

ORDINANCE NO. 2015-B

AN ORDINANCE AMENDING NORTH DAVIS SEWER DISTRICT ORDINANCES BY REPEALING PARTS OF THE EXISTING TITLE 3, REPEALING THE EXISTING TITLE 11 AND ADOPTING A NEW TITLE 11 CONTAINING STREAMLINED PRETREATMENT RULES AND REGULATIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the North Davis Sewer District (“District”) operates and maintains an Industrial Pretreatment Program as required by the Environmental Protection Agency (“EPA”); and,

WHEREAS, the EPA has recently issued a Required Pretreatment Streamlining Rule which contains required and optional provisions; and,

WHEREAS, it is necessary and desirable for the District to amend the “North Davis Sewer District Ordinances” (“Ordinances”) to comply with EPA requirements and to adopt selected optional provisions; and,

WHEREAS, said amendments to the Ordinances will provide the District with a continuing, up-to-date and effective Industrial Pretreatment Program,

NOW, THEREFORE, BE IT ORDAINED, BY THE BOARD OF TRUSTEES OF THE NORTH DAVIS SEWER DISTRICT, as follows:

SECTION ONE: REPEAL PARTS OF EXISTING TITLE 3

Title 3, Chapter 5 entitled “Wastewater Discharge Permits,” all of Title 3, Chapter 1 entitled “Wastewater Control Rules and Regulations,” and Sections 3-2-6 and 3-2-25 of the Ordinances are hereby repealed in their entirety.

SECTION TWO: REPEAL OF EXISTING TITLE 11

Title 11 of the Ordinances entitled “Industrial Pretreatment Program” as now constituted is hereby repealed in its entirety.

SECTION THREE: ADOPTION OF NEW TITLE 11

The Ordinances are hereby amended by adopting a new Title 11 entitled “Pretreatment,”
to read as follows:

TITLE 11
PRETREATMENT

TABLE OF CONTENTS

CHAPTER 1—GENERAL PROVISIONS

CHAPTER 2—GENERAL SEWER USE REQUIREMENTS

CHAPTER 3—PRETREATMENT OF WASTEWATER

CHAPTER 4—INDIVIDUAL WASTEWATER DISCHARGE PERMITS

CHAPTER 5—INDIVIDUAL WASTEWATER DISCHARGE PERMIT ISSUANCE

CHAPTER 6—REPORTING REQUIREMENTS

CHAPTER 7—COMPLIANCE MONITORING

CHAPTER 8—CONFIDENTIAL INFORMATION

CHAPTER 9—PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

CHAPTER 10—ADMINISTRATIVE ENFORCEMENT REMEDIES

CHAPTER 11—JUDICIAL ENFORCEMENT REMEDIES

CHAPTER 12—SUPPLEMENTAL ENFORCEMENT ACTION

CHAPTER 13—AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

CHAPTER 14—WASTEWATER TREATMENT RATES - [RESERVED]

CHAPTER 15—MISCELLANEOUS PROVISIONS

**CHAPTER 1
GENERAL PROVISIONS**

11-1-1	Purpose and Policy
11-1-2	Administration
11-1-3	Abbreviations
11-1-4	Definitions

11-1-1 PURPOSE AND POLICY

This Title 11 sets forth uniform requirements for Users of the Publicly Owned Treatment Works for the North Davis Sewer District (the “District”) and enables the District to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code, [U.S.C.] section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the Code of Federal Regulations [CFR] Part 403). The objectives of this Title are:

- A. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;
- B. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;
- C. To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment, and the general public;
- D. To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;
- E. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and
- F. To enable the District to comply with its Utah Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

This Title shall apply to all Users of the Publicly Owned Treatment Works. The Title authorizes the issuance of individual wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; and requires User reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

11-1-2 ADMINISTRATION

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

11-1-3 ABBREVIATIONS

The following abbreviations, when used in this Title, shall have the designated meanings:

- BOD – Biochemical Oxygen Demand
- BMP – Best Management Practice
- BMR – Baseline Monitoring Report
- CFR – Code of Federal Regulations
- CIU – Categorical Industrial User
- COD – Chemical Oxygen Demand
- EPA – U.S. Environmental Protection Agency
- gpd – gallons per day
- IU – Industrial User
- mg/L – milligrams per liter
- NPDES – National Pollutant Discharge Elimination System
- NSCIU – Non-Significant Categorical Industrial User
- POTW – Publicly Owned Treatment Works
- RCRA – Resource Conservation and Recovery Act
- SIU – Significant Industrial User
- SNC – Significant Noncompliance
- SWDA - Solid Waste Disposal Act, 42 USC Sections 6901 et seq.
- TSS – Total Suspended Solids
- UPDES - Utah Pollutant Discharge Elimination System
- U.S.C. – United States Code
- UCA - Utah Code Annotated, 1953

11-1-4 DEFINITIONS

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

- A. **Act or "the Act."** The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. sections 1251 et seq, and any subsequent amendments thereto.

- B. **Approval Authority.** Director of the Utah Division of Water Quality.

- C. **Authorized or Duly Authorized Representative of the User.**
 - (1) If the User is a corporation:

(a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(3) If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(4) The individuals described in paragraphs (1) through (3) above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the District.

D. **Biochemical Oxygen Demand or BOD.** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).

E. **Best Management Practices or BMPs** means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 2.1 A and B [40 CFR 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

F. **Biosolids.** A product which has been prepared, partially or wholly, from municipally derived sludges for beneficial use as an organic soil amendment and fertilizer. Biosolids meet applicable EPA regulations for distribution and use.

- G. **Categorical Pretreatment Standard or Categorical Standard.** Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
- H. **Categorical Industrial User.** An Industrial User subject to a categorical Pretreatment Standard or Categorical Standard.
- I. **Chemical Oxygen Demand or COD.** A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.
- J. **City.** Any city or contracted entity discharging sewage into the District's wastewater collection system.
- K. **Control Authority.** The District. North Davis Sewer District.
- L. **Daily Maximum.** The arithmetic average of all effluent samples for a pollutant collected during a calendar day.
- M. **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.
- N. **Discharger.** Any person who discharges or causes the discharge of wastewater to a District or other POTW sewer system.
- O. **District.** The North Davis Sewer District or the Board of Trustees of the District which is a Publicly Owned Treatment Works (POTW).
- P. **Environmental Protection Agency or EPA.** The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.
- Q. **Existing Source.** Any source of discharge that is not a "New Source."
- R. **Grab Sample.** A sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.
- S. **Hazardous Waste** as defined in 40 CFR 261.3 and this reference is incorporated herein and made a part hereof.

