

## CHAPTER 20. WATER RECLAMATION

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### Article 20-1. General Provisions

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#### 20-1-1. Purpose.

It is necessary for the health, safety and welfare of the residents of the City of Orem to regulate the collection and treatment of wastewater and to provide for maximum public benefit. The provisions of this Chapter set forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the Publicly Owned Treatment Works (POTW), and enable the POTW to comply with all applicable local, state and federal laws.

The objectives of this Chapter are:

- A. To prevent the introduction into the POTW wastewater system of pollutants which will interfere with the operation of the system or contaminate the resulting biosolids;
- B. To prevent the introduction into the POTW wastewater system of pollutants which will pass through the system, inadequately treated, into receiving waters or the atmosphere or which would be incompatible with the system;
- C. To improve the opportunity to recycle and reclaim waste waters and biosolids from the system;
- D. To provide for equitable distribution among users of the cost of the POTW wastewater system; and
- E. To provide for and promote the general health, safety and welfare of the citizens residing within the POTW service area.

The provisions herein provide for the regulation of direct and indirect contributors to the POTW wastewater system through the issuance of permits and through enforcement of general requirements for all users. They authorize monitoring and enforcement activities, require user reporting, assume that existing

users' capability will not be preempted, and provide for the setting of fees for the equitable distribution of costs resulting from the program established herein.

The provisions herein shall apply to the POTW, users of the POTW, and any person or entity otherwise regulated by this Chapter.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-92-023, Amended, 10/27/92; Ord. No. O-06-0009, Amended 5/23/06)

#### 20-1-2. Definitions.

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Chapter, shall have the meanings hereinafter designated:

**Act or 'The Act'.** The Federal Water Pollution Control Act, also known as The Clean Water Act, 33 U.S.C. §1251 *et seq.*, as amended.

**Administrative Fine.** A fine assessed by the Director against a User for violating one or more of the provisions of this Chapter.

**Approval authority.** The Director in an NPDES state with an approved state pretreatment program and the Administrator of the EPA in a non-NPDES state or NPDES state without an approved state pretreatment program.

**A.S.T.M.** The American Society for Testing and Materials.

**Authorized representative of industrial user.** An authorized representative of an industrial user may be: (a) A principal executive officer of at least the level of vice president, if the industrial user is a corporation; (b) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; or (c) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

**Biochemical oxygen demand (BOD).** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at twenty degrees centigrade (20°C), usually expressed in terms of weight and concentration (milligrams per liter (mg/L)). Laboratory determinations shall be made in accordance with procedures set forth in standard methods.

**Biosolid.** A primarily organic solid product, produced by wastewater treatment processes, that can be beneficially recycled. (Previously referred to as "sludge".)

**Building or Lateral Sewer.** A sewer conveying the wastewater of a user from a resident building or other structure to a POTW sewer line, including direct connections to a POTW sewer where permitted by the POTW. A lateral sewer is a building sewer line. The

lateral sewer extends from the outside wall of a building to a POTW line.

**Business Classification Code (BCC).** A classification of dischargers based on the 1972 Standards Industrial Classification Manual, Bureau of the Budget of the United States of America.

**Categorical Pretreatment Standards or Categorical Standards.** Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Section 307 (b) and (c) of the Act (33 U.S.C. §1317) as amended, which apply to a specific category of user and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471. National Categorical Pretreatment Standards or Pretreatment Standards.

**Categorical User.** Any User subject to Categorical Pretreatment Standards or Categorical Standards.

**Chemical Oxygen Demand (COD).** The oxygen equivalent of that portion of organic matter in a wastewater sample that is susceptible to oxidation by a strong chemical oxidant.

**City.** The City of Orem, Utah. "In the City" shall mean and include all territory over which the City now has or shall hereafter acquire jurisdiction for the exercise of its police powers or other regulatory powers.

**City Manager.** The City Manager of the City of Orem, or his or her designee.

**Chlorine demand.** The amount of chlorine required to produce a free chlorine residual of 0.1 mg/L after a contact time of 15 minutes as measured by the DPD (N,N, Diethylp-Phenylene-Diamine) Method on a sample at a temperature of 20 degrees centigrade in conformance with standard methods.

**Compatible pollutant.** Biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria; plus any additional pollutants identified in the Publicly Owned Treatment Work's NPDES permit, where the POTW is designed to treat such pollutants and, in fact, does treat such pollutants to the degree required by its NPDES permit.

**Construction standards.** The general construction requirements adopted by the POTW for installation of wastewater facilities.

**Contamination.** An impairment of the quality of the waters of the State by waste to a degree which creates a hazard to the environmental and/or public health through poisoning or through the spread of disease, as described in Standard Methods.

**Control authority.** The term "control authority" shall refer to the "Approval Authority", defined herein above; or the Director, if the POTW has an approved Pretreatment Program under provisions of 40 CFR, 403.11.

**Cooling water.** The water discharged from any use such as air conditioning, cooling or refrigeration, to which the only pollutant added is heat.

**Council.** The City Council of the City of Orem, Utah.

**Direct discharge.** The discharge of treated or untreated wastewater directly into the waters of the State of Utah.

**Director.** The Director of Public Works of the City of Orem or his duly appointed deputy, agent or representative.

**Discharger.** Any person who discharges or causes the discharge of wastewater into a POTW sewer system.

**Easement.** An acquired legal right for the specific use of land owned by others.

**Environmental Protection Agency, or EPA.** The U.S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of said agency.

**Floatable oil.** Oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

**Garbage.** Every waste accumulation of animal, fruit or vegetable matter, or food, liquid or otherwise, that attends the preparation, use, cooking, dealing in, or storing of meat, fish, fruit, vegetables or edible materials.

**Grab sample.** A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

**Holding tank sewage.** Any wastewater from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, sealed vaults, and vacuum-pump tank trucks.

**Incompatible pollutant.** All pollutants other than compatible pollutants as defined under compatible pollutant.

**Indirect discharge.** The discharge or the introduction of non-domestic pollutants from any source regulated under Section 307(b), (c), or (d) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank sewage discharged into the system).

**Industrial user.** Any user that discharges wastewater from commercial and/or industrial processes.

**Industrial waste permit.** A permit to deposit or discharge industrial waste into any sanitary sewer under jurisdiction of the City.

**Industrial waste surcharge.** A charge, as outlined in Article 7, levied on industrial users of the wastewater treatment works for the additional cost of treating waste discharges of abnormal strength wastewater. This charge includes capital, as well as operating and maintenance costs.

**Industrial wastes.** The wastewater from industrial processes, trade or business as distinct from domestic or sanitary wastes.

**Inspector.** An authorized inspector of the City.

**Interference.** The inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of the POTW NPDES Permit. The term includes prevention of sewage biosolid use or disposal by the POTW in accordance with Section 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any State biosolid management plan prepared pursuant to Title IV of SWDA) applicable to the method of treatment and disposal or use employed by the POTW.

**Main sewer.** A sewer that receives wastewater from the collecting sewer.

**Manager.** The POTW Manager or his designated representative.

**Maximum Cap.** The maximum cap designates when the user will be considered in violation of their permit.

**National Categorical Pretreatment Standard or Pretreatment Standard.** Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of Industrial User.

**National Prohibitive Discharge Standard or Prohibitive Discharge Standard.** Any regulation developed under the authority of 307(b) of the Act and 40 CFR, Section 403.5.

**Natural outlet.** Any outlet, including storm sewers and combined sewer overflows, into a water course, pond, ditch, lake or other body of surface or groundwater.

**New source.** 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 which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

1. the building, structure, facility or installation is constructed at a sight at which no other source is located; or

2. the building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

3. 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.

**National Pollution Discharge Elimination System or NPDES Permit.** A permit issued pursuant to section 402 of the Act (33 U.S.C. 1342).

**Pass through.** A discharge which exits the POTW into the waters of the United States in quantities which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's NPDES permit, including an increase in the magnitude or duration of a violation.

**Person.** Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by context.

**pH.** A measure of the acidity or alkalinity of a solution, numerically equal to 7 for neutral solutions, increasing with increasing alkalinity and decreasing with increasing acidity. The pH scale commonly in use ranges from 0 to 14.

**Pollution or pollutant.** The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water, including, but not limited to, any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage biosolids, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharge into water.

