c. Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.
 - d. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Part 6.10 of these standards. Where the Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User shall submit documentation as required by the Waste Treatment Manager or the applicable Standards to determine compliance with the Standard.
 - e. Sampling must be performed in accordance with procedures set out in Part 6.11 of these standards.
 8. Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on Part 6.4 B.
 9. Any other information as may be deemed necessary by the Waste Treatment Manager to evaluate the permit application.
- B. Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.
- C. Should any of the information requested or supplied be considered by the industrial user to be of a confidential nature, the industrial user should request confidential status in accordance with Part 8 of these standards. Information regarding sampling and analysis of the discharge is not considered confidential information.

4.6 Application Signatories and Certifications

- A. All wastewater discharge permit applications, User reports and certification statements must be signed by an individual who is an Authorized Representative of the User and contain the certification statement in Part 6.14 A.

- B. If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a notification informing the Waste Treatment Manager of a change in Authorized Representative must be submitted prior to or together with any reports to be signed by an Authorized Representative.

4.7 Individual Wastewater Discharge Permit Decisions The Waste Treatment Manager will evaluate the data furnished by the User and may require additional information. Within 60 days of receipt of a complete permit application, the Waste Treatment Manager will determine whether to issue an individual wastewater discharge permit. The Waste Treatment Manager may deny or conditional approve any application for an individual wastewater discharge permit.

PART 5 - INDIVIDUAL WASTEWATER DISCHARGE PERMIT ISSUANCE

5.1 Individual Wastewater Discharge Permit Duration An individual wastewater discharge 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 may be issued for a period less than five (5) years, at the discretion of the Waste Treatment Manager. Each individual wastewater discharge permit will indicate a specific expiration date.

5.2 Individual Wastewater Discharge Permit Contents An individual wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Waste Treatment Manager to prevent Pass Through or Interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

A. Individual wastewater discharge permits must contain:

1. A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;
2. A statement that the wastewater discharge permit is nontransferable without prior notification to the City in accordance with Part 5.5 of these standards, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
3. Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;
4. Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.
5. The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the Discharge in accordance with Part 6.4 B.
6. A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.

7. Requirements to control Slug Discharge, if determined by the Waste Treatment Manager to be necessary.
 8. Any grant of the monitoring waiver by the City (see Part 6.4 B) must be included as a condition in the User's permit.
 9. Requirements that the permittee notifies the Waste Treatment Manager in writing 90 days prior to any increased contributions that may increase flow or pollutants to the POTW.
- B. Individual wastewater discharge permits may also contain, but need not be limited to, the following conditions:
1. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
 2. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
 3. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
 4. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
 5. The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;
 6. Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
 7. A statement that compliance with the individual wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the individual wastewater discharge permit; and
 8. Other conditions as deemed appropriate by the City to ensure compliance with these standards, and State and Federal laws, rules, and regulations.

5.3 Permit Appeals

- A. Any person including the user may petition the City Board of Appeals to reconsider the terms of a wastewater discharge permit within thirty (30) calendar days of notice of its issuance or denial.
- B. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- C. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for the objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
- D. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
- E. If the City Board of Appeals fails to act within thirty (30) calendar days of receipt, a request for reconsideration shall be deemed to be denied.
- F. **Judicial Review.** Any user may seek judicial review of a final administrative decision by the City Board of Appeals by filing a written petition within thirty (30) calendar days after receipt of notice by registered or certified mail, but not thereafter, with a court of competent jurisdiction along with a copy to the City. The appeal shall be limited to a determination of whether the decision was arbitrary or capricious.

5.4 Permit Modification

- A. The City may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:
 - 1. To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
 - 2. To address significant alterations or additions to the User’s operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;
 - 3. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
 - 4. Information indicating that the permitted discharge poses a threat to the POTW, City personnel, or the receiving waters;

5. Violation of any terms or conditions of the individual wastewater discharge permit;
6. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
7. Revision of or a grant of variance from categorical Pretreatment Standards pursuant to 40 CFR 403.13;
8. To correct typographical or other errors in the individual wastewater discharge permit; or
9. To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Part 5.5.

