

CITY OF ST. GEORGE

175 East 200 North
St. George, Utah 84770



October 15, 2015

State of Utah
Division of Water Quality
Attn: Matthew Garn
195 North 1950 West
P.O. Box 144870
Salt Lake City, Utah 84114-4870

Document Date 10/15/2015



DWQ-2015-012409

Subject: City of St. George Technical Local Limit Development

Dear Mr. Garn:

Please accept this letter in reference to the City of St. George's local limit development document. I am the City's legal Counsel. Title 8, Chapter 4 of the St. George City Code, the code for the City of St. George, Utah was adopted by the City in 1998. It provides the legal authority for the City to enforce the various requirements of 40 CFR 403.8 in compliance with 40 CFR 403.9. The specific sections of the City ordinance related to enforcement are 8-4-10 for administrative enforcement; 8-4-11 for judicial enforcement; and 8-4-12 for supplemental enforcement.

The City will implement the Local Limits through the use of Industrial User Wastewater discharge permits. Furthermore, in accordance with section 8-4-7 the City will engage in monitoring and inspections of those permitted entities. Monitoring, inspecting, and enforcing through the remedies cited above will allow the City to ensure compliance with the Local Limit's and enforce the code in the event of noncompliance by industrial users.

Pursuant to 40 CFR 403.18 and 403.9, the City Council has approved the Local Limits Development Report; a letter documenting said approval to the Utah DEQ has been included in this packet along with documents listed below:

1. Technical Local Limits Development Report.
2. A brief description of the POTW organization, including an organizational chart.
3. A brief description of the funding levels and full and part-time manpower available to implement the program.

CITY OF ST. GEORGE

175 East 200 North, St. George, Utah 84770
Phone: (435) 627-4000
www.sgcity.org

MAYOR

Jonathan T. Pike

CITY MANAGER

Gary S. Esplin

CITY COUNCIL

Gil Almquist
Jimmie Hughes, Michele Randall
Joe Bowcutt, Bette Arial

4. A complete copy of Title 8, Chapter 4 of the St. George City Code. You may also find a complete copy on the City's web page, www.sgcity.org.

Upon receipt of this packet from the City, Utah DEQ shall send the City a final formal letter approving the Local limit Development Report. The final step will be the City implementing all of the up-dated Local Limitations within each individual control permit.

Thank you for your cooperation during this process. If there is anything further you require please call.

Sincerely,



Shawn M. Guzman
City Attorney

City of St. George
Technically Based Local Limits
July, 2014



St. George Regional Water Reclamation Facility
3780 South 1550 West
St. George, Utah 84790
(435) 634-5849

**St. George Regional Water Reclamation Facility
Industrial Pretreatment Program
Local Limits Revision**

Purpose

The General Pretreatment Regulations (40 CFR Part 403) require that each Publicly Owned Treatment Works (POTW) with a pretreatment program develop and enforce Technically-Based Local Limits (TBLLs) which will establish the maximum loading of pollutants that can be accepted from industrial users without causing a violation of applicable environmental standards. Local limits are developed and enforced to prevent Pass Through, Interference, protect sludge disposal practices and prevent impacts to health and safety of workers or the general public (40 CFR sections 403.2 and 403.5 (c)(1)). The St. George Regional Water Reclamation Facility (SGRWRF) used the EPA July 2004 Local Limits Guidance (EPA 833-R-04-002) as a framework for establishing limits to protect the POTW and environment (40 CFR 403.8(f)(4)). Additional guidance from the Utah Department of Environmental Quality was also used. The SGRWRF has an on-going pollutant monitoring program specified in permit UT0024686. The Approval Authority for SGRWRF Pretreatment Program is the Utah Department of Environmental Quality, Division of Water Quality.

Legal Authority

United States Code of Federal Regulations 40 CFR 403.5
St. George City Pretreatment Ordinance

City Organization

Changes to the legal authority for the City are initiated by the wastewater and pretreatment staff and managers. The City Council will review and formally approve all changes. A flow chart for the local limits revision process is included in the appendices.

St. George Regional Water Reclamation Facility

The St. George Regional Water Reclamation Facility (SGRWRF) is located in the city of St. George, Utah which is approximately 300 miles southwest of Salt Lake City. The facility has a design capacity of 17.0 MGD. The SGRWRF provides service to the City of St. George, Washington City, Santa Clara and Ivins City. The SGRWRF has a sanitary sewer collection system containing approximately 300 miles of piping and 10 lift stations. The cities of Washington, Santa Clara and Ivins have a total collection system of approximately 200 miles. Treatment of wastewater is accomplished at the regional facility in an oxidation ditch/extended aeration process. Ultraviolet light is used for disinfection and the sludge is disposed at the county landfill.

Construction of the SGRWRF was completed in 1990 and was capable of treating 5.0 MGD. The Phase 1 expansion was completed in 1996 and increased the capacity to 8.5 MGD. The Phase 2 expansion was completed in 1999 and increased the capacity to 17.0 MGD.

The SGRWRF discharges to the Virgin River and is designed to achieve water quality standards required for the protection of the environmentally sensitive river habitat.

Since 2006 the SGRWRF has operated a water re-use facility that returns approximately 3.0-3.5 MGD of treated wastewater back to the City for six to seven months during the year.

The SGRWRF pretreatment staff includes a full time pretreatment coordinator and a full time pretreatment specialist. The SGRWRF pretreatment department has a line item budget of \$22,500 per year.

Other City Contributors

The City of St. George provides wastewater treatment services for domestic, commercial and industrial users located in Washington City, Santa Clara and Ivins. Washington City, Santa Clara and Ivins have delegated all pretreatment responsibilities for implementation and enforcement of the pretreatment program to the City of St. George.

SGRWRF Treatment Process

- Wastewater flows enter the SGRWRF through a 48-inch diameter outfall line. The liquid flow then passes through the following components.
- Influent Pump Station- A combination of screw pumps and submersible pumps are used to lift the wastewater to the required elevation for gravity flow through the plant.
- Headworks- Flows into the plant are measured in a parshall flume using a sonic flow sensor. The bar screens remove large objects and rags. The aerated grit chambers remove sand, grit and other inorganic matter.
- Bioselector-The raw flow into the plant is mixed with the return flow from the clarifiers in the bioselector. The bioselector is designed to provide an environment that is conducive to the growth of beneficial microorganisms while limiting the growth of detrimental microorganisms.
- Oxidation Ditches-The oxidation ditches are the heart of the treatment process. Wastewater is aerated for 14 to 19 hours allowing microorganisms to breakdown and consume much of the organic material in the wastewater.
- Final Clarifiers- Biological organisms and other solids settle out in the final clarifiers and are removed. The clarified water and the solid material are treated in separate processes from this point.
- Ultraviolet Disinfection- Ultraviolet light is used to kill virus and bacteria in the wastewater.
- Cascade Aerator- The cascade aerator restores oxygen to the wastewater before it is discharged to the Virgin River.
- Reuse- Reuse incorporates sand filters for polishing of treated effluent. Chlorine is used as a disinfection agent after the sand filter step.
- Sludge Disposal- Sludge is pumped from the gravity thickener to the dewatering facility. Dewatered solids are transported to the county landfill.

A site plan of the SGRWRF POTW is included in the appendices.

The current design loadings for the plant are:

Flow: 17.0 mgd

Design influent BOD: 35,480 lbs/day

TSS: 39010 lbs/day

Effluent limitations that are applicable to the development of local limits and contained in the Utah Pollutant Discharge Elimination System (UPDES) permit are:

Parameter	Maximum Monthly Avg	Maximum Weekly Average	Daily Maximum
BOD, mg/L	17	24	NA
BOD Min. Removal	85	NA	NA
TSS, mg/L	25	35	NA
TSS Min. Removal	85	NA	NA
Ammonia, mg/L as N	3.2	NA	16.7
Oil and Grease mg/L	NA	NA	10
Silver,mg/L	NA	NA	0.14
TDS mg/L	NA	NA	2360

Other City Contributors

The City of St. George provides wastewater treatment services for domestic, commercial and industrial users located in Washington City, Santa Clara and Ivins. Washington City, Santa Clara and Ivins have delegated all pretreatment responsibilities for implementation and enforcement of the pretreatment program to the City of St. George.

Acronyms

- BOD5 Biochemical Oxygen Demand
- CFR Code of Federal Regulations
- EPA Environmental Protection Agency
- gpd gallons per day
- IU Industrial User
- lbs/day pounds per day
- MAHL Maximum Allowable Headworks Loading
- MAIL Maximum Allowable Industrial Loading
- MDL Method Detection Limit
- mg/L milligrams per Liter
- mgd million gallons per day
- POC Pollutant of Concern
- POTW Publicly Owned Treatment Works
- QA/QC Quality Assurance/ Quality Control
- SGRWRF St. George Regional Water Reclamation Facility
- SIU Significant Industrial User
- TBLL Technically Based Local Limits
- TSS Total Suspended Solids
- TDS Total Dissolved Solids
- WQS Water Quality Standard
- UPDES Utah Pollutant Discharge Elimination System

Definitions

Approval Authority means the Director, Utah Department of Environmental Quality, Division of Water Quality.

Best Management Practices or BMP's. Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 403.5(a)(1) and (b). BMP's also 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.

Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty (20) degrees Celsius expressed in milligrams per liter.