T. **Indirect Discharge or Discharge.** The introduction of pollutants into the POTW from any nondomestic source.

U. **Instantaneous Limit.** The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

V. **Interference.** A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the District's NPDES UPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

W. **Local Limit.** Specific discharge limits developed and enforced by the District upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

X. **Medical Waste.** Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

Y. **Manager.** The person designated by the District to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this Title. The term also means a Duly Authorized Representative of the District.

Z. **Monthly Average.** The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

AA. **Monthly Average Limit.** The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

BB. **New Source.**

(1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:

- a. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
- b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or
- c. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.

(2) Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

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

- a. Begun, or caused to begin, as part of a continuous onsite construction program
 - (i) any placement, assembly, or installation of facilities or equipment; or
 - (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
- b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

CC. **Noncontact Cooling Water.** Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

DD. **Pass Through.** A discharge which exits the POTW into waters of the United States 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 District's UPDES permit, including an increase in the magnitude or duration of a violation.

EE. **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, and local governmental entities.

FF. **pH.** A measure of the acidity or alkalinity of a solution, expressed in standard units. Specifically, the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of the solution.

GG. **Pollutant.** Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

HH. **Pretreatment.** The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard.

II. **Pretreatment Requirements.** Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.

JJ. **Pretreatment Standards, National Pretreatment Standards or Standards.** Pretreatment Standards shall mean 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, which includes but is not limit to prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.

KK. **Prohibited Discharge Standards or Prohibited Discharges.** Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 11-2-1 of this Title.

LL. **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 District. 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.

MM. **Septic Tank Waste.** Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

NN. **Sewage.** The water-born wastes discharged to the sanitary sewer from buildings for residential business, institutional, governmental, commercial, and industrial purposes. “Wastewater” and “sewage” are synonymous; thus they are interchangeable.

OO. **Shall and Will are mandatory; May is permissive.**

PP. **Significant Industrial User (SIU).**

Except as provided in paragraphs (3) and (4) of this Section, a Significant Industrial User is:

- (1) An Industrial User subject to Categorical Pretreatment Standards; or
- (2) An Industrial User that:
 - a. Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
 - b. Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - c. Is designated as such by the District on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.

(3) The District may determine that an Industrial User subject to categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

- a. The Industrial User, prior to District's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
- b. The Industrial User annually submits the certification statement required in Section 6.14 B [see 40 CFR 403.12(q)], together with

any additional information necessary to support the certification statement; and

- c. The Industrial User never discharges any untreated concentrated wastewater.

(4) Upon a finding that a User meeting the criteria in Subsection (2) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the District 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.

QQ. **Slug Load or Slug Discharge.** Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 11-2-1 of this Title. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.

RR. **Storm Water.** Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

SS. **Superintendent.** The person designated by the District to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this Title. Usually referred to in this Title as the "District Manager." The term also means a Duly Authorized Representative of the District Manager.

TT. **Total Suspended Solids or Suspended Solids.** The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.

UU. **User or Industrial User.** A source of indirect discharge.

VV. **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.

WW. **Wastewater Treatment Plant or Treatment Plant.** That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

XX. **Waters of the State.** Waters of the State means all streams, lakes, ponds, marshes, water-courses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through, or border upon this state or any portion thereof, except that bodies of water confined to and retained within

the limits of private property, and which do not develop into or constitute a nuisance, or a public health hazard, or a menace to fish and wildlife, shall not be considered to be "waters of the state" under this definition (Section 19-5-102 of the Utah Code).

CHAPTER 2
GENERAL SEWER USE REQUIREMENTS

- 11-2-1 Prohibited Discharge Standards
- 11-2-2 National Categorical Pretreatment Standards
- 11-2-3 Local Limits
- 11-2-4 District's Right of Revision
- 11-2-5 Dilution

11-2-1 **PROHIBITED DISCHARGE STANDARDS**

A. General Prohibitions. No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.

B. Specific Prohibitions. No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

- (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21;
- (2) Wastewater having a pH less than 5.0 or more than 12.5, or otherwise causing corrosive structural damage to the POTW or equipment;
- (3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in Interference but in no case solids greater than 1/4" (0.64 centimeters) in any dimension;
- (4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the POTW;
- (5) Wastewater having a temperature which will inhibit biological activity in the treatment plant resulting in Interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 degrees C);
- (6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through;
- (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

- (8) Trucked or hauled pollutants, except at discharge points designated by the District Manager accordance with Section 11-3-4 of this Title;
- (9) 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 or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
- (10) 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 District's UPDES permit;
- (11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
- (12) Storm Water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, Noncontact Cooling Water, and unpolluted wastewater, unless specifically authorized by the District Manager;
- (13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- (14) Medical Wastes, except as specifically authorized by the District Manager in an individual wastewater discharge permit;
- (15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail the Whole Effluent Toxicity (WET) test;
- (16) Detergents, surface-active agents, or other substances which that might cause excessive foaming in the POTW;
- (17) Fats, oils, or greases of animal or vegetable origin in concentrations greater than 500 mg/l;
- (18) Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than thirty-three percent 33% or any single reading over fifty percent 50% of the Lower Explosive Limit (LEL) of the meter.

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

11-2-2

NATIONAL CATEGORICAL PRETREATMENT STANDARDS

- A. National Categorical Pretreatment Standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged to a POTW by existing or new industrial users in specific industrial subcategories have been established by EPA in 40 CFR Chapter I, Subchapter N, Parts 405–471 and are hereby incorporated.
- B. Users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405–471.
- C. When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the District Manager shall impose and alternate limit in accordance with 40 CFR 403.6(e).
- D. When a categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that the District convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the District Manager. The District may establish equivalent mass limits only if the Industrial User meets all the conditions set forth in Sections 11-2-2 D(1)(a) through 11-2-2 D(1)(e) below.
 - (1) To be eligible for equivalent mass limits, the Industrial User must:
 - a. Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;
 - b. Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;
 - c. Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;
 - d. Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and
 - e. Have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.