5.5 Individual Wastewater Discharge Permit Transfer—Individual wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least 60 days advance notice to the City and the City approves the individual wastewater discharge permit transfer. The notice to the City must include a written certification by the new owner or operator which:

- A. States that the new owner and/or operator has no immediate intent to change the facility’s operations and processes;
- B. Identifies the specific date on which the transfer is to occur; and
- C. Acknowledges full responsibility for complying with the existing individual wastewater discharge permit.

Failure to provide advance notice of a transfer renders the individual wastewater discharge permit void as of the date of facility transfer.

5.6 Individual Wastewater Discharge Permit Revocation The City may revoke an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- A. Failure to notify the City of significant changes to the wastewater 90 days prior to the changed discharge;
- B. Failure to provide 90 days prior notification to the City of changed conditions pursuant to Part 6.5 of these standards;
- C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- D. Falsifying self-monitoring reports and certification statements;

- E. Tampering with monitoring equipment;
- F. Refusing to allow the Waste Treatment Manager timely access to the facility premises and records;
- G. Failure to meet effluent limitations;
- H. Failure to pay fines;
- I. Failure to pay sewer charges;
- J. Failure to meet compliance schedules;
- K. Failure to complete a wastewater survey or the wastewater discharge permit application or reapplication;
- L. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- M. Violation of any Pretreatment Standard or Requirement, or any terms of the wastewater discharge permit or these standards.

Noncompliant industrial users will be notified of the proposed termination of their wastewater permit and will be offered an opportunity to show cause under these standards why the proposed action should not be taken. However, notwithstanding any other provisions of this article, the Waste Treatment Manager may in their sole discretion immediately revoke any discharge permit where the discharge reasonably appears to present an imminent endangerment to the health or welfare of persons.

Individual wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All individual wastewater discharge permits issued to a User are void upon the issuance of a new individual wastewater discharge permit to that User.

5.7 Individual Wastewater Discharge Permit Reissuance A User with an expiring individual wastewater discharge permit shall apply for individual wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Part 4.5 of these standards, a minimum of 90 days prior to the expiration of the User's existing individual wastewater discharge permit.

5.8 Regulation of Waste Received from Other Jurisdictions

- A. If another municipality, or User located within another municipality, contributes wastewater to the POTW, the City shall enter into an intermunicipal agreement with the contributing municipality.

- B. Prior to entering into an agreement required by paragraph A, above, the Waste Treatment Manager shall request the following information from the contributing municipality:
 - 1. A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
 - 2. An inventory of all Users located within the contributing municipality that are discharging to the POTW; and
 - 3. Such other information as the Waste Treatment Manager may deem necessary.

- C. An inter-municipal agreement, as required by paragraph A, above, shall contain the following conditions:
 - 1. A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as these standards and Local Limits, including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in Part 2.4 of these standards. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the Industrial Pretreatment Standards and Permitting Manual or Local Limits;
 - 2. A requirement for the contributing municipality to submit a revised User inventory on at least an annual basis;
 - 3. A provision specifying which pretreatment implementation activities, including individual wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Waste Treatment Manager; and which of these activities will be conducted jointly by the contributing municipality and the Waste Treatment Manager;
 - 4. A requirement for the contributing municipality to provide the Waste Treatment Manager with access to all information that the contributing municipality obtains as part of its pretreatment activities;

5. Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
6. Requirements for monitoring the contributing municipality's discharge;
7. A provision ensuring the Waste Treatment Manager access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Waste Treatment Manager; and
8. A provision specifying remedies available for breach of the terms of the inter-municipal agreement.

PART 6 - REPORTING REQUIREMENTS

6.1 Baseline Monitoring Reports (BMRs)

- A. Baseline Monitoring Reports shall contain sufficient data to categorize the effectiveness of pretreatment. The Waste Treatment Manager may periodically require industrial users to provide updated monitoring reports. If an Industrial User that was required to submit a BMR changes or adds a process the Industrial User is required to resubmit a BMR 30 days prior to the process being changed or added. Historical data may be used if it provides sufficient information to determine compliance with permit requirements or the need for new pretreatment measures. The BMRs shall indicate the time, date and location of all sampling provided, method of analysis, and shall certify that the sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW. The BMR should indicate whether Pretreatment Standards are being met on a consistent basis and, if not, what actions will be taken to comply with standards. If additional actions are necessary to meet standards, the BMR shall include a compliance schedule meeting the requirements of these standards.

