

**WASTEWATER CONTROL
RULES AND REGULATIONS FOR
THE CENTRAL DAVIS SEWER DISTRICT**

CHAPTER 1

GENERAL PROVISIONS

SECTION 1.1 SHORT TITLE

These regulations shall be known as the "WASTEWATER CONTROL RULES AND REGULATIONS FOR THE CENTRAL DAVIS SEWER DISTRICT".

SECTION 1.2 PURPOSE

It is necessary for the health, safety and welfare of the residents of the Central Davis Sewer District (the "District") to regulate the collection of wastewater and treatment thereof to provide for maximum public benefit. The provisions herein set forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the District, and enable the District to comply with all applicable local, state and federal laws; specifically including the Federal Water Pollution Control Act (33 U.S.C. 1251 et. seq.) and Rules and Regulations adopted pursuant to the forgoing.

The objectives are:

- (a) To prevent the introduction of pollutants into the wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
- (b) To prevent the introduction of pollutants into the wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
- (c) To improve the opportunity to recycle and reclaim wastewater and sludge from the system.
- (d) To provide for equitable distribution among users of the cost of the wastewater system; and
- (e) To provide for and promote the general health, safety and welfare of the citizens served by the wastewater system.

- (f) To provide uniform standards for construction, maintenance, testing and use of sewage facilities within the District and municipalities and entities served by the District.

The provisions herein provide for the regulation of direct and indirect contributors to the wastewater system through the issuance of permits and through enforcement of general requirements for all users; authorize monitoring and enforcement activities; require user reporting; assume that existing user's capability will not be pre-empted; and provide for the setting of fees for the equitable distribution of costs resulting from the program established herein.

The provisions herein apply to the District, municipalities served by the District and all other users of the District.

The provisions herein shall provide for enforcement and penalties for violations.

SECTION 1.3 DEFINITIONS

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

- (1) Act or "The Act". The Federal Water Pollution Control Act, P.L. 92-500 also known as the Clean Water Act, including the amendments made by the Clean Water Act of 1977, P. L. 95-217, and any subsequent amendments.
- (2) Approval Authority. The Utah Division of Water Quality which has an approved state pretreatment program and the Administrator for EPA.
- (3) Authorized Representative of Industrial User. An authorized representative of an industrial user may be:
 - (a) The president, secretary, treasurer, or a vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation. Or, The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or

implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit [or general permit {optional}] requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- (b) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively.
 - (c) If the User is a Federal, State, or local governmental facility a director or the highest official appointed or designated to oversee the operation and performance of the activities of the government facility or their designee.
 - (d) The individuals described in paragraphs (a) through (c), above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the District.
- (4) Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20 degrees centigrade 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.
- (5) Building or Lateral Sewer. A sewer conveying the wastewater of a user from a residence building or other structure to a sewer, including direct

connections to a sewer where permitted. A lateral sewer is a building sewer.

- (6) Business Classification Code (BCC). A classification of dischargers based on the 1972 Standard Industrial Classification Manual, Bureau of the Budget of the United States of America.
- (7) Categorical Standards. National Categorical Pretreatment Standards or Pretreatment Standard as set forth in the Code of Federal Regulations.
- (8) 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.
- (9) City. Any City or any part thereof located within the Central Davis Sewer District or any part of the unincorporated area of Davis County located in the District discharging into the District's wastewater collection system.
- (10) 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.
- (11) Control Authority. The term "control authority" shall refer to the "Approval Authority," defined herein above; or the Manager, if the District has an approved Pretreatment Program.
- (12) Cooling Water. The water discharged from any use such as air conditioning, cooling or refrigeration, to which the only pollutant added is heat.
- (13) Direct Discharge. The discharge of treated or untreated wastewater directly to the waters of the State of Utah.
- (14) Discharger. Any person who discharges or causes the discharge of wastewater to a District or other Publicly Owned Treatment Works (POTW) sewer system.
- (15) District. The Central Davis Sewer District which has a POTW.

- (16) 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.
- (17) Garbage. Shall mean putrescible animal and vegetable waste resulting from the preparation, cooking and dispensing of food and from handling, storage, and sale of produce.
- (18) 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 over a period of time not to exceed fifteen (15) minutes.
- (19) Holding Tank Sewage. Any wastewater from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, sealed vaults and vacuum-pump tank trucks.
- (20) Indirect Discharge. The discharge or the introduction of non-domestic pollutants from any source into the District wastewater system (including holding tank waste discharged into the system).
- (21) Industrial User. Shall mean any user that discharges wastewater from commercial, governmental and/or industrial processes.
- (22) Interference. The inhibition or disruption of the District treatment processes or operations or which contributes to a violation of any requirement of the District NPDES Permit. The term includes prevention of sewage sludge use or disposal by the POTW, any criteria, guidelines or regulations developed pursuant to the solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any State sludge management plan) applicable to the method of treatment employed by the District.
- (23) Manager. Shall mean the chief executive officer of the District or his designated representative.
- (24) National Categorical Pretreatment Standard or Pretreatment Standard. Pretreatment Standards shall mean prohibited discharge standards,

categorical Pretreatment Standards, and Local Limits.

(25) National Prohibitive Discharge Standard or Prohibitive Discharge Standard. Any prohibitive regulation developed under the authority of the Act.

(26) New Source.

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

(a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or

(b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or

(c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.

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

(3) Construction of a New Source as defined under this paragraph has

commenced if the owner or operator has:

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

(i) any placement, assembly, or installation of facilities or equipment; or

(ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

(27) National Pollution Discharge Elimination System or NPDES Permit. A permit issued pursuant to the Act.

(28) Pass-Through Pollutants. The Discharge of pollutants which pass through the District's Wastewater Treatment facilities into waters of the State in quantities or concentrations which cause or significantly contribute to a violation of any requirement of the District's UPDES permit including an increase in duration or magnitude of the violation.

(29) 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.

- (30) pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of the solution.
- (31) 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 sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.
- (32) 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 or alteration can be obtained by physical, chemical or biological processes, or process changes by other means, unless prohibited by State or Federal regulations.
- (33) Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.
- (34) Publicly Owned Treatment Works (POTW). A treatment works which is owned by the State of Utah or one or more political subdivisions having statutory authority to collect and treat sewage, specifically including the District. This definition includes any sewers that convey wastewater to the POTW treatment plant. For the purposes of this regulation, POTW shall also include any sewers that convey wastewater to the POTW from persons outside the POTW boundaries who are by contract or agreement with the POTW actually users of the POTW.
- (35) POTW Governing Authority. The term "POTW Governing Authority" shall refer to the Board of Trustees of the District.
- (36) POTW Treatment Plant. That portion of the Publicly Owned Treatment

Works designed to provide treatment for wastewater including specifically the Treatment Plant and facilities of the District.

- (37) Receiving Water Quality Requirements. Requirements for the District's treatment plant effluent established by the District 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.
- (38) Rules and Regulations. The Wastewater Rules and Regulations adopted from time to time by the POTW Governing Authority.
- (39) Sanitary Sewer. The pipe or conduit system and appurtenances, for the collection, transportation, pumping, and treatment of sewage. The definition shall also include the terms "public sewer," "sewer system," "POTW sewer," "sewer," and "District Sewer".
- (40) Sewage. The water-borne wastes discharged to the sanitary sewer from buildings for residential, business, institutional, governmental, and industrial purposes. Wastewater and sewage are synonymous; thus, they are interchangeable.
- (41) Shall and Will are mandatory; May is permissive.
- (42) Significant Industrial User. Any industrial user of the wastewater collection or treatment system who (i) is subject to any Categorical Pretreatment Standard, or (ii) has a discharge flow of 25,000 gallons or more within a 24-hour period (excluding sanitary, non-contact cooling and boiler blow-down wastewater), or (iii) has a process wastestream greater than 5% of the design average dry weather hydraulic or organic capacity of the District's wastewater treatment plant, or (iv) has in its wastes, toxic pollutants as defined pursuant to the Act or Utah Statutes and Regulations, or (v) is found by the District, the Water Quality Board, 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 plant, the quality of the sludge, the system's effluent quality, or air emissions generated by the system.

(43) Significant Non-Compliance. 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 or more of all the measurements taken during a six-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 or more of all the measurements for each pollutant parameter taken during a six 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 90 days after the schedule date, a compliance schedule milestone contained in a discharge permit or enforcement order for starting construction, completing

- construction, or attaining final compliance.
- (f) Failure to provide, within 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.
- (44) Slug. Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge. Slug discharges shall include the discharge of any pollutant in quantities sufficient to cause the District to exceed its NPDES discharge limitations.
- (45) 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 Environment Federation or such other procedures as may be adopted by the District.
- (46) State. State of Utah.
- (47) 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.
- (48) Storm Sewer. Shall mean a sewer that carries only storm, surface and ground water drainage.
- (49) Stormwater. Any flow occurring during or following any form of natural precipitation and resulting therefrom.
- (50) Subdivision. The division of a tract, or lot, or parcel of land into two or more lots, plots, sites, or other divisions of land for the purpose, whether immediate or future, of sale or of building development or redevelopment,

provided, however, that divisions of land for agricultural purposes shall be exempt. The word subdivide and any derivative thereof shall have reference to the term subdivision as herein defined.

- (51) Total 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.
- (52) Toxic Pollutant. Any pollutant or combination of pollutants found to be toxic or stipulated as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the Act.
- (53) User. Any person who contributes, causes or permits the contribution of wastewater into the District wastewater system.
- (54) Utah Pollutant Discharge Elimination System Permit ("UPDES" Permit). A permit issued by the Water Quality Board of the State of Utah pursuant to Title 26, Chapter 11 of the Utah Code Annotated 1953, as amended.
- (55) Wastewater. The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, governmental facilities, industrial facilities, and institutions, together with any infiltrating groundwater, surface water, and storm water that may be present, whether treated or untreated, which enters the District wastewater system.
- (56) 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.
- (57) Wastewater Discharge Permit. As set forth in Section 4 herein.
- (58) Wastewater Treatment Facilities. The District wastewater collection and treatment lines, facilities and equipment or those of any other POTW.
- (59) Viscosity. The property of a fluid that resists internal flow by releasing

counteracting forces.

(60) Wastewater Strength. The quality of wastewater discharged as measured by its elements, including its constituents and characteristics.

SECTION 1.4 ABBREVIATIONS

The following abbreviations shall have the designated meanings:

BOD	-	Biochemical Oxygen Demand (Five Day)
CFR	-	Code of Federal Regulations
cp	-	Centipoise = 0.01 poise = c.g.s. unit of absolute viscosity $\frac{gm}{sec \times cm}$.
COD	-	Chemical Oxygen Demand
EPA	-	United States Environmental Protection Agency or its successor
l	-	Liter
mg	-	Milligrams
mg/l	-	Milligrams per liter
NPDES	-	National Pollutant Discharge Elimination System
POTW	-	Publicly Owned Treatment Works
SIC	-	Standard Industrial Classification
SWDA	-	Solid Waste Disposal Act, 42 USC 6901, et seq.
USC	-	United States Code
UCA	-	Utah Code Annotated, 1953, as amended
TSS	-	Total Suspended Solids

CHAPTER 2

GENERAL REGULATIONS

SECTION 2.1 SUPERVISION

The District shall be supervised and directed by the Manager subject to control and direction by the POTW Governing Authority.

SECTION 2.2 GENERAL PROHIBITIONS

2.2.1 DISCHARGE INTO DISTRICT WASTEWATER SYSTEM

All sewage shall be discharged to a public sewer except as provided hereinafter.

2.2.2 DISCHARGE OF SEWAGE

No person shall discharge any sewage from any premises within the District into and upon any public right of way, stream, water course, or public place, or into any drain, cesspool, storm or private sewer, except as provided for hereafter.

2.2.3 PROHIBITED DISCHARGE-SANITARY SEWER

No person shall cause to be discharged or make a connection which would allow any storm water, surface drainage, groundwater, roof runoff, cooling water or other water to be discharged into any sanitary sewer. No person shall cause any of the above mentioned waters to be mixed with that person's sewage in order to dilute said sewage.

2.2.4 PROHIBITED DISCHARGE

Storm water, surface drainage, subsurface drainage, groundwater, roof runoff, cooling water or unpolluted water shall not be admitted to or allowed in the sanitary sewers.

2.2.5 PROHIBITED DISCHARGES-SPECIFIC CATEGORIES

No user shall contribute or cause to be discharged directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the District's wastewater collection or treatment system. These general prohibitions apply to all users, whether or not the user is subject to National Categorical Pretreatment Standards or any other national, state, or local Pretreatment Standards or requirements. A user may not discharge the following substances to the District facilities:

- (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. This prohibition includes but is not limited to wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the tests methods specified in 40 CFR 261.21.
- (2) Solids. Solid or viscous substances which will or may cause obstruction to 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, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.
- (3) Corrosion. Any wastewater containing toxic/corrosive pollutants in sufficient quantity either singly or by interaction with other substances to injure or interfere with any wastewater treatment collection system or treatment process, constitute a hazard to humans or animals, or exceed the limitations set forth in the categorical standards. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the act. In no case shall a discharge have a pH lower than 5.0 or higher than 13.0 unless the treatment works is specifically designed to accommodate such discharges.
- (4) Noxious. Any noxious or malodorous liquids, gases, or solids, which either singly or by interaction with other wastes are capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.
- (5) Untreatable Substances. Any substance which may cause the effluent or

any other product of the District such as residues, sludge, or scum, to be unsuitable for reclamation and reuse or to interfere with any reclamation process. In no case shall a substance discharged cause the District to be in non-compliance with sludge use or disposal criteria, guidelines, or regulations developed under the Act; any criteria, guidelines, or regulations affecting sludge 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 sludge management method being used.