City. "City" means the City of St. George, State of Utah

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.

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

Industrial User or User. A source of Indirect Discharge.

Maximum Allowable Headworks Loading (MAHL). The maximum loading of a pollutant that can be received at the POTW's headworks without causing Pass Through, Interference, interference with the beneficial reuse of sludge, or cause an adverse effect on worker safety and health.

Maximum Allowable Industrial Loading (MAIL). The total mass of a pollutant that all industrial Users may discharge pursuant to the local limits developed under 40 CFR Section 403.5(c).

Pollutant of Concern (POC). Any pollutant that is present in concentrations or mass that may reasonably be expected to cause Pass Through, Interference, or impact another environmental criterion evaluated in the development of local limits.

Pretreatment Requirement. Any substantive or procedural requirement related to Pretreatment, other than a National Pretreatment Standard, imposed on an industrial user.

Pretreatment Standard or Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act, which applies to Industrial Users. This term includes prohibitive discharge limits and local limits established pursuant to 40 CFR Section 403.5 and Best management Practices.

Publicly Owned Treatment Works or POTW. A treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), which is owned by the SGRWRF. 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. It also includes sewers, pipes and other conveyances if they convey wastewater to a POTW 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.

Significant Industrial User (SIU).

1. Except as provided in paragraph (2) a "Significant Industrial User" is:
 - (a) An Industrial User subject to categorical Pretreatment Standards; or
 - (b) 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);
 - (c) 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
 - (d) Is designated as such by SGRWRF on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.
2. Upon a finding that a User meeting the criteria in subsection (1) (b) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, SGRWRF 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.

Pollutants of Concern

Local limits are based on the Maximum Allowable Headworks Loading (MAHL). Step one was to identify the pollutants that should be evaluated to allow the City to determine whether or not a pollutant should be evaluated further. Initial pollutants of concern were sampled to determine whether or not they should be included in local limits calculations. EPA 2004 Local Limits Guidance was used for this process.

The following criterion was considered when evaluating the initial POC list.

1. POC's established by EPA including Arsenic, Cadmium, Chromium, Copper, Cyanide, Lead, Mercury, Molybdenum, Nickel, Selenium, Silver, Zinc, BOD5, TSS and Ammonia.
2. Review of historical data from 2010-2013 of POTW influent, effluent and sludge values (metals, organics and conventional pollutants).
3. Influent and Effluent Metals Monitoring for the Pretreatment Program as required by the UPDES were reviewed.
4. UPDES Permit Limited Pollutants were reviewed and included in the sampling program (BOD, TSS, and Ammonia).
5. Water Quality Standards (WQS) applicable to the receiving water were identified and screened against POTW effluent sampling.
6. No inhibition has been experienced by SGRWRF since the last local limits (2007) evaluation.
7. Sludge data was compiled from 2010 to 2013. No pollutant was observed to pose a threat to interfering with land disposal options when compared to Clean Sludge Standards (Table 3) and the Ceiling Concentration (Table 1).
8. No adverse worker safety or health was observed or reported.

The following priority pollutants were evaluated for local limits

- | | | | |
|-------------|---------------|--------------|--------------|
| 1. Antimony | 7. Mercury | 13. TSS | 19. Thallium |
| 2. Arsenic | 8. Molybdenum | 14. BOD | |
| 3. Cadmium | 9. Nickel | 15. Ammonia | |
| 4. Chromium | 10. Selenium | 16. Aluminum | |
| 5. Copper | 11. Silver | 17. Boron | |
| 6. Lead | 12. Zinc | 18. Iron | |

***Aluminum, Antimony, Boron, Iron and Thallium-** These metals are included in the Utah Division of Water Quality Wasteload Analysis of the Virgin River. The SGRWRF after performing analysis of these metals will consider them to be non-pollutants of concern. These elements will continue to be routinely analyzed in the SGRWRF waste stream. Supporting documentation for non-priority pollutants status is listed below:

	<u>Wasteload Allocation to Virgin</u>	<u>SGRWRF Effluent</u>
Aluminum	1283.9 ug/L	31.3 ug/L
Antimony	10441.22 ug/L	1.2 ug/L
Boron	1821.14 ug/L	435.0 ug/L
Iron	1713.2 ug/L	20.0 ug/L
Thallium	15.3 ug/L	<0.1 ug/L(ND)

Local Limits Sampling Sites

The SGRWRF chose five different sampling sites for domestic sampling. Each site was sampled three individual times.

1. Manhole Number (11475) - Sample site is located at 2170 East and 2730 South. This manhole is located in a newer residential housing development in the Little Fields area of St. George.
2. Manhole Number (5303) – Sample site is located at 2450 East and 160 South. This manhole is located in an older residential housing area in the City of St. George.
3. Manhole Number (1007) – Sample site is located at 1550 West and 3750 South. This manhole is located in an older residential area located in the Bloomington area of St. George.
4. Manhole Number (3165) – Sample site is located at 2160 West and 170 North. This manhole is the Santa Clara City regional line. No industrial users are connected to this line.
5. Manhole Number (371) – Sample site is located at 2036 West in Sun River. This manhole is located in an over fifty-five retirement community in the Sun River area of St. George.

The appendices contain an aerial photo of each sample site. The sample manhole in the photo is indicated by a blue dot. An equipment log detailing manhole ID, address and date has also been included in the appendices.

Domestic background sampling analysis included the following parameters:

Aluminum	Antimony
Arsenic	Cadmium
Chromium	Copper
Lead	Mercury
Molybdenum	Nickel
Selenium	Silver
Zinc	TSS
BOD	Ammonia

Sample monitoring equipment was placed, cleaned and maintained by the pretreatment personnel of the SGRWRF. SGRWRF pretreatment personnel collected all wastewater samples. Samples were analyzed by both CHEMTECH-Ford and the SGRWRF laboratory. Both laboratories are NELAC certified.

Note: All analytical report sheets and chain of custodies will be included with the document titled **Local Limits Technical Review 2014** that is on file at the SGRWRF.

Summarized analysis data for domestic background sampling is located in the appendices.

SGRWRF Industrial User Quick View

The industrial user quick view contains a description of the significant and categorical industrial users in the SGRWRF service area. Permitted by SGRWRF are three Categorical Users and three Significant Users.

ALSCO – American Linen Division - A commercial laundry located at 3243 East Deseret Drive in the City of St. George Utah. ALSCO is classified as a significant industrial user. ALSCO started operations in the City of St. George in 1994.

Staheli Laundry Services - A commercial laundry located at 3146 East Deseret Drive in the City of St. George Utah. Staheli Laundry Services is classified as a significant industrial user. Staheli Laundry Services started operations in the City of St. George in 2012.

Wells Enterprises/ Blue Bunny – An ice cream manufacturing facility located at 1310 East Commerce Drive in the City of St. George, Utah. Wells is classified as a significant industrial user. Wells Enterprises started operations in the City of St. George in 2003.

Berry's Manufacturing Inc. - A bullet manufacturing facility located at 401 N. 3050 East in the City of St. George, Utah. Berry's is permitted as a categorical industrial user. Berry's started operations in the City of St. George in 2002.

RAM Manufacturing Co. Inc. - An electromechanical manufacturer located at 3172 Deseret Drive South in St. George, Utah. RAM Co. applies nickel plating to manufactured solenoid parts. RAM Co. is permitted as a categorical industrial user. RAM Co. started operations in the City of St. George in 1975.

Sylarus Technologies - A Germanium wafer substrate manufacturing facility and is located at 4167 South River Road in the City of St. George. Sylarus is permitted as a categorical industrial user. Sylarus began operations in the City of St. George in 2006.

SGRWRF Commercial Quick View

The SGRWRF receives wastewater discharge from approximately 300 restaurants located within its service area and approximately 25 car washes, these facilities have either grease traps or grease interceptors installed for treatment of the discharged wastewater.

SGRWRF Influent Data

The appendices contain the following SGRWRF Influent data analysis from 2010 to 2013.

1. **Table 1 - SGRWRF Historical Headworks Loading (Values in mg/L)**
2. **Table 2 - SGRWRF Historical Headworks Loading (Values in Pounds)**
3. **Table 3- SGRWRF Flow, BOD, and TSS Summary Table**
4. **Individual year results from 2010-2013 that includes analysis, flow and calculations for influent plant loading.**
5. **Maximum Allowable Headworks Limits (MAHL) graphs (2009-2013) for pollutant of concern. The MAHL is designated by a red line on the MAHL graph. Each MAHL graph also includes a black trending line.**

Sludge Composting Management

To beneficially use sludge generated at the SGRWRF, while protecting public health and the environment.

The District shall be responsible to insure that its compost operation complies with existing local, state and federal regulations governing sludge disposal. The District shall allow the City to inspect the compost operation and maintenance records to verify compliance with sludge Disposal regulations and to retrieve compost sample required for the compliance with state and EPA regulations.

The District shall have the right to sell or otherwise dispose of all final product(s) produced by or through its composting operation, provided that both the District and the City shall have first knowledge in writing that said final product meets all requirements for sale or disposal. Compost given away or sold to the public will

meet the Class A requirements. Class A compost will meet a Coliform content of less than 1000 MPN/gram of solids. This is based on a minimum of seven (7) samples of sludge collected over a two week period. The composting will consist of using the windrow method. For Class A sludge, the temperature of the sludge is maintained at 55 degrees centigrade or higher for 15 days or longer, with a minimum of 5 turnings of the pile during those 15 days.