**Potential Heavy Metal Contributor ("PHMC").** Any User that may, through normal business operations, discharge heavy metals into the POTW. Examples of PHMC Users include, but are not limited to:

- Automotive repair shops, including auto body and transmission businesses
- Bus Depots

- Radiator repair shops
- Tire centers
- Battery Outlets
- Car and Truck washes
- Machine shops
- Equipment rental centers
- Small engine repair shops
- Recreational rental and/or repair centers
- Schools that teach mechanics or engine repair
- Any industry that has process flow with detectable metal concentrations.

**Pretreatment or treatment.** The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction of alteration can be obtained by physical, chemical or biological processes, or process changes by other means, except as prohibited by 40 CFR Section 403.6(d).

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

**Pretreatment Standards or Standards.** Prohibited discharge standards, categorical pretreatment standards, and local limits.

**Process Wastewater.** Any wastewater discharge which during manufacturing or processing comes into direct contact with, or results from the production or use of, any raw material, intermediate product, finished product, byproduct, or waste product.

**Process Wastewater Pollutants.** Pollutants present in Process Wastewater.

**Properly shredded garbage.** The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch (1.27 centimeters) in any dimension.

**Publicly Owned Treatment Works (POTW).** A treatment works as defined by Section 212 of the Act, (33 U.S.C. 1291) which is owned by the City, having statutory authority to collect and treat wastewater. This definition includes the wastewater treatment plant, all lift stations, all equipment, machinery and appurtenances to the plant and the lift stations, and any wastewater lines and appurtenances used in the conveyance of wastewater to the treatment plant, except building or lateral sewer lines. For the purposes of this Chapter, POTW shall also include any wastewater lines that convey wastewater to the POTW from persons outside the POTW boundaries who are by contract or agreement with the POTW actual users of the POTW.

**POTW governing authority.** The term "POTW Governing Authority" shall refer to the City Council.

**POTW treatment plant.** That portion of the Publicly Owned Treatment Works designed to provide treatment for wastewater.

**Receiving water quality requirements.** Requirements for the POTW's treatment plant effluent established by the POTW or by applicable State or Federal regulatory agencies for the protection of receiving water quality. Such requirements shall include effluent limitations, and waste discharge standards, requirements, limitations, or prohibitions which may be established or adopted from time to time by State or Federal laws or regulatory agencies.

**Residential user.** A user under 25,000 gallons per month which is free from industrial waste, and of such character as to permit satisfactory disposal without special treatment into the public wastewater system. Disposal flow of a residential user is based on the winter-time culinary water usage.

**Sanitary sewer.** The pipe or conduit system and appurtenances, for the collection, transportation, pumping, and treatment of wastewater. This definition shall also include the terms "public sewer", "sewer system", "POTW sewer" and "sewer".

**Sewer.** A pipe or conduit that carries wastewater or drainage water.

**Significant industrial user.** (1) Any industrial users subject to categorical pretreatment standards; or (2) any other industrial user that discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater), contributes a process wastestream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW treatment plan, or has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standards or requirement (see 40 CFR 403.3(t)); or (3) an industrial user that has in its wastes, toxic pollutants as defined pursuant to Section 307 of the Act or Utah Statutes and rules, or (4) an industrial user that is found by the POTW, Utah State Water Pollution Committee, or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of biosolids, the system's effluent quality, or air emissions generation by the system.

**Sludge.** Settleable solids separated from liquids during natural or manmade processes.

**Slug.** A slug discharge is any discharge of non-routine, episodic nature, including but not limited to an accidental spill or non-customary batch discharge (see 40 CFR 403.8(f)(2)(v)).

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

**State.** State of Utah.

**Standard industrial classification (SIC).** A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

**Storm sewer.** A sewer that carries only storm, surface and ground water drainage.

**Storm water.** Any flow occurring during or following any form of natural precipitation and resulting therefrom.

**Surcharge mode.** Surcharge mode designates when the user will begin being subject to surcharges.

**Suspended solids.** The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids, and which is removable by laboratory filtering in accordance with procedures set forth in Standard Methods.

**Toxic pollutants.** Any pollutant or combination of pollutants listed in Schedule 1 as toxic or in regulations promulgated by the Administrator of the Environmental Protection Agency under Section 307(a) of the Act.

**Unpolluted water.** Water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

**User.** Any person who contributes, causes or permits the contribution of wastewater into the POTW.

**Viscosity.** The property of a fluid that resists internal flow by releasing counteracting forces.

**Wastewater.** The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, institutions, recreational vehicles and other human occupied premises. The term shall include the substance commonly referred to as sewage or sewerage.

**Wastewater facilities.** The structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

**Wastewater strength.** The quality of wastewater discharged as measured by its elements, constituents and characteristics.

**Wastewater treatment works.** An arrangement of devices and structures for treating wastewater, industrial wastes, and biosolids. Sometimes used as synonymous with "waste treatment plant" or

"wastewater treatment plant" or "water pollution control plant."

**Watercourse.** A natural or artificial channel for the passage of water either continuously or intermittently.

**Waters of the State.** All streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the State or any portion thereof.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-92-023, Amended, 10/27/92; Ord. No. O-93-0004, Amended, 03/02/93; Ord. No. O-93-0026, Amended, 10/26/93; Ord. No. O-94-0011, Amended, 05/03/94; Ord. No. O-06-0009, Amended 5/23/06)

**20-1-3. Abbreviations.**

The following abbreviations shall have the designated meanings:

<b>BOD</b> .....	Biochemical Oxygen Demand
<b>CIU</b> .....	Categorical Industrial User
<b>CFR</b> .....	Code of Federal Regulations
<b>cp</b> .....	Centipoise = 0.01 poise = c.g.s. unit of absolute viscosity
	gm
	sec x cm.
<b>COD</b> .....	Chemical Oxygen Demand
<b>CWA</b> .....	Clean Water Act
<b>EPA</b> .....	United States Environmental Protection Agency or its successor
<b>IU</b> .....	Industrial User
<b>L</b> .....	Liter
<b>mg</b> .....	milligrams
<b>mg/L</b> .....	milligrams per liter (parts per million)
<b>ng/L</b> .....	nanograms per liter (parts per trillion)
<b>NPDES</b> .....	National Pollutant Discharge Elimination System
<b>O &amp; G</b> .....	Oil and Grease
<b>O &amp; M</b> .....	Operation and Maintenance Costs
<b>POTW</b> .....	Publicly Owned Treatment Works
<b>PPM</b> .....	Parts Per Million
<b>SIC</b> .....	Standard Industrial Classification
<b>SIU</b> .....	Significant Industrial User
<b>SWDA</b> .....	Solid Waste Disposal Act, 42 USC 6901, <i>et seq.</i>
<b>TSS</b> .....	Total Suspended Solids
<b>µg/L</b> .....	micrograms per liter (parts per billion)
<b>USC</b> .....	United States Code
<b>WRF</b> .....	Water Reclamation Facility

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-06-0009, Amended 5/23/06)

**Article 20-2. Use of Public Sewers**

- 20-2-1. Use of public sewer required.
- 20-2-2. Prohibited discharge.
- 20-2-3. Federal Categorical Pretreatment Standards.
- 20-2-4. Modification of Federal Categorical Pretreatment Standards.
- 20-2-5. Specific pollutant limitations.
- 20-2-6. State requirements.
- 20-2-7. POTW's right of revision.
- 20-2-8. Dilution prohibited.
- 20-2-9. Damaging sewer prohibited.
- 20-2-10. Manhole covers.
- 20-2-11. Special agreements and contracts.
- 20-2-12. Grease, oil and sand interceptors.
- 20-2-13. Prohibited connections.
- 20-2-14. Private sewage disposal.

**20-2-1. Use of public sewer required.**

A. **Discharge into POTW System.** It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage, or similar objectionable waste.

B. **Discharge of wastewater.** It shall be unlawful to discharge into any natural outlet within the City, or in any area serviced by the POTW, any wastewater or other polluted water, except where suitable treatment has been provided in accordance with subsequent provisions of this Chapter.

C. **Private disposal.** Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

D. **Discharge from recreational vehicles.** Wastewater shall be discharged into the POTW from recreational vehicles only at locations designated by the Director.

E. **Connection required.** Any owner or resident of a house, building, or property used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the City, is hereby required at his own expense to install suitable toilet facilities on the property, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Chapter, within ninety (90) days from the time such resident or property owner is notified by registered mail, provided that the public sewer is reasonably available and is within three hundred (300) feet of the property line.