- (6) UPDES Permit Violation. Any substances which will cause the District to violate its UPDES Permit or the receiving water quality standards.
- (7) 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.
- (8) Temperature. Any wastewater having a temperature which will inhibit biological activity in the treatment plant resulting in interference, or cause temperature at the headworks of the treatment plant to exceed 40 degrees Centigrade.
- (9) Slug Loads. Any pollutants, including oxygen demanding pollutants (BOD, etc.) released in a single extraordinary discharge episode of such volume or strength as to cause interference or pass through to the District.
- (10) Radioactive. Any wastewater containing any radioactive wastes or isotope of such half-life or concentration as may exceed limits established in compliance with applicable State or Federal regulations.
- (11) Hazards or Nuisances. Any wastewater which causes a hazard to human life or creates a public nuisance in the opinion of the District. This includes any pollutants which result in the presence of toxic gases, vapor or fumes within the POTW in a quantity that may cause acute worker health or safety problems.
- (12) Petroleum Oil and Grease. Any petroleum oil, non-biodegradable cutting oil or products of mineral oil origin in amounts which cause interference or

pass through.

- (13) Trucked Pollutants. Any trucked or hauled pollutants except at discharge points designated by the POTW and in accordance with the District's policy concerning such wastes.
- (14) Pollutants Which Pass Through or Interfere. Any pollutant which passes through or interferes with the District's wastewater treatment facilities or harms or violates the receiving water quality.

SECTION 2.3 NATIONAL CATEGORICAL PRETREATMENT STANDARDS

Users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter I. Upon the promulgation of new National Categorical Pretreatment Standard for a particular industrial subcategory, developed pursuant to the Act, the National Standard, if more stringent than limitations imposed herein for sources in that subcategory, shall immediately supersede the limitations imposed herein. In addition, the following conditions apply:

- A. Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the District Manager may impose equivalent concentration or mass limits.
- B. When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the District Manager may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.
- C. When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the District Manager shall impose an alternate limit in accordance with 40 CFR 403.6(e).
- D. A CIU may obtain a net/gross adjustment to a categorical Pretreatment Standard in accordance with the following paragraphs of this Section. [Note: See 40 CFR 403.15]
 - (1) Categorical Pretreatment Standards may be adjusted to reflect the presence of pollutants in the Industrial User's intake water in accordance with this Section. Any Industrial User wishing to obtain credit for intake pollutants must

make application to the District. Upon request of the Industrial User, the applicable Standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the requirements of paragraph (2) of this Section are met.

(2) Criteria.

a. Either (i) The applicable categorical Pretreatment Standards contained in 40 CFR subchapter N specifically provide that they shall be applied on a net basis; or (ii) The Industrial User demonstrates that the control system it proposes or uses to meet applicable categorical Pretreatment Standards would, if properly installed and operated, meet the Standards in the absence of pollutants in the intake waters.

b. Credit for generic pollutants such as biochemical oxygen demand (BOD), total suspended solids (TSS), and oil and grease should not be granted unless the Industrial User demonstrates that the constituents of the generic measure in the User's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.

c. Credit shall be granted only to the extent necessary to meet the applicable categorical Pretreatment Standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with Standard(s) adjusted under this Section.

d. Credit shall be granted only if the User demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The District may waive this requirement if it finds that no environmental degradation will result.

SECTION 2.4 MODIFICATION OF NATIONAL CATEGORICAL PRETREATMENT STANDARDS

Where the wastewater treatment system achieves consistent removal of pollutants limited by National Pretreatment Standards, the District may apply to the Approval Authority for modification of specific limits in the National 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 95 percent of the samples taken. Removal credits may then be granted to industries at the discretion of the District and subject to Federal guidelines.

SECTION 2.5 SPECIFIC POLLUTANT LIMITATIONS

No person shall discharge wastewater containing pollutants in excess of the specific local limits as established by the District from time to time.

SECTION 2.6 STATE REQUIREMENTS

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

SECTION 2.7 RIGHT OF REVISION

The District reserves the right to establish more stringent limitations or requirements on discharges to the wastewater treatment facilities if deemed necessary to comply with the objectives presented in Section 1.2 hereof.

SECTION 2.8 DILUTION PROHIBITED

No user shall ever dilute a discharge as a partial or complete substitute for adequate pretreatment to achieve compliance with the limitations contained in the National Categorical Pretreatment Standards, or in any other pollutant specific limitation.

SECTION 2.9 INJURING SEWER PROHIBITED

No person shall injure, break or remove any part or portion of any of the wastewater treatment facility of the District.

SECTION 2.10 MAN-HOLE COVERS

No person (except city personnel) shall open any District sewer man-hole without permission from the Manager or authorized agents.

SECTION 2.11 MANDATORY CONNECTIONS

2.11.1 CONNECTION REQUIRED

The owner or his agent of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the District

boundaries and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a sewer line, is hereby required, at his expense, to install suitable toilet facilities therein, and to connect such facilities directly into the sewer line of the District in accordance with the provisions herein set forth within thirty (30) days after date of official notice to do so, provided that said line is within three hundred (300) feet of the owner's property line.

2.11.2 DISCONTINUANCE OF PRIVY VAULTS, CESSPOOLS, AND SEPTIC TANKS

(a) No owner, or his agent, or any other person occupying any property within 300 feet of a sewer shall maintain or use or cause or permit to exist any privy vault, septic tank, or cesspool upon said property.

(b) In no case shall any plumbing in any house or building not complying with subparagraph (a) above remain unconnected to any public sewer for more than thirty (30) days after such a sewer is available.

2.11.3 OUTHOUSES PROHIBITED

No person shall erect or maintain any outhouse or privy within the District provided however, temporary chemical toilets for special circumstances may be permitted.

2.12 SPECIAL AGREEMENTS AND CONTRACTS

2.12.1 SPECIAL USER AGREEMENT

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

2.12.2 CONTRACTS WITH OTHER POTW'S

Whenever the existing sewage treatment capacity is adequate therefore, the District may contract with any other organized and established POTW or with any other governmental agency or with private enterprise, for the discharge into the District facilities from any part or parts of such POTW, or person or persons living outside the

boundaries of the District, upon such terms and conditions and for such periods of time as may be deemed reasonable provided that the contracts entered into comply with these regulations.

SECTION 2.13 GREASE, OIL AND SAND INTERCEPTORS

(a) Grease, oil, and sand interceptors, as described by the Utah Plumbing Code, shall be required of any user when, in the opinion of the Manager, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, 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 Manager and shall be located as to be readily accessible for cleaning and inspection.

(b) All grease, oil, and sand interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, water tight and equipped with easily removable covers which, when bolted in place, shall be gas and water tight.

(c) Where installed, all grease, oil, and sand interceptors shall be maintained by the user at his sole expense, in continuous efficient operation at all times.

SECTION 2.14 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 for service for the purpose of servicing property outside the boundaries of the District, except upon recommendation of the Manager and the express approval of the POTW Governing Authority. Such connection shall be made by a person who is either a bonded, state licensed sewer contractor or plumber who has obtained the necessary permits.

SECTION 2.15 SLUG CONTROL REQUIREMENTS

Certain industrial users and all significant industrial users will be evaluated to determine if a slug control plan is required. Those industrial users where a potential slug discharge exists will be required to develop a slug discharge control plan. This plan will be required of industries which have a potential to discharge a slug load which could be detrimental to the District, as determined by the District Manager. The plan

must be in accordance with guidance provided in the District's Pretreatment program. As a minimum, the plan must contain information sufficient to convince the District that the wastewater system will be protected from damaging discharges. The plan shall address, at a minimum, the following:

- A. Description of discharge practices, including non-routine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying the District of any accidental or Slug Discharge; and
- D. Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

The plan must be approved and implemented after 90 days from the date the industry is notified that a plan is needed or, if a new connection, the plan must be approved before the facility begins to operate. Any unavoidable slug discharges which may occur must be reported immediately to the District. A follow up report, in a format approved by the District, must be filed within 5 days of slug discharge. The District may periodically review any industrial user to insure that conditions which exempted them from the need for a plan have not changed.

SECTION 2.16 GREASE TRAPS

2.16.1 WHEN GREASE TRAP REQUIRED

Grease traps, as described by the Uniform Plumbing Code (1988) Section 711, shall be required of any User when, in his discretion, the Manager determines they are necessary for the proper handling of wastewater containing grease in excessive amounts; except that such grease traps shall not be required for residential dwelling units. All grease traps shall be of a type and capacity approved by the District Manager.

2.16.2 MAINTENANCE COSTS

Where installed, all grease traps shall be maintained by the User at his sole expense, in

continuous, efficient operation at all times.

2.16.3 EXISTING INDUSTRIES COMPLIANCE

All existing commercial or industrial establishments shall have one year upon notification to install a grease trap where required.

2.16.4 USE OF DEGREASING AGENTS PROHIBITED

Emulsifiers or degreasers shall not be added to any plumbing leading to, nor directly to the grease trap.

2.16.5 GREASE AND SAND INTERCEPTOR CLEANING

REPORTS

Industrial Users required to install grease and/or sand interceptors shall periodically submit cleaning reports to the Manager as required by the Manager. The report shall, at a minimum, list the dates of cleaning, contractor's name, and shall include a copy of the payment receipts or invoices for cleaning.

CHAPTER 3

BUILDING SEWERS, CONNECTIONS AND REPAIRS

SECTION 3.1 DESIGN AND CONSTRUCTION

The size, slope, alignment, materials or construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling of the trench shall all conform to the requirements of the building and plumbing code or other applicable laws, rules and regulations of federal, state, and local entities, and applicable construction standards.

SECTION 3.2 BUILDING SEWER ELEVATION

In all building where the elevation is too low to permit gravity flow to the sewer, sanitary sewage discharge from such building shall be lifted by an approved means, including installation of an approved backwater valve in problem areas, and discharged to the sewer and operated and maintained by the user.

SECTION 3.3 INSTALLATION EXPENSES

All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the applicant. The applicant shall retain or employ a licensed and bonded sewer contractor or plumber to make connection to and install a sewer.

SECTION 3.4 CONNECTION REQUIREMENT

The applicant for the building sewer permit shall notify the Building Inspector of the municipal corporation or body politic in which the applicant is situated when the building sewer is ready for inspection and connection to the sewer. The connection of the building sewer to the sewer shall conform to the requirements of the applicable building and plumbing code or other applicable laws, rules and regulations of Federal, State and local entities. All such connections shall be made water tight.

SECTION 3.5 EXCAVATION SAFEGUARDS FOR PUBLIC

All excavations for building sewer installation shall be adequately guarded by the owner or his representative with barricades and lights so as to protect the public from

hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored by the owner or his representative in a manner satisfactory to the District and the street owner.

SECTION 3.6 SEPARATION FROM OTHER UTILITIES

All utility lines or conduits shall be separated from the building sewer as required by law.

SECTION 3.7 MAINTENANCE EXPENSE

All building sewers, including connection to the sewer, shall be maintained by the property owner.

SECTION 3.8 CONNECTION OF UNLIKE PIPE

Any connection of pipes of unlike materials shall comply with the Utah Plumbing Code and the applicable Construction Standards.

SECTION 3.9 SEWER SPECIFICATIONS

The size of building sewers, type of pipe allowed, bed and grade of pipe and changes in direction of pipe shall conform to the Utah Plumbing Code and applicable construction standards.

SECTION 3.10 PIPE TO BE FREE OF DEFECTS

All pipe shall be sound, free from holes or cracks, without traps, valves or other obstruction which might prevent or retard the free passage of air and sewage.

SECTION 3.11 CLEANOUTS

The cleanout "wye" must be located immediately inside the property lines. In all cases, the cleanout pipe from the "wye" to the surface of the finished grade must be iron or other material approved by the Manager, and on a slope of 45 degrees. The cover must be fitted with an electronic marker disk available through the District. Additional cleanouts shall be placed a minimum of 50 feet apart along any 4 inch building sewer, and every 100 feet along any 6 inch building sewer, and at all other changes in direction greater than 45 bend. Cross supports for cleanouts shall be 18 inches below the cleanout tops. No waste or soil shall enter cleanout pipes. A test tee may be required at or near the property line.

SECTION 3.12 TEST FOR LEAKS

All building sewers shall be tested for leaks in the manner prescribed by the District and in the presence of its inspector or the Building Inspector of the municipality or body politic in which the sewer is located. Every joint shall be water tight before acceptance by the District.

SECTION 3.13 EARTH COVER REQUIRED

No sewer line shall have less than two (2) feet of earth cover at finished grade.

SECTION 3.14 FEE FOR OPENING SEWER IF JUNCTION PIPE NOT AVAILABLE

Where there is no junction pipe in the sewer at the point where the connection is desired to be made, the opening of the said sewer and the installation of the junction pipe will be made by the District or its designee, if deemed necessary by the District, upon payment of a fee to cover the cost of the work.