- (2) An Industrial User subject to equivalent mass limits must:
- a. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
 - b. Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
 - c. Continue to record the facility's production rates and notify the District Manager whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph 11-2-2D(1)(c) of this Section. Upon notification of a revised production rate, the District Manager will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
 - d. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraphs 11-2-2D of this Section so long as it discharges under an equivalent mass limit.
- (3) When developing equivalent mass limits, the District Manager:
- a. Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based Daily Maximum and Monthly Average Standard for the applicable categorical Pretreatment Standard and the appropriate unit conversion factor;
 - b. Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
 - c. May retain the same equivalent mass limit in subsequent individual wastewater discharge permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment. The Industrial User must also be in compliance with Section 11-13-3 regarding the prohibition of bypass.

E. When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the District Manager may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.

F. Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this Section (11-2-2) in lieu of the promulgated categorical Standards from which the equivalent limitations were derived.

G. Many categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum Monthly Average or 4-day average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.

H. Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the District Manager within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the District Manager of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate.

11-2-3 **Local Limits**

A. The District Manager is authorized to establish Local Limits pursuant to 40 CFR 403.5(c).

B. No person shall discharge wastewater containing in excess of pollutant limits established to protect against Pass Through and Interference as set forth in the following documents promulgated by the Utah Department of Environmental Quality or any revisions or replacements thereof:

1. Industrial Pretreatment Program Manual.
2. Local Limits Development Report.

The limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. The District Manager may impose mass limitations in addition to the concentration-based limitations as stated in the Local Limits Development Report. Such report is on file at the District's office and can be reviewed if requested.

C. The District Manager may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits, to implement Local Limits and the requirements of Section 11-2-1.

11-2-4 DISTRICT’S RIGHT OF REVISION

The District reserves the right to establish, by ordinance or in individual wastewater discharge permits, more stringent Standards or Requirements on discharges to the POTW consistent with the purpose of this Title. In addition, the District Manager is authorized to revoke or suspend issuance of any type of permit at any time in order to protect the POTW from Pass Through or Interference in order to maintain compliance with any UPDES permit requirement or pretreatment program requirement. The District Manager shall also have the right to deny new or increase contributions or to set additional conditions on such contributions to protect the POTW, including limits that may be more stringent than the approved local limits.

11-2-5 DILUTION

No User shall ever 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 District Manager may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases when the imposition of mass limitations is appropriate.

**CHAPTER 3
PRETREATMENT OF WASTEWATER**

- 11-3-1 Pretreatment Facilities
- 11-3-2 Additional Pretreatment Measures
- 11-3-3 Accidental Discharge/Slug Discharge Control Plans
- 11-3-4 Hauled Wastewater

11-3-1 PRETREATMENT FACILITIES

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

11-3-2 ADDITIONAL PRETREATMENT MEASURES

- A. Whenever deemed necessary, the District Manager may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this Title.
- B. The District Manager may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit may be issued solely for flow equalization.
- C. Grease, oil, and sand interceptors, as described in the Uniform Plumbing Code, shall be required of any user when, in the opinion of the District Manager, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand and other harmful ingredients; except that such interceptors shall not be required for residential users. All interceptors shall be of a type and capacity approved by the District Manager according to plans on file in the District's office, and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be pumped inspected, cleaned, and repaired by the User at their expense.
- D. All grease, oil and sand interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, water-tight and equipped with easily removable covers.

- E. Where installed, all grease, oil and sand interceptors shall be maintained by the user at his/her sole expense, in continuous efficient operation at all times.
- F. Any time the combination of solids on the bottom of the interceptor and floatables on the surface of the water in the interceptor exceed 25% of the liquid volume of the interceptor it is deemed no longer efficient and must be pumped and cleaned as soon as practicable.
- G. The introduction of chemicals, bacteria, enzymes or other additives into a grease, oil or sand interceptor, directly or indirectly, that cause grease or other prohibited substances to pass through the interceptor is prohibited.
- H. The District shall have the right to review all information available on an additive and prohibit its use if it is deemed to pose a potential adverse effect to the District's facilities or operations.
- I. In no case shall an additive be used as a replacement for, or in lieu of, regular interceptor maintenance.
- J. Any user requesting use of any additive shall pay all costs including, but not limited to, costs associated with providing the District with referenced, manufacturer's data, laboratory analysis, pilot testing and all other relevant information required by the District to act upon the request.
- K. All above rules and regulations regarding grease, oil and sand interceptors shall also apply to grease traps, grease removal devices (GRD) and oil/water separators.

11-3-3 ACCIDENTAL DISCHARGE/SLUG CONTROL PLANS

The District Manager shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control Slug Discharges. The District Manager may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. Alternatively, the District Manager may develop such a plan for any User. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

- A. Description of discharge practices, including non-routine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying the District Manager of any accidental or Slug Discharge, as required by Section 11-6-6 of this Title; and
- D. Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage

areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

11-3-4 **HAULED WASTEWATER**

A. Septic tank waste may be introduced into the POTW only at locations designated by the District Manager, and at such times as are established by the District Manager. Such waste shall not violate Chapter 2 of this Title or any other requirements established by the District. The District Manager may require septic tank waste haulers to obtain individual wastewater discharge permits.

B. The discharge of hauled industrial waste is prohibited except with the expressed permission of the District Manager.

CHAPTER 4
INDIVIDUAL WASTEWATER DISCHARGE PERMITS

11-4-1	Wastewater analysis
11-4-2	Individual Wastewater Discharge Permit Requirement
11-4-3	Individual Wastewater Discharge Permit: Existing Conditions
11-4-4	Individual Wastewater Discharge Permit: New Connections
11-4-5	Individual Wastewater Discharge Permit Application Contents
11-4-6	Application Signatories and Certifications
11-4-7	Individual Wastewater Discharge Permit Decisions

11-4-1 **WASTEWATER ANALYSIS**

When requested by the District Manager, a User must submit information on the nature and characteristics of its wastewater within sixty (60) days of the request. The District Manager is authorized to prepare a form for this purpose and may periodically require Users to update this information.