F. **Enforcement.** In the event any resident or property owner should fail to connect to the public sewer after receiving notice of the availability thereof, or should fail to comply with the requirements of this Chapter, or should fail to pay for any fees or charges required by this Chapter, the City may cause the water to be shut off from such premises and shall not be required to turn it on again until the resident or property owner has connected to the public sewer at his own expense and all arrears for service furnished have been paid in full.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-92-023, Amended, 10/27/92; Ord. No. O-06-0009, Amended 5/23/06)

**20-2-2. Prohibited discharge.**

A. **Storm sewer.** No person shall discharge or cause to be discharged any waters such as storm water, surface water, groundwater, roof runoff, subsurface drainage, or cooling water to any sanitary sewer, except storm water runoff from limited areas, which stormwater may be polluted at times and may be discharged to the sanitary sewer by permission of the Director and the Utah State Board of Health. Stormwater other than that exempted above and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers, storm sewers or storm sumps or to a natural outlet approved by the Director and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the Director, to a storm sewer, combined sewer, or natural outlet.

B. **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 the users are subject to categorical pretreatment standards or any other Federal, State, or local pretreatment standards or requirements.

C. **Prohibited discharges - specific categories.** No user shall contribute or cause to be contributed directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all users of the POTW, whether or not the user is subject to National Categorical Pretreatment Standards or requirements. A user may not contribute the following substances to the POTW:

1. **Explosives.** Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. Also, any pollutants

which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21. At no time shall two successive readings on any explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit [LEL] of the meter.

2. **Solids.** Except as authorized in Schedule 1, Controlled Limited Pollutants, solid or viscous substances which may cause obstruction of the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-quarter inch (1/4") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides, or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes, petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.

3. **Corrosive.** Any wastewater having a pH less than 5.0 or more than 9.0, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.

4. **Toxic.** Any wastewater containing toxic pollutants, which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may impair worker health or cause safety problems. Controlled limited pollutants, which either singly or by interaction with other pollutants, cause injury or interference with any wastewater treatment process, or hazard to humans or animals, or a toxic effect in the receiving waters of the POTW, or contaminate the biosolids of any POTW systems. Not to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 40 CFR 403, APP.B.

5. **Noxious.** Any malodorous liquids, gases, or solids which either singly or cumulatively or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are

sufficient to prevent entry into the sewers for their maintenance and repair.

6. **Untreatable.** Any substance which may cause the POTW's effluent or any other product of the POTW, such as residues, biosolids, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharged into the POTW cause the POTW to be in non-compliance with biosolid use or disposal criteria, guidelines, or regulations developed under Section 405 of the Act or any criteria, guidelines, or regulations affecting biosolid use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the biosolid management method being used.

7. **NPDES permit violation.** Any substances which will cause the POTW to violate its NPDES or State Disposal System Permit or the receiving water quality standards.

8. **Objectionable color.** Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

9. **Temperature.** Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, or which will cause temperature at the headworks of the POTW treatment plant to exceed 40 degrees Centigrade or 104 degrees Fahrenheit.

10. **Slug loads.** Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or non-customary batch discharge (see 40 CFR 403.8(f)(2)(v)).

11. **Radioactive.** Any wastewater containing any radioactive wastes or isotope or such half-life or concentration as may exceed limits established by the POTW Manager in compliance with applicable State or Federal regulations.

12. **Hazard.** Any wastewater which causes a hazard to human life or creates a public nuisance.

13. **Holding tank sewage.** Holding tank sewage, or trucked or hauled pollutants, except at discharge points designated by the POTW Manager.

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.

**D. Commercial garbage grinders.** Mechanically operated grinders or disposers for producing ground garbage are permitted in commercial

establishments. Every such grinder or disposer shall be so designed and installed:

1. That it shall use a wet process pulping system, including a pulper and a dewater press, or other devices, which discharge at least 75% of the volume of pulp or solid wastes run through it into a garbage can or other container for transport to a proper and lawful garbage or waste disposal site approved by the Utah State Department of Health.
2. That it shall utilize a closed loop or other design which provides for a minimum of 85% use of recirculated water.
3. That the fluid discharged therefrom into the sewer shall flow readily through an approved trap or interceptor, drain line or soil line in a manner which prevents clogging or stoppage of the drain line.
4. That the entire installation shall comply with the applicable provisions of state and local plumbing and electrical codes.
5. That the grinders will be operated with only cold water flowing into the grinder while connected to the POTW sewer.

The final decision regarding the sufficiency of the grinder installation for the foregoing requirements rests solely with the POTW manager.  
 (Ord. No. 661, Revised, 04/10/90; Ord. No. O-92-023, Amended, 10/27/92; Ord. No. O-93-0004, Amended, 03/02/93; Ord. No. O-06-0009, Amended 5/23/06)

**20-2-3. Federal Categorical Pretreatment Standards.**

Upon the promulgation of any Federal Categorical Pretreatment Standard for a particular industrial subcategory, developed pursuant to 40 CFR, Sec. 403.6, the Federal Standard, if more stringent than limitations imposed herein for sources in that subcategory, shall immediately supersede the limitations imposed herein. The POTW manager shall notify all affected users of the applicable reporting requirements under 40 CFR, Sec. 403.12.  
 (Ord. No. 661, Revised, 04/10/90)

**20-2-4. Modification of Federal Categorical Pretreatment Standards.**

Where the POTW's wastewater treatment system achieves consistent removal of pollutants limited by Federal Pretreatment Standards, the POTW may apply to the Approval Authority for modification of specific limits in the Federal Pretreatment Standards. "Consistent removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved

by the system in ninety-five percent (95%) of the samples taken when measured according to the procedures set forth in Section 403.7(c) (2) of (Title 40 of the Code of Federal Regulations, Part 403) - "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the Act. The POTW may modify pollutant discharge limits in the Federal Pretreatment Standards if the requirements obtained in 40 CFR, Part 403, Section 403.7, are fulfilled and prior approval from the Approval Authority is obtained.  
 (Ord. No. 661, Revised, 04/10/90)

**20-2-5. Specific pollutant limitations.**

No person shall discharge wastewater containing pollutants in excess of the limitations set forth in Controlled Limited and Controlled Admissible Pollutants, Schedules 1 and 2, and as established by other EPA regulations and the POTW.

**Maximum Discharge per User**

No User of the POTW shall discharge wastewater containing concentrations exceeding the following limits (in the case of pH, the discharge shall be within the designated parameters):

BOD	200 mg/L
COD	400 mg/L
TSS	250 mg/L
Oil and Grease	100 mg/L
pH	5.0 to 9.0

**Surcharge Mode**

Any User (other than Significant Industrial Users or Categorical Users) discharging more than the above listed concentrations of BOD, COD, TSS, and/or oil and grease in its wastewater shall be deemed to be in surcharge mode and shall pay a surcharge to the POTW. The amount of the surcharge shall be established by the POTW governing authority. Surcharge mode is an intermediate penalty for exceeding designated discharge limitations.

**Maximum Cap**

A User shall be in surcharge mode if the discharge exceeds the designated limit, but does not exceed the maximum cap set forth below. Any User exceeding the maximum cap shall be subject to surcharges, plus the administrative enforcement remedies set forth in Article 20-8.

	SURCHARGE RANGE	
	LOWER	UPPER
BOD	200 mg/L	10,000 mg/L
COD	400 mg/L	20,000 mg/L
TSS	250 mg/L	1,500 mg/L
Oil and Grease	100 mg/L	1,200 mg/L*

\*In no case shall any load be accepted which will cause interference in the collection system or Reclamation Plant. (40 CFR 403.5)

#### Local Limits on Metals/Chemical Pollutants

In addition to any limitations established by the CWA, the CFRs, the EPA, or the State of Utah, no Categorical User, Significant Industrial User, or PHMC shall discharge wastewater containing concentrations exceeding the following local limits:

Aluminum	83.1 mg/L
Arsenic	0.11 mg/L
Cadmium	0.007 mg/L
Copper	0.89 mg/L
Lead	0.36 mg/L
Mercury	0.00015 mg/L
Nickel	2.18 mg/L
Selenium	0.090 mg/L
Silver	1.10 mg/L
Zinc	5.52 mg/L
Cyanide	0.09 mg/L

Categorical Users, Significant Industrial Users, and or PHMC shall be subject to the administrative enforcement remedies for exceeding the above limits. The above limits were established based on the assumption that the total discharge from Categorical Users and Significant Industrial Users will not exceed one million gallons per day. If the total discharge from Categorical Users and Significant Industrial Users exceeds one million gallons per day, the above limits will be adjusted.