SECTION 3.15 FEE FOR REPLACING DAMAGED JUNCTION PIPE

In case the junction pipe to the sewer is broken off or damaged, it must be replaced. The installing of a new junction pipe will be made by the District or its designee upon payment of a fee by the owner to cover the cost of the work.

CHAPTER 4

WASTEWATER DISCHARGE PERMITS

SECTION 4.1 AUTHORIZATION REQUIRED TO DISCHARGE

No Industrial User shall discharge into any sewer outlet within the District any sewage, industrial wastes or other wastes without a permit issued by the District or business license issued by member cities or the county as specifically explained in this chapter.

SECTION 4.2 WASTEWATER DISCHARGE PERMITS

4.2.1 GENERAL PERMITS

All Significant Industrial Users now connected or proposing to connect to the system shall obtain a Wastewater Discharge Permit before connection to and/or discharging to the system. All other industrial users shall be inspected by District representatives and a determination made as to whether they are significant, individually or in combination with other industries. Those determined not to be significant shall have their business license act as their Discharge Permit.

4.2.2 PERMIT APPLICATION

Each month the city manager or his designee or the Davis County business license department shall provide to the District copies of all business licenses issued by the city or county. The Manager or his designee shall contact each such business, person, firm or corporation and determine whether the business will be a significant industrial user, as that term is defined in these Rules and Regulations. If it is determined that the business will be a significant industrial user, then the Manager shall give to the person, firm or corporation a significant industrial user permit application. In support of the application, the significant industrial user shall submit, in units and terms appropriate for evaluation, the following information:

- (a) Name, address, and location of discharge (if different from 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 appropriate Pretreatment Categorical Standards as set forth in the Code of Federal Regulations or any other characteristics as determined appropriate by the District Manager.

- (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 District, such plans shall provide for separate systems for handling sanitary and industrial wastewater;
- (g) Description of activities, facilities and plant processes;
- (h) Disclosure of the nature and concentration of any pollutants or materials prohibited by these regulations in the discharge, together with a statement regarding whether or not compliance is being achieved with these regulations on a consistent basis and if not, whether additional operation and maintenance activities and/or additional pretreatment is required for the Discharger to comply with these regulations;
- (i) Where additional pretreatment and/or operation and maintenance activities will be required to comply with these regulations, the Significant Industrial User shall provide a declaration of the shortest schedule by which the Significant Industrial User will provide such additional pretreatment activities.
- (j) Disclosure of each product produced by type, amount, process or processes and rate of production;
- (k) Disclosure of the type and amount of raw materials utilized (average and maximum per day):
- (l) All reports submitted to the Manager in accordance with and as required by these Rules and Regulations shall be signed by:
 - 1) an authorized officer of the Industrial User, if a corporation;
 - 2) a general partner, if a general or a limited partnership;

- 3) the proprietor, if a sole proprietorship;
- 4) the owner of the Industrial User, if other than a corporation, partnership, or sole proprietorship;
- 5) a duly authorized employee, if such employee is responsible for overall operation of the Industrial User;
- 6) the owner of the real property when reports are required of such owner.

All reports required by these Rules and Regulations shall be subject to the Utah Water Quality Act, as amended and all other State and Federal laws pertaining to fraud, misrepresentation, and false statements.

- (m) Industrial Users shall submit to the Manager upon his or her request a list of all environmental control permits issued to or held by the Industrial User.

If it is determined that the industrial user is not a Significant Industrial User as that term is defined in the Regulations of the District, then the District Manager will notify the governmental entity in which the business is located of that fact and the sewer connection application of the business filed with the governmental entity shall become the Wastewater Discharge Permit for the non-significant industrial user.

All existing Significant Industrial Users shall apply for a Wastewater Discharge Permit within ninety (90) days after their receipt of a copy of these adopted Rules and Regulations and proposed new significant industrial users shall submit application at least ninety (90) days prior to connecting to or contributing to the sewer system.

SECTION 4.2.3 PERMIT MODIFICATIONS

Upon enactment of a National Categorical Pretreatment Standard and within the time prescribed thereby, the Wastewater Discharge Permit of Industrial Users subject to such standards shall be revised to require compliance therewith. Where an Industrial User, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a Wastewater Discharge Permit, the Industrial 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

Industrial User with an existing Wastewater Discharge Permit shall submit to the District within thirty (30) days after such notice, the information required by paragraphs (h) and (i) of Section 4.2.2. In addition to the foregoing, the terms and conditions of the permit shall be subject to modification by the District 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 District.

SECTION 4.2.4 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 District or the governmental entity in which it is situated. Permits may contain, but are not limited to, the following:

- (a) Payment of the then current unit charge or schedule of user charges and fees for the wastewater to be discharged to the sewer;
- (b) Limits on the average and maximum wastewater constituents and characteristics. Limits may be expressed as averages over a specified period such as, but not limited to, daily or monthly, or limits may be expressed as instantaneous limits which is the maximum concentration of a pollutant at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of sampling;
- (c) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
- (d) Requirements for installation and maintenance of inspection and sampling facilities;
- (e) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- (f) Compliance schedules;

- (g) Requirements for submission of technical reports or discharge reports;
- (h) Requirements for maintaining and retaining records relating to wastewater discharge as specified by the District, and affording District access thereto;
- (i) Requirements for notification of the District of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
- (j) Requirements for notification of slug discharges;
- (k) Requirements for separate systems to handle sanitary and industrial wastewater, such that in the event that the Industrial User's industrial wastewater is or could cause an interference or a potential interference with the District, that the industrial wastewater could be severed, preventing discharge into the District and still allowing the user's sanitary wastewater to discharge into the District;
- (l) Best Management Practice Plan ("BMPP). Each Industrial User shall provide protection from accidental discharge of prohibited materials or other substances regulated herein. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the Industrial User's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted for review, and shall be approved before construction of the facility. All existing Industrial Users shall complete such plan within ninety (90) days from the effective date of this regulation. No Industrial User who commences discharges to the District after the effective date hereof shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved. 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 District of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

- (1) Written Notice. Within five (5) days following an accidental discharge, the Industrial User shall submit to the 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 District, fish and wildlife 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 article or other applicable law.
- (2) Notice to Employees. A notice shall be permanently posted on the Industrial User's bulletin board or other prominent place advising employees who 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 procedure.

(m) Other conditions as deemed appropriate by the District.

4.2.5 PERMIT DURATION

A Wastewater Discharge Permit 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 Industrial User shall apply for permit re-issuance a minimum of 180 days prior to the expiration of the user's existing permit. Any permit may be canceled or terminated for failure to comply with the requirements hereof.

4.2.6 PERMIT TRANSFER PROHIBITED

A Wastewater Discharge permit shall not be sold, traded, assigned, transferred, or sublet.

SECTION 4.3 REPORTING REQUIREMENTS FOR PERMITTEE

4.3.1 COMPLIANCE DATE REPORT

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

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

(1) All information required in Section 4.2.2 [Note: See 40 CFR 403.12(b)(1)-(7)]

(2) Measurement of pollutants.

a. The User shall provide the information required in Section 4.2.2(c).

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

c. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403.6(e)

to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;

d. Sampling and analysis shall be performed in accordance with Section 4.7;

e. The District Manager may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;

f. The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.

(3) Compliance Certification. A statement, reviewed by the User's Authorized Representative as defined in Section 1.3(C) and certified by a qualified professional engineer, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.

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

(5) Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 4.3.5 of this ordinance and

4.3.2 PERIODIC COMPLIANCE REPORTS

(a) Any Industrial 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 District, shall submit to the Manager during the months of April and October, for the respective proceeding six (6) month period, unless required more frequently in the Pretreatment Standard or by the Manager, a report indicating the nature and concentration of Pollutants in the effluent which are limited by such Pretreatment Standards. In addition, this report shall include a record of all daily flows. At the discretion of the Manager and in consideration of such factors as local high or low flow rates, holidays, budget cycles etc., the Manager may alter the months during which the above reports are to be submitted.

(b) The Manager may impose mass limitations on Industrial 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 paragraph shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the Industrial 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 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 the Act. Sampling shall be performed in accordance with the techniques approved by the EPA Administrator.

4.3.3 RECORDS ACCESS AND RETENTION

Industrial Users subject to this Chapter shall keep all written information relating to the monitoring, sampling, laboratory analysis and compliance in general for at least three (3) years. All records pertaining to matters of administrative adjustment or any other enforcement or litigation actions brought by the District or at the request of the District shall be kept by the Industrial User until the enforcement action has been

concluded by the District.

The Manager and/or his or her authorized representatives shall have access to all relevant records of Industrial Users for inspection and copying purposes. Access to such records shall not be denied upon request made by the Manager. Any denial of such records access shall be in violation of these Rules and Regulations.

4.3.4 SIGNATORIES AND CERTIFICATIONS

(a) All wastewater discharge permit applications, User reports and certification statements must be signed by an Authorized Representative of the User and contain the certification statement in section 4.3.5 or as approved by the District Manager.

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

4.3.5 CERTIFICATION STATEMENT

The following certification statement must be signed by an Authorized Representative and included with each report submitted to the District:

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

SECTION 4.4 MONITORING FACILITIES

The Industrial User may be required to provide and operate, at its expense,

monitoring equipment and facilities approved by the Manager, sufficient to allow inspection, sampling, and flow measurement of the building sewer systems. The monitoring equipment and facilities shall be situated on the Industrial User's premises or such other location as allowed by the Manager.

There shall be ample room in or near such monitoring man-hole 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 Industrial User.

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

SECTION 4.5 INSPECTION

All Industrial Users shall allow the Manager or his representatives ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, records examination or in the performance of any of its duties. The District, Approval Authority, State and EPA shall have the right to set up on the Industrial User's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where an Industrial User has security measures in force which would require proper identification and clearance before entry into their premises, the Industrial User shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the District will be permitted to enter, without unreasonable delay, for the purposes of performing their specific responsibilities.

SECTION 4.6 FAILURE TO ALLOW INSPECTION

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

SECTION 4.7 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 40 CFR Part 136 - Guidelines Establishing Test Procedures for Pollutants, as amended. In the event 40 CFR Part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, "Sampling and Analysis Procedures for Screening of Industrial Effluent for Priority Pollutants," April, 1977, as amended, or in accordance with other appropriate sampling or analytical procedures approved by the EPA. In the event that no special facility has been required, the point of inspection shall be considered to be the downstream man-hole in the public sewer nearest to the point at which the building sewer is connected to the public sewer. All sampling shall comply with the following requirements:

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

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

C. For sampling required in support of baseline monitoring and 90 day compliance reports[40 CFR 403.12(b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the District Manager may authorize a lower minimum.

SECTION 4.8 PRETREATMENT

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

The District shall annually publish in a newspaper of general circulation within the boundaries of the District, a list of the users which were "significantly violating" any Pretreatment Requirements or Standards during the previous 12 months. All records relating to compliance with Pretreatment Standards shall be made available to officials of the EPA or Approval Authority upon request.

SECTION 4.9 CONFIDENTIAL INFORMATION

Information and data on an Industrial User obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be

available to the public or other governmental agency without restriction unless the Industrial User specifically requests and is able to demonstrate to the satisfaction of the Manager that the release of such information would divulge information, processes or methods or production entitled to protection as trade secrets of the user.

When requested by the Industrial User furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related hereto, the National Pollutant Discharge Elimination System (UPDES) Permit, and/or the pretreatment requirements; provided, however, that such portions of a report shall be available for use by EPA, the State or any state agency in judicial review or enforcement proceedings involving the user furnishing the report.

CHAPTER 5
FEES AND CHARGES

SECTION 5.1 **PURPOSE**

Each Industrial User shall pay all fees and charges required by the District or other assessing entity. Appropriate surcharges will be imposed. It is the purpose of this chapter to provide for the payment of all costs, maintenance and operation from the Industrial Users. 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 Industrial User's wastewater, and also upon the District's capital and operating costs to intercept, treat, and dispose of wastewater and plan for future needs. The applicable charges shall be set forth in a Schedule of rates for the District or assessing entity. The schedule of rates and charges shall be adjusted from time to time by the District or assessing entity as deemed necessary by the District or assessing entity.

SECTION 5.2 **FEES AND CHARGES**

5.2.1 **CLASSIFICATION OF USERS**

The users of the District may be divided into various classifications, including but not limited to: single dwelling units, duplexes, multiple dwelling units and nonresidential. Further classifications may be established for each nonresidential user class.

5.2.2 **SURCHARGES**

Industrial Users shall be subject to a surcharge for excessive BOD, suspended solids, biodegradable and non-biodegradable oil and grease, and for service outside the District boundaries.

5.2.3 **FEES**

The District may adopt fees which may include, but not be limited to, the following:

- (a) Fees for all costs, including maintenance and operation.

- (b) Fees for reimbursement of costs of setting up and operating the Pretreatment Program.
- (c) Fees for monitoring, inspections and surveillance procedures to include, but not be limited to, laboratory analysis.
- (d) Fees for reviewing accidental discharge procedures and construction.
- (e) Fees for permit applications.
- (f) Fees for filing appeals.
- (g) Fees for consistent removal (by the District) of pollutants otherwise subject to National Pretreatment Standards.
- (h) Fees for connection.
- (i) Fees for repairs and disconnection.
- (j) Fees for inspections and surveys.
- (k) Fees for development and expansion.
- (l) Other fees as the POTW Governing Authority may deem necessary.