Class B compost will be buried in the landfill or used for Final Land Fill cover. Class B compost will meet a Coliform content of less than 2,000,000 MPN/gram or CFU/gram of total solids. This is based on a minimum of seven (7) samples of sludge collected over a two week period. The composting will consist of using the windrow method. For Class B sludge, the temperature will maintained at 40 degrees centigrade or higher for 5 days and during those 5 days the temperature in the pile will exceed 55 degrees centigrade for 4 hours.

Raw sludge disposed in the landfill will be buried in the landfill and covered daily with soil. Raw sludge will meet or exceed the paint filter test requirement.

The daily gallons of Sludge processed are listed below:

Year: 2010= 81,204 gallons per day,	Year 2010- %Solids=2.49
Year: 2011= 85,061 gallons per day,	Year 2011-% Solids=2.56
Year: 2012= 69,970 gallons per day,	Year 2011-% Solids=3.06
Year: 2013= 62,842 gallons per day,	Year 2012-% Solids=3.28

Sludge Disposal Criteria

Sludge disposal numeric evaluation has been based on the values in Table 3 of 40 CFR part 503. This table protects the quality of sludge currently being produced by the SGRWRF. The value for Molybdenum is based on the ceiling limit of 75 mg/Kg contained in 503 (Table 1) for this metal. ***(Molybdenum is not included in the Summary Effluent Limitations for Metals UPDES No. UT-0024686). Chromium also is not included in Table 3 and thus the plant removal efficiency criteria will take the place of any sludge disposal criteria. SGRWRF has in the past and will continue to sample and analyze the sludge for Chromium.***

Sludge analysis from the years 2010 to 2013 is located in the appendices.

SGRWRF Metal Removal Efficiencies

The SGRWRF has documented the following removal efficiencies through its treatment facility. The following methodologies were used in calculating removal efficiencies:

- Arsenic- (MRE, ADRE, and Decile).
- Chromium- (MRE, ADRE, and Decile).
- Copper-(MRE, ADRE, and Decile).
- Lead-(MRE, ADRE, and Decile).
- Mercury-(MRE, ADRE, and Decile).
- Molybdenum-(MRE, ADRE, and Decile).
- Nickel-(MRE, ADRE, and Decile).
- Selenium-(MRE, ADRE, and Decile).
- Silver- (MRE, ADRE, and Decile).
- Zinc-(MRE, ADRE, and Decile).
- BOD, TSS, NH₃-(MRE)

Calculations for each method is included in the appendices

***Cadmium-** Of sixteen influent analytical results only two values were above the detection limit for Cadmium with no detections for Cadmium on the thirty-two effluent samples.

With only two detections available on the influent and none on the effluent SGRWRF believes an accurate removal efficiency for Cadmium cannot be performed. SGRWRF will chose to use the literature Median Removal Value for Cadmium found in *U.S. EPA Local Limits Development Guidance (EPA 833-R-04-002A/B) (Appendix R)*.

***Cyanide-** Cyanide values show negative removal efficiency for years 2011 and 2012. SGRWRF believes these false positive effluent values are the result of **Problems Associated with Using Current EPA Approved Total Cyanide Analytical Methods for Determining Municipal Wastewater Treatment Plant NPDES Permit Compliance**. *Documentation supporting this assumption can be found in the appendices. The SGRWRF will choose to use the literature Median Removal Value for Cyanide found in U.S. EPA Local Limits Development Guidance (EPA 833-R-04-002A/B) (Appendix R).*

Priority Pollutant Percent Removal Efficiencies through Activated Sludge Treatment can be found in the appendices.

SGRWRF has historically used the mean removal efficiency method for calculating local limits. The mean removal efficiency method has provided SGRWRF POTW with sufficient protection in preventing interference and pass through. No pollutant has exceeded the MAHL since the last local limits evaluation in 2007, SGRWRF will continue to use the mean removal efficiency method for calculating the current local limits.

Analytical Methods

All wastewater samples were collected, preserved and analyzed using methods approved under 40 CFR 136 and 40 CFR Part 403, Appendices E. Sludge sampling and analyses were performed in accordance with 40 CFR 503.8.

Sample Types

SGRWRF POTW influent and effluent samples were collected as required by the UPDES permit.

Non-Petroleum Oil and Grease Limitation

The typical wastewater treatment plant treating most domestic wastewater will reliably remove at least 90% of all oil and grease entering the system. The UPDES permit for the SGRWRF allows maximum oil and grease discharge of 10 mg/L. When using the 90% removal criteria, the influent can average 100 mg/L oil and grease and still meet the permit requirements. As such, SGRWRF chooses to continue implementation of a 100 mg/L influent standard. There have been no oil and grease detections on either effluent train 1 or effluent train 2. Influent analysis on oil and grease has shown a high value of 34 mg/L to a low value of 28 mg/L.

pH Limit

To protect worker safety and health the SGRWRF will set the lower pH limit at 5.0 and the upper pH limit at 12.0.

Implementation of Revised Local Limits

Any permitted industrial users and the public in general will be made aware of changes in the pretreatment program and local limits which must be approved by the City Council. Any industries that are anticipated to be impacted will be sent a written notice. Other parties will be notified of the meeting agenda according to the City's current process. The City welcomes any comments on the limits and will address any issues that arise or are brought to the City's attention by the public.

New Local Limit Summary Table

Pollutant	New Local Limits	Units	Limit Type
Arsenic Cadmium Chromium(total) Copper Lead Mercury Molybdenum Nickel	1.3464 0.299 76.94 15.12 3.357 0.0563 3.6346 20.76	mg/L mg/L mg/L mg/L mg/L mg/L mg/L mg/L	Daily Maximum Daily Maximum Daily Maximum Daily Maximum Daily Maximum Daily Maximum Daily Maximum Daily Maximum
Selenium Silver Zinc Cyanide BOD TSS NH3	0.4594 28.47 30.66 1.573 10605 13545 1784	mg/L mg/L mg/L mg/L lbs/day lbs/day lbs/day	Daily Maximum Daily Maximum Daily Maximum Daily Maximum Daily Maximum Daily Maximum Daily Maximum

CITY OF ST. GEORGE, UTAH
RESOLUTION NO. 2015-10-001R

**A RESOLUTION APPROVING THE
2014 TECHNICALLY BASED LOCAL LIMITS
FOR THE WASTEWATER PRETREATMENT PROGRAM**

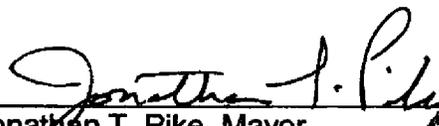
WHEREAS, The City of St. George Technically Based Local Limits Study, dated July 2014 has been reviewed and is attached; and

WHEREAS, the Technically Based Local Limits establish the maximum loading of pollutants that can be accepted from industrial users without causing a violation of applicable environmental standards; and

WHEREAS, the Technically Based Local Limits are developed and enforced to prevent Pass Through, Interference, protect sludge disposal practices, and prevent impacts to the health and safety of the general public,

NOW, THEREFORE, BE IT RESOLVED by the St. George City Council that The City of St. George Water Services inform the Utah Department of Environmental Quality Division of Water Quality that the above actions were taken and that the St. George City Council does hereby approve the City of St. George Technically Based Local Limit Study.

PASSED AND ADOPTED by the City Council of the City of St. George this 1st day of October, 2015.