11-4-2 **INDIVIDUAL WASTEWATER DISCHARGE PERMIT REQUIREMENT**

A. No Significant Industrial User shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit from the District Manager, except that a Significant Industrial User that has filed a timely application pursuant to Section 11-4-3 of this Title may continue to discharge for the time period specified therein.

B. The District Manager may require other Users to obtain individual wastewater discharge permits as necessary to carry out the purposes of this Title.

C. Any violation of the terms and conditions of an individual wastewater discharge permit shall be deemed a violation of this Title and subjects the wastewater discharge permittee to the sanctions set out in Chapters 10 through 12 of this Title. Obtaining an individual wastewater discharge permit or a general permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

11-4-3 **INDIVIDUAL WASTEWATER DISCHARGE PERMITTING: EXISTING CONNECTIONS**

Any User required to obtain an individual wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this Title and who wishes to continue such discharges in the future, shall, within forty-five (45) days after said date, apply to the District Manager for an individual wastewater discharge permit in accordance with Section 11-4-5 of this Title.

11-4-4 **INDIVIDUAL WASTEWATER DISCHARGE PERMITTING: NEW CONNECTIONS**

Any User required to obtain an individual wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this individual wastewater discharge permit, in accordance with Section 11-4-5 of this Title, must be filed at least forty-five (45) days prior to the date upon which any discharge will begin or recommence.

11-4-5 **INDIVIDUAL WASTEWATER DISCHARGE PERMIT APPLICATION CONTENTS**

A. All Users required to obtain an individual wastewater discharge permit must submit a permit application. Users that are eligible may request a general permit under Section 11-4-6. The District Manager may require Users to submit all or some of the following information as part of a permit application:

- (1) Identifying Information.
 - a. The name and address of the facility, including the name of the operator and owner.
 - b. Contact information, description of activities, facilities, and plant production processes on the premises;
- (2) Environmental Permits. A list of any environmental control permits held by or for the facility.
- (3) Description of Operations.
 - a. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
 - b. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
 - c. Number and type of employees, hours of operation, and proposed or actual hours of operation;
 - d. Type and amount of raw materials processed (average and maximum per day);

e. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;

(4) Time and duration of discharges;

(5) The location for monitoring all wastes covered by the permit;

(6) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in Section 11-2-2C (40 CFR 403.6(e)).

(7) Measurement of Pollutants.

a. The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.

b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the District Manager, of regulated pollutants in the discharge from each regulated process.

c. Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.

d. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 11-6-10 of this Title. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the District Manager or the applicable Standards to determine compliance with the Standard.

e. Sampling must be performed in accordance with procedures set forth in Section 11-6-11 of this Title.

(8) Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on Section 11-6-4 B [40 CFR 403.12(e)(2)].

(9) Any request to be covered by a general permit based on Section

B. Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.

11-4-6 **APPLICATION SIGNATORIES AND CERTIFICATIONS**

A. All wastewater discharge permit applications, User reports and certification statements must be signed by an Authorized Representative of the User and contain the certification statement in Section 11-6-14 A.

B. If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the District Manager prior to or together with any reports to be signed by an Authorized Representative.

C. A facility determined to be a Non-Significant Categorical Industrial User by the District Manager pursuant to 11-1-4PP(3) must annually submit the signed certification statement in Section 11-6-14B.

11-4-7 **INDIVIDUAL WASTEWATER DISCHARGE PERMIT DECISIONS**

The District Manager will evaluate the data furnished by the User and may require additional information. Within forty-five (45) days of receipt of a complete permit application, the District Manager will determine whether to issue an individual wastewater discharge permit. The District Manager may deny any application for an individual wastewater discharge permit.

**CHAPTER 5
INDIVIDUAL WASTEWATER DISCHARGE
PERMIT ISSUANCE**

11-5-1	Individual Wastewater Discharge Permit Duration
11-5-2	Individual Wastewater Discharge Permit Contents
11-5-3	Individual Wastewater Discharge Permit Modification
11-5-4	Individual Wastewater Discharge Permit Transfer
11-5-5	Individual Wastewater Discharge Permit Revocation
11-5-6	Individual Wastewater Discharge Permit Reissuance
11-5-7	Regulation of Waste Received from Other Jurisdictions

11-5-1 INDIVIDUAL WASTEWATER DISCHARGE PERMIT DURATION

An individual wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. An individual wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the District Manager. Each individual wastewater discharge permit will indicate a specific date upon which it will expire.

11-5-2 INDIVIDUAL WASTEWATER DISCHARGE PERMIT CONTENTS

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

A. Individual wastewater discharge permits must contain:

- (1) A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;
- (2) A statement that the wastewater discharge permit is nontransferable without prior notification to the District in accordance with Section 11-5-5 of this Title, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
- (3) Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;
- (4) Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.

(5) The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the Discharge in accordance with Section 11-6-4B.

(6) A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.

(7) Requirements to control Slug Discharge, if determined by the District Manager to be necessary.

(8) Any grant of the monitoring waiver by the District Manager (Section 11-6-4 B) must be included as a condition in the User's permit [or other control mechanism].

(9) Requirements to report to the District Manager any slug discharge.

(10) Requirements to notify the District Manager of changes to the industrial users discharge thirty (30) days prior to the change. The District Manager may deny or conditionally approve the change prior to the user making the change at the facility that may impact the discharge at the facility to the POTW.

B. Individual wastewater discharge permits may contain, but need not be limited to, the following conditions:

(1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

(2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

(3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;

(4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

(5) The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;

(6) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;

(7) A statement that compliance with the individual wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the individual wastewater discharge permit; and

(8) Other conditions as deemed appropriate by the District Manager to ensure compliance with this Title, and State and Federal laws, rules, and regulations.