5.2.4 DAMAGE TO FACILITIES

The user shall pay for the increased costs incurred when the Industrial User's discharge causes an obstruction or damage or when, because of the nature of the discharge, costs are increased as when toxic pollutants increase the costs for managing the effluent or the sludge.

5.2.5 REVIEW OF EACH INDUSTRIAL USER'S WASTEWATER SERVICE CHARGE

The District shall annually review the total cost of operation and maintenance, as well as each Industrial User's discharge, and will revise charges as necessary to assure equity and sufficient funds to adequately operate and maintain the District. If an Industrial User has completed in-plant modifications, which would change that user's discharge, the Industrial User can present at a regularly scheduled meeting of the POTW Governing Authority such factual information, and the POTW Governing Authority shall determine if the Industrial User's charge is to be changed.

SECTION 5.3 COLLECTION PROCEDURES

5.3.1 CHARGES - RESPONSIBILITY OF OWNER

All fees and charges made for sewer services shall be chargeable against and payable by the owner of the premises connected or to be connected with the sewer.

5.3.2 PERIODIC BILLING STATEMENTS

The District or other assessing entity shall cause billings for wastewater treatment to be rendered periodically at rates established by the District.

5.3.3 DELINQUENCY

Fees and charges levied in accordance with this chapter shall be a debt due to the District. If this debt is not paid within thirty (30) days after billing, it shall, at the District's option, be deemed delinquent and subject to penalties and may be recovered by civil action, and the District shall have the right to terminate sewer service and enter upon private property for accomplishing such purposes. At the District's option, it may also certify the delinquency to the County In accordance with law at which time it becomes a lien against the real property of the delinquent owner.

5.3.4 COLLECTION, ACCOUNTING, COSTS

The District or assessing entity shall receive and collect the sewer fees and charges levied under the provisions of this chapter. In the event of partial payment, the District may apply said payment to any sums due for sewer fees and charges.

5.3.5 RESTORATION OF SERVICE

Sewer service shall not be restored until all charges, including the expense of termination and restoration of service, shall have been paid.

CHAPTER 6

ENFORCEMENT AND PENALTIES

SECTION 6.1 ENFORCEMENT AUTHORITY

These Rules and Regulations and administrative procedures established subsequent are adopted by the District pursuant to State law, County and City ordinances, rules and regulations, including but not limited to Title 17A, Chapter 2, Part 3 and Title 26, Chapter 11 of the Utah Code Annotated 1953, as amended, for the purpose of enforcing the provisions contained herein.

The District may take appropriate enforcement actions in accordance with its enforcement response program as adopted and as amended from time to time.

SECTION 6.2 ADMINISTRATIVE ENFORCEMENT

In responding to any violations of these Rules and Regulations, an Industrial User's discharge permit and any other applicable laws, rules or regulations, the District may incorporate and pursue one or more of the following administrative enforcement actions and/or remedies. Nothing contained herein shall be deemed to preclude the District from utilizing one or more enforcement responses as part of its enforcement process.

SECTION 6.3 NOTIFICATION OF VIOLATION

Whenever the District finds that any Industrial User has violated or is violating its wastewater discharge permit, or any prohibition, limitation or requirement contained herein, the District shall serve upon such Industrial User a written notice stating the nature of the violation, which may include a cease and desist order. Other informal action may include telephone calls or meetings to show cause. If the Industrial User is in significant noncompliance (SNC), formal action against the industry shall be taken. Formal action may include administrative orders, administrative fines, civil suit for injunctive relief or termination of service. Industrial users who are in SNC may also be required to submit within the time specified therein, a plan for the satisfactory correction thereof shall be submitted to the District by the Industrial User.

SECTION 6.3 METHODS OF NOTIFICATION AND IU RESPONSE

Any notification required herein shall be served either personally or by registered or certified mail. Within 30 days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the District Manager. Submission of such a plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the District Manager to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

SECTION 6.4 SUSPENSION OF SERVICE

The District may, without notice or hearing, suspend wastewater treatment service and/or a Wastewater Discharge Permit when such suspension is necessary, in the opinion of the District, in order to stop an actual or threatened discharge which does or may present an endangerment to persons or the environment or interference with the District or a violation of its UPDES Permit. Any person notified of suspension of his permit or services shall immediately stop or eliminate the discharge. In the event of a failure of the user to comply voluntarily with the suspension order, the District shall take such steps as deemed necessary, including severance of the sewer connection, to prevent or minimize damage to the system or endangerment to any individuals. The District may reinstate the Wastewater Discharge Permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. The Industrial User shall pay all costs and expenses for any such suspension and restoration of service. A detailed written statement submitted by the Industrial User describing the causes of the harmful discharge and the measures taken to prevent any future occurrence shall be submitted to the District within fifteen (15) days of the date of occurrence.

SECTION 6.5 PERMIT REVOCATION

Any Industrial User who violates the following conditions hereof, or applicable state and National regulations, is subject to having Users permit revoked:

- (a) Failure of an Industrial User to factually report the wastewater

- constituents and characteristics of its discharge;
- (b) Failure of the Industrial User to report significant changes in operations ,or wastewater constituents and characteristics;
- (c) Refusal of reasonable access to the Industrial User's premises for the purpose of inspection or monitoring;
- (d) Violation of conditions of the permit;
- (e) Failure to pay any fees or charges.

SECTION 6.6 CIVIL LIABILITY

6.6.1 JURISDICTION

All civil actions shall be brought in a court of competent jurisdiction in the name of the District as Plaintiff by the District's Attorney.

6.6.2 VIOLATORS LIABILITY

Any person violating the provisions herein shall be liable for any expense, loss or damage caused by reason of such violation, including the increased costs, if any, for managing effluent or sludge, when such increases are the result of the Industrial User's discharge of toxic pollutants. The Manager shall add such charge to the discharger's treatment charge. The District may also obtain injunctive relief against a violating user.

6.6.3 COURT COSTS

In addition to any other remedies provided herein, the District may recover reasonable attorney's fees, court costs, and other expenses of litigation by appropriate legal action against the User found to have violated any provision herein, or any order, rules, regulations, permits or contracts issued hereunder. The Attorney for the District, upon request of the POTW Governing Authority, shall bring an appropriate action in Court to impose, assess and recover such sums.

SECTION 6.7 ADMINISTRATIVE REMEDIES

6.7.1 SHOW CAUSE HEARING

The District may order any user to show cause before the POTW Governing Authority why enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the POTW Governing

Authority regarding the violation, the reasons why the action is to be or was taken, the enforcement action, and directing the Industrial User to show cause why the enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail at least ten (10) days before the hearing.

6.7.2 DESIGNATION OF HEARING ENTITY

The POTW Governing Authority may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the District, or contract with others to:

- (1) Issue in the name of the District notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
- (2) Take the evidence;
- (3) Prepare a report of the evidence and hearing including transcripts where requested and other evidence, together with recommendations for action thereon.

6.7.3 TESTIMONY

At any hearing held pursuant thereto, testimony may be recorded.

6.7.4 CEASE AND DESIST ORDERS

After the POTW Governing Authority has reviewed the evidence, it may issue an order of cease and desist to the Industrial User responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed or existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

6.7.5 REFERRAL FOR STATE ACTION

The District may refer to the State of Utah violations of pretreatment or toxic effluent standards under the provisions of the Utah Water Pollution Control Act, Title 26, Chapter 11, Utah Code Annotated, 1953, as amended or other applicable laws. All cases involving criminal violations shall be referred to the State.

6.7.6 CONSENT AGREEMENTS

The Manager or his agent are hereby empowered to enter into Consent Agreements, assurances of voluntary compliance, or other similar documents establishing a agreement with the person responsible for the non-compliance. Such orders will include specific action to be taken by the person to correct the non-compliance within a time period also specified by the order.

SECTION 6.8 APPEAL PROCEDURE

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

If the decision of the Manager is unsatisfactory to the person appealing, he or she may file a written appeal to the POTW Governing Authority within ten (10) days after receipt of the decision. The POTW Governing Authority may hear the appeal and shall make a final ruling on the appeal within twenty (20) days of receipt of the User's written appeal. The decision, action, or determination of the Manager shall remain in effect during such period of review by the POTW Governing Authority. The decisions of the POTW Governing Authority shall be binding on all entities and the User until and unless superseded by a Court Order.

SECTION 6.9 LEGAL ACTION AUTHORIZED

If any User discharges into the District contrary to the provisions hereof, National or state Pretreatment Requirements or any order of the District, the District's attorney may commence an action for appropriate legal and/or equitable relief, including but not limited to seeking injunctive relief against an Industrial User for noncompliance. Each

day in which any violation shall continue shall be deemed a separate offense. In addition, the District shall have the authority to seek civil penalties in the amount of \$1,000 per day for each violation by Industrial Users of any pretreatment standards or requirements as authorized by Davis County ordinance No. 08-84.

SECTION 6.10 TERMINATION OF SERVICE

The District may terminate or cause to be terminated sewage treatment service to any user for a violation of any provision herein.

SECTION 6.11 CIVIL FINE PASS THROUGH

In the event that an Industrial User discharges such pollutants which cause the District to violate any condition of its NUPDES Permit and the District 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 District by EPA or the State and administrative costs incurred.

SECTION 6.12 ADDITIONAL PENALTIES

In addition to the penalties provided herein, the District may seek to recover reasonable attorney's fees, court costs, court reporters' fees, and other expenses of litigation by appropriate legal action against the user found to have violated any provision herein, or the orders, Rules and Regulations and permits issued hereunder. The attorney for the District, upon request of the POTW Governing Authority, shall petition the District Court to recover such sums.

SECTION 6.13 EMERGENCY PROCEEDINGS

The Manager or the POTW Governing Authority may issue an order on an emergency basis without complying with the requirements of this Chapter if:

- 1) the facts known by the District or presented to the District show that an immediate and significant danger to the public's health, safety, or welfare exists;
- 2) the threat requires immediate action by the District.

In issuing an emergency order, the Manager or the POTW Governing Authority shall:

- 1) limit the order to require only the action necessary to prevent or avoid the danger to the public's health, safety, or welfare.

- 2) issue promptly a written order, effective immediately, that includes a brief statement of findings of fact, conclusions of law, and reasons for utilization of emergency action proceedings;
- 3) give immediate notice to the persons who are required to comply with the order.

If the emergency order issued under this section will result in the continued infringement or impairment of any legal right or interest of any party, the District shall thereafter commence a formal or informal proceeding in accordance with the other provisions of this Chapter.

CHAPTER 7

CONFLICT AND SEVERABILITY

SECTION 7.1 CONFLICT

All existing resolutions, rules, and regulations heretofore passed and adopted or any parts thereof which are in conflict or inconsistent with the provisions of this regulation are hereby repealed. All others shall remain in full force and effect. Particularly reserved from repeal are all contracts, covenants, resolutions and documents relating to bond issues and the outstanding unpaid bonds of the District and all contracts, resolutions and documents relating to the service contracts now existing between the District and all the municipalities lying within the District.

SECTION 7.2 SEVERABILITY

If any provision, paragraph, word, section or chapter hereof is invalidated by any court of competent jurisdiction, the remaining provisions paragraphs, words, sections, and chapters shall not be affected and shall continue in full force and effect.

CHAPTER 8

AMENDMENT PROCESS

The provisions herein may be amended or revised from time to time by a majority vote of the District Board of Trustees.

**Pretreatment Program
Section 2**

**Central Davis Sewer District
Sewer Use Rules and Regulations**

The following information can be found in this section:

**General Provisions
General Sewer Use Requirements
Pretreatment of Wastewater
Individual Wastewater Discharge Permits
Individual Wastewater Discharge Permit Issuance
Reporting Requirements
Compliance Monitoring
Confidential Information
Publications of Users in Significant Noncompliance
Administrative Enforcement Remedies
Judicial Enforcement Remedies
Supplemental Enforcement Action
Wastewater Treatment Rates
Miscellaneous Provisions
Effective Date**

FLOW CHARTS

None

FORMS

Baseline Monitoring Report

Additional guidance can be found in the following EPA Guidance Manuals:

- **POTW Pretreatment Program Development**

2
3 RULES AND REGULATIONS FOR PRETREATMENT

4
5 SECTION 1—GENERAL PROVISIONS

6
7 1.1 Purpose and Policy

8
9 A. This Rules and Regulations sets forth uniform requirements for Users of the Publicly
10 Owned Treatment Works for Central Davis Sewer District (the District) and enables
11 the District to comply with all applicable State and Federal laws, including the Clean
12 Water Act (33 United States Code [U.S.C.] section 1251 et seq.) and the General
13 Pretreatment Regulations (Title 40 of the *Code of Federal Regulations* (CFR) Part
14 403) and the Utah Administrative Code R317-8-8. The objectives of this Rules and
15 Regulations are:

- 16
17 (1) To prevent the introduction of pollutants into the Publicly Owned Treatment
18 Works that will interfere or potentially interfere with its operation or contaminate
19 the resulting sludge;
20
21 (2) To prevent the introduction of pollutants into the Publicly Owned Treatment
22 Works that will pass through the Publicly Owned Treatment Works, inadequately
23 treated, into receiving waters, or the atmosphere, or otherwise be incompatible
24 with the Publicly Owned Treatment Works;
25
26 (3) To protect both Publicly Owned Treatment Works personnel who may be
27 affected by wastewater and sludge in the course of their employment and the
28 general public;
29
30 (4) To promote reuse and recycling of wastewater and sludge from the Publicly
31 Owned Treatment Works;
32
33 (5) To enable the District to comply with its Utah Pollutant Discharge Elimination
34 System permit conditions, sludge use and disposal requirements, and any other
35 Federal or State laws to which the Publicly Owned Treatment Works is subject.
36

37 B. This Rules and Regulations shall apply to all Users of the Publicly Owned Treatment
38 Works. The Rules and Regulations authorizes the issuance of individual wastewater
39 discharge permits; provides for monitoring, compliance, and enforcement activities;
40 establishes administrative review procedures; requires User reporting.