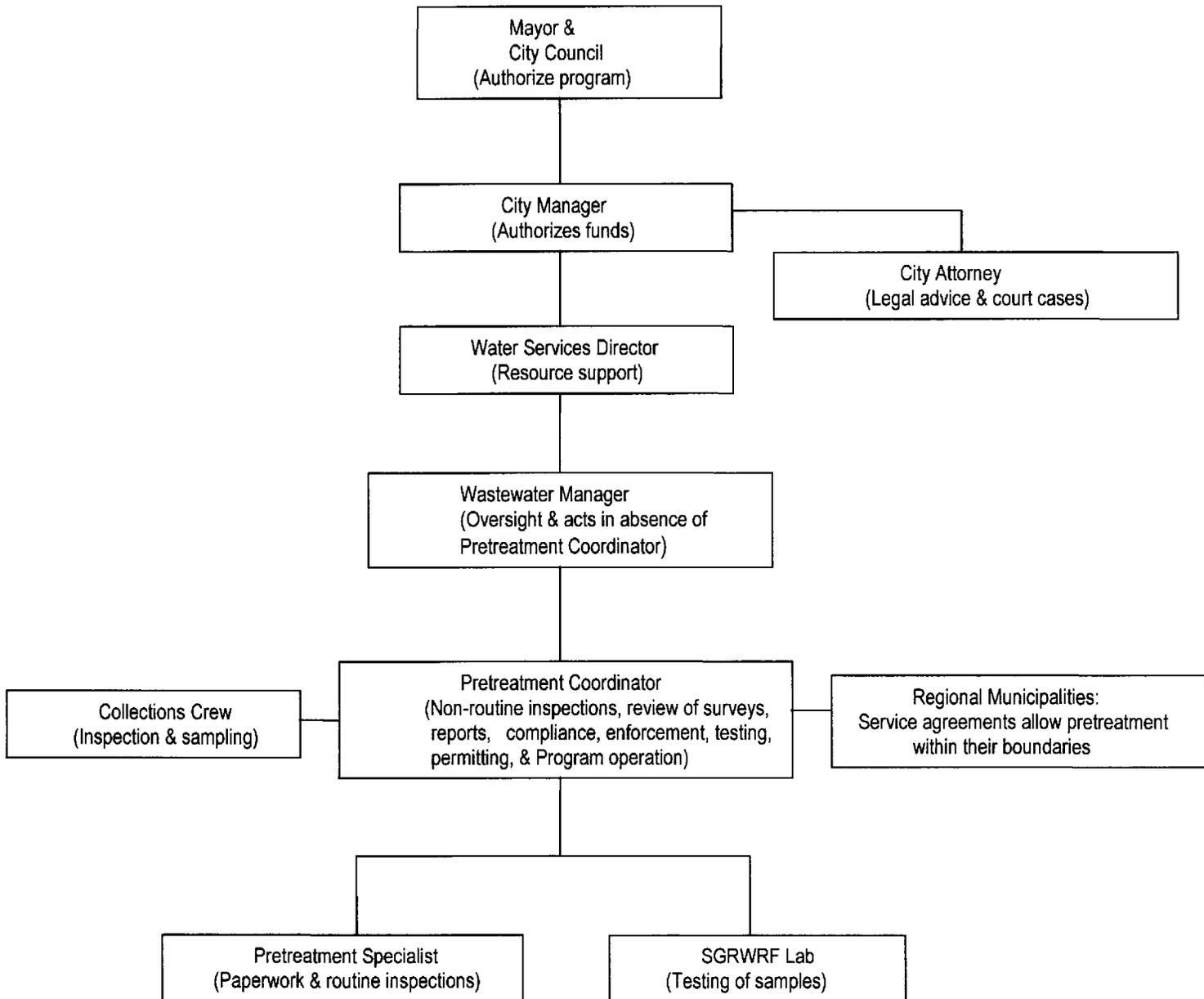

Jonathan T. Pike, Mayor



ATTEST:


Christina Fernandez, City Recorder

St. George City
Pretreatment Program Organization



The City of St. George Pretreatment Program Funding

The City of St. George Pretreatment Program is funded through the City of St. George Wastewater Treatment Budget. The City of St. George Wastewater Treatment has an annual operating budget of approximately \$6.3M. There are 21 employees in the Wastewater Treatment Division, two of which are directly associated with the Pretreatment Program. The following FY 2016 budgeted items are directly associated with the Pretreatment Program.

- Salaries & Benefits: \$156,918
- Fleet Maintenance: \$2,375
- Fuel: \$3,800
- Travel / Training: \$875
- Program Materials: \$15,000
- Telephone: \$475

Other items that have been included in the FY 2016 budget that are indirectly associated with the Pretreatment Program include Buildings & Grounds, Office Supplies, Lab Services, and Professional Services. Since these items are not directly related to the Pretreatment Program, it is difficult to determine the dollar amount that is attributable to the program.

The City of St. George is committed to the success of the Pretreatment Program and has consistently ensured that adequate funding is budgeted for the program, either directly through budgeted program line items, or indirectly through the Wastewater Treatment Budget.

Chapter 4

WASTEWATER/PRETREATMENT

8-4-1: GENERAL PROVISIONS; DEFINITIONS:

A. Purpose And Policy:

1. This chapter sets forth uniform requirements for users of the publicly owned treatment works (POTW) for the city wastewater region and enables the city to comply with all applicable state and federal laws, including the clean water act (33 USC 1251 et seq.), the general pretreatment regulations found in the U.S. code of federal regulations (CFR) 40 CFR part 403, and the Utah administrative code R317-8-8. The objectives of this chapter are:
 - a. To prevent the introduction of pollutants into the POTW that could interfere with the operation of the POTW;
 - b. To prevent the introduction of pollutants into the POTW which could pass through the POTW, inadequately treated, into receiving waters, or otherwise be incompatible with the POTW;
 - c. To ensure that the quality of the wastewater treatment plant sludge is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations found in 40 CFR part 503;
 - d. To protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public;
 - e. To improve the opportunity to recycle and reclaim wastewater and sludge from the POTW;
 - f. To enable the city to assess fees, fines and surcharges for the equitable distribution of the cost of operation, maintenance and improvement of the POTW, and the pretreatment program;
 - g. To enable the POTW to comply with its Utah pollution discharge elimination system (UPDES) permit conditions, sludge use and disposal permit conditions and any other federal or state laws to which the POTW is subject.
2. This chapter shall apply to all users of the POTW which are subject to pretreatment regulations. This chapter authorizes issuance of wastewater discharge permits; 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.

B. Administration: Except as otherwise provided herein, the wastewater division manager, or his designee (hereinafter "manager"), shall administer, implement and enforce the provisions of this chapter.

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

ACT: The federal water pollution control act, also known as the clean water act, as amended, 33 USC 1251 et seq.

APPROVAL AUTHORITY: The executive secretary of the water quality board as the authorized agent for the state of Utah, which has an approved state pretreatment program, or his designee.

AUTHORIZED REPRESENTATIVE OF THE INDUSTRIAL USER OR AUTHORIZED

REPRESENTATIVE: 1. If the industrial user is a corporation, authorized representative shall mean:

- 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;
- b. The manager of one or more manufacturing, production or operation facilities, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

2. If the industrial user is a partnership or sole proprietorship, an authorized representative shall mean a general partner or proprietor, respectively;

3. If the industrial user is a federal, state or local governmental facility, an authorized representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his/her designee;

4. The individuals described in subsections 1 through 3 of this definition may designate another 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 manager.

CATEGORICAL PRETREATMENT STANDARD OR CATEGORICAL STANDARD: Any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with sections 307(b) and (c) of the act (33 USC 1317) which apply to a specific category of industrial users and which appear in 40 CFR chapter I, subchapter N, parts 405-471.

ENVIRONMENTAL PROTECTION AGENCY OR EPA: The U.S. environmental protection agency or, where appropriate, the term may also be used as a designation for the manager or other duly authorized official of said agency.

EXISTING SOURCE: Any source of discharge, the construction or operation of which commenced prior to the publication of proposed categorical pretreatment standards which will be applicable to such source if the standard is thereafter promulgated in accordance with section 307 of the act.

GOVERNING AGENCY: The city of St. George, the city council for the city of St. George and authorized city employees. Referred to herein as the "city".

INDIRECT DISCHARGE (DISCHARGE): The introduction of pollutants into the POTW from any nondomestic source regulated by the UPDES program and/or the U.S. water quality act 307(b), (c) and (d).

INDUSTRIAL USER (USER): A source of indirect discharge.

INSTANTANEOUS MAXIMUM ALLOWABLE DISCHARGE LIMIT: The maximum concentration for loading of a pollutant allowed to be discharged at any time, determined from the analysis of any sample collected.

INTERFERENCE: A discharge which, alone or in conjunction with a discharge or discharges from other sources: 1) inhibits or disrupts the POTW and/or 2) causes a violation of the POTW's UPDES permit or prevents sewage sludge use or disposal in compliance with any of the following statutory/state or local regulations: section 405 of the clean water act; the solid waste disposal act (SWDA), including title II commonly referred to as the resource conservation and recovery act (RCRA); 40 CFR part 503 governing the use and disposal of sewage sludge; the clean air act; the toxic substances control act; and the marine protection, research and sanctuaries act.

LOCAL LIMITS: Limits on characteristics of water discharged into the POTW as determined in the local limits study for the St. George regional water reclamation facility.

MANAGER: The city of St. George water services director, wastewater operations manager, or their designee.

MEDICAL WASTE: Isolation wastes, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

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 301(c) of the act which 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.

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 subsection 1b or 1c of this definition, but otherwise alters, replaces or adds to existing process or production equipment.

3. Construction of a "new source", as defined, has commenced if the owner or operator has begun, or caused to begin, as part of a continuous on site construction program:

- a. Any placement, assembly or installation of facilities or equipment;
- b. 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;

c. 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 definition.

NONCONTACT COOLING WATER: Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product or finished product.

pH: A measure of the acidity or alkalinity of a substance, expressed in standard units.

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 UPDES permit (including an increase in the magnitude or duration of a violation).

PERSON: Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. This definition includes all federal, state or local governmental entities.

POLLUTANT: Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, industrial wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes, and the characteristics of the wastewater (i.e., pH, temperature, TSS, turbidity, color, BOD, chemical oxygen demand, toxicity, odor).

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. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes, or any other means, except as prohibited by 40 CFR 403.6(d).

PRETREATMENT OPERATING PLAN: The operating plan approved by the city of St. George and made a part of this chapter by reference herein, for the purpose of managing and regulating discharges into the POTW.

PRETREATMENT REQUIREMENTS: Any substantive or procedural requirement related to pretreatment imposed on an industrial user, other than a national pretreatment standard.

PRETREATMENT STANDARDS OR STANDARDS: Pretreatment standards shall mean categorical pretreatment standards, state pretreatment requirements and local limits established by the St. George regional water reclamation facility.

PROGRAM ADMINISTRATOR: The person designated by the city of St. George to administer this chapter and the pretreatment program, and who is charged with certain duties and responsibilities by this chapter.