- B. Within either one hundred eighty (180) 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 Waste Treatment Manager a report which contains the information listed in paragraph C, below. At least ninety (90) 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 Waste Treatment Manager report which contains the information listed in paragraph C, below. 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.

- C. Users described above in A. and B. shall submit the information set forth below.
 - 1 All information required in Part 4.5A 1, Part 4.5A 2, Part 4.5A 3 , and Part 4.5A 6.

 - 2 Measurement of pollutants.
 - a The User shall provide the information required in Part 4.5 A 7a through d.

- b The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
 - c Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;
 - d Sampling and analysis shall be performed in accordance with Part 6.10;
 - e The Waste Treatment Manager may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;
 - f The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.
- 3 Compliance Certification. A statement, reviewed by the User's Authorized Representative as defined in Part 1.4 C and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.
- 4 Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Part must meet the requirements set out in Part 6.2 of these standards.

- 5 Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Part 6.14 A of these standards and signed by an Authorized Representative as defined in Part 1.4C.

6.2 Compliance Schedule Progress Reports The following conditions shall apply to compliance schedule(s) required by these standards:

- A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- B. No increment referred to above shall exceed nine (9) months;
- C. The User shall submit a progress report to the Waste Treatment Manager no later than fourteen (14) 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
- D. In no event shall more than nine (9) months elapse between such progress reports to the Waste Treatment Manager.

6.3 Categorical Pretreatment Standard Compliance Report Within ninety (90) 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 Waste Treatment Manager a report containing the information in Part 4.5A.6. and 7. and 6.1 C.2. of these standards. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Part 2.2, 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 Part 4.6 of these standards. All sampling will be done in conformance with Part 6.11.

6.4 Periodic Compliance Reports

- A. All Industrial Users subject to a pretreatment standard must, at a frequency determined by the Waste Treatment Manager submit no less than twice per year (in June and December) reports indicating the nature, concentration of pollutants

in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period necessary to determine the compliance status of the User. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Waste Treatment Manager or the Pretreatment Standard necessary to determine the compliance status of the User.

- 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:
1. The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical Standard and otherwise includes no process wastewater.
 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 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 Part 4.5A.8.
 3. In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.
 4. The request for a monitoring waiver must be signed by the authorized representative of the user, and include the certification statement in 6.14 A.
 5. Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.
 6. Any grant of the monitoring waiver by the City must be included as a condition in the User's permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be

maintained by the Waste Treatment Manager for 3 years after expiration of the waiver.

7. Upon approval of the monitoring waiver and revision of the User's permit by the City, the Industrial User must certify on each report with the statement in Part 6.14 C below, that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User.
 8. In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the User's operations, the User must immediately: Comply with the monitoring requirements of Part 6.4 A, or other more frequent monitoring requirements imposed by the City and notify the Waste Treatment Manager.
 9. This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard.
- C. All periodic compliance reports must be signed and certified in accordance with Part 6.14 A of these standards.
- D. All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.
- E. If a User subject to the reporting requirement in this part monitors any regulated pollutant at the designated sampling location more frequently than required by the City, using the procedures prescribed in Part 6.11 of these standards, the results of this monitoring shall be included in the report.

6.5 Reports of Changed Conditions Each User must notify the Waste Treatment Manager of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least 30 days before the change. Significant changes shall be considered to be changes beyond the typical operating range of the user or changes that would have a significant impact on POTW operations.

- A. The Waste Treatment Manager may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Part 4.5 of these standards.

- B. The City may issue an individual wastewater discharge permit under Part 5.7 of these standards or modify an existing wastewater discharge permit under Part 5.4 of these standards in response to changed conditions or anticipated changed conditions.