41
42 1.2 Administration

43
44 Except as otherwise provided herein, the General Manager shall administer, implement, and
45 enforce the provisions of this Rules and Regulations. Any powers granted to, or duties imposed
46 upon the General Manager may be delegated by the General Manager to a duly authorized
47 District employee.

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1.3 Abbreviations

The following abbreviations, when used in this Rules and Regulations, shall have the designated meanings:

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

1.4 Definitions

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

- A. Act or “the Act.” The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. section 1251 et seq. and any subsequent amendments thereto.
- B. Approval Authority means the State of Utah, Department of Environmental Quality, Division of Water Quality (DWQ) or its successor agency.
- C. Authorized or Duly Authorized Representative of the User.
 - (1) If the User is a corporation:
 - (a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

- 94
95 (b) The manager of one or more manufacturing, production, or operating
96 facilities, provided the manager is authorized to make management decisions
97 that govern the operation of the regulated facility including having the explicit
98 or implicit duty of making major capital investment recommendations, and
99 initiate and direct other comprehensive measures to assure long-term
100 environmental compliance with environmental laws and regulations; can
101 ensure that the necessary systems are established or actions taken to gather
102 complete and accurate information for individual wastewater discharge permit
103 requirements; and where authority to sign documents has been assigned or
104 delegated to the manager in accordance with corporate procedures.
105
- 106 (2) If the User is a partnership or sole proprietorship: a general partner or proprietor,
107 respectively.
108
- 109 (3) If the User is a Federal, State, or local governmental facility: a Assistant General
110 Manager or highest official appointed or designated to oversee the operation and
111 performance of the activities of the government facility, or their designee.
112
- 113 (4) The individuals described in paragraphs 1 through 3, above, may designate a Duly
114 Authorized Representative if the authorization is in writing, the
115 authorization specifies the individual or position responsible for the overall
116 operation of the facility from which the discharge originates or having overall
117 responsibility for environmental matters for the company, and the written
118 authorization is submitted to the General Manager.
119
- 120 D. Best Management Practices or BMPs means schedules of activities, prohibitions of
121 practices, maintenance procedures, and other management practices to implement the
122 prohibitions listed in Section 2. BMPs may also include, but are not limited to,
123 treatment requirements, operating procedures, and practices to control plant site
124 runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials
125 storage. BMPs shall be considered local limits and Pretreatment Standards for the
126 purposes of this Rules and Regulations and Section 307(d) of the Act, 40 CFR
127 403.5(c)(4) and R317-8-8.8.
128
- 129 E. Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the
130 biochemical oxidation of organic matter under standard laboratory procedures for five
131 (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).
132 Laboratory determinations shall be made in accordance with approved EPA methods
133 (reference 40 C.F.R. Part 136).
134
- 135 F. Categorical Industrial User. An Industrial User subject to a categorical Pretreatment
136 Standard or categorical Standard.
137
- 138 G. Categorical Pretreatment Standard or Categorical Standard. Any regulation
139 containing pollutant discharge limits promulgated by EPA in accordance with

- 140 sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific
141 category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
142
- 143 H. District. Central Davis Sewer District which has a POTW.
144
- 145 I. Chemical Oxygen Demand or COD. A measure of the oxygen required to oxidize all
146 compounds, both organic and inorganic, in water.
147
- 148 J. Composite Sample. The sample resulting from the combination of individual
149 wastewater samples taken at selected intervals based on an increment of either flow
150 or time. The method should be in accordance with 40 CFR Part 403 Appendix E
151 Subpart I – Composite Method.
152
- 153 K. Control Authority. The District
154
- 155 L. Daily Maximum. The arithmetic average of all effluent samples for a pollutant
156 collected during a calendar day.
157
- 158 M. Daily Maximum Limit. The maximum allowable discharge limit of a pollutant
159 during a calendar day. Where Daily Maximum Limits are expressed in units of mass,
160 the daily discharge is the total mass discharged over the course of the day. Where
161 Daily Maximum Limits are expressed in terms of a concentration, the daily discharge
162 is the arithmetic average measurement of the pollutant concentration derived from all
163 measurements taken that day.
164
- 165 N. Environmental Protection Agency or EPA. The U.S. Environmental Protection
166 Agency or, where appropriate, the Regional Water Management Division Assistant
167 General Manager, the Regional Administrator, or other duly authorized official of
168 said agency.
169
- 170 O. Existing Source. Any source of discharge that is not a “New Source.”
171
- 172 P. Grab Sample. A sample that is taken from a wastestream without regard to the
173 flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.
174
- 175 Q. Hauled Waste. Any material arriving at the POTW from sources not connected to the
176 POTW including, but not limited to the following: food wastes, fats, oils and grease
177 (FOG), other POTW liquids or solids, construction activity wastewater, remediation
178 wastewater, leachate, and septic waste.
179
- 180 R. Hazardous Waste as defined in 40 CFR 261.3 and this reference is incorporated
181 herein and made a part hereof.
182
- 183 S. Indirect Discharge or Discharge means the introduction of pollutants into a POTW
184 from any non-domestic source regulated under section 307(b), (c) or (d) of the Act.

- 185 An indirect discharge is the introduction of pollutants into the POTW from any
186 nondomestic source.
187
- 188 T. Instantaneous Limit. The maximum or minimum concentration (or load) of a
189 pollutant allowed to be discharged at any time, determined from the analysis of any
190 discrete, grab or composited sample collected, independent of the industrial flow rate
191 and the duration of the sampling event.
192
- 193 U. Interference. A discharge that, alone or in conjunction with a discharge or discharges
194 from other sources, both:
195
- 196 (1) inhibits or disrupts the POTW, its treatment processes or operations or its sludge
197 processes, use or disposal; and
198
- 199 (2) therefore, is a cause of a violation of the District’s UPDES permit or of the
200 prevention of sewage sludge use or disposal in compliance with any of the
201 following statutory/regulatory provisions or permits issued thereunder, or any
202 more stringent State or local regulations: section 405 of the Act; the Solid Waste
203 Disposal Act, including Title II commonly referred to as the Resource
204 Conservation and Recovery Act (RCRA); any State regulations contained in any
205 State sludge management plan prepared pursuant to Subtitle D of the Solid Waste
206 Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the
207 Marine Protection, Research, and Sanctuaries Act.
208
- 209 V. Local Limit. Specific discharge limits developed to protect the POTW in accordance
210 with 40 CFR 403.5 and enforced by the District upon industrial or commercial
211 facilities to implement the general and specific discharge prohibitions listed in
212 Section 2. The technical based local limits are also listed in Section 2 of this Rules
213 and Regulations. The development documents are kept on file at the District office
214 and can be reviewed if requested.
215
- 216 W. Medical Waste. Isolation wastes, infectious agents, human blood and blood products,
217 pathological wastes, sharps, body parts, contaminated bedding, surgical wastes,
218 potentially contaminated laboratory wastes, and dialysis wastes.
219
- 220 X. Monthly Average. The sum of all “daily discharges” measured during a calendar
221 month divided by the number of “daily discharges” measured during that month.
222
- 223 Y. Monthly Average Limit. The highest allowable average of “daily discharges” over a
224 calendar month, calculated as the sum of all “daily discharges” measured during a
225 calendar month divided by the number of “daily discharges” measured during that
226 month.
227
- 228 Z. New Source.
229

- 230 (1) Any building, structure, facility, or installation from which there is (or may be) a
231 discharge of pollutants, the construction of which commenced after the
232 publication of proposed Pretreatment Standards under section 307(c) of the Act
233 that will be applicable to such source if such Standards are thereafter promulgated
234 in accordance with that section, provided that:
235
- 236 (a) The building, structure, facility, or installation is constructed at a site at which
237 no other source is located; or
238
 - 239 (b) The building, structure, facility, or installation totally replaces the process or
240 production equipment that causes the discharge of pollutants at an Existing
241 Source; or
242
 - 243 (c) The production or wastewater generating processes of the building, structure,
244 facility, or installation are substantially independent of an Existing Source at
245 the same site. In determining whether these are substantially independent,
246 factors such as the extent to which the new facility is integrated with the
247 existing plant, and the extent to which the new facility is engaged in the same
248 general type of activity as the Existing Source, should be considered.
249
- 250 (2) Construction on a site at which an Existing Source is located results in a
251 modification rather than a New Source if the construction does not create a new
252 building, structure, facility, or installation meeting the criteria of Section (1)(b) or
253 (c) above but otherwise alters, replaces, or adds to existing process or production
254 equipment.
255
- 256 (3) Construction of a New Source as defined under this paragraph has commenced if
257 the owner or operator has:
258
- 259 (a) Begun, or caused to begin, as part of a continuous onsite construction program
260
 - 261 (i) any placement, assembly, or installation of facilities or equipment; or
262
 - 263 (ii) significant site preparation work including clearing, excavation, or
264 removal of existing buildings, structures, or facilities which is necessary
265 for the placement, assembly, or installation of new source facilities or
266 equipment; or
267
 - 268 (b) Entered into a binding contractual obligation for the purchase of facilities or
269 equipment which are intended to be used in its operation within a reasonable
270 time. Options to purchase or contracts which can be terminated or modified
271 without substantial loss, and contracts for feasibility, engineering, and design
272 studies do not constitute a contractual obligation under this paragraph.
273

- 274 AA. Noncontact Cooling Water. Water used for cooling that does not come into direct
275 contact with any raw material, intermediate product, waste product, or finished
276 product.
277
- 278 BB. Pass Through. A discharge which exits the POTW into Waters of the State in
279 quantities or concentrations which, alone or in conjunction with a discharge or
280 discharges from other sources, is a cause of a violation of any requirement of the
281 District's UPDES permit, including an increase in the magnitude or duration of a
282 violation.
283
- 284 CC. Person. Any individual, partnership, co-partnership, firm, company, corporation,
285 association, joint stock company, trust, estate, governmental entity, or any other legal
286 entity; or their legal representatives, agents, or assigns. This definition includes all
287 Federal, State, and local governmental entities.
288
- 289 DD. pH. A measure of the acidity or basicity of a solution, expressed in standard units.
290
- 291 EE. Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage,
292 garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological
293 materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand,
294 cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of
295 wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or
296 odor).
297
- 298 FF. Pretreatment. The reduction of the amount of pollutants, the elimination of
299 pollutants, or the alteration of the nature of pollutant properties in wastewater prior to,
300 or in lieu of, introducing such pollutants into the POTW. This reduction or alteration
301 can be obtained by physical, chemical, or biological processes; by process changes; or
302 by other means, except by diluting the concentration of the pollutants unless allowed
303 by an applicable Pretreatment Standard.
304
- 305 GG. Pretreatment Requirements. Any substantive or procedural requirement related to
306 pretreatment imposed on a User, other than a Pretreatment Standard.
307
- 308 HH. Pretreatment Standards or Standards. Pretreatment Standards shall mean any
309 regulation containing pollutant discharge limits promulgated by the EPA in
310 accordance with section 307 (b) and (c) of the Act, which applies to Industrial Users,
311 which includes but is not limited to prohibited discharge standards, categorical
312 Pretreatment Standards, and Local Limits.
313
- 314 II. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions
315 against the discharge of certain substances; these prohibitions appear in Section 2 of
316 this Rules and Regulations.
317
- 318 JJ. Publicly Owned Treatment Works or POTW. A treatment works, as defined by
319 section 212 of the Act (33 U.S.C. section 1292), which is owned by the District. This

320 definition includes any devices or systems used in the collection, storage, treatment,
321 recycling, and reclamation of sewage or industrial wastes of a liquid nature and any
322 conveyances, which convey wastewater to a treatment plant. It also includes sewers,
323 pipes and other conveyances if they convey wastewater to a POTW Treatment Plant.
324 The term also means the municipality as defined in section 502(4) of the Act, which
325 has jurisdiction over the Indirect Discharges to and the discharges from such a
326 treatment works.

327
328 KK. Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical
329 toilets, campers, trailers, and septic tanks.

330
331 LL. Sewage. Human excrement and gray water (household showers, dishwashing
332 operations, etc.).

333
334 MM. Significant Industrial User (SIU).

335
336 Except as provided in paragraphs (3) of this Section, a Significant Industrial User is:

337
338 (1) An Industrial User subject to categorical Pretreatment Standards; or

339
340 (2) An Industrial User that:

341
342 (a) Discharges an average of twenty-five thousand (25,000) gpd or more of
343 process wastewater to the POTW (excluding sanitary, noncontact cooling and
344 boiler blowdown wastewater);

345 (b) Contributes a process wastestream which makes up five (5) percent or more of
346 the average dry weather hydraulic or organic capacity of the POTW treatment
347 plant; or

348 (c) Is designated as such by the District on the basis that it has a reasonable
349 potential for adversely affecting the POTW's operation or for violating any
350 Pretreatment Standard or Requirement.