11-5-3 INDIVIDUAL WASTEWATER DISCHARGE PERMIT MODIFICATION

A. The District Manager may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

(1) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;

(2) To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;

(3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

(4) Information indicating that the permitted discharge poses a threat to the District's POTW, District personnel, or the receiving waters;

(5) Violation of any terms or conditions of the individual wastewater discharge permit;

(6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

(7) Revision of or a grant of variance from categorical Pretreatment Standards pursuant to 40 CFR 403.13;

(8) To correct typographical or other errors in the individual wastewater discharge permit; or

(9) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 11-5-4.

B. The District Manager may modify a general permit for good cause, including, but not limited to, the following reasons:

- (1) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
- (2) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (3) To correct typographical or other errors in the individual wastewater discharge permit; or
- (4) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 11-5-4.

11-5-4 INDIVIDUAL WASTEWATER DISCHARGE PERMIT TRANSFER

Individual wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least forty-five (45) days advance notice to the District Manager and the District Manager approves the individual wastewater discharge permit transfer. The notice to the District Manager must include a written certification by the new owner or operator which:

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

11-5-5 INDIVIDUAL WASTEWATER DISCHARGE PERMIT REVOCATION

The District Manager may revoke an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- A. Failure to notify the District Manager of significant changes to the wastewater prior to the changed discharge;
- B. Failure to provide prior notification to the District Manager of changed conditions pursuant to Section 11-6-5 of this Title;
- C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- D. Falsifying self-monitoring reports and certification statements;
- E. Tampering with monitoring equipment;

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

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

11-5-6 INDIVIDUAL WASTEWATER DISCHARGE PERMIT REISSUANCE

A User with an expiring individual wastewater discharge permit shall apply for individual wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 11-4-5 of this Title, a minimum of sixty (60) days prior to the expiration of the User's existing individual wastewater discharge permit.

11-5-7 REGULATION OF WASTE RECEIVED FROM OTHER JURISDICTIONS

- A. If another governmental entity, or User located within another governmental entity, contributes wastewater to the POTW, the District Manager shall enter into an interlocal agreement with such entity.
- B. Prior to entering into an agreement required by paragraph A, above, the District Manager shall request the following information from the contributing entity:
 - (1) A description of the quality and volume of wastewater discharged to the POTW by the contributing entity;
 - (2) An inventory of all Users located within the contributing entity that are discharging to the POTW; and

(3) Such other information as the District Manager may deem necessary.

C. An interlocal agreement, as required by paragraph A, above, shall contain the following conditions:

(1) A requirement for the contributing entity to adopt sewer use rules which are at least as stringent as this Title and Local Limits, including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in Section 11-2-3 of this Title. The requirement shall specify that such Title and limits must be revised as necessary to reflect changes made to the District's ordinance or Local Limits;

(2) A requirement for the contributing entity to submit a revised User inventory on at least an annual basis;

(3) A provision specifying which pretreatment implementation activities, including individual wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing entity; which of these activities will be conducted by the District Manager; and which of these activities will be conducted jointly by the contributing entity and the District Manager;

(4) A requirement for the contributing entity to provide the District Manager with access to all information that the contributing entity obtains as part of its pretreatment activities;

(5) Limits on the nature, quality, and volume of the contributing entity's wastewater at the point where it discharges to the POTW;

(6) Requirements for monitoring the contributing entity's discharge;

(7) A provision ensuring the District Manager access to the facilities of Users located within the contributing entity's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the District Manager; and

(8) A provision specifying remedies available for breach of the terms of the interlocal agreement.

CHAPTER 6 REPORTING REQUIREMENTS

11-6-1	Baseline Monitoring Reports
11-6-2	Compliance Schedule Compliance Reports
11-6-3	Reports on Compliance with Categorical Pretreatment Standard Deadline
11-6-4	Periodic Compliance Reports
11-6-5	Reports of Changed Conditions
11-6-6	Reports of Potential Problems
11-6-7	Reports from Unpermitted Users
11-6-8	Notice of Violation/Repeat Sampling and Reporting
11-6-9	Notification of Discharge of Hazardous Waste
11-6-10	Analytical Requirements
11-6-11	Sample Collection
11-6-12	Date of Receipt of Reports
11-6-13	Record Keeping
11-6-14	Certification Statements

11-6-1 BASELINE MONITORING REPORTS

A. Within either one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the District Manager a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall submit to the District Manager a report which contains the information listed in paragraph B, below. A New Source shall report the method of pretreatment it intends to use to meet applicable categorical Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

B. Users described above shall submit the information set forth below.

(1) All information required in Section 11-4-5A (1) (a), Section 11-4-5A(2), Section 11-4-5A(3)(a), and Section 11-4-5A(6).

(2) Measurement of pollutants.

a. The User shall provide the information required in Section 11-4-5A (7)(a) through (d).

b. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.

- c. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;
- d. Sampling and analysis shall be performed in accordance with Section 11-6-10;
- e. The District Manager may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;
- f. The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.

(3) Compliance Certification. A statement, reviewed by the User's Authorized Representative as defined in Section 11-1-4C and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.

(4) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set out in Section 11-6-2 of this Title.

(5) Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 11-6-14A of this Title and signed by an Authorized Representative as defined in Section 11-1-4C.

11-6-2 COMPLIANCE SCHEDULE PROGRESS REPORTS

The following conditions shall apply to the compliance schedule required by Section 11-6-1(B)(4) of this Title:

- A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- B. No increment referred to above shall exceed nine (9) months;
- C. The User shall submit a progress report to the District Manager no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and
- D. In no event shall more than nine (9) months elapse between such progress reports to the District Manager.

11-6-3 REPORTS ON COMPLIANCE WITH CATEGORICAL PRETREATMENT STANDARD DEADLINE

Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to the District Manager a report containing the information described in Section 11-6-1(A) and 11-6-1(B)(2) of this Title. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 11-2-2. This report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 11-6-14A of this Title. All sampling will be done in conformance with Section 11-6-11.