6.6 Report of Potential Problems

- A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a Slug discharge or Slug load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the Waste Treatment Manager of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.
- B. Within five (5) days following such discharge, the User shall, unless waived by the Waste Treatment Manager, 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 these standards.
- C. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph A, above Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.
- D. Significant Industrial Users are required to notify the Waste Treatment Manager immediately of any changes at its facility affecting the potential for a Slug Discharge.

6.7 Reports from Non-permitted Industrial Users All industrial users not required to obtain an individual wastewater discharge permit shall provide appropriate reports to the Waste Treatment Manager as the Waste Treatment Manager may require.

6.8 Repeat Sampling Report If sampling performed by a User indicates a violation, the User must notify the Waste Treatment Manager within twenty-four (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 Waste Treatment Manager within thirty (30) days after becoming aware of the violation. Resampling by the Industrial User is not required if the City performs sampling at the User's facility at least once a month, or if the City performs sampling at the User between the time when the initial sampling was

conducted and the time when the User or the City receives the results of this sampling, or if the City has performed the sampling and analysis in lieu of the Industrial User. If the City's sample indicates a violation the City may require the User to resample within 30 days. The Waste Treatment Manager may require the User to submit a five day report, per the requirements of Part 6.6 B, if the violation warrants additional explanation.

6.9 Hazardous Waste Discharge Prohibition The discharge of a substance into the POTW which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261 is prohibited and constitutes a violation of these standards.

6.10 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 following:

- A. 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 Waste Treatment Manager and
- B. Be from a laboratory certified by the Utah Department of Health, or a lab that is approved by the Waste Treatment Manager if a certified laboratory is not available.

6.11 Sample Collection Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

- A. Except as indicated in Part B and C below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Waste Treatment Manager. Where time-proportional composite sampling or grab sampling is authorized by the Waste Treatment Manager, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Waste Treatment

Manager, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

- B. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- C. For sampling required in support of baseline monitoring and 90-day compliance reports required in Part 6.1 and Part 6.3, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Waste Treatment Manager may authorize a lower minimum. For the reports required by Part 6.4, the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance with applicable Pretreatment Standards and Requirements.

6.12 Date of Receipt of Reports Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

6.13 Recordkeeping Users subject to the reporting requirements of these standards shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by these standards, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Part 2.4 C. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least five (5) years. This period shall be automatically extended for the duration of any enforcement action concerning compliance with these standards or related litigation concerning the User or the City, or where the User has been specifically notified of a longer retention period by the Waste Treatment Manager.

6.14 Certification Statements

- A. Certification of Permit Applications, User Reports and Initial Monitoring Waiver—The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Part 4; Users submitting baseline monitoring reports under Part 6.1; Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Part 6.3; Users submitting periodic compliance reports required by Part 6.4, and Users submitting an initial request to forego sampling of a pollutant on the basis

of Part 6.4B(4). The following certification statement must be signed by an Authorized Representative:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

B. Certification of Pollutants Not Present

Users that have an approved monitoring waiver based on Part 6.4 B must certify on each report with the following statement that there has been no increase in the pollutant in its waste stream due to activities of the User.

Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR _____, I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under Part 6.4.A.

PART 7 - COMPLIANCE MONITORING

7.1 Right of Entry: Inspection and Sampling The Waste Treatment Manager shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of these standards and any individual wastewater discharge permit or order issued hereunder. Users shall allow the Waste Treatment Manager ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- A. Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Waste Treatment Manager shall be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The Waste Treatment Manager shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.
- C. The Waste Treatment Manager may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated at a minimum of annually or as required per the manufactures requirements, to ensure their accuracy.
- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the Waste Treatment Manager and shall not be replaced. The costs of clearing such access shall be borne by the User.
- E. Delays in allowing the Waste Treatment Manager access to the User's premises shall be a violation of these standards.
- F. The location of the monitoring facility shall provide ample room in or near the monitoring facility to allow accurate sampling and preparation of samples and analysis and whether constructed on public or private property, the monitoring facilities should be provided in accordance with the City's requirements and all applicable local construction standards and specifications. Such facilities shall be constructed and maintained in a manner that enables the Waste Treatment Manager to perform independent monitoring activities.