Categorical Users and Significant Industrial Users will also be subject to the following wastewater discharge limitations:

BOD	225 mg/L
TSS	479 mg/L

Categorical Users and Significant Industrial Users exceeding these limitations shall not be eligible to pay surcharges, but shall be subject to the administrative enforcement remedies.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-93-0026, Amended, 10/26/93; Ord. No. O-00-0031, Amended, 07/11/2000; Ord. No. O-06-0009, Amended 5/23/06)

#### 20-2-6. State requirements.

State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those contained herein.

(Ord. No. 661, Revised, 04/10/90)

#### 20-2-7. POTW's right of revision.

The POTW reserves the right to establish more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives present in Section 20-1-1 hereof.

(Ord. No. 661, Revised, 04/10/90)

#### 20-2-8. Dilution prohibited.

No user shall ever increase the amount of process water, or in any way attempt to dilute a discharge as a partial or complete substitute for adequate pretreatment to achieve compliance with limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant specific limitation developed by the POTW or State.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-92-023, Amended, 10/27/92)

#### 20-2-9. Damaging sewer prohibited.

It shall be unlawful for any person to damage, break, deface, uncover or remove any part or portion of the POTW or any sewer lines connecting onto the POTW.

(Ord. No. 661, Revised, 04/10/90)

#### 20-2-10. Manhole covers.

No person shall open any POTW sewer manhole or other sewer manhole located in the City without permission from the Director.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-92-023, Amended, 10/27/92; Ord. No. O-06-0009, Amended 5/23/06)

#### 20-2-11. Special agreements and contracts.

**A. Special user agreement.** No statement contained in this section shall be construed as prohibiting special written agreements between the POTW and any other person allowing industrial waste or wastewater of unusual strength or character to be admitted to the POTW, provided said person compensates the POTW for any additional costs of treatment. Such agreement, however, may not violate any of the specific prohibitions provided herein.

**B. Contracts with other POTW's.** Whenever the existing sewage treatment capacity is adequate therefor, the POTW may contract with any other organized and established POTW or with any other governmental agency, for the discharge into the POTW from any part or parts of such POTWS, or person or persons living outside the boundaries of the POTW, upon such terms and conditions and for such periods of time as may be deemed reasonable.

(Ord. No. 661, Revised, 04/10/90)

**20-2-12. Grease, oil and sand interceptors.**

**A. Requirements.** Grease, oil, and sand interceptors, as described by the International Plumbing Code, shall be required of any user when, in the opinion of the POTW Manager, they are necessary for the proper handling of liquid wastes containing grease in excessive amount, or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required for dwelling units. All interceptors shall be of a type and capacity approved by the POTW Manager according to plans on file in the POTW's office and shall be located as to be readily accessible for cleaning by the user and inspection by POTW employees.

**B. Construction.** 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 a substantial construction, water tight, and equipped with easily removable covers which, when bolted in place shall be gas and watertight. The smallest grease trap or interceptor in any application will be no smaller than 20 gallons - 40 pound capacity. All outside grease traps shall be at least 750 gallon capacity. The required size and location of grease traps and interceptors shall be based on minimum and maximum flows and established as set forth in a policy adopted by the POTW. All outside grease traps will be constructed of water tight concrete and will have at least a four inch (4") inlet and a four inch (4") riser formed in the baffle. All outside traps must have POTW Manager approval prior to installation. It shall be unlawful to install any self cleaning grease trap or interceptor in any building or at any location.

**C. Maintenance.** Where installed, all grease, oil, and sand interceptors shall be cleaned and maintained in continuous efficient operation at all times by and at the sole expense of the user. It shall be unlawful to use any kind of emulsifier in any grease trap, interceptor, or drain in any building or at any location, unless approved in writing by the POTW.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-92-023, Amended, 10/27/92; Ord. No. O-06-0009, Amended 5/23/06)

**20-2-13. Prohibited connections.**

No person, either in person or through an agent, employee, or contractor, shall make, allow or cause to be made any sewer connection to the POTW for service, or for the purpose of servicing property outside the boundaries of the POTW, except upon recommendation of the POTW Manager and the express approval of the POTW's governing board. Such connection to the POTW shall be made by a person who is either a bonded, state-licensed sewer

contractor or a plumber who has obtained the necessary permits.

(Ord. No. 661, Revised, 04/10/90)

**20-2-14. Private sewage disposal.**

**A. Provision.** Where a public sanitary or combined sewer is not available under the provisions of Sec. 20-2-1(E) the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this Article.

**B. Construction.** Before commencement of construction of a private wastewater disposal system, the owner shall first obtain a written permit signed by the County Health Department of Utah County. The applications for such permit shall be made on a form furnished by the County Health Department, which the applicant shall supplement with any plans, specifications, and other information as are deemed necessary by the County Health Department.

**C. Design.** The type, capacities, location, and layout of a private wastewater disposal system shall comply with all recommendations of the Utah Department of Health.

**D. Discharge.** It shall be unlawful for any person to discharge the waste material collected and gathered in cleaning cesspools or septic tanks at any place in the City except at a specified location in the City sewer system so designated by the Director. The Director shall have the authority to change the site of such dumping from time to time as in his judgement shall not overload the City sewer system at any one time. It shall be unlawful for any person to discharge the waste material collected from any source except where such persons have a permit from the City for the discharging of such material into the City sewer system.

**E. Mandatory connection.** At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in Sec. 20-2-1(E), a direct connection shall be made to the public sewer within ninety (90) days from notification of the availability of the public sewer, and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of biosolids and filled with suitable material.

**F. Maintenance.** The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the City.

**G. Other requirements.** No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the County Health Department of Utah County.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-06-0009, Amended 5/23/06)

### Article 20-3. Sanitary Sewer, Building Sewers and Connections

- 20-3-1. Permit required.**
- 20-3-2. Permit classifications.**
- 20-3-3. Cost of connection.**
- 20-3-4. Maintenance.**
- 20-3-5. Separate connections required.**
- 20-3-6. Old building sewers.**
- 20-3-7. Design and construction.**
- 20-3-8. Connection to POTW system.**
- 20-3-9. Inspection.**
- 20-3-10. Separation from other utilities.**
- 20-3-11. Connection on unlike pipe.**
- 20-3-12. Sewer specifications.**
- 20-3-13. Earth cover required.**

#### **20-3-1. Permit required.**

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof, or any portion of the POTW, without first obtaining a written permit from the Department of Public Works. The permit must be at the job site during the whole time the work is in progress, and must be exhibited to any City Inspector demanding to see it.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-92-023, Amended, 10/27/92)

#### **20-3-2. Permit classifications.**

There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the inspection office.

(Ord. No. 661, Revised, 04/10/90)

#### **20-3-3. Cost of connection.**

All costs and expense incidental to the installation and connection of the building sewer shall be borne by the owner of the property to be served. The owner and the contractor taking out the permit shall indemnify and hold the City harmless from any loss or damage that may directly or indirectly be caused by the installation of the building sewer.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-92-023, Amended, 10/27/92)

#### **20-3-4. Maintenance.**

The duty and cost of maintenance and keeping open of the building sewer line from the private

property owner's premises to the point where the sewer line is connected onto the POTW sewer line shall be borne by the property owner.

(Ord. No. 661, Revised, 04/10/90)

#### **20-3-5. Separate connections required.**

A separate and independent building sewer shall be provided for every building and for every dwelling unit in buildings having more than one dwelling unit, except that multiple family buildings may perform a fixture count analysis to justify multiple dwelling connections on a single lateral. The analysis will be approved by the Director before the lateral is installed. Where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer, but the City does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-92-023, Amended, 10/27/92; Ord. No. O-97-0027, Amended, 05/13/97; Ord. No. O-06-0009, Amended 5/23/06)

#### **20-3-6. Old building sewers.**

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by an inspector, to meet all the requirements of this Chapter.