11-6-4 PERIODIC COMPLIANCE REPORTS

- A. Except those SIU's that are sampled by the District as specified in Section 11-6-4C, all Significant Industrial Users must, at a frequency determined by the District Manager submit no less than twice per year on or before July 28th and January 28th for all the previous six (6) month period reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured

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

B. The District may authorize an Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. [see 40 CFR 403.12(e)(2)] This authorization is subject to the following conditions:

(1) The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical Standard and otherwise includes no process wastewater.

(2) The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than 5 years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit. See Section 11-4-5A(8).

(3) In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.

(4) The request for a monitoring waiver must be signed in accordance with Section 11-1-4C, and include the certification statement in 11-6-14A (40 CFR 403.6(a)(2)(ii)).

(5) Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.

(6) Any grant of the monitoring waiver by the District Manager must be included as a condition in the User's permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the District Manager for 3 years after expiration of the waiver.

(7) Upon approval of the monitoring waiver and revision of the User's permit by the District Manager, the Industrial User must certify on each report with the statement in Section 11-6-14C below, that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User.

(8) In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the User's operations, the User must immediately: Comply with the monitoring requirements of Section 11-6-4A, or other more frequent monitoring requirements imposed by the District Manager, and notify the District Manager.

(9) This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard.

Reduced reporting is not available to Industrial Users that have in the last two (2) years been in Significant Noncompliance, as defined in Chapter 9 of this Title. In addition, reduced reporting is not available to an Industrial User with daily flow rates, production levels, or pollutant levels that vary so significantly that, in the opinion of the District Manager, decreasing the reporting requirement for this Industrial User would result in data that are not representative of conditions occurring during the reporting period.

C. All periodic compliance reports must be signed and certified in accordance with Section 11-6-14 A of this Title.

D. All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.

E. If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the District Manager, using the procedures prescribed in Section 11-6-11 of this Title, the results of this monitoring shall be included in the report.

11-6-5 REPORTS OF CHANGED CONDITIONS

Each User must notify the District Manager of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least fourteen (14) days before the change.

A. The District Manager may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 11-4-5 of this Title.

B. The District Manager may issue an individual wastewater discharge permit under Section 11-5-2 of this Title or modify an existing wastewater discharge permit under Section 11-5-3 of this Title in response to changed conditions or anticipated changed conditions.

11-6-6 **REPORTS OF POTENTIAL PROBLEMS**

A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the District Manager of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.

B. Within five (5) days following such discharge, the User shall, unless waived by the District Manager, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this Title.

C. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph A, above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.

D. Significant Industrial Users are required to notify the District Manager immediately of any changes at its facility affecting the potential for a Slug Discharge.

11-6-7 **REPORTS FROM UNPERMITTED USERS**

All Users not required to obtain an individual wastewater discharge permit shall provide appropriate reports to the District Manager as the District Manager may require.

11-6-8 **NOTICE OF VIOLATION/REPEAT SAMPLING AND REPORTING**

If sampling performed by a User indicates a violation, the User must notify the District Manager within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the District Manager within thirty (30) days after becoming aware of the violation. Resampling by the Industrial User is not required if the District performs sampling at the User's facility at least once a month, or if the District performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the District receives the results of this sampling, or if the District has performed the sampling and analysis in lieu of the Industrial User.

11-6-9 **NOTIFICATION OF THE DISCHARGE OF HAZARDOUS WASTE**

A. Any User who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if

otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the User discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 11-6-5 of this Title. The notification requirement in this Section does not apply to pollutants already reported by Users subject to categorical Pretreatment Standards under the self-monitoring requirements of Sections 11-6-1, 11-6-3, and 11-6-4 of this Title.

B. Dischargers are exempt from the requirements of paragraph A, above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the User discharges more than such quantities of any hazardous waste do not require additional notification.

C. In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify the District Manager, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

D. In the case of any notification made under this Section, the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

E. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Title, a permit issued thereunder, or any applicable Federal or State law.

11-6-10

ANALYTICAL REQUIREMENTS

A. All pollutant analyses, including sampling techniques, to be submitted as part of wastewater discharge permit application or report shall be performed in accordance with

the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the District Manager or other parties approved by EPA.

B. All laboratory samples collected in accordance with this Title shall be analyzed by a laboratory that is either certified by the Utah Bureau of Laboratory Improvements or approved by the District Manager.

11-6-11 SAMPLE COLLECTION

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

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

B. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

C. For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 6.1 and 6.3 [40 CFR 403.12(b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the District Manager may authorize a lower minimum. For the reports required by paragraphs Section 11-6-4 (40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

11-6-12 DATE OF RECEIPT OF REPORTS

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

11-6-13 RECORDKEEPING

Users subject to the reporting requirements of this Title shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Title, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Section 11-1-4E. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the District, or where the User has been specifically notified of a longer retention period by the District Manager.

11-6-14 CERTIFICATION STATEMENTS

A. Certification of Permit Applications, User Reports and Initial Monitoring Waiver—The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 11-4-6; Users submitting baseline monitoring reports under Section 11-6-1 B (5); Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section 11-6-3; Users submitting periodic compliance reports required by Section 11-6-4 A–D, and Users submitting an initial request to forego sampling of a pollutant on the basis of Section 11-6-4B(4). The following certification statement must be signed by an Authorized Representative as defined in Section 11-1-4C:

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

B. Annual Certification for Non-Significant Categorical Industrial Users—A facility determined to be a Non-Significant Categorical Industrial User by the District Manager pursuant to 11-1-4PP(3) and 11-4-6C must annually submit the following certification statement signed in accordance with the signatory requirements in 11-1-4C. This certification must accompany an alternative report required by the District Manager:

“Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR _____, I certify that, to the best of my knowledge and belief that during the period from _____, _____ to _____, _____ [months, days, year]:

(a) The facility described as _____ [facility name] met the definition of a Non-Significant Categorical Industrial User as described in 11-1-4 PP(3);

(b) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and

(c) The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information:

_____”

A. Certification of Pollutants Not Present

Users that have an approved monitoring waiver based on Section 11-6-4 B must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the User.

“Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR _____ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under Section 11-6-4.A.”