All Significant Industrial Users will be inspected at least annually including review of facilities and reports. Inspections will not typically be announced to the user in advance of the inspection.

7.2 Search Warrants If access has been refused to a building, structure, or property, or any part thereof, and the City is able to demonstrate probable cause to believe that there may be a violation of these standards, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with these standards or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the City may seek issuance of a search warrant from a court of competent jurisdiction.

PART 8 - CONFIDENTIAL INFORMATION

Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge permits, and monitoring programs, and from the Waste Treatment Manager's inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the Waste Treatment Manager, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

PART 9 - PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

The City shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (C), (D) or (H) of this Part) and shall mean:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Part 2;
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for the same pollutant parameter during a six- (6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Part 2 multiplied by the applicable TRC criteria (TRC=1.4 for BOD, TSS, fats, oils and grease, and TRC=1.2 for all other pollutants except pH);
- C. Any other violation of a Pretreatment Standard or Requirement as defined by Part 2 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Waste Treatment Manager determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;
- D. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the City's exercise of its emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance; or

H. Any other violation(s), which may include a violation of Best Management Practices, which the Waste Treatment Manager determines will adversely affect the operation or implementation of the local pretreatment program.

PART 10 - ADMINISTRATIVE ENFORCEMENT REMEDIES

10.1 Notification of Violation When the Waste Treatment Manager finds that a User has violated, or continues to violate, any provision of these standards, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the City may serve upon that User a written Notice of Violation. Within fifteen (15) days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the Waste Treatment Manager. 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 Part shall limit the authority of the City to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

10.2 Consent Orders The City 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 Parts 10.4 and 10.5 of these standards and shall be judicially enforceable.

10.3 Show Cause Hearing The City may order any industrial User which has violated, or continues to violate, any provision of these standards, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the City 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 fifteen (15) days prior to the hearing. Such notice may be served on any Authorized Representative of the User. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

10.4 Compliance Orders When the City finds that a User has violated, or continues to violate, any provision of these standards, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the City may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a

compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

10.5 Cease and Desist Orders When the City finds that a User has violated, or continues to violate, any provision of these standards, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the City may issue an order to the User directing it to cease and desist all such violations and directing the User to:

- A. Immediately comply with all requirements; and
- B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

10.6 Administrative Fines

- A. When the City finds that a User has violated, or continues to violate, any provision of these standards, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the City may fine such User in an amount not to exceed \$10,000 per day civil penalty. 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.
- B. Unpaid charges, fines, and penalties shall, after sixty (60) calendar days, be assessed an additional penalty of ten percent (10%) of the unpaid balance, and interest shall accrue thereafter at a rate of one percent (1%) per month. A lien against the User's property shall be sought for unpaid charges, fines, and penalties.
- C. Users desiring to dispute such fines must file a written request for the City to reconsider the fine along with full payment of the fine amount within thirty (30) days of being notified of the fine. Where a request has merit, the City 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.
- D. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.
- E. The City may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

10.7 Emergency Suspensions

A. The Waste Treatment Manager may immediately suspend a User’s discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The Waste Treatment Manager may also immediately suspend a User’s discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

1. Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User’s failure to immediately comply voluntarily with the suspension order, the City may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The City may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the City that the period of endangerment has passed, unless the termination proceedings in Part 10.8 of these standards are initiated against the User.
2. A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Waste Treatment Manager prior to the date of any show cause or termination hearing under Parts 10.3 or 10.8 of these standards.

B. Nothing in this Part shall be interpreted as requiring a hearing prior to any Emergency Suspension under this Part.

10.8 Termination of Discharge In addition to the provisions in Part 5.6 of these standards, any User who violates the following conditions is subject to discharge termination:

- A. Violation of individual wastewater discharge permit conditions;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in wastewater volume, constituents, and characteristics prior to discharge;
- D. Refusal of access to the User’s premises for the purpose of inspection, monitoring, or sampling; or

E. Violation of the Pretreatment Standards in Part 2 of these standards.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Part 10.3 of these standards why the proposed action should not be taken. Exercise of this option by the City shall not be a bar to, or a prerequisite for, taking any other action against the User.