PROHIBITED DISCHARGE STANDARDS OR PROHIBITED DISCHARGES: Absolute prohibitions against the discharge of certain substances or wastewater characteristics; these prohibitions appear in section 8-4-2 of this chapter.

PUBLICLY OWNED TREATMENT WORKS (POTW): A treatment works which is owned by the state, a municipality, or other political subdivision of the state. This definition includes any devices

or systems used in the collection, storage, treatment, recycling and reclamation of municipal/domestic sewage or industrial wastes of a liquid nature discharged into the stated system. Also included are any conveyances, such as pipelines, conduits or channels which convey wastewater to a treatment plant. The term also means the municipal entity having jurisdiction over the indirect discharges to such a system and the discharges from the treatment works. For purposes of this chapter, POTW refers to the St. George regional water reclamation facility and associated collection system.

SEPTIC TANK WASTE: Any sewage from holding tanks, such as vessels, chemical toilets, campers, trailers and septic tanks, containing sanitary waste generated by domestic use. Septic tank waste does not include waste from interceptors for grease and oils whether in the ground or under the sink. (An interceptor is a receiving system that consists of 2 or 3 stages, which causes reduction in the flow rate of the effluent, thus increasing the separation of solids and oils prior to discharge of the effluent into the sewer system.)

SEWAGE: Human excrement and gray water (household showers, dish washing operations, etc.).

SIGNIFICANT INDUSTRIAL USER: Shall apply to: 1) industrial users subject to categorical pretreatment standards; and 2) any other industrial user that: a) discharges an average of twenty five thousand (25,000) gpd or more of process wastewater (excludes sanitary, noncontact cooling and boiler blowdown wastewater; b) contributes a process waste stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the treatment plant; or c) is designated as significant by the manager. The manager may determine that a user is significant if there is a reasonable potential for the user to adversely affect the POTW's operation, if the user's effluent has reached pollutant levels exceeding seventy five percent (75%) of the established local limits for that industrial user or if the user violates any pretreatment standard or requirement. Upon a finding that an industrial user meeting the criteria of "significant industrial user" has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the manager may at any time, on his own initiative or in response to a petition received from an industrial user or POTW, and in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a "significant industrial user".

SLUG LOAD/DISCHARGE: Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in section 8-4-2 of this chapter or any discharge of a nonroutine, episodic nature, including, but not limited to, an accidental spill or a noncustomary batch discharge.

STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODE: A classification pursuant to the standard industrial classification manual issued by the U.S. office of management and budget.

STORM WATER: Any flow which occurs during, or following any form of natural precipitation, and results from such an event, including snow melt.

TOTAL SUSPENDED SOLIDS (TSS): The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquid, and which is removable by laboratory filtering.

TOXIC POLLUTANTS: Pollutants, or combinations of those pollutants, listed as toxic in regulations promulgated by the EPA under the provision of section 307 (33 USC 1317) of the act.

TREATMENT PLANT EFFLUENT: Any discharge from the POTW into waters of the state of Utah or water of the United States.

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.

WASTEWATER TREATMENT PLANT OR TREATMENT PLANT: That portion of the POTW designed to provide treatment, including recycling and reclamation of sewage and industrial waste.

"Shall" is mandatory; "may" is permissive or discretionary. The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.

D. Abbreviations: The following abbreviations shall have the designated meanings. Some of the abbreviations are included in the definition section but are repeated here for the sake of clarity:

BOD-Biochemical oxygen demand

CFR-Code of federal regulations

COD-Chemical oxygen demand

EPA-U.S. environmental protection agency

gpd-Gallons per day

l-Liter

mg-Milligrams

mg/l-Milligrams per liter

NPDES-National pollutant discharge elimination system or the Utah pollutant discharge elimination system

O&M-Operation and maintenance

POTW-Publicly owned treatment works

RCRA-Resource conservation and recovery act

SIC-Standard industrial classification

SWDA-Solid waste disposal act (42 USC 6901 et seq.)

TSS-Total suspended solids

USC-United States code

(Ord. 12-1-1998, 12-3-1998; amd. 2003 Code)

E. Application For Wastewater Service: Any person desiring, or who is required, to secure wastewater services, when such service is available from the city, shall apply to the water services director, or to such other person designated by the water services director, and shall pay the required fees before any wastewater connection is approved. By applying for a wastewater connection, such person agrees to be bound by this chapter and all applicable policies and regulations pertaining to the city POTW. (Ord. 2010-09-002, 9-23-2010)

F. Mandatory Use Of Wastewater System:

1. Residential Dwelling Units:

a. It is mandatory that any residential dwelling unit shall be connected to the wastewater system at the expense of the owner or occupant thereof. The sole exception shall be for single residential lots not within a platted subdivision where said lots are one acre or greater in size. In such cases, a private sewage disposal system may be utilized if a delayed improvement agreement is approved and executed and easements are provided where required. Before commencement of construction of any private wastewater disposal system, the property owner or person seeking to install a private wastewater system shall submit plans, specifications and other information

deemed necessary to the Utah department of health and obtain written permit from them for installation thereof. The type, capacity, location and layout of a private wastewater disposal system shall comply with all requirements of the Utah state department of health. The owner of a private wastewater disposal system shall at all times operate and maintain the same in a sanitary manner and at no expense to the city.

b. When, in the discretion of the wastewater manager, a private wastewater disposal system ceases to operate effectively or creates a sanitation hazard, direct connection to the public wastewater system may be required by the manager, in which case the private wastewater disposal facilities shall be closed, disconnected and properly decommissioned. (Ord. 2001-02-007, 2-15-2001)

2. Commercial And Industrial Units: It is mandatory that all commercial and industrial buildings requiring wastewater service be connected to the public wastewater system. Private wastewater disposal facilities shall not be allowed. In addition to other available enforcement actions, the city may enforce the wastewater connection requirements imposed in this section by disconnecting or refusing to supply the culinary water servicing the premises involved until proper connection to the wastewater system has been made.

3. Residential Subdivision Developments: Residential subdivision developments are subject to city policy regarding use of and connection to the POTW, as well as this chapter.

G. Ownership Of Connecting Lines: Unless provision is expressly made otherwise for ownership of laterals or lines by the owner of the adjacent property through a written agreement, all lines and laterals connecting the city POTW to a landowner or user's premises shall be deemed to be the property of the landowner/user, and all operation and maintenance shall be at the landowner's/user's expense. The city shall not be liable for blockage or flow interference in laterals or connecting lines before they connect to the city wastewater line.

H. POTW Connections: Connection to or extension of the city wastewater main for use by a user shall be the sole responsibility of the user. Acceptance of any wastewater facility by the city for public use and maintenance, shall not occur until such facility has been inspected and approved as to compliance with all city, state and federal requirements. (Ord. 12-1-1998, 12-3-1998)

I. Inspection Of POTW Connections: Any connection to, extension or modification of the wastewater system shall be under the direction of the water services director, and inspection of such shall be made by the appropriate inspector after installation in every case. No backfilling shall be done until the inspection is made and the work accepted. In the event of an installation, repair or alteration where no building permit is required, there shall be no connection, directly or indirectly, with the wastewater system without notification to and approval in advance from the water services director or his designated representative, as well as the inspection after installation required above. A reasonable inspection fee shall be paid for any inspection made under this subsection.

J. Quality Of Installations And Maintenance: All wastewater mains, manholes, service laterals and other materials used in conjunction with the wastewater system shall be of such quality and specifications as required by the "City Of St. George Standard Specifications For Design And Construction", as last revised. It shall be unlawful for any person to connect any drain or service line to the POTW system unless such person is a contractor properly licensed by the state. After installation, all private service

pipes, connections and other apparatus shall be maintained in good repair at the user's expense. No person shall be allowed to dig into the street for purposes of installing, repairing or maintaining any service pipes, connections or other apparatus except under the direction of the water services director or his designated personnel who shall at all reasonable times have free access to drains and wastewater lines connecting with the wastewater system for the purpose of examination and inspection. (Ord. 2010-09-002, 9-23-2010)

K. Fees:

1. User Fees: User fees should be assessed whenever there is a need to recover the cost of impacts on the POTW. These fee calculations are found in the city user fee ordinance of 11-9-1996 and in the pretreatment program.
2. Pretreatment Fees: The city may adopt reasonable charges and fees for reimbursement to the POTW for costs of setting up and operating the pretreatment program. (Ord. 12-1-1998, 12-3-1998)

8-4-2: POTW USE REQUIREMENTS:

A. Prohibited Discharge Standards:

1. No industrial user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which may cause pass through or interference. These general prohibitions apply to all users of the POTW whether or not the source is subject to categorical pretreatment standards or any other national, state or local pretreatment standards or requirements. Furthermore, no user may contribute the following substances to the POTW, or any other substances prohibited by the pretreatment program:
 - a. Pollutants which create a fire or explosive hazard in the POTW system, including, but not limited to, waste streams with a closed cup flashpoint of less than one hundred forty degrees Fahrenheit (140°F) (60°C) using the test methods specified in 40 CFR 261.21. (Ord. 12-1-1998, 12-3-1998)
 - b. Any pollutants which will cause, but in no case discharges with a pH of less than 5.0 or more than 12.0, corrosive structural damage to the POTW or equipment, or endangering city's personnel unless the POTW is specifically designed to accommodate such discharges. (Ord. 2004-01-006, 1-15-2004)
 - c. Solid or viscous substances in amounts or sizes which will cause obstruction of the flow in the POTW resulting in interference.
 - d. Any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW.
 - e. Any wastewater having a temperature greater than one hundred eighty degrees Fahrenheit (180°F) (82°C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case heat in such quantity that it causes the temperature at the treatment plant to exceed one hundred four degrees Fahrenheit (104°F) (40°C).
 - f. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.