(Ord. No. 661, Revised, 04/10/90)

#### **20-3-7. Design and construction.**

The size, slope, alignment, materials of construction of all sanitary sewers including building sewers, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City. Once a building sewer lateral leaves a building, the sewer lateral cannot reenter a building again.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-92-023, Amended, 10/27/92; Ord. No. O-06-0009, Amended 5/23/06)

#### **20-3-8. Connection to POTW system.**

The connection of the building sewer into the POTW sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by an inspector before

installation. No lateral shall connect to the POTW sewer in a manhole without the Director's approval. (Ord. No. 661, Revised, 04/10/90; Ord. No. O-06-0009, Amended 5/23/06)

**20-3-9. Inspection.**

The applicant for the building sewer permit shall notify the Department of Development Services when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of an inspector. (Ord. No. 661, Revised, 04/10/90; Ord. No. O-06-0009, Amended 5/23/06)

**20-3-10. Separation from other utilities.**

All utility lines or conduits shall be separated from the building sewer as required by State law. (Ord. No. 661, Revised, 04/10/90)

**20-3-11. Connection on unlike pipe.**

Any connection of pipes of unlike materials shall comply with the International Plumbing Code and the POTW Construction Standards. (Ord. No. 661, Revised, 04/10/90; Ord. No. O-92-023, Amended, 10/27/92; Ord. No. O-06-0009, Amended 5/23/06)

**20-3-12. Sewer specifications.**

The size of building sewers, type of pipe allowed, bed and grade of pipe, changes in direction of pipe clean outs and construction details shall conform to the current specifications of the City. (Ord. No. 661, Revised, 04/10/90)

**20-3-13. Earth cover required.**

No sewer line shall have less than three (3) feet of earth cover at finished grade. (Ord. No. 661, Revised, 04/10/90)

**Article 20-4. Powers and Authority of Inspectors**

**20-4-1. Access.**

**20-4-2. Information.**

**20-4-3. Liability--personnel.**

**20-4-4. Easements.**

**20-4-1. Access.**

The Director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge into the POTW system in accordance with the provisions of this Chapter. (Ord. No. 661, Revised, 04/10/90)

**20-4-2. Information.**

The Director or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may not withhold information from the POTW concerning industrial processes which have direct bearing on the discharge to the POTW. If the user is able to demonstrate to the satisfaction of the Director that the release of this information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law, the information shall be kept confidential. Any such request shall be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing the report that such information should be held confidential, the portions of the 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 permit or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and other "effluent data" will not be recognized as confidential information and will be available to the public in accordance with the Government Records Access Management Act (GRAMA). (Ord. No. 661, Revised, 04/10/90; Ord. No. O-92-023, Amended, 10/27/92; Ord. No. O-06-0009, Amended 5/23/06)

**20-4-3. Liability--personnel.**

While performing the necessary work on private properties referred to in Sec. 20-4-1 above, the Director or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the City employees, and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for the personal injury or property damage asserted against the company growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Sec. 20-6-11. (Ord. No. 661, Revised, 04/10/90)

**20-4-4. Easements.**

The Director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds an easement for the purposes of inspection, observation, measurement, sampling, repair, maintenance of any portion of the wastewater facilities

lying within the easement, or the performance of any other duties pertinent to the operation of the POTW. All entry and subsequent work, if any, on an easement, shall be done in full accordance with the terms of the easement pertaining to the private property involved. (Ord. No. 661, Revised, 04/10/90)

## **Article 20-5. Construction, Connection and Repair Permits**

### **20-5-1. Permit required.**

### **20-5-2. Application for permit.**

### **20-5-3. Denial of permit.**

### **20-5-4. Inspection fees.**

### **20-5-5. Permits must be procured before starting work.**

### **20-5-6. Sewer engineering.**

### **20-5-7. Failure to remedy defective work.**

### **20-5-8. Permit not transferable.**

### **20-5-9. Work must be completed within thirty days.**

### **20-5-10. Revocation of permit.**

### **20-5-11. Inspection required.**

### **20-5-12. Reinspection - additional fee.**

### **20-5-13. Permit not to be issued until special sewer assessment is paid.**

### **20-5-1. Permit required.**

No person shall commence or carry on the work of laying, repairing, altering, or connecting any building sewer, directly or indirectly, to the POTW sewer, without first having received a permit from the Department of Public Works as required herein. (Ord. No. 661, Revised, 04/10/90)

### **20-5-2. Application for permit.**

Application for permits for sewer connections must be made in writing by a contractor licensed to do work on sewer systems, on an application blank furnished by the City. Any permit issued shall be subject to the rules and regulations of the City. (Ord. No. 661, Revised, 04/10/90)

### **20-5-3. Denial of permit.**

The City may deny a permit to perform work on any portion of the POTW in cases where the applicant has a history of violations of the regulations or specifications of the City with respect to the type of work for which the permit application is made. (Ord. No. 661, Revised, 04/10/90)

### **20-5-4. Inspection fees.**

The installation, repair or replacement of any sewer line shall be tested and inspected in accordance with standards set by the City. A fee in an amount

established by resolution of the City Council shall be collected by the City for each inspection. (Ord. No. 661, Revised, 04/10/90)

### **20-5-5. Permits must be procured before starting work.**

It shall be unlawful to commence any work requiring a permit without first obtaining a permit therefore. In the event that any person begins work without a permit, the POTW may immediately issue a stop work order until the proper permits are obtained, and an offender shall be required to pay an additional fee in an amount established by resolution of the City Council. (Ord. No. 661, Revised, 04/10/90)

### **20-5-6. Sewer engineering.**

Any engineering necessary to determine the feasibility of connecting to the POTW sewer shall be the responsibility of the building or property owner. (Ord. No. 661, Revised, 04/10/90)

### **20-5-7. Failure to remedy defective work.**

No further permit shall be issued to any licensed sewer contractor who has failed to remedy defective work to the satisfaction of the Public Works Director after he has been notified in writing. (Ord. No. 661, Revised, 04/10/90)

### **20-5-8. Permit not transferable.**

No sewer contractor shall use or allow his license to be used in any way for the purpose of procuring a permit for any person other than himself, or his duly authorized representative. The duly licensed sewer contractor shall be responsible for any and all work done pursuant to the issuance of any permit specified hereunder, regardless of whether the work is actually done by the contractor or his duly authorized representative. (Ord. No. 661, Revised, 04/10/90)

### **20-5-9. Work must be completed within thirty days.**

The work authorized by a permit shall be done with all possible speed and in accordance with POTW rules and regulations. If the work is not completed within thirty (30) days (unless a special extension is granted in writing by the POTW) the permit shall be void. No refund shall be made for a voided permit, and a new permit must be obtained to finish the work. (Ord. No. 661, Revised, 04/10/90)

### **20-5-10. Revocation of permit.**

The POTW Manager may, at any time, revoke a permit because of defective work which has not been

corrected after written notice and within the time specified in the notice by the POTW Manager.  
(Ord. No. 661, Revised, 04/10/90)

**20-5-11. Inspection required.**

The inspection of sewer lines between the POTW sewer main and a building foundation shall be under the direction of the Director or by his duly authorized inspectors. The City shall be notified on a regular working day at least four (4) hours in advance of the time the permittee wants the inspection done. The entire length of the sewer lateral, including the junction at the POTW sewer shall be fully exposed. Any portion of the work not done in accordance with these requirements, the instructions of the POTW or its inspectors and the specifications of the City, shall be corrected promptly. There shall be no backfilling until the inspection is made and the work accepted. Work covered prior to inspection shall be uncovered to permit inspection.

(Ord. No. 661, Revised, 04/10/90)

**20-5-12. Reinspection - additional fee.**

In the event that the inspector finds the installation not to be in conformity with the City's specifications or if changes are necessary, a second inspection shall be made with no additional charge. After two inspections, a fee in an amount established by resolution of the City Council and payable in advance shall be charged for each additional inspection required.

(Ord. No. 661, Revised, 04/10/90)

**20-5-13. Permit not to be issued until special sewer assessment is paid.**

No permit for a sewer connection shall be issued until the POTW has been paid all fees, charges and assessments required pursuant to Section 20-7-1.