351
352 (3) Upon a finding that a User meeting the criteria in Subsection (2) of this part has
353 no reasonable potential for adversely affecting the POTW's operation or for
354 violating any Pretreatment Standard or Requirement, the District may at any time,
355 on its own initiative or in response to a petition received from an Industrial User,
356 and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such
357 User should not be considered a Significant Industrial User.

358
359 NN. Slug Load or Slug Discharge. Any discharge at a flow rate or concentration, which
360 could cause a violation of the prohibited discharge standards in Section 2 of this
361 Rules and Regulations. A Slug Discharge is any Discharge of a non-routine, episodic
362 nature, including but not limited to an accidental spill or a non-customary batch
363 Discharge, which has a reasonable potential to cause Interference or Pass Through, or
364 in any other way violate the POTW's regulations, Local Limits or Permit conditions.
365

- 366 OO. Storm Water. Any flow occurring during or following any form of natural
367 precipitation, and resulting from such precipitation, including snowmelt.
368
- 369 PP. General Manager. The person designated by the District to supervise the operation
370 of the POTW, and who is charged with certain duties and responsibilities by this
371 Rules and Regulations. The term also means a Duly Authorized Representative of the
372 General Manager.
373
- 374 QQ. Total Suspended Solids or Suspended Solids. The total suspended matter that floats
375 on the surface of, or is suspended in, water, wastewater, or other liquid, and that is
376 removable by laboratory filtering.
377
- 378 RR. User or Industrial User. A source of indirect discharge.
379
- 380 SS. Wastewater. Liquid and water-carried industrial wastes and sewage from residential
381 dwellings, commercial buildings, industrial and manufacturing facilities, and
382 institutions, whether treated or untreated, which are contributed to the POTW.
383
- 384 TT. Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which
385 is designed to provide treatment of municipal sewage and compatible industrial
386 waste.
387
- 388 UU. Water of the State means all streams, lakes, ponds, marshes, water-courses,
389 waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or
390 accumulations of water, surface and underground, natural or artificial, public or private,
391 which are contained within, flow through, or border upon this state or any portion
392 thereof, except that bodies of water confined to and retained within the limits of private
393 property, and which do not develop into or constitute a nuisance, or a public health
394 hazard, or a menace to fish and wildlife, shall not be considered to be "waters of the
395 state" under this definition.
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SECTION 2—GENERAL SEWER USE REQUIREMENTS

2.1 Prohibited Discharge Standards

- A. 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.
- 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 and specific prohibitions (listed in 2.1 C) apply to all Users of the POTW whether or not they are subject to categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.
- C. Specific Prohibitions. No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
 - (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21;
 - (2) Pollutants which will cause corrosive structural damage to the POTW, but in no case Discharges with pH lower than 5.0, unless the works is specifically designed to accommodate such discharges;
 - (3) Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with a pH of more than 12.5;
 - (4) Solid or viscous pollutants in amounts which will cause obstruction of the flow in the POTW resulting in interference;
 - (5) Any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW;
 - (6) Heat in amounts which will inhibit biological activity in the POTW resulting in Interference, but in no case heat in such quantities that the temperature at the POTW Treatment Plant exceeds 40 °C (104 °F) unless the Approval Authority, upon request of the POTW, approves alternate temperature limits;
 - (7) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through;

- 440
441 (8) Pollutants which result in the presence of toxic gases, vapors, or fumes within the
442 POTW in a quantity that may cause acute worker health and safety problems;
- 443
444 (9) Any trucked or hauled pollutants, except at discharge points designated by the
445 POTW, see Section 3 of this Rules and Regulations;
- 446
447 (10) Noxious or malodorous liquids, gases, solids, or other wastewater which, either
448 singly or by interaction with other wastes, are sufficient to create a public nuisance or
449 a hazard to life, or to prevent entry into the sewers for maintenance or repair;
- 450
451 (11) Wastewater which imparts color which cannot be removed by the treatment
452 process, such as, but not limited to, dye wastes and vegetable tanning solutions,
453 which consequently imparts color to the treatment plant's effluent, thereby violating
454 the District's NPDES permit;
- 455
456 (12) Wastewater containing any radioactive wastes or isotopes except in compliance
457 with applicable State or Federal regulations;
- 458
459 (13) Storm Water, surface water, ground water, artesian well water, roof runoff,
460 subsurface drainage, swimming pool drainage, condensate, deionized water,
461 Noncontact Cooling Water, and unpolluted wastewater, unless specifically authorized
462 by the General Manager;
- 463
464 (14) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- 465
466 (15) Medical Wastes, except as specifically authorized by the General Manager in an
467 individual wastewater discharge permit;
- 468
469 (16) Wastewater causing, alone or in conjunction with other sources, the treatment
470 plant's effluent to fail toxicity test;
- 471
472 (17) Detergents, surface active agents, or other substances which that might cause
473 excessive foaming in the POTW;
- 474
475 (18) Wastewater causing a potential for explosion or hazardous gases.
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477 2.2 National Categorical Pretreatment Standards

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- A. National Categorical Pretreatment Standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged to a POTW by existing or new industrial users in specific industrial subcategories have been established by EPA in 40 CFR Chapter I, Subchapter N, Parts 405-471 and are hereby incorporated as amended by EPA through a variance from time to time.
- B. Users subject to categorical standards must comply with the categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405–471.
- C. When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the General Manager may impose an alternate limit in accordance with 40 CFR 403.6(e).
- D. A CIU may obtain a net/gross adjustment to a categorical Pretreatment Standard in accordance with the following paragraphs of this Section.
 - (1) Categorical Pretreatment Standards may be adjusted to reflect the presence of pollutants in the Industrial User’s intake water in accordance with this Section. Any Industrial User wishing to obtain credit for intake pollutants must make application to the District. Upon request of the Industrial User, the applicable Standard will be calculated on a “net” basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the requirements of paragraph (2) of this Section are met.
 - (2) Criteria.
 - a. Either
 - (i) The applicable categorical Pretreatment Standards contained in 40 CFR subchapter N specifically provide that they shall be applied on a net basis; or
 - (ii) The Industrial User demonstrates that the control system it proposes or uses to meet applicable categorical Pretreatment Standards would, if properly installed and operated, meet the Standards in the absence of pollutants in the intake waters.
 - b. Credit for generic pollutants such as biochemical oxygen demand (BOD), total suspended solids (TSS), and oil and grease should not be granted unless the Industrial User demonstrates that the constituents of the generic measure in the User’s effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.

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- c. Credit shall be granted only to the extent necessary to meet the applicable categorical Pretreatment Standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with Standard(s) adjusted under this Section.
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- E. Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the General Manager may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6 (c) and Sections 2.
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- F. When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the General Manager may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.
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- G. When a categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that the District convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the General Manager. The District may establish equivalent mass limits only if the Industrial User meets all the conditions set forth in Sections 2.2G(1)(a) through 2.2G(1)(e) below.
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- (1) To be eligible for equivalent mass limits, the Industrial User must:
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- a. Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;
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- b. Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;
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- c. Provide sufficient information to establish the facility's actual average daily flow rate for all waste streams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;
- d. Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and

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- e. Have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the Industrial User’s request for equivalent mass limits.
- (2) An Industrial User subject to equivalent mass limits must:
- a. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
 - b. Continue to record the facility’s flow rates through the use of a continuous effluent flow monitoring device;
 - c. Continue to record the facility’s production rates and notify the General Manager whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph 2.2G(1)(c) of this Section. Upon notification of a revised production rate, the General Manager will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
 - d. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraphs 2.2G(1)(a) of this Section so long as it discharges under an equivalent mass limit.
- (3) When developing equivalent mass limits, the General Manager:
- a. Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based Daily Maximum and Monthly Average Standard for the applicable categorical Pretreatment Standard and the appropriate unit conversion factor;
 - b. Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
 - c. May retain the same equivalent mass limit in subsequent individual wastewater discharger permit terms if the Industrial User’s actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section 2. The Industrial User must also be in compliance with District standard regarding the prohibition of bypass.

- 614 H. the General Manager may convert the mass limits of the categorical Pretreatment
615 Standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of
616 calculating limitations applicable to individual Industrial Users. The conversion is at
617 the discretion of the General Manager.
618
- 619 I. Once included in its permit, the Industrial User must comply with the equivalent
620 limitations developed in Section 2 in lieu of the promulgated categorical Standards
621 from which the equivalent limitations were derived.
622
- 623 J. Many categorical Pretreatment Standards specify one limit for calculating maximum
624 daily discharge limitations and a second limit for calculating maximum Monthly
625 Average, or 4-day average, limitations. Where such Standards are being applied, the
626 same production or flow figure shall be used in calculating both the average and the
627 maximum equivalent limitation.
628
- 629 K. Any Industrial User operating under a permit incorporating equivalent mass or
630 concentration limits calculated from a production-based Standard shall notify the
631 General Manager within two (2) business days after the User has a reasonable basis to
632 know that the production level will significantly change within the next calendar
633 month. Any User not notifying the General Manager of such anticipated change will
634 be required to meet the mass or concentration limits in its permit that were based on
635 the original estimate of the long-term average production rate.
636

637 2.3 State Pretreatment Standards

638
639 Users must comply with any additional standards developed by the Utah Division of Water
640 Quality and codified in Utah Administrative Code R317.
641

642 2.4 Local Limits

- 643
- 644 A. The General Manager is authorized to establish Local Limits pursuant to 40 CFR
645 403.5(c).
646
- 647 B. Local limits apply at the point where the wastewater is discharged to the POTW. All
648 concentrations for metallic substances are for total metal unless indicated otherwise.
649 the General Manager may impose mass limitations in addition to the
650 concentration-based limitations as stated in 2.4 D. The development documents for
651 local limits are kept at the District office and can be reviewed if requested.
652
- 653 C. the General Manager may develop Best Management Practices (BMPs), by Rules and
654 Regulations or in individual wastewater discharge permits, to implement Local Limits
655 and the requirements of Section 2.
656
- 657 D. No User shall discharge wastewater containing pollutants in excess of the specific
658 local limits as established by the District from time to time. The local limits are

659 developed and implement per the requirements of 40 CFR 403. The development
 660 documents can be found at the District office.

661
 662 D. The following pollutant limits are established to protect against pass through and
 663 interference. No person shall discharge wastewater containing in excess of the
 664 following daily maximum limit or an equivalent mass-based limit calculated using
 665 anticipated flows.

666		
667	1.19	mg/l arsenic
668	23,100	mg/l BOD ₅
669	0.56	mg/l cadmium
670	12.7	mg/l chromium
671	3.90	mg/l copper
672	2.21	mg/l lead
673	0.12	mg/l mercury
674	4.38	mg/l molybdenum
675	15.1	mg/l nickel
676	3.39	mg/l selenium
677	12.0	mg/l silver
678	27,000	mg/l total suspended solids
679	19.0	mg/l zinc

680
 681 2.5 The District’s Right of Revision

682
 683 The District reserves the right to establish, by Rules and Regulations or in individual wastewater
 684 discharge permits, more stringent Standards or Requirements on discharges to the POTW
 685 consistent with the purpose of this Rules and Regulations. In addition, the Assistant General
 686 Manager is authorized to temporarily or permanently revoke or suspend issuance of any type of
 687 permit at any time in order to protect the POTW from Pass Through or Interference in order to
 688 maintain compliance with any UPDES permit requirement or pretreatment program requirement.
 689 The Assistant General Manager shall also have the right to deny new or increased contributions or
 690 to set additional conditions on such contributions to protect the POTW, including limits that may
 691 be more stringent than the approved local limits.

692
 693 2.6 Dilution

694
 695 No User shall ever increase the use of process water, or in any way attempt to dilute a discharge,
 696 as a partial or complete substitute for adequate treatment to achieve compliance with a discharge
 697 limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement.
 698 the General Manager may impose mass limitations on Users who are using dilution to meet
 699 applicable Pretreatment Standards or Requirements, or in other cases when the imposition of
 700 mass limitations is appropriate.

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702 SECTION 3—PRETREATMENT OF WASTEWATER

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3.1 Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with this Rules and Regulations and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Section 2 of this Rules and Regulations within the time limitations specified by EPA, the State, or the General Manager, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User’s expense. Detailed plans describing such facilities and operating procedures shall be submitted to the General Manager for review and shall be acceptable to the General Manager before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the District under the provisions of this Rules and Regulations. the General Manager is authorized to mandate changes to such plans and operating procedures to meet the provisions of this Rules and Regulations.