- g. Pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute or chronic worker health and safety problems.
 - h. Any trucked or hauled pollutants, except at discharge points designated by the city in accordance with subsection 8-4-3C of this chapter.
 - i. Any noxious or malodorous liquids, gases, solids or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance, a hazard to life, or to prevent entry into the sewers for maintenance and repair.
 - j. Any wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent thereby violating the city UPDES permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than ten percent (10%) from the seasonably established norm for aquatic life.
 - k. Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the manager in compliance with applicable state or federal regulations.
 - l. Storm water, surface water, ground water, artisan well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted industrial wastewater, unless specifically authorized by the manager.
 - m. Any sludges, screenings or other residues from the pretreatment of industrial wastes.
 - n. Any medical wastes, except as specifically authorized by the manager in a wastewater discharge permit.
 - o. Any wastewater causing the treatment plant effluent to fail a toxicity test.
 - p. Any wastes containing detergents, surface active agents or other substances which may cause excessive foaming in the POTW. (Ord. 12-1-1998, 12-3-1998)
 - q. The limit of discharge for fats, oils and greases is defined in the pretreatment operation plan which sets a general standard, but allows for exceptions, as defined therein. (Ord. 6-3-1999, 6-17-1999)
2. Pollutants prohibited by the pretreatment program shall not be processed or stored by the user in such a manner that they could be discharged to the POTW. All floor drains located in process or materials storage areas must discharge to the industrial user's pretreatment facility before connecting with the POTW. If the industrial user storing the specified pollutant does not have a pretreatment facility, floor drains shall be either plugged with concrete or valved. The valve shall be locked closed at all times and opened only with written permission from the manager.
- B. Categorical Pretreatment Standards: The national categorical pretreatment standards found at 40 CFR chapter I, subchapter N, parts 405-471 are hereby incorporated.
- C. State Pretreatment Requirements: State of Utah pretreatment standards contained in the Utah administrative code R317-8-8 are hereby incorporated.

- D. POTW Local Limits: The POTW technically based local limits, as latest revised, are hereby incorporated. Local limits apply at the point where the industrial discharge is introduced to the POTW collection system before mixing with other wastewaters. All concentration limits for metallic substances are for "total" metal unless indicated otherwise. In addition to, or in place of, concentration based limitations, the manager may impose mass limitations.
- E. Right Of Revision: The city reserves the right to establish, by ordinance, in the pretreatment program, or in wastewater discharge permits, more stringent standards or requirements on any discharges or pollutants discharged to the POTW, if deemed necessary to comply with the objectives presented in subsection 8-4-1A of this chapter or the general and specific prohibitions in subsection A of this section.
- F. Special Agreement: The city reserves the right to enter into special agreements with industrial users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a pretreatment standard or requirement. Variances from pretreatment standards or requirements must be approved by federal, state and regional pretreatment authorities.
- G. Dilution: No industrial 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 a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The manager may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate to ensure compliance with this chapter. (Ord. 12-1-1998, 12-3-1998)

8-4-3: PRETREATMENT OF WASTEWATER:

A. Pretreatment Operations:

1. Industrial users shall provide wastewater treatment as needed to comply with this chapter, and shall achieve compliance with all the prohibitions stated in section 8-4-2 of this chapter within the time limitations specified by the EPA, the state, or according to compliance schedules as specified by the manager, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated and maintained at the industrial user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the city for review, and shall be acceptable to the manager before a building permit for construction of the facility is issued. The review of such plans and operating procedures shall in no way relieve the industrial user from the responsibility of modifying the facility as necessary to produce an acceptable discharge under the provisions of this chapter and the regional pretreatment program. The manager may, by order of compliance or discharge permit, require specific equipment, capacities or processes to meet the intent of this chapter.
2. The manager may require industrial users to restrict their discharge during peak flow periods, designate certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate municipal waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and secure the industrial user's

compliance with the requirements of this chapter.

3. The manager may require pretreatment facilities to equalize flow, intercept grease, oil and sand, detect combustible gas, and control slug flows in accordance with the regional pretreatment program.
4. The manager may require a slug flow control plan in accordance with the regional pretreatment program.

- B. **Tenant Responsibility:** Where an owner of property leases the premises to any other person as a tenant under any rental or lease agreement, if either the owner or the tenant is an industrial user, both shall be held responsible for compliance with the provisions of this chapter.
- C. **Hauled Wastewater:** Hauled wastewater, including septic tank waste and industrial waste, may be accepted at the POTW at such times and under such conditions established in the pretreatment program or as determined by the manager. In addition, hauled wastes shall be subject to requirements established or adopted by the city.
- D. **Vandalism:** No person shall maliciously, wilfully or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or equipment, or other part of the POTW. Any person found in violation of this requirement shall be subject to the sanctions set out in sections 8-4-10 through 8-4-12 of this chapter. (Ord. 12-1-1998, 12-3-1998)

8-4-4: APPLICATION FOR WASTEWATER DISCHARGE PERMIT:

The city, under this chapter, delegates responsibility for the pretreatment program, including issuance of local discharge permits for industrial users, to the manager, and adopts the pretreatment program as latest revised.

- A. **Industrial Waste Survey:** When required by the manager, industrial users must submit information on the nature and characteristics of their wastewater by completing an industrial waste survey and/or a baseline monitoring report (as described in subsection 8-4-6A of this chapter) prior to commencing discharge. The manager is authorized to prepare a form for this purpose. The manager may periodically require industrial users to update the survey or baseline monitoring report. Failure to complete these surveys or reports shall be grounds for revocation of the industrial user's permit or terminating service to the industrial user, and shall be considered a violation of this chapter. Violations of this chapter shall subject the industrial user to fines, fees, penalties and remedies set forth in sections 8-4-10 through 8-4-12 of this chapter.
- B. **Contents Of Application:**
1. All industrial users required to have a local wastewater discharge permit must submit an application, on a form approved by the manager, on which the industrial user provides information

in accordance with the pretreatment program.

2. Incomplete or inaccurate applications will not be processed and shall be returned to the industrial user for revision. 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 section 8-4-8 of this chapter.
3. The manager will evaluate the data furnished on the application by the industrial user and may require additional information. Within thirty (30) days of receipt of a complete wastewater discharge permit application, the manager will determine whether to issue a wastewater discharge permit. The manager may deny for cause any application for a wastewater discharge permit. The basis for denial shall be provided to the industrial user.

- C. Certification: All local wastewater discharge permit applications and reports required by the local wastewater discharge permit shall contain the following certification statement and be signed by an authorized representative of the industrial user:

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 people 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.

(Ord. 12-1-1998, 12-3-1998)

8-4-5: PERMIT REQUIREMENTS:

A. Wastewater Discharge Permit Requirement:

1. Permit Required: It shall be unlawful for any industrial user required to have such a permit to discharge wastewater into the POTW without first obtaining a local wastewater discharge permit from the manager. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this chapter. Violators of this chapter shall be subject to the penalties and remedies set out in subsection 8-4-4A and sections 8-4-10 through 8-4-12 of this chapter. A wastewater discharge permit does not relieve an industrial user of its obligation to comply with all federal and state pretreatment standards or requirements, nor with any other requirements of federal, state or local law.
2. Existing Industrial Users: Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a categorical determination under 40 CFR 403.6(a)(4), whichever is later, existing significant industrial users subject to such categorical pretreatment standards, and currently discharging to or scheduled to discharge to the POTW, shall be required to obtain a wastewater discharge permit.
3. New Sources: At least ninety (90) days prior to commencement of discharge, new sources, and sources that become categorical or significant industrial users subsequent to the issuance of this chapter, shall be required to submit to the manager an application for a wastewater discharge

permit. A new source shall also be required to report the method of pretreatment it intends to use to meet applicable pretreatment standards.

4. Other Users: The manager may require other industrial users, including waste haulers, to obtain wastewater discharge permits as necessary to carry out the purposes of this chapter.

B. Connections:

1. Existing: Any significant industrial user which has a discharge into the POTW or collection system prior to the effective date hereof and which wishes to continue such discharges in the future, shall, within ninety (90) days after said date, apply to the manager for a discharge permit in accordance with sections 8-4-2 and 8-4-3 of this chapter, and shall not cause or allow discharges to the POTW to continue after ninety (90) days of the effective date hereof, except in accordance with a local wastewater discharge permit issued by the manager.
2. New: Any significant industrial user proposing to begin or recommence discharging into the POTW must obtain a local wastewater discharge permit prior to the beginning or recommencing of such discharge. An application for a wastewater discharge permit must be submitted to the manager at least ninety (90) days prior to the date upon which any discharge will begin or recommence. The manager has the right to place conditions on new or increased discharges from existing users.
3. Extra Jurisdictional: The city will effect required pretreatment activities in its entire service area, including within other jurisdictions. All such pretreatment activities will be in accordance with the city's approved wastewater/pretreatment ordinance and pretreatment operation plan. Service agreements with the other jurisdictions which discharge into the POTW give the city the right to conduct pretreatment activities and to approve or disapprove industrial discharges into the system. Copies of these service agreements are attached to the ordinance codified herein and on file in the city office.