(Ord. No. 661, Revised, 04/10/90)

**Article 20-6. Industrial Wastewater Permits**

- 20-6-1. Authorization to discharge.**
- 20-6-2. Restrictions.**
- 20-6-3. Permit application.**
- 20-6-4. Permit modifications.**
- 20-6-5. Permit Conditions.**
- 20-6-6. Permit duration.**
- 20-6-7. Approval.**
- 20-6-8. Compliance date report.**
- 20-6-9. Periodic compliance reports.**
- 20-6-10. Monitoring facilities.**
- 20-6-11. Accidental discharge of prohibited materials.**
- 20-6-12. Inspection.**

- 20-6-13. Failure to permit inspection.**
- 20-6-14. Sampling.**
- 20-6-15. Pretreatment.**
- 20-6-16. Confidential information.**
- 20-6-17. Pretreatment administrative option.**
- 20-6-18. Amendments.**
- 20-6-19. Industrial Wastewater Pretreatment Program.**

**20-6-1. Authorization to discharge.**

No categorical or significant industrial user shall discharge, or cause to be discharged, any industrial wastewaters directly or indirectly into the POTW without first obtaining a permit for industrial wastewater discharge.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-92-023, Amended, 10/27/92)

**20-6-2. Restrictions.**

A. The Permit for Industrial Wastewater Discharge may require pretreatment of industrial wastewaters before discharge, restriction of peak flow discharges, discharge of certain wastewaters only to specified sewers, relocation of points of discharge, prohibition of discharge of certain wastewater components, restriction of discharge to certain hours of the day, payment of additional charges to defray increased costs of the City created by the wastewater discharges and such other conditions as may be required to effectuate the purpose of these regulations.

B. No City Permit for Industrial Wastewater Discharge is transferable without the prior written consent of the Director.

C. No person shall discharge industrial wastewaters in excess of the quantity or quality limitations set by his Permit for Industrial Wastewater Discharge. Any person desiring to discharge wastewaters or use facilities which are not in conformance with his industrial wastewater permit must apply to the Director for an amended permit. Such amended permit shall be granted, provided its terms comply with these regulations.

D. It is the purpose of this Article to achieve the following: (1) protect the POTW, its operation, and its personnel, (2) to prevent inadequately treated pollutants from passing through the POTW, and (3) to insure the City's compliance with its NPDES Permit.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-06-0009, Amended 5/23/06)

**20-6-3. Permit application.**

Users required to obtain a Permit for Industrial Wastewater Discharge shall complete and file with the POTW an application in the form prescribed by the POTW and accompanied by a fee in an amount

established by resolution of the City Council. Application shall be made at least ninety (90) days prior to connecting to or contributing to the POTW. In support of the application, the users shall submit, in units and terms appropriate for evaluation, the following information:

A. Name, address, and location of discharge (if different from the business address or the business license address).

B. SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended.

C. Wastewater quantity and quality. Quality characteristics include, but are not limited to, those mentioned in Section 20-2-2, as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 204(h) of the Act and contained in 40 CFR, Part 135, as amended.

D. Time(s) and duration of discharge.

E. Average daily and peak wastewater flow rates, including daily, monthly and seasonal variations, if any.

F. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by size, location and elevation. If deemed necessary by the POTW, such plans shall provide for separate systems for handling sanitary and industrial wastewater.

G. Description of activities, facilities and plant processes on the premises, including all materials which are or could be discharged.

H. Where known, the quantity and specific nature of any pollutants in the discharge which are limited by any POTW, State or Federal Pretreatment Standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and, if not, whether additional O & M and/or additional pretreatment is required for the user to meet applicable Pretreatment Standards.

I. If additional pretreatment and/or O & M will be required to meet the Pretreatment Standards, the schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment requirements.

The following conditions shall apply to this schedule:

1. The schedule shall contain increments of progress 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 requirements.

2. No increment referred to in paragraph (1) shall exceed nine (9) months.

3. Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the POTW Manager including, as a minimum, whether or not the user complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established.

J. Any other information as required by the POTW to evaluate the permit application.

After evaluation and acceptance of the data furnished, the POTW may issue a wastewater discharge permit.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-06-0009, Amended 5/23/06)

#### **20-6-4. Permit modifications.**

Upon enactment of a National Categorical Pretreatment Standard and within the time prescribed thereby, the wastewater discharge permit of users subject to such standards shall be revised to require compliance therewith. Where a user, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a wastewater discharge permit, the user shall apply for a wastewater discharge permit within thirty (30) days after notice of the enactment of the applicable National Categorical Pretreatment Standard. The user with an existing wastewater discharge permit shall submit to the POTW Manager within thirty (30) days after such notice, the information required by paragraphs (H) and (I) of Section 20-6-3. In addition to the foregoing, the terms and conditions of the permit shall be subject to modification by the POTW during the term of the permit as limitations or requirements are modified or other just cause exists. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance, as determined by the POTW Manager.

(Ord. No. 661, Revised, 04/10/90)

#### **20-6-5. Permit Conditions.**

Wastewater discharge permits shall be expressly subject to all provisions hereof and all other applicable regulations, user charges and fees established by the City. Permits may contain, but are not limited to, the following information:

A. The current unit charge or schedule of user charges and fees for the wastewater to be discharged to a POTW sewer.

B. Limits on the average surcharge mode and maximum cap constituents and characteristics. The limits for surcharge mode and maximum cap shall be as set forth in Section 20-2-5 of this Chapter.

C. Limits on any other parameter which may apply according to City, State or E.P.A. regulations, including but not limited to the local limits on metals/chemical pollutants set forth in Section 20-2-5 of this Chapter.

D. Limits on the average surcharge and maximum cap rate and time of discharge or requirements for flow regulations and equalization.

E. Requirements for installation and maintenance of inspection and sampling facilities.

F. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule.

G. Compliance schedules.

H. Requirements for submission of technical reports or discharge reports.

I. Requirements for maintaining and retaining records relating to wastewater discharge as specified by the POTW, and affording the POTW access thereto.

J. Requirements for notification of the POTW of any new introduction of wastewater components or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.

K. Requirements for notification of the POTW of slug discharges.

L. Requirements for separate systems to handle sanitary and industrial wastewater, such that in the event that the user's industrial wastewater is or could cause an interference or a potential interference with the POTW, that the industrial wastewater could be severed, preventing discharge into the POTW and still allowing the user's sanitary wastewater to discharge into the POTW.

M. Requirements that each industrial user provide protection from accidental discharge of prohibited materials or other substances regulated herein.

N. Other conditions as deemed appropriate by the POTW.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-92-023, Amended, 10/27/92; Ord. No. O-93-0026, Amended, 10/26/93; Ord. No. O-06-0009, Amended 5/23/06)

**20-6-6. Permit duration.**

A Permit for Industrial Wastewater Discharge shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specified date. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit. Any permit may be cancelled or terminated for failure to comply with the requirements of this Article.

(Ord. No. 661, Revised, 04/10/90)

**20-6-7. Approval.**

Upon receipt of all required information, the application shall be processed. When properly executed by the City, the application form shall constitute a valid Permit for Industrial Wastewater Discharge. The application shall be approved if the applicant has complied with all applicable requirements of these Regulations.

(Ord. No. 661, Revised, 04/10/90)

**20-6-8. Compliance date report.**

Within ninety (90) days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the POTW Manager a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average, minimum, and maximum daily flow and times for these process units in the user's facility which are limited by the pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O & M and/or pretreatment is necessary to bring the user into compliance with the standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional engineer.

(Ord. No. 661, Revised, 04/10/90)

**20-6-9. Periodic compliance reports.**

A. Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the POTW Manager a report indicating the nature and concentration of pollutants in the effluent which are limited by the pretreatment standards. This report shall be submitted during the months of April and October for the respective preceding six month period, unless required more frequently in the pretreatment standard or by the POTW Manager. In addition, the report shall include a record of all daily flows during the reporting period. At the discretion of the POTW Manager and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the POTW Manager may alter the months during which the above reports are to be submitted.

B. The POTW Manager may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations are

appropriate. In such cases, the report required by subparagraph (A) of this Section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the POTW Manager, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All analysis shall be performed in accordance with procedures established by the EPA Administrator pursuant to Section 304 (h) of the Act and contained in 40 CFR, Part 136 and amendments thereto, or with any other test procedures approved by techniques approved by the EPA Administrator.

(Ord. No. 661, Revised, 04/10/90)

#### **20-6-10. Monitoring facilities.**

The user shall provide and operate, at its expense, monitoring equipment and facilities approved by the POTW Manager, sufficient to allow inspection, sampling, and flow measurement of the building sewer systems. The monitoring equipment and facilities shall be situated on the user's premises or such other location as allowed by the POTW.

There shall be ample room in or near such monitoring manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

Whether constructed on public or private property, the sampling and monitoring equipment and facilities shall be provided in accordance with the POTW's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification to the user by the POTW.