PART 11 - JUDICIAL ENFORCEMENT REMEDIES

11.1 Injunctive Relief When the City finds that a User has violated, or continues to violate, any provision of these standards, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the City may petition a court of competent jurisdiction through the City's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual wastewater discharge permit, order, or other requirement imposed by these standards on activities of the User. The City may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

11.2 Civil Penalties

- A. A User who has violated, or continues to violate, any provision of these standards, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to the City for a maximum civil penalty of \$10,000 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.
- B. The City may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.
- C. In the event an Industrial User discharges pollutants which cause the City to violate any conditions of its UPDES Permit and the City is fined by EPA or the State of Utah for such violations, then such industrial users shall be fully liable for the total amount of the fines and civil penalties assessed against the City by the EPA and/or the State of Utah and administrative costs incurred.
- D. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.
- E. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

11.3 Criminal Prosecution The City will refer to the State of Utah criminal violations of any Pretreatment Standards or permit conditions. The Attorney General's office for Utah may offer the City wherein the violation occurred the option to prosecute the

violator. Should the local entity decline, the State, at its discretion, may initiate appropriate criminal action. The City may assist the Attorney General's office any way it can to support the action taken.

A. A User who willfully or negligently violates any provision of these standards, an individual wastewater discharge 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 more than \$25,000 per violation, per day, or imprisonment for not more than ninety (90) days, 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 misdemeanor and be subject to a penalty of not more than \$25,000 per violation per day, or be subject to imprisonment for not more than one (1) year, or both. This 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 these standards, individual wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under these standards shall, upon conviction, be punished by a fine of not more than \$25,000 per violation, per day, or imprisonment for not more than six (6) months, or both.

D. In the event of a second conviction, a User shall be punished by a fine of not more than \$50,000 per violation, per day, or imprisonment for not more than 1 year, or both.

11.4 Remedies Nonexclusive The remedies provided for in these standards are not exclusive. The City may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the City may take other action against any User when the circumstances warrant. Further, the City is empowered to take more than one enforcement action against any noncompliant User.

PART 12 - SUPPLEMENTAL ENFORCEMENT ACTION

12.1 Water Supply Severance Whenever a User has violated or continues to violate any provision of these standards, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, water service to the User may be severed. Service will recommence, at the User's expense, only after the User has satisfactorily demonstrated its ability to comply.

PART 13 - APPEALS

13.1 Initial Appeal Hearing

- A. An applicant whose permit is denied, or is granted subject to conditions deemed unacceptable, a permittee/user assessed a civil penalty under these standards, or one issued an administrative order under these standards shall have the right to a hearing before the Waste Treatment Manager upon making written demand identifying the specific issues to be contested, within thirty (30) calendar days following receipt of the permit/document, civil penalty assessment, or administrative order.
- B. Unless such written demand is made within the time specified herein, the action shall be final and binding.
- C. The Waste Treatment Manager shall make a final decision on the contested permit, penalty or order within thirty (30) calendar days of the receipt of the written demand for a hearing.
- D. The Waste Treatment Manager shall transmit a copy of the decision by registered or certified mail.

13.2 Final Appeal Hearing

- A. Any decision by the Waste Treatment Manager made as a result of a hearing held under Part 13.1 may be appealed to the Brigham City Board of Appeals upon filing a written demand within ten (10) calendar days of receipt of notice of the decision.
- B. Failure to make written demand within the time specified herein shall bar further appeal.
- C. The Board of Appeals shall make a final decision on the appeal within sixty (60) calendar days of the date the appeal was filed and shall transmit a written copy of the decision by registered or certified mail.
- D. The decision of the Board of Appeals shall be considered the final administrative action for purposes of judicial review.