- #### C. Contents:
- Local discharge permits shall include such conditions as are reasonably deemed necessary by the 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, protect ambient air quality, and protect against damage to the POTW. Local discharge permits shall contain conditions in accordance with the pretreatment program.

D. Modification:

1. Authority: The manager may modify the local discharge permit in accordance with the pretreatment program.
2. Request Does Not Stay Condition: The filing of a request by the permittee for a local discharge permit modification does not stay any wastewater discharge permit condition.

- #### E. Duration:
- Local discharge permits shall be issued for a specified time period in accordance with the pretreatment program.

- #### F. Appeals:
- Any person, including the industrial user, may petition the city council to reconsider the

terms of a local discharge permit within thirty (30) days of its issuance. Appeals shall be in accordance with the pretreatment program.

G. Revocation Of Permit:

1. Reasons: Discharge permits may be revoked for the following reasons in accordance with the pretreatment program:
 - a. Failure to notify the manager of significant changes to the wastewater prior to the changed discharge;
 - b. Failure to provide prior notification to the manager of changed condition pursuant to subsection 8-4-6A5 of this chapter;
 - c. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
 - d. Falsifying self-monitoring reports;
 - e. Tampering with monitoring equipment;
 - f. Refusing to allow the manager, or his designee, timely access to the facility premises and/or 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 local discharge permit application;
 - l. Failure to provide advance notice of the transfer of a permitted facility;
 - m. Violation of any pretreatment standard or requirement, or any terms of the local discharge permit or this chapter.
2. Discharge permits shall be voidable upon nonoperation of permitted facility, cessation of operations, or transfer of business ownership. (Ord. 12-1-1998, 12-3-1998; amd. 2003 Code)

8-4-6: REPORTING REQUIREMENTS:

All industrial users of the POTW shall be subject to the reporting requirements of the pretreatment program. All reports must be signed and certified in accordance with subsection 8-4-4C of this chapter.

A. Reports: These reports, described in the pretreatment program, include, but are not limited to:

1. Baseline monitoring reports;

2. Compliance schedule progress reports;
 3. Categorical pretreatment standard compliance reports;
 4. Periodic compliance reports;
 5. Changed condition reports;
 6. Slug and/or spill discharge reports;
 7. Nonpermitted industrial user reports;
 8. Repeat sampling reports;
 9. Hazardous waste discharge notifications;
- B. Timing: 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 U.S. postal service, the date of receipt of the report shall govern.
- C. Record Keeping: Industrial users shall retain, and make available for inspection and copying, all records and information required to be retained under this chapter. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any enforcement action concerning compliance with this chapter, or where the industrial user has been specifically notified of a longer retention time by the manager. (Ord. 12-1-1998, 12-3-1998)

8-4-7: COMPLIANCE MONITORING:

A. Inspection:

1. The manager, or his designee, shall have the right to enter the facilities of any industrial user at reasonable times to ascertain whether the purpose of this chapter, and any permit or order issued hereunder, is being met and whether the industrial user is complying with all requirements thereof. Industrial users shall allow the manager or his designee 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.
2. Where an industrial user has security measures in force which require proper identification and clearance before entry into its premises, the industrial user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, personnel from the city, POTW, state or EPA will be permitted to enter without delay, for the purposes of performing their specific responsibilities.

B. Monitoring:

1. Industrial users shall collect samples and have the samples analyzed and perform other

monitoring on wastewater discharges as required in the users' permits and the pretreatment program. All such sampling, analyzing and monitoring will be at the expense of the industrial user.

2. The city, POTW, state and EPA shall have the right to set up on the industrial user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

3. All analyses of samples taken for compliance with this chapter must be analyzed by methods specified in 40 CFR 136.

C. Obstructions And Delays:

1. Any temporary or permanent obstruction to safe and easy access to the industrial facility to be inspected and/or sampled shall be promptly removed by the industrial user at the written or verbal request of the manager and shall not be replaced. The costs of clearing such access shall be borne by the industrial user.

2. Delays in allowing city or POTW personnel access to the industrial user's premises shall be a violation of this chapter. (Ord. 12-1-1998, 12-3-1998)

8-4-8: CONFIDENTIAL INFORMATION:

Information and data on an industrial user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits and monitoring programs, and from the POTW inspection and sampling activities, shall be available to the public without restriction unless the industrial user specifically requests, and is able to demonstrate to the satisfaction of the 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. When requested and demonstrated by the industrial 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 immediately be made available, upon request, to governmental agencies for uses related to the UPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data", as defined by 40 CFR 2.302, will not be recognized as confidential information and will be available to the public without restriction. The POTW will provide a secure facility to maintain documentation considered confidential. (Ord. 12-1-1998, 12-3-1998)

8-4-9: ANNUAL PUBLICATION:

The manager will publish, in the largest local daily newspaper, the names of users found to be in significant noncompliance of the pretreatment program during the previous twelve (12) months, as required by the pretreatment program. (Ord. 12-1-1998, 12-3-1998)

8-4-10: ADMINISTRATIVE ENFORCEMENT REMEDIES:

- A. **Notification Of Violation:** Whenever the manager finds that any user has violated or is violating this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment requirement, the manager, or his agent, may serve upon said user a written notice of violation. Such written notice shall be served in person or by certified mail where a receipt is obtained. Within thirty (30) days of the receipt of this 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 manager. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the city to take any action, including emergency actions, or any other enforcement action, without first issuing a notice of violation.
- B. **Consent Orders:** The manager is hereby empowered to enter into consent orders, assurances of voluntary compliance, or othersimilar documents establishing an agreement with any user responsible for noncompliance. Such orders will include specific action to be taken by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to subsections D and E of this section, and shall be judicially enforceable.
- C. **Show Cause Hearing:** The manager may order any user which causes or contributes to violations of this chapter, wastewater discharge permits, or orders issued hereunder, or any other pretreatment standard or requirement, to appear before the manager and show cause why a 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 this proposed enforcement action should not be taken. Such written notice shall be served in person or by certified mail where a receipt is obtained at least seven (7) days prior to the hearing. Such notice may be served on any authorized representative of the user. Whether or not the user appears as ordered, immediate enforcement action may be pursued following the hearing date. A show cause hearing shall not be a prerequisite for taking any other actions against the user.
- D. **Compliance Orders:** When the manager finds that a user has violated or continues to violate this chapter, wastewater discharge permits, or orders issued hereunder, or any other pretreatment standard or requirement, he may issue an order to the user responsible for the discharge directing that the user come into compliance within thirty (30) days. If the user does not come into compliance within thirty (30) days, sewer, water or electrical power service may be discontinued. This may be accomplished by the city causing a physical break in the user's service connections, or in the case of the sewer, the city may permanently seal the user's drains by injecting concrete or similar material. Compliance orders may also 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 federal pretreatment standard or requirement, nor does a compliance order release the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a prerequisite to taking any other action against the user.
- E. **Cease And Desist Orders:**
1. If the manager finds that a user is violating this chapter, the user's wastewater discharge permit,

any order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the manager 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;
 - 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.
2. Issuance of a cease and desist order shall not be a prerequisite to taking any other action against the user.

F. Administrative Fines:

1. Notwithstanding any other section of this chapter, any user found to have violated any provision of this chapter, its wastewater discharge permit, and orders issued hereunder, or any other pretreatment standard or requirement, may be fined one thousand dollars (\$1,000.00) per day per violation. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, fines shall be assessed for each day during the period of violation. The manager may add the costs of preparing administrative enforcement actions such as notices and orders to the fine.
2. Assessments may be added to the user's next scheduled sewer service charge and the manager shall have such other collection remedies as may be available for water service charges and fees.
3. 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 and one-half percent (1.5%) per month, compounded monthly. A lien may be filed against the individual user's property for unpaid charges, fines and penalties.
4. Users desiring to dispute such fines must file a written request with the manager 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 manager shall convene a hearing on the matter within fourteen (14) days of receiving the request from the industrial user. In the event the user's appeal results in a full or partial refund, the refund, together with any interest accruing thereto, shall be returned to the industrial user.
5. Issuance of an administrative fine shall not be a prerequisite for taking any other action against the user.

G. Emergency Suspensions:

1. The manager may immediately suspend a user's discharge permit (after informal notice to the user) whenever such suspension is necessary in order 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 any people. The manager may also suspend a user's discharge permit (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.
2. 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 manager shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream,

contamination of sludge, or endangerment to any individuals. The manager shall allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the manager that the period of endangerment has passed, unless the termination proceedings set forth in subsection H of this section are initiated against the user.