**CHAPTER 7
COMPLIANCE MONITORING**

11-7-1 Right of Entry: Inspection and Sampling

11-7-1 RIGHT OF ENTRY: INSPECTION AND SAMPLING

The District Manager shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this Title and any individual wastewater discharge permit or order issued hereunder. Users shall allow the District Manager ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties. Monitoring and inspections shall be conducted at a frequency as determined by the District and may be announced or unannounced.

- A. Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the District Manager shall be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The District Manager shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.
- C. The District Manager may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually to ensure their accuracy.
- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the District Manager and shall not be replaced. The costs of clearing such access shall be borne by the User.
- E. Unreasonable delays in allowing the District Manager access to the User's premises shall be a violation of this Title.
- F. The District may use a camera to photograph areas of the facility as necessary for carrying out the duties of the Industrial Pretreatment Program including, but not limited to, documentation of the User's compliance status and for reinforcement of written reports. The User shall be allowed to review copies of the photographs for confidentiality claims.

CHAPTER 8
CONFIDENTIAL INFORMATION

11-8-1 Confidential Information

11-8-1 **CONFIDENTIAL INFORMATION**

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

CHAPTER 9
PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

11-9-1 Publication

11-9-2 PUBLICATION

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

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Chapter 1;
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Chapter 2 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- C. Any other violation of a Pretreatment Standard or Requirement as defined by Chapter 2 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the District Manager determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;
- D. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the District Manager's exercise of emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

G. Failure to accurately report noncompliance; or

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

CHAPTER 10
ADMINISTRATIVE ENFORCEMENT REMEDIES

11-10-1	Notification of Violation
11-10-2	Consent Orders
11-10-3	Show Cause Hearing
11-10-4	Compliance Orders
11-10-5	Cease and Desist Orders
11-10-6	Administrative Fines
11-10-7	Emergency Suspensions
11-10-8	Termination of Discharge

11-10-1 **NOTIFICATION OF VIOLATION**

When the District Manager finds that a User has violated, or continues to violate, any provision of this Title, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the District Manager may serve upon that User a written Notice of Violation. Within thirty (30) days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the District Manager. Submission of such a plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the District Manager to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

11-10-2 **CONSENT ORDERS**

The District Manager may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 11-10-4 and 11-10-5 of this Title and shall be judicially enforceable.

11-10-3 **SHOW CAUSE HEARING**

The District Manager may order a User which has violated, or continues to violate, any provision of this Title, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the District Manager and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least twenty (20) days prior to the hearing. Such notice may be served on any Authorized Representative of the User as defined in Section 11-1-4C. A show

cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

11-10-4 **COMPLIANCE ORDERS**

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

11-10-5 **CEASE AND DESIST ORDERS**

When the District Manager finds that a User has violated, or continues to violate, any provision of this Title, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the District 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; and
- B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

11-10-6 **ADMINISTRATIVE FINES**

- A. When the District Manager finds that a User has violated, or continues to violate, any provision of this Title, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the District Manager may fine such User in an amount not to exceed Ten Thousand Dollars (\$10,000.00). Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.
- B. Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of \$4.00 re-billing charge plus one percent (1%) of the unpaid balance, and interest shall accrue thereafter at a rate of one percent (1%) per

month. A lien against the User's property shall be sought for unpaid charges, fines, and penalties.

C. Users desiring to dispute such fines must file a written request for the District Manager to reconsider the fine along with full payment of the fine amount within ten (10) days of being notified of the fine. Where a request has merit, the District Manager may convene a hearing on the matter. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. The District Manager may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

D. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

11-10-7 EMERGENCY SUSPENSIONS

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

A. 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 District Manager may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The District Manager may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the District Manager that the period of endangerment has passed, unless the termination proceedings in Section 11-10-8 of this Title are initiated against the User.

B. 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 District Manager prior to the date of any show cause or termination hearing under Sections 11-10-3 or 11-10-8 of this Title.

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

11-10-8 TERMINATION OF DISCHARGE

In addition to the provisions in Section 11-5-5 of this Title, any User who violates the following conditions is subject to discharge termination:

- A. Violation of individual wastewater discharge permit conditions;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- D. Refusal of access to the User's premises for the purpose of inspection, monitoring, or sampling; or
- E. Violation of the Pretreatment Standards in Chapter 2 of this Title.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 11-10-3 of this Title why the proposed action should not be taken. Exercise of this option by the District Manager shall not be a bar to, or a prerequisite for, taking any other action against the User.

CHAPTER 11
JUDICIAL ENFORCEMENT REMEDIES

11-11-1	Injunctive Relief
11-11-2	Civil Penalties
11-11-3	Criminal Prosecution
11-11-4	Remedies Nonexclusion

11-11-1 **INJUNCTIVE RELIEF**

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

11-11-2 **CIVIL PENALITIES**

- A. A User who has violated, or continues to violate, any provision of this Title, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to the District for a maximum civil penalty of Ten Thousand Dollars (\$10,000.00) per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- B. The District Manager may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the District.
- C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.
- D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

11-11-3 **CRIMINAL PROSECUTION**

- A. A User who negligently violates any provision of this Title, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment

Standard or Requirement shall, upon conviction, be guilty of a Class A misdemeanor and is subject to imprisonment under Section 76-3-204, UCA., 1953 and a fine not exceeding \$25,000 per day and a User who willfully or knowingly violates any provision of this Title, a permit, order or Pretreatment Standard or Requirement shall be guilty of a Third Degree Felony and is subject to imprisonment under Section 76-3-203, UCA, 1953 and a fine not to exceed \$50,000 per day of violation.

B. A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this Title, individual wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Title shall be guilty of a Third Degree Felony and, upon conviction, be punished by a fine of not more than Ten Thousand Dollars (\$10,000.00) per violation, per day, and/or imprisonment under Section 76-3-203, UCA, 1953.