13.3 Judicial Review. Any user may seek judicial review of a final administrative decision by the Board of Appeals by filing a written petition within thirty (30) calendar days after receipt of notice by registered or certified mail, but not thereafter, with the District Court of Box Elder County along with a copy to the City. The appeal shall be limited to a determination of whether the decision was arbitrary or capricious.

PART 14 – AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

14.1 Upset

- A. For the purposes of this Part, upset means an exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation
- B. An Upset shall constitute an affirmative defense to an action brought for noncompliance with categorical Pretreatment Standards if the requirements of paragraph (C), below, are met.
- 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:
 - 1. An upset occurred and the User can identify the cause(s) of the Upset;
 - 2. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 - 3. The User has submitted the following information to the Waste Treatment Manager within twenty-four (24) hours of becoming aware of the Upset, if this information is provided orally, a written submission must be provided within five (5) days:
 - a. A description of the indirect discharge and cause of noncompliance
 - b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - c. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- D. In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.

- E. Users shall have the opportunity for a judicial determination on any claim of Upset only in an enforcement action brought for noncompliance with categorical Pretreatment Standards.
- F. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

14.2 Bypass

- A. For the purposes of this Part,
 - 1. Bypass means the intentional diversion of wastestreams from any portion of a User's treatment facility
 - 2. Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources, which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- B. A User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs C and D of this Part.
- C. Bypass Notifications
 - 1. If a User knows in advance of the need for a bypass, it shall submit prior notice to the Waste Treatment Manager, at least ten (10) days before the date of the bypass, if possible.
 - 2. A User shall submit oral notice to the Waste Treatment Manager of an unanticipated bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) 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 Waste Treatment Manager may waive

the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

D. Bypass

1. Bypass is prohibited, and the City may take an enforcement action against a User for a bypass, unless
 - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - c. The User submitted notices as required under paragraph C of this Part.
2. The Waste Treatment Manager may approve an anticipated bypass, after considering its adverse effects, if the Waste Treatment Manager determines that it will meet the three conditions listed in paragraph D 1 of this Part.

PART 15 – SURCHARGEABLE LIMITS

15.1 BOD and TSS Surchargeable Limits

The admission into the public sewers of any waters or wastes having

A. a five-day biochemical oxygen demand (BOD) greater than three hundred parts per million by weight, or

B. containing more than three hundred fifty parts per million by weight of suspended solids, or

C. having an average daily flow greater than 2% of the average daily flow of the main outfall sewer line serving the area, shall subject the owner or applicant for sewer service to the following conditions

1. Where the strength of any waters or waste exceeds three hundred parts per million by weight of BOD or three hundred fifty parts per million by weight of suspended solids or one hundred parts per million by weight of other extractable matter, a daily fee shall be charged for each one hundred pounds of such excess, or fractional part thereof, in the amount fixed by the City from time to time by resolution. Such fee shall be paid by the owner monthly until such time as the City is notified that preliminary treatment facilities have been permitted and provided by the owner, or that other proper steps to insure compliance with the surchargeable limits have been established. At that time the City or its authorized representative shall inspect facilities and cause to have new samples tested at owner's expense to determine the extent of effectiveness, at which time charges to comply with the condition of such wastes will then be made.

2. When required by the City, the owner of any property served by a building sewer lateral carrying industrial wastes shall install a suitable control manhole in the building sewer lateral to facilitate observation, sampling and measurement of wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the City. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

PART 16 - MISCELLANEOUS PROVISIONS

16.1 Pretreatment Charges and Fees The City may adopt fees for reimbursement of costs of setting up and operating the City's Pretreatment Program, which may include:

- A. Fees for wastewater discharge permit applications including the cost of processing such applications;
- B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's discharge, and reviewing monitoring reports and certification statements submitted by Users;
- C. Fees for reviewing and responding to accidental discharge procedures and construction;
- D. Fees for filing appeals;
- E. Fees to recover administrative and legal costs associated with the enforcement activity taken by the City to address Industrial User noncompliance; and
- F. Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by these standards and are separate from all other fees, fines, and penalties chargeable by the City.

16.2 Severability If any provision of these standards is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.