3. 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 manager, prior to the date of any show cause or termination of discharge hearing under subsections C and H of this section.
4. Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

H. Termination Of Discharge:

1. In concert with the wastewater discharge permit revocation provisions in subsection 8-4-5G of this chapter, any user that violates any of the following conditions of this chapter, wastewater discharge permits or orders issued hereunder, is subject to discharge termination:
 - a. Violation of wastewater discharge permit conditions;
 - b. Failure to accurately report the wastewater constituents and characteristics of its discharge;
 - c. Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge;
 - d. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling;
 - e. Violation of the standards in section 8-4-2 of this chapter.
2. The industrial user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under subsection C of this section why the proposed action should not be taken. (Ord. 12-1-1998, 12-3-1998)

8-4-11: JUDICIAL ENFORCEMENT REMEDIES:

- A. Injunctive Relief: Whenever a user has violated a pretreatment standard or requirement or continues to violate the provisions of this chapter, wastewater discharge permits or orders issued hereunder, or any other pretreatment requirement, the manager may petition the Washington County fifth district court for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance requirements of the wastewater discharge permit, order or other requirement imposed by this chapter on activities of the industrial user. In addition, the city may recover reasonable attorney fees, court costs, and other expenses of litigation by appropriate legal action against the user found to have violated any provision herein, or any other rules, regulations, permits or agreements issued herein. Such other action as appropriate for legal and/or equitable relief may also be sought by the city. A petition for injunctive relief need not be filed as a prerequisite to taking any other action against a user.

- B. **Civil Fine Pass Through Recovery:** In the event that an industrial user discharges such pollutants which cause the city to violate any conditions of its UPDES permit and the city is fined by EPA or the state 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 or the state, and administrative costs incurred.
- C. **Referral To State For Action:** The city may refer to the state criminal violations of any pretreatment standards or permit conditions. The state attorney general's office 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 will assist the attorney general's office in any way it can with appropriate support for the action taken.
- D. **Nonexclusive Remedies:** The provisions in sections 8-4-9 through 8-4-12 of this chapter are not exclusive remedies. The city reserves the right to take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the enforcement response plan contained in the pretreatment program; however, the city reserves the right to 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. These actions may be taken concurrently. (Ord. 12-1-1998, 12-3-1998)

8-4-12: SUPPLEMENTAL ENFORCEMENT ACTION:

- A. **Performance Bonds:** The manager may decline to reissue a wastewater discharge permit to any user which has failed to comply with the provisions of this chapter, any orders or a previous wastewater discharge permit issued hereunder, unless such user first files a satisfactory bond, payable to the POTW, in a sum not to exceed a value determined by the manager to be necessary to achieve consistent compliance.
- B. **Liability Insurance:** The manager may decline to reissue a wastewater discharge permit to any user which has failed to comply with the provisions of this chapter, any order or previous wastewater discharge permit issued hereunder, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.
- C. **Water Supply Severance:** Whenever a user has violated or continues to violate the provisions of this chapter, orders or wastewater discharge permits issued hereunder, water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.
- D. **Public Nuisances:** Any violation of this chapter, orders or wastewater discharge permits issued hereunder, is hereby declared a public nuisance and shall be corrected or abated as directed by the

manager or his designee. Any person creating a public nuisance shall be subject to the provisions of the city code governing such nuisances¹, including reimbursing the city for any costs incurred in removing, abating or remedying said nuisance. (Ord. 12-1-1998, 12-3-1998)

E. Criminal Violations:

1. Any person who knowingly or intentionally violates or allows or causes any violation of any of the provisions of this chapter, or the city's pretreatment program referenced herein, is guilty of a class B misdemeanor and, upon conviction, subject to penalty as provided in section 1-4-1 of this code.
2. Any person who knowingly or intentionally introduces or allows or causes to be introduced into the POTW any pollutant or hazardous substance which causes or which such person knew or reasonably should have known could cause personal injury or property damage or, other than in compliance with all applicable federal, state or local requirements or permits, which causes the POTW to violate any effluent limitation or condition in a permit issued to the city or POTW, is guilty of a class B misdemeanor and, upon conviction, subject to penalty as provided in section 1-4-1 of this code.
3. Any person who knowingly makes or causes another to make a false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or who knowingly falsifies, tampers with or renders inaccurate any monitoring device or method required to be maintained under this chapter, is guilty of a class B misdemeanor and, upon conviction, subject to penalty as provided in section 1-4-1 of this code. (Ord. 12-1-1998, 12-3-1998; amd. 2003 Code)
4. Each day a violation continues under subsections E1 through E3 of this section, or of any other provisions of this chapter, shall constitute a new and separate offense and shall subject the person committing or allowing the offense to additional charges thereunder.
5. Any violation of subsections E1 through E3 of this section, or of any other provisions of this chapter may, in the discretion of the city attorney, be prosecuted as an infraction rather than a class B misdemeanor. (Ord. 12-1-1998, 12-3-1998)

8-4-13: AFFIRMATIVE DEFENSES:

A. Upset:

1. For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance by the industrial user with categorical pretreatment standards because of factors beyond the reasonable control of the industrial 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.
2. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standard requirements if the requirements of subsection A3 of this section are met.
3. Industrial users who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence, that:

- a. An upset occurred and the industrial user can identify the causes of the upset;
- b. The facility was at the time being operated in a prudent and workmanlike manner and in accordance with applicable operation and maintenance procedures;
- c. The industrial user has submitted the following information to the POTW and treatment plant operator within twenty four (24) hours of becoming aware of the upset. If this information is provided verbally, a written submission must be provided within five (5) days of the upset:
 - (1) A description of the local discharge and cause of noncompliance.
 - (2) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue.
 - (3) Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.
4. In any enforcement proceedings, the industrial user seeking to establish the occurrence of an upset shall have the burden of proof.
5. Industrial users will have the opportunity for a judicial determination on any claim of upset in an enforcement action brought for noncompliance with categorical pretreatment standards.
6. The industrial user 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 has failed.

B. General/Specific Prohibitions: An industrial user shall have an affirmative defense to an enforcement action brought against it for noncompliance by the POTW with the general and specific prohibitions in subsection 8-4-2A of this chapter if it can prove that it did not know or have reason to know that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference, and that either:

1. A local limit exists for each pollutant discharged and the industrial user was in compliance with each limit directly prior to, and during, the pass through or interference; or
2. No local limit exists, but the POTW was regularly in compliance with its UPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements, prior to the pass through or interference.

C. Bypass:

1. Definitions: As used in this section, the following words and terms shall have the meanings ascribed to them in this subsection:

BYPASS: The diversion of waste streams from any portion of an industrial user's treatment facility.

SEVERE PROPERTY DAMAGE: 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.
2. Permitted Bypass: An industrial user may allow a 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 subsections C3 and C4 of this section.
 3. Advance Notice Requirement: If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the POTW, at least ten (10) days before the date of the bypass, if possible.
 4. Verbal, Written Notice: An industrial user shall submit verbal notice of an unanticipated bypass that exceeds applicable pretreatment standards to the POTW 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 industrial 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 the steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass. The POTW may waive the written report on a case by case basis if the oral report has been received within twenty four (24) hours.
 5. Prohibited Bypass: Bypass is prohibited, and the POTW may take enforcement action against an industrial user for a bypass, unless:
 - a. The 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 backup 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 industrial user submitted notices as required under subsection C3 of this section.
 6. Approval Of Anticipated Bypass: The POTW may approve an anticipated bypass, after considering its adverse effects, if the POTW determines that it will meet the three (3) conditions listed in subsection C5 of this section. (Ord. 12-1-1998, 12-3-1998; amd. 2003 Code)



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

Alan Matheson
Executive Director

DIVISION OF WATER QUALITY
Walter L. Baker, P.E.
Director

JUL 21 2015

**CERTIFIED MAIL
(Return Receipt Requested)**

Daniel Morrison, Pretreatment Coordinator
City of Saint George
3780 South 1550 West
St. George, UT 84790

Dear Mr. Morrison:

Subject: St. George Pretreatment Program, UPDES Permit No. UT0024686
Preapproval of St. George City's Local Limits

The Division of Water Quality (DWQ) has reviewed St. George City's local limit development document (LLDD) dated August 04, 2014. The DWQ has found the local limits approvable for public notice. DWQ has made the following recommendations to be addressed prior to the public notice:

- Include a summary of the local limits table in the main section of the LLDD.
- In the summary of local limits table, remove the word proposed and remove the column titled existing local limit.
- Have the calculations and tables that are currently in the main section moved to an appendix.

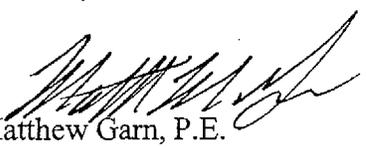
Prior to the public notice by the DWQ the following information must be submitted per 40 CFR 403.9:

- A statement from the attorney which includes the information form 403.9 (b)(1)(i) through (iii). (40 CFR 403.9(b)(1))
- A copy of the local limits and a statement from the city council either approving or endorsing the changes to the local limits. (40 CFR 403.9(b)(2))

- A brief description of the POTW organization, including organization charts. (40 CFR 403.9(b)(3))
- A description of the funding levels and full and part-time manpower available to implement the program. (40 CFR 403.9(b)(4))

The previous information must be submitted to DWQ before DWQ can public notice the local limits. The DWQ appreciates St. George City's commitment to the IPP and the work that you have done. If there are any questions or comments don't hesitate to call me at (801) 536-4381 or e-mail me at mgarn@utah.gov.

Sincerely,



Matthew Garn, P.E.
Pretreatment

MG:ph

cc: Al Garcia, EPA Region VIII (via e-mail)

DWQ-2015-008278