11-11-4 REMEDIES NONEXCLUSIVE

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

CHAPTER 12
SUPPLEMENTAL ENFORCEMENT ACTION

11-12-1	Penalties for Late Reports
11-12-2	Performance Bonds
11-12-3	Liability Insurance
11-12-4	Payment of Outstanding Fees and Penalties
11-12-5	Water Supply Severance
11-12-6	Public Nuisances
11-12-7	Informant Rewards
11-12-8	Contractor Listing

11-12-1 **PENALTIES FOR LATE REPORTS**

A penalty of \$100.00 shall be assessed to any User for each day that a report required by this Title, a permit or order issued hereunder is late, beginning five days after the date the report is due. Actions taken by the District Manager to collect late reporting penalties shall not limit the authority to initiate other enforcement actions that may include penalties for late reporting violations.

11-12-2 **PERFORMANCE BONDS**

The District Manager may decline to issue or reissue an individual wastewater discharge permit to any User who has failed to comply with any provision of this Title, a previous individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or requirement, unless such User first files a satisfactory bond, payable to the District, in a sum not to exceed a value determined by the District Manager to be necessary to achieve consistent compliance.

11-12-3 **LIABILITY INSURANCE**

The District Manager may decline to issue or reissue an individual wastewater discharge to any User who has failed to comply with any provision of this Title, a previous individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, unless the User first submits proof satisfactory to the District that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

11-12-4 **PAYMENT OF OUTSTANDING FEES AND PENALTIES**

The District Manager may decline to issue or reissue an individual wastewater discharge permit to any User who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of this Title, a previous individual wastewater discharge permit, or order issued hereunder.

11-12-5 WATER SUPPLY SEVERANCE

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

11-12-6 PUBLIC NUISANCES

A violation of any provision of this Title, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the District Manager. Any person(s) creating a public nuisance shall be subject to the provisions of applicable law governing such nuisances, including reimbursement for any costs incurred in removing, abating, or remedying said nuisance.

11-12-7 INFORMANT REWARDS

The Board of Trustees may by Resolution authorize payment not to exceed \$500.00 for information leading to the discovery of noncompliance by an industrial user or any person violating any District, State or Federal regulation. If the information provided results in an administrative fine or civil penalty levied against the user, the Board of Trustees may by resolution authorize disbursement of not to exceed \$10,000. This section does not constitute an offer of reward and no reward shall be considered made or be paid except in accordance with the terms and provisions of a written "Offer of Reward" previously authorized, made and issued by the District in connection with specific violations.

11-12-8 CONTRACTOR LISTING

Users which have not achieved compliance with applicable Pretreatment Standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the District. Existing contracts for the sale of goods or services to the District held by a User found to be in Significant Noncompliance with Pretreatment Standards or Requirements may be terminated at the discretion of the District Manager.

CHAPTER 13
AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

- 11-13-1 Upset
- 11-13-2 Prohibited Discharge Standards
- 11-13-3 Bypass

11-13-1 UPSET

A. For the purposes of this Section, upset means an exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

B. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical Pretreatment Standards if the requirements of paragraph (C), below, are met.

C. A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (1) An upset occurred and the User can identify the cause(s) of the upset;
- (2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
- (3) The User has submitted the following information to the District Manager within twenty-four (24) hours of becoming aware of the upset. If this information is provided orally, a written submission must be provided within five (5) days:
 - a. A description of the indirect discharge and cause of noncompliance;
 - b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - c. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

D. In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.

E. Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical Pretreatment Standards.

F. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

11-13-2 PROHIBITED DISCHARGE STANDARDS

A User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the General Prohibitions in Section 11-2-1(A) of this Title or the Specific Prohibitions in Sections 11-2-1(B)(3) through (18) of this Title 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:

A. A Local Limit exists for each pollutant discharged and the User was in compliance with each limit directly prior to, and during, the Pass Through or Interference; or

B. No Local Limit exists, but the discharge did not change substantially in nature or constituents from the User's prior discharge when the District was regularly in compliance with its UPDES permit, and in the case of Interference, was in compliance with applicable sludge use or disposal requirements.

11-13-3 BYPASS

A. For the purposes of this Section,

(1) Bypass means the intentional diversion of wastestreams from any portion of a User's treatment facility.

(2) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

B. A User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance

to assure efficient operation. These bypasses are not subject to the provision of paragraphs (C) and (D) of this Section.

C. Bypass Notifications

(1) If a User knows in advance of the need for a bypass, it shall submit prior notice to the District Manager, at least ten (10) days before the date of the bypass, if possible.

(2) A User shall submit oral verbal notice to the District Manager of an unanticipated bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The District Manager may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

D. Bypass

(1) Bypass is prohibited, and the District Manager may take an enforcement action against a User for a bypass, unless

- a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
- c. The User submitted notices as required under paragraph (C) of this section.

(2) The District Manager may approve an anticipated bypass, after considering its adverse effects, if the District Manager determines that it will meet the three conditions listed in paragraph (D)(1) of this Section.

CHAPTER 14
WASTEWATER TREATMENT RATES - [RESERVED]

CHAPTER 15
MISCELLANEOUS PROVISIONS

11-15-1 Pretreatment Charges and Fees

11-15-1 **PRETREATMENT CHARGES AND FEES**

The District may adopt reasonable fees for reimbursement of costs of setting up and operating the District's Pretreatment Program, which may include:

- A. Fees for wastewater discharge permit applications including the cost of processing such applications;
- B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's discharge, and reviewing monitoring reports and certification statements submitted by Users;
- C. Fees for reviewing and responding to accidental discharge procedures and construction;
- C. Fees for filing appeals;
- E. Fees to recover administrative and legal costs (not included in Section 11-15-1B) associated with the enforcement activity taken by the District Manager to address IU noncompliance; and
- F. Other fees as the District may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this Title and are separate from all other fees, fines, and penalties chargeable by the District."

SECTION FOUR: SAVINGS CLAUSE

If any provision of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall be deemed severable and shall not be affected and shall continue in full force and effect.

SECTION FIVE: EFFECTIVE DATE

This Ordinance shall become effective immediately upon passage and adoption and publication of a Summary hereof as required by law.

PASSED AND ADOPTED this 14th day of May, 2015.

NORTH DAVIS SEWER DISTRICT

By: _____
DAVID E. TAFOYA,
CHAIRMAN, Board of Trustees

ATTEST:

By: _____
ANGELA MIDDLETON,
CLERK