(Ord. No. 661, Revised, 04/10/90)

#### **20-6-11. Accidental discharge of prohibited materials.**

**A. Facilities.** Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the industrial user's own cost and expense. A description of stored chemicals along with detailed plans showing facilities and operating procedures, including non-routine batch discharge to provide this protection shall be submitted to the POTW for review, and shall be approved by the POTW before construction of the facility. No industrial user who commences contribution to the POTW after the effective date hereof shall be permitted to introduce

pollutants into the system until accidental discharge procedures have been approved by the POTW. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the industrial user's facility as necessary to meet the requirements hereof. In the case of an accidental discharge, it is the responsibility of the industrial user to immediately telephone and notify the POTW of the incident. The notification shall include the location of the discharge, the type of waste, the concentration and volume, and corrective actions.

**B. Written notice.** Within five (5) days following an accidental discharge, the industrial user shall submit to the POTW Manager a detailed written report describing the cause of the discharge and the measures to be taken by the industrial user to prevent similar future occurrences. Such notification shall not relieve the industrial user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the industrial user of any fines civil penalties, or other liability which may be imposed by this Chapter or any other applicable law.

**C. Notice to employees.** A notice shall be permanently posted on the industrial user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedures.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-92-023, Amended, 10/27/92)

#### **20-6-12. Inspection.**

All users shall allow employees or representatives of the City ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, records examination or for the performance of any of its duties. The POTW, Approval Authority, State and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would 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, personnel from the POTW will be permitted to enter, without unreasonable delay, for the purpose of performing their specific responsibilities.

(Ord. No. 661, Revised, 04/10/90)

**20-6-13. Failure to permit inspection.**

In the event a duly authorized officer or agent of the POTW is refused admission for any reason, the POTW Manager may cause sewer service to the premises in question to be discontinued until the POTW agents have been afforded reasonable access to the premises and sewer system to accomplish the inspection and/or sampling.

(Ord. No. 661, Revised, 04/10/90)

**20-6-14. Sampling.**

All measurements, tests, and analyses of the characteristics of water and wastes to which reference is made herein shall be determined in accordance with standard methods. In the event that no special facility has been required, the point of inspection shall be considered to be the downstream manhole in the POTW sewer nearest to the point at which the building sewer discharges into the POTW. Any industrial user who is sampled from a downstream manhole and found to be in violation of any local limits more than two (2) consecutive times will be required to install a sampling point in their own line, on their own property, at the user's expense. The sampling point shall be constructed according to POTW specifications.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-92-023, Amended, 10/27/92)

**20-6-15. Pretreatment.**

Users shall provide all necessary wastewater pretreatment as required to comply herewith. Any monitoring equipment and facilities required to pretreat wastewater to a level acceptable to the POTW shall be provided, operated, and maintained at the user's expense. Such facilities required by the POTW may include the requirement for separate systems to handle sanitary and industrial wastewater so that both can be discharged into the POTW collection system independently of each other. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the POTW for review, and shall be approved in writing by the POTW Manager before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the POTW under the provisions hereof. Any subsequent changes in the pretreatment facilities or methods of operation shall be reported to and be acceptable to the POTW prior to the user's initiation of the changes.

The POTW shall annually publish in a newspaper of general circulation within the boundaries of the POTW, a list of the users in significant non-compliance (SNC) during the twelve (12) previous months. The notification shall also summarize any enforcement

actions taken against the user during the same twelve (12) months. All records relating to compliance with pretreatment shall be made available to officials of the EPA or Approval Authority upon request.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-92-023, Amended, 10/27/92; Ord. No. O-93-0004, Amended, 03/02/93)

**20-6-16. Confidential information.**

Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or to governmental agencies without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the POTW Manager that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

When requested by the user furnishing a report, the portion 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 upon written request to governmental agencies for uses related thereto.

Information accepted by the POTW as confidential shall not be transmitted to any governmental agency by the POTW without first providing ten (10) days written notice to the user by certified mail or personal service.

(Ord. No. 661, Revised, 04/10/90)

**20-6-17. Pretreatment administrative option.**

The POTW has the option to contract with any governmental or private entity to provide such administrative services as deemed necessary. Such governmental entity could provide the following services, but would not be limited to the following except by contract with each entity:

- A. Permit processing
- B. Monitoring facilities
- C. Inspection and sampling
- D. Pretreatment processing
- E. Enforcement action
- F. Laboratory analysis

(Ord. No. 661, Revised, 04/10/90)

**20-6-18. Amendments.**

As EPA adds or amends specific pretreatment and effluent requirements, or as the City deems necessary, the restrictions or conditions of a Permit for Industrial Wastewater Discharge may require amendment. The City shall require an industrial discharger to establish an abatement time schedule to comply with any changes in the permit.

(Ord. No. 661, Revised, 04/10/90)

## **20-6-19. Industrial Wastewater Pretreatment Program.**

All industrial users of the POTW shall comply with the Industrial Wastewater Pretreatment Program adopted by the POTW.

(Ord. No. O-92-023, Enacted, 10/27/92)

## **Article 20-7. Fees and Charges**

### **20-7-1. Fees and charges.**

#### **20-7-1. Fees and charges.**

A. **Purpose.** It is the purpose of this Chapter to provide for payment by the users of all the POTW capital costs, debt service, and the costs of maintenance and operation. The total annual cost of operation and maintenance shall include, but need not be limited to, labor, repairs, equipment replacement, maintenance, necessary modifications, power, sampling, laboratory tests, and a reasonable contingency fund. The charges will be based upon the quality and quantity of the users' wastewater, and also upon the POTW's capital and operating costs to intercept, treat, and dispose of wastewater. The applicable charges shall be set forth in a schedule of rates for the POTW adopted by resolution of the City Council. The City Council shall review the user charge system on an annual basis and will revise the system as necessary to assure the equity of the system and to assure that sufficient funds will be collected from the system to adequately operate and maintain the wastewater treatment works. Users of the system shall be notified at least annually, in conjunction with a regular bill, of the rates and that portion of the user charges which are attributable to wastewater treatment services.

B. **Classification of users.** The users of the POTW may be divided into various classifications, including but not limited to: single dwelling units, duplexes, multiple dwelling units and non-residential. Further, classifications may be established by the City Council for each non-residential user class.

C. **Surcharges.** Users may be subject to a surcharge for exceeding any City pretreatment limitation, exceeding any pretreatment permit, exceeding the surcharge mode for any BOD, suspended solids, COD, oil and grease, pH, toxic pollutants or other parameters, and for service outside the POTW boundaries as provided for in the resolution establishing the schedule of rates and charges.

D. **Fees.** The following fees shall be charged as established by resolution of the City Council:

1. Fees for all POTW costs, including debt service, maintenance and operation.

2. Fees for reimbursement of costs of setting up and operating the POTW's Pretreatment Program.

3. Fees for monitoring, inspections and surveillance procedures, to include but not be limited to laboratory analysis.

4. Fees for reviewing accidental discharge procedures and construction.

5. Fees for permit applications.

6. Fees for filing appeals.

7. Fees for consistent removal (by the POTW) of the pollutants otherwise subject to Federal Pretreatment Standards.

8. Fees for connection.

9. Fees for repairs and disconnection.

10. Fees for inspections and surveys.

11. Fees for development and expansion.

12. Other fees as the POTW may deem necessary to carry out the requirements contained herein.

E. **Charges for discontinuing or restoring services.** In the event POTW service to any building or premises in the POTW is shut off, a fee to be set by resolution of the City Council shall be charged for restoring sewer service.

F. **Damage to facilities.** When a user's discharge causes an obstruction or damage, or because of the nature of the discharge, toxic pollutants increase the costs for managing the effluent or the biosolids of the POTW, the user shall pay for the damages or the increased cost.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-92-023, Amended, 10/27/92; Ord. No. O-93-0026, Amended, 10/26/93; Ord. No. O-94-0011, Amended, 05/03/94; Ord. No. O-06-0009, Amended 5/23/06)

## **Article 20-8. Administrative Enforcement Remedies**

**20-8-1. Enforcement authority.**

**20-8-2. Notification of violation.**

**20-8-3. Methods of notification.**

**20-8-4. Consent Orders.**

**20-8-5. Compliance Orders.**

**20-8-6. Cease and Desist Orders.**

**20-8-7. Administrative Fines.**

**20-8-8. Emergency Suspensions.**

**20-8-9. Termination of Discharge.**

**20-8-10. Permit Revocation.**

**20-8-11. Civil liability for expenses.**

**20-8-12. Civil fine pass through.**

**20-8-13. Show Cause Hearing.**

**20-8-14. Appeal procedure.**

**20-8-1. Enforcement authority.**

The POTW may adopt procedures and rules for the implementation and administration of this Chapter and

to provide for the enforcement of the provisions contained herein.