3.2 Additional Pretreatment Measures

- A. Whenever deemed necessary, the General Manager may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste-streams from industrial waste-streams, and such other conditions as may be necessary to protect the POTW and determine the User’s compliance with the requirements of this Rules and Regulations.
- B. the General Manager may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit may be issued solely for flow equalization.
- C. Grease, oil, and sand interceptors shall be provided when, in the opinion of the General Manager and in accordance with the District’s grease, oil and sand interceptor program (GOSI), they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users.
- D. All interception units and sampling manhole shall be of a type and capacity approved by the General Manager, in accordance with GOSI shall be so located to be easily accessible for cleaning and inspection. The interceptor units and sampling manholes shall be inspected, cleaned, and repaired by the User at their expense in accordance with GOSI.
- E. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

- 748 F. Sampling manholes shall be located in an area to allow for ease of cleaning, sampling
749 and inspection by the User and the District. If located in a parking area parking shall
750 not be allowed on the sampling manhole.
751

752 3.3 Accidental Discharge/Slug Discharge Control Plans
753

754 The General Manager shall evaluate whether each SIU needs an accidental discharge/slug
755 discharge control plan or other action to control Slug Discharges in accordance with the
756 District's Slug Control Program. The General Manager will evaluate an SIU for a slug discharge
757 control plan within the first year of determining that an IU is an SIU. If the General Manager
758 determines that the SIU does not require a slug control plan, then the SIU will be evaluated every
759 two years, thereafter, for the need to develop a slug discharge control plan. the General Manager
760 may require any User to develop, submit for approval, and implement such a plan or take such
761 other action that may be necessary to control Slug Discharges. An accidental discharge/slug
762 discharge control plan may address, at a minimum, the following:
763

- 764 A. Description of discharge practices, including non-routine batch discharges;
765
766 B. Description of stored chemicals;
767
768 C. Procedures for immediately notifying the General Manager of any accidental or Slug
769 Discharge, as required by Section 6 of this Rules and Regulations; and
770
771 D. Procedures to prevent adverse impact from any accidental or Slug Discharge. Such
772 procedures include, but are not limited to,
773
774 a. Inspection and maintenance of storage areas,
775 b. Handling and transfer of materials,
776 c. Loading and unloading operations,
777 d. Control of plant site runoff,
778 e. Worker training,
779 f. Building of containment structures or equipment,
780 g. Measures for containing toxic organic pollutants, including solvents, and/or
781 h. Measures and equipment for emergency response.
782

783 3.4 Hauled Wastewater
784

- 785 A. Septic tank waste may be introduced into the POTW only at locations designated by
786 the General Manager, and at such times as are established by the General Manager.
787 Such waste shall not violate Section 2 of this Rules and Regulations or any other
788 requirements established by the District. The General Manager may require septic
789 tank waste haulers to obtain individual wastewater discharge permits.
790
791 B. The General Manager may require haulers of industrial waste to obtain individual
792 wastewater discharge permits. The General Manager may require generators of
793 hauled industrial waste to obtain individual wastewater discharge permits. The

794 General Manager also may prohibit the disposal of hauled industrial waste. The
795 discharge of hauled industrial waste is subject to all other requirements of this Rules
796 and Regulations.

797
798 C. Industrial waste haulers may discharge loads only at locations designated by the
799 General Manager. No load may be discharged without prior consent of the General
800 Manager. The General Manager may collect samples of each hauled load to ensure
801 compliance with applicable Standards. The General Manager may require the
802 industrial waste hauler to provide a waste analysis of any load prior to discharge.

803
804 D. Industrial waste haulers must provide a waste-tracking form for every load. This
805 form shall include, at a minimum, the name and address of the industrial waste
806 hauler, permit number, truck identification, names and addresses of sources of waste,
807 and volume and characteristics of waste. The form shall identify the type of industry,
808 known or suspected waste constituents, and whether any wastes are RCRA hazardous
809 wastes.

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811

812 SECTION 4—INDIVIDUAL WASTEWATER DISCHARGE PERMITS

813

814 4.1 Wastewater Analysis

815

816 When requested by the General Manager, a User must submit information on the nature and
817 characteristics of its wastewater within 30 days of the request. The General Manager is
818 authorized to prepare a form for this purpose and may periodically require Users to update this
819 information. If the User changes or adds a process the User is required to update the information
820 provided to the General Manager 30 days prior to the process being changed or added.

821

822 4.2 Individual Wastewater Discharge Permit Requirement

823

824 A. No Significant Industrial User shall discharge wastewater into the POTW without
825 first completing a BMR and obtaining an individual wastewater discharge permit
826 from the General Manager, except that a Significant Industrial User that has filed a
827 timely application pursuant to Section 4 of this Rules and Regulations may continue
828 to discharge for the time period specified therein.

829

830 B. The General Manager may require other Users to obtain individual wastewater
831 discharge permits as necessary to carry out the purposes of this Rules and
832 Regulations.

833

834 C. Any violation of the terms and conditions of an individual wastewater discharge
835 permit shall be deemed a violation of this Rules and Regulations and subjects the
836 wastewater discharge permittee to the sanctions set out in Sections 9 through 12 of
837 this Rules and Regulations. Obtaining an individual wastewater discharge permit
838 does not relieve a permittee of its obligation to comply with all Federal and State
839 Pretreatment Standards or Requirements or with any other requirements of Federal,
840 State, and local law.

841

842 4.3 Individual Wastewater Discharge Permitting: Existing Connections

843

844 Any User required to obtain an individual wastewater discharge permit that was discharging
845 wastewater into the POTW prior to the effective date of this Rules and Regulations (or prior
846 approved Rules and Regulations) and who wishes to continue such discharges in the future, shall,
847 within thirty (30) days after said date, apply to the General Manager for an individual wastewater
848 discharge permit in accordance with Section 4 of this Rules and Regulations, and shall not cause
849 or allow discharges to the POTW to continue after thirty (30) days of the effective date of this
850 Rules and Regulations except in accordance with an individual wastewater discharge permit
851 issued by the General Manager.

852

853 4.4 Individual Wastewater Discharge Permitting: New Connections

854

855 Any User required to obtain an individual wastewater discharge permit who proposes to begin or
856 recommence discharging into the POTW must obtain such permit prior to the beginning or
857 recommencing of such discharge. An application for this individual wastewater discharge

858 permit, in accordance with Section 4 of this Rules and Regulations, must be filed at least thirty
859 (30) days prior to the date upon which any discharge will begin or recommence.

860

861 4.5 Individual Wastewater Discharge Permit Application Contents

862

863 A. All Users required to obtain an individual wastewater discharge permit must submit a
864 permit application. All permittees that will be continuing to discharge are required to
865 complete an application ninety (90) days prior to the permit expiring. the General
866 Manager may require Users to submit all or some of the following information as part
867 of a permit application:

868

869 (1) Identifying Information.

870

871 a. The name and address of the facility, including the name of the operator and
872 owner.

873

874 b. Contact information for the authorized representative and the duly authorized
875 representative for the facility, and

876

877 c. The description of activities, facilities, and plant production processes on the
878 premises;

879

880 (2) Environmental Permits. A list of any environmental control permits held by or for
881 the facility.

882

883 (3) Description of Operations.

884

885 a. A brief description of the nature, average rate of production (including each
886 product produced by type, amount, processes, and rate of production), and
887 standard industrial classifications of the operation(s) carried out by such User.
888 This description should include a schematic process diagram, which indicates
889 points of discharge to the POTW from the regulated processes.

890

891 b. Types of wastes generated, and a list of all raw materials and chemicals used
892 or stored at the facility which are, or could accidentally or intentionally be,
893 discharged to the POTW;

894

895 c. Number and type of employees, hours of operation, and proposed or actual
896 hours of operation;

897

898 d. Type and amount of raw materials processed (average and maximum per day);

899

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

903

- 904 (4) Time and duration of discharges;
905
- 906 (5) The location for monitoring all wastes covered by the permit;
907
- 908 (6) Flow Measurement. Information showing the measured average daily and
909 maximum daily flow, in gallons per day, to the POTW from regulated process
910 streams and other streams, as necessary, to allow use of the combined
911 wastestream formula set out in Section 2.
912
- 913 (7) Measurement of Pollutants.
914
- 915 a. The categorical Pretreatment Standards applicable to each regulated process
916 and any new categorically regulated processes for Existing Sources.
917
- 918 b. The results of sampling and analysis identifying the nature and concentration,
919 and/or mass, where required by the Standard or by the General Manager, of
920 regulated pollutants in the discharge from each regulated process.
921
- 922 c. Instantaneous, Daily Maximum, and long-term average concentrations, or
923 mass, where required, shall be reported.
924
- 925 d. The sample shall be representative of daily operations and shall be analyzed in
926 accordance with procedures set out in Section 6 of this Rules and Regulations.
927 Where the Standard requires compliance with a BMP or pollution prevention
928 alternative, the User shall submit documentation as required by the General
929 Manager or the applicable Standards to determine compliance with the
930 Standard.
931
- 932 e. Sampling must be performed in accordance with procedures set out in Section
933 6 of this Rules and Regulations.
934
- 935 (8) Any requests for a monitoring waiver (or a renewal of an approved monitoring
936 waiver) for a pollutant neither present nor expected to be present in the discharge
937 based on Section 6.
938
- 939 (9) Any other information as may be deemed necessary by the General Manager to
940 evaluate the permit application.
941
- 942 B. Incomplete or inaccurate applications will not be processed and will be returned to
943 the User for revision.
944
- 945 C. Based on information provided by the permittee, in Section 4, the District will within
946 thirty (30) day determine if additional information is needed, a permit is not necessary
947 or if a permit will be required to be issued before the IU discharge is allowed to the
948 POTW.
949

950 D. Should any of the information requested or supplied be considered by the User to be
951 of a confidential nature, the User should request confidential status in accordance
952 with Section 8 of this Rules and Regulations. Information regarding sampling and
953 analysis of the discharge is not considered confidential information.

954
955 4.6 Application Signatories and Certifications

956
957 A. All wastewater discharge permit applications, User reports and certification
958 statements must be signed by an Authorized Representative, see Section 1, of the
959 User and contain the certification statement in Section 6.

960
961 B. If the designation of an Authorized Representative is no longer accurate because a
962 different individual or position has responsibility for the overall operation of the
963 facility or overall responsibility for environmental matters for the company, a new
964 written authorization satisfying the requirements of this Section must be submitted to
965 the General Manager prior to or together with any reports to be signed by an
966 Authorized Representative.

967
968 4.7 Individual Wastewater Discharge Permit Decisions

969
970 The General Manager will evaluate the data furnished by the User and may require additional
971 information. Within thirty (30) days of receipt of a complete permit application, the General
972 Manager will determine whether to issue an individual wastewater discharge permit. The
973 General Manager may deny or conditionally approve any application for an individual
974 wastewater discharge permit. The General Manager may provide, to the User, a basis for the
975 denial.

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SECTION 5—INDIVIDUAL WASTEWATER DISCHARGE PERMIT ISSUANCE

5.1 Individual Wastewater Discharge Permit Duration

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

5.2 Individual Wastewater Discharge Permit Contents

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

B. Individual wastewater discharge permits must contain:

- (1) A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;
- (2) A statement that the wastewater discharge permit is nontransferable without prior notification to the District in accordance with Section 5 of this Rules and Regulations, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
- (3) Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;
- (4) Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.
- (5) A statement of applicable administrative, civil, and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
- (6) Requirements to control Slug Discharge, if determined by the General Manager to be necessary.

- 1023 (7) Requirements to report immediately to the General Manager any slug discharge or
1024 any changes at its facility affecting potential for a slug discharge.
1025
- 1026 (8) Any grant of the monitoring waiver by the General Manager must be included as
1027 a condition in the User's permit, see Section 6 for additional requirements.
1028
- 1029 (9) Requirements to notify the General Manager of changes to the industrial users
1030 discharge thirty (30) day prior to the change. The General Manager may deny or
1031 conditional approve the change prior to the user making the change at the facility
1032 that may impact the discharge at the facility to the POTW.
1033
- 1034 11) A statement that the wastewater discharge permit may be revoked upon violation
1035 of the terms and conditions of the permit as stated this Pretreatment Rules and
1036 Regulations.
1037
- 1038 12) A statement that grants the General Manager or designee the right of entry into all
1039 industrial user properties, facilities, buildings, etc. when wastewater is known or
1040 expected to be generated and/or discharged.
1041
- 1042 C. Individual wastewater discharge permits may contain, but need not be limited to, the
1043 following conditions:
1044
- 1045 (1) Limits on the average and/or maximum rate of discharge, time of discharge,
1046 and/or requirements for flow regulation and equalization;
1047
- 1048 (2) Requirements for the installation of pretreatment technology, pollution control, or
1049 construction of appropriate containment devices, designed to reduce, eliminate, or
1050 prevent the introduction of pollutants into the POTW;
1051
- 1052 (3) Requirements for the development and implementation of spill control plans or
1053 other special conditions including management practices necessary to adequately
1054 prevent accidental, unanticipated, or nonroutine discharges;
1055
- 1056 (4) Development and implementation of waste minimization plans to reduce the
1057 amount of pollutants discharged to the POTW;
1058
- 1059 (5) The unit charge or schedule of User charges and fees for the management of the
1060 wastewater discharged to the POTW;
1061
- 1062 (6) Requirements for installation and maintenance of inspection and sampling
1063 facilities and equipment, including flow measurement devices;
1064
- 1065 (7) A statement that compliance with the individual wastewater discharge permit does
1066 not relieve the permittee of responsibility for compliance with all applicable
1067 Federal and State Pretreatment Standards, including those which become effective
1068 during the term of the individual wastewater discharge permit; and

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

5.3 Permit Modification

- A. The General Manager may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:
 - (1) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
 - (2) To address significant alterations or additions to the User’s operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;
 - (3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
 - (4) Information indicating that the permitted discharge poses a threat to the District’s POTW, District personnel, the treatment of sludge, or the receiving waters;
 - (5) Violation of any terms or conditions of the individual wastewater discharge permit;
 - (6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
 - (7) Revision of or a grant of variance from categorical Pretreatment Standards pursuant to 40 CFR 403.13;
 - (8) To correct typographical or other errors in the individual wastewater discharge permit; or
 - (9) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 5.
- B. the General Manager may modify a permit for good cause, including, but not limited to, the following reasons:
 - (1) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
 - (2) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