(Ord. No. 661, Revised, 04/10/90)

**20-8-2. Notification of violation.**

Whenever the POTW finds that any user has (1) exceeded the maximum cap parameter as outlined in 20-2-5, or (2) violated or is violating its wastewater discharge permit, or any prohibition, limitation or requirement contained therein, or (3) violated any provision of this Chapter. The POTW shall serve upon such user a written notice stating the nature of the violation, which may include a cease and desist order. Also, within the time specified in the notice, a plan for the satisfactory correction of the violation shall be submitted to the POTW by the user. An industrial user is in significant noncompliance (SNC) if its violation meets one or more of the following criteria:

A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken during a six (6) month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter.

B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six (6) month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH).

C. Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Control Authority 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 human health, welfare, or to the environment, or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.

E. Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.

F. Failure to provide, within thirty (30) days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.

G. Failure to accurately report noncompliance.

H. Any other violation or group of violations which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-92-023, Amended, 10/27/92; Ord. No. O-93-0026, Amended, 10/26/93; Ord. No. O-06-0009, Amended 5/23/06)

**20-8-3. Methods of notification.**

Any notification required herein shall be served either personally or by registered or certified mail.(Ord. No. 661, Revised, 04/10/90)

**20-8-4. Consent Orders.**

The Director may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will 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 20-8-5 and 20-8-6 of this ordinance and shall be judicially enforceable.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-92-023, Rep.&ReEn, 10/27/92)

**20-8-5. Compliance Orders.**

When the Director finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director 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.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-92-023, Rep.&ReEn, 10/27/92)

**20-8-6. Cease and Desist Orders.**

When the Director finds that a user has violated, or continues to violate, any provision of this ordinance, a

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 Director 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.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-92-023, Ren.&Amd, 10/27/92, 20-8-8)

#### **20-8-7. Administrative Fines.**

A. When the Director finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director may fine such user in an amount not to exceed One Thousand Dollars (\$1,000.00). 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. Users desiring to dispute such fines must file a written request for the Director 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 Director 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 Director may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

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

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-92-023, Rep.&ReEn, 10/27/92)

#### **20-8-8. Emergency Suspensions.**

The Director may immediately suspend a user's discharge, 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 Director may also immediately suspend a user's discharge that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment. If time and

circumstances permit, the Director shall attempt to give the user notice of the suspension and an opportunity to be heard before the suspension takes effect.

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 Director 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 Director may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Director that the period of endangerment has passed, unless the termination proceedings in Section 20-8-10 of this ordinance 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 Director prior to the date of any show cause or termination hearing under Sections 20-8-13 or 20-8-10 of this ordinance.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-92-023, Ren.&Amd, 10/27/92, 20-8-4)

#### **20-8-9. Termination of Discharge.**

In addition to other provisions set forth in this ordinance, any user who violates the following conditions is subject to discharge termination:

A. Violation of wastewater discharge permit conditions;

B. Failure to accurately report the wastewater constituents and characteristics of its discharge;

C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;

D. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or

E. Violation of the pretreatment standards in this ordinance.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 20-8-13 of this ordinance why the proposed action should not be taken. Exercise of this option by the Director shall not be a bar to, or a prerequisite for, taking any other action against the user.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-92-023, Ren.&Amd, 10/27/92, 20-8-12)

**20-8-10. Permit Revocation.**

Any user who violates the following conditions, or other applicable state and federal regulations, is subject to having his permit revoked:

A. Failure of a user to factually report the wastewater constituents and characteristics of its discharge.

B. Failure of the user to report significant changes in operations, or wastewater constituents and characteristics.

C. Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring.

D. Violation of any condition of a permit.

E. Failure to pay any fees or charges. (Ord. No. 661, Revised, 04/10/90; Ord. No. O-92-023, Renumber, 10/27/92, 20-8-6; Ord. No. O-06-0009, Amended 5/23/06)

**20-8-11. Civil liability for expenses.**

Any person violating the provisions herein shall be liable for any expense, loss, or damage caused the POTW by reason of such violation, including the increased costs, if any, for managing effluent or biosolids, when such increases are the result of the user's discharge of toxic pollutants. The POTW Manager shall add such charge to the discharger's treatment charge. (Ord. No. 661, Revised, 04/10/90; Ord. No. O-92-023, Renumber, 10/27/92, 20-8-7; Ord. No. O-06-0009, Amended 5/23/06)

**20-8-12. Civil fine pass through.**

In the event that a user discharges such pollutants which cause the POTW to violate any condition of its NPDES Permit and the POTW is fined by EPA or the State for such violation, then such user shall be fully liable for the total amount of the fine assessed against the POTW by EPA or by the State.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-92-023, Renumber, 10/27/92, 20-8-13)

**20-8-13. Show Cause Hearing.**

The POTW Manager may order a user which has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Director 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 five (5) days prior to the hearing. Such notice may be served on any authorized representative of the user. A

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

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-92-023, Amended, 10/27/92; Ord. No. O-06-0009, Amended 5/23/06)

**20-8-14. Appeal procedure.**

Any permit applicant, permit holder, or other user affected by any administrative order, decision, action, or determination, including cease and desist orders, made by the POTW in interpreting or implementing the provisions herein, or any permit issued hereunder, may file with the Orem City Manager a written request for reconsideration within ten (10) days of such decision, action, or determination, setting forth in detail the facts supporting the request. The Orem City Manager may elect to hold a hearing on the request. The request for reconsideration shall be acted upon by the Orem City Manager within ten (10) days from the date of filing or the close of the reconsideration hearing. The decision, action, or determination shall remain in effect during the period of review by the Orem City Manager.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-92-023, Ren.&Amd, 10/27/92, 20-8-9; Ord No. O-06-0009, Amended 5/23/06)

**Article 20-9. Judicial Enforcement Remedies**

**20-9-1. Injunctive Relief.**

**20-9-2. Civil Penalties.**

**20-9-3. Criminal Prosecution.**

**20-9-4. Referral to State.**

**20-9-5. City standards.**

**20-9-6. Remedies Nonexclusive.**

**20-9-1. Injunctive Relief.**

When the Director finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Director may petition the appropriate Court through the City Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the user. The Director 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.

(Ord. No. O-92-023, Enacted, 10/27/92)

**20-9-2. Civil Penalties.**

A. A user who has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder or any other pretreatment standard or requirement shall be liable to the City for a maximum civil penalty of 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 Director may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.

C. In 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.

(Ord. No. O-92-023, Enacted, 10/27/92)

**20-9-3. Criminal Prosecution.**

A. A user who willfully or negligently violates any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a Class B Misdemeanor, punishable by a fine of not more than One Thousand Dollars (\$1,000.00) per violation, per day, or by imprisonment for not more than six (6) months, or by both such fine and imprisonment. Each day a violation continues shall be deemed a separate offense.

B. A user who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a Class B Misdemeanor. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

C. A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be guilty of a Class B Misdemeanor.

(Ord. No. O-92-023, Ren,&Amd, 10/27/92, 20-8-11)

**20-9-4. Referral to State.**

The POTW may refer violations of pretreatment standards, Federal law, State law, and this Chapter to the State of Utah to supplement or take the place of enforcement by the POTW.

(Ord. No. O-92-023, Ren,&Amd, 10/27/92, 20-8-8)

**20-9-5. City standards.**

In compliance with Public Laws 84-660 and 92-500 of the Water Pollution Control Act and amendments hereto, these regulations adopt and use as a guide the national pretreatment standards and the Environmental Protection Agency's (EPA) pretreatment guidelines. The City recognizes that in some cases these pretreatment standards may not be sufficient to protect the operation of its treatment works, or to allow it to comply with the terms of its NPDES Permit. In such cases, the City reserves the right to impose more stringent standards than those specified in the EPA regulations.

(Ord. No. O-92-023, Renumber, 10/27/92, 20-8-16)

**20-9-6. Remedies Nonexclusive.**

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

(Ord. No. O-92-023, Enacted, 10/27/92)