- 1115
1116 (3) To correct typographical or other errors in the individual wastewater discharge
1117 permit; or
1118
1119 (4) To reflect a transfer of the facility ownership or operation to a new owner or
1120 operator where requested in accordance with Section 5.
1121

1122 5.4 Individual Wastewater Discharge Permit Transfer

1123
1124 Individual wastewater discharge permits may be transferred to a new owner or operator only if
1125 the permittee gives at least 30 days advance notice to the General Manager and the General
1126 Manager approves the individual wastewater discharge permit transfer. The notice to the
1127 General Manager must include a written certification by the new owner or operator which:

- 1128
1129 A. States that the new owner and/or operator has no immediate intent to change the
1130 facility's operations and processes;
1131
1132 B. Identifies the specific date on which the transfer is to occur;
1133
1134 C. Acknowledges full responsibility for complying with the existing individual
1135 wastewater discharge permit;
1136
1137 D. The conditions of the permit will not change; and
1138
1139 E. A copy of the permit will be provided to the new owner or operator.
1140

1141 Failure to provide advance notice of a transfer may render the individual wastewater discharge
1142 permit void as of the date of transfer at the discretion of the General Manager.
1143

1144 5.5 Individual Wastewater Discharge Permit Revocation

- 1145
1146 A. The General Manager may revoke an individual wastewater discharge permit for good
1147 cause, including, but not limited to, the following reasons:
1148
1149 (1) Failure to notify the General Manager of significant changes to the wastewater
1150 prior to the changed discharge;
1151
1152 (2) Failure to provide prior notification to the General Manager of changed conditions
1153 pursuant to Section 6 of this Rules and Regulations;
1154
1155 (3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater
1156 discharge permit application;
1157
1158 (4) Falsifying self-monitoring reports
1159
1160 (5) Falsifying certification statements;

- 1161
- 1162 (6) Tampering with monitoring equipment;
- 1163
- 1164 (7) Refusing to allow the General Manager timely access to the facility premises
- 1165 and/or records;
- 1166
- 1167 (8) Failure to meet effluent limitations;
- 1168
- 1169 (9) Failure to pay fines;
- 1170
- 1171 (10) Failure to pay sewer charges;
- 1172
- 1173 (11) Failure to meet compliance schedules;
- 1174
- 1175 (12) Failure to complete a wastewater survey or the wastewater discharge permit
- 1176 application or reapplication;
- 1177
- 1178 (13) Failure to provide advance notice of the transfer of business ownership of a
- 1179 permitted facility; or
- 1180
- 1181 (14) Violation of any Pretreatment Standard or Requirement, or any terms of the
- 1182 wastewater discharge permit or this Rules and Regulations.
- 1183

1184 B. Individual wastewater discharge permits shall be voidable upon cessation of

1185 operations or transfer of business ownership. All individual wastewater discharge

1186 permits issued to a User are void upon the issuance of a new individual wastewater

1187 discharge permit to that User.

1188

1189 5.6 Individual Wastewater Discharge Permit Reissuance

1190

1191 A User with an expiring individual wastewater discharge permit shall apply for individual

1192 wastewater discharge permit reissuance by submitting a complete permit application, in

1193 accordance with Section 4 of this Rules and Regulations, a minimum of thirty (30) days prior to

1194 the expiration of the User’s existing individual wastewater discharge permit.

1195

1196 5.7 Regulation of Industrial Waste Received from Other Jurisdictions

1197

1198 A. If an industrial User located within another municipality, contributes wastewater to

1199 the POTW, the General Manager shall enter into an intermunicipal agreement with

1200 the municipality where the industrial user is located.

1201

1202 B. Prior to entering into an agreement required by paragraph A, above, the General

1203 Manager shall request the following information from the contributing industrial user:

1204

- 1205 (1) A description of the quality and volume of wastewater discharged to the POTW
- 1206 by the contributing industrial user;

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- (3) Such other information as the General Manager may deem necessary.
- C. An intermunicipal agreement, as required by paragraph A, above, shall contain the following conditions:
 - (1) A requirement for the contributing municipality to adopt a sewer use Rules and Regulations which is at least as stringent as this Rules and Regulations and Local Limits, which are at least as stringent as those set out in Section 2 of this Rules and Regulations, including required Baseline Monitoring Reports (BMRs). The requirement shall specify that such Rules and Regulations and limits must be revised as necessary to reflect changes made to the District’s Rules and Regulations or Local Limits;
 - (2) A requirement for the contributing municipality to submit a revised User inventory on at least an annual, new business licenses monthly and water usage at least annual;
 - (3) A provision specifying which pretreatment implementation activities, including individual wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the General Manager; and which of these activities will be conducted jointly by the contributing municipality and the General Manager;
 - (4) A requirement for the contributing municipality to provide the General Manager with access to all information that the contributing municipality obtains as part of its pretreatment activities;
 - (5) Requirements for monitoring the contributing municipality’s discharge;
 - (6) A provision ensuring the General Manager access to the facilities of Users located within the contributing municipality’s jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the General Manager; and
 - (7) A provision specifying remedies available for breach of the terms of the intermunicipal agreement.

1249 SECTION 6—REPORTING REQUIREMENTS

1250

1251 6.1 Baseline Monitoring Reports (BMR)

1252

1253 A. BMR Requirements

1254

1255 (1) Within either one hundred eighty (180) days after the effective date of a
 1256 categorical Pretreatment Standard, or the final administrative decision on a
 1257 category determination under 40 CFR 403.6(a)(4), whichever is later, existing
 1258 Categorical Industrial Users currently discharging to or scheduled to discharge to
 1259 the POTW shall submit to the General Manager a report which contains the
 1260 information listed in paragraph B, below.

1261

1262 (2) At least ninety (90) days prior to commencement of their discharge, New Sources,
 1263 and sources that become Categorical Industrial Users subsequent to the
 1264 promulgation of an applicable categorical Standard, shall submit to the General
 1265 Manager a report which contains the information listed in paragraph B, below. A
 1266 New Source shall report the method of pretreatment it intends to use to meet
 1267 applicable categorical Standards. A New Source also shall give estimates of its
 1268 anticipated flow and quantity of pollutants to be discharged.

1269

1270 B. Users described above shall submit the information set forth below.

1271

1272 (1) All information required in Section 4.5A (1) a., Section 4.5A (2), Section 4.5A
 1273 (3), and Section 4.5A (6).

1274

1275 (2) Measurement of pollutants.

1276

1277 a. The User shall provide the information required in Section 4.5 A (7) a.
 1278 through d.

1279

1280 b. The User shall take a minimum of one representative sample to compile that
 1281 data necessary to comply with the requirements of this paragraph.

1282

1283 c. Samples should be taken immediately downstream from pretreatment facilities
 1284 if such exist or immediately downstream from the regulated process if no
 1285 pretreatment exists. If other wastewaters are mixed with the regulated
 1286 wastewater prior to pretreatment the User should measure the flows and
 1287 concentrations necessary to allow use of the combined wastestream formula in
 1288 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards.
 1289 Where an alternate concentration or mass limit has been calculated in
 1290 accordance with 40 CFR 403.6(e) this adjusted limit along with supporting
 1291 data shall be submitted to the Control Authority;

1292

1293 d. Sampling and analysis shall be performed in accordance with Section 6;

- 1294 e. The General Manager may allow the submission of a baseline report which
1295 utilizes only historical data so long as the data provides information sufficient
1296 to determine the need for industrial pretreatment measures; and
1297
1298 f. The baseline report shall indicate the time, date and place of sampling and
1299 methods of analysis, and shall certify that such sampling and analysis is
1300 representative of normal work cycles and expected pollutant Discharges to the
1301 POTW.
1302
- 1303 (3) Compliance Certification. A statement, reviewed by the User's Authorized
1304 Representative as defined in Section 1 and certified by a qualified professional,
1305 indicating whether Pretreatment Standards are being met on a consistent basis,
1306 and, if not, whether additional operation and maintenance (O&M) and/or
1307 additional pretreatment is required to meet the Pretreatment Standards and
1308 Requirements.
1309
- 1310 (4) Compliance Schedule. If additional pretreatment and/or O&M will be required
1311 for the User to meet the Pretreatment Standards, the shortest schedule by which
1312 the User will provide such additional pretreatment and/or O&M must be provided.
1313 The completion date in this schedule shall not be later than the compliance date
1314 established for the applicable Pretreatment Standard. A compliance schedule
1315 pursuant to this Section must meet the requirements set out in Section 6 of this
1316 Rules and Regulations.
1317
- 1318 (5) Signature and Report Certification. All baseline monitoring reports must be
1319 certified in accordance with Section 6 of this Rules and Regulations and signed by
1320 an Authorized Representative as defined in Section 1.
1321

1322 6.2 Compliance Schedule Progress Reports

1323
1324 The following conditions shall apply to the compliance schedule required by Section 6 of this
1325 Rules and Regulations:
1326

- 1327 A. The schedule shall contain progress increments in the form of dates for the
1328 commencement and completion of major events leading to the construction and
1329 operation of additional pretreatment required for the User to meet the applicable
1330 Pretreatment Standards (such events include, but are not limited to, hiring an
1331 engineer, completing preliminary and final plans, executing contracts for major
1332 components, commencing and completing construction, and beginning and
1333 conducting routine operation);
1334
- 1335 B. No increment referred to above shall exceed nine (9) months;
1336
- 1337 C. The User shall submit a progress report to the General Manager no later than fourteen
1338 (14) days following each date in the schedule and the final date of compliance
1339 including, as a minimum, whether or not it complied with the increment of progress,

1340 the reason for any delay, and, if appropriate, the steps being taken by the User to
1341 return to the established schedule; and
1342

1343 D. In no event shall more than nine (9) months elapse between such progress reports to
1344 the General Manager.
1345

1346 6.3 Reports on Compliance with Categorical Pretreatment Standard Deadline
1347

1348 Within ninety (90) days following the date for final compliance with applicable categorical
1349 Pretreatment Standards, or in the case of a New Source following commencement of the
1350 introduction of wastewater into the POTW, any User subject to such Pretreatment Standards and
1351 Requirements shall submit to the General Manager a report containing the information described
1352 in Section 4.5 A(6) and (7) and 6.1 B(2) of this Rules and Regulations. For Users subject to
1353 equivalent mass or concentration limits established in accordance with the procedures in Section
1354 2, this report shall contain a reasonable measure of the User's long-term production rate. For all
1355 other Users subject to categorical Pretreatment Standards expressed in terms of allowable
1356 pollutant discharge per unit of production (or other measure of operation), this report shall
1357 include the User's actual production during the appropriate sampling period. All compliance
1358 reports must be signed and certified in accordance with Section 6 of this Rules and Regulations.
1359 All sampling will be done in conformance with Section 6.
1360

1361 6.4 Periodic Compliance Reports
1362

1363 A. Except as specified in Section 6, all permitted Significant Industrial Users must, at a
1364 frequency determined by the General Manager submit no less than twice per year
1365 (June and December) reports indicating the nature, concentration of pollutants in the
1366 discharge which are limited by Pretreatment Standards and the measured or estimated
1367 average and maximum daily flows for the reporting period. In cases where the
1368 Pretreatment Standard requires compliance with a Best Management Practice (BMP)
1369 or pollution prevention alternative, the User must submit documentation required by
1370 the General Manager or the Pretreatment Standard necessary to determine the
1371 compliance status of the User.
1372

1373
1374 C. The General Manager may reduce the requirement for periodic compliance reports,
1375 see Section 6.4, to a requirement to report no less frequently than once a year, unless
1376 required more frequently in the Pretreatment Standard or by EPA/State, where the
1377 Industrial User's total categorical wastewater flow is considered de-minimus by the
1378 General Manager.
1379

1380 Reduced reporting is not available to Industrial Users that have in the last two (2)
1381 years been in Significant Noncompliance, as defined in Section 9 of this Rules and
1382 Regulations. In addition, reduced reporting is not available to an Industrial User with
1383 daily flow rates, production levels, or pollutant levels that vary so significantly that,
1384 in the opinion of the General Manager, decreasing the reporting requirement for this

1385 Industrial User would result in data that are not representative of conditions occurring
1386 during the reporting period.

1387
1388 D. All periodic compliance reports must be signed and certified in accordance with
1389 Section 6 of this Rules and Regulations.

1390
1391 E. All wastewater samples must be representative of the User's discharge. Wastewater
1392 monitoring and flow measurement facilities shall be properly operated, kept clean,
1393 and maintained in good working order at all times. The failure of a User to keep its
1394 monitoring facility in good working order shall not be grounds for the User to claim
1395 that sample results are unrepresentative of its discharge.

1396
1397 F. If a User subject to the reporting requirement in this section monitors any regulated
1398 pollutant at the appropriate sampling location more frequently than required by the
1399 General Manager, using the procedures prescribed in Section 6 of these Rules and
1400 Regulations, the results of this monitoring shall be included in the report.

1401
1402 G. Users that send electronic (digital) documents to the District to satisfy the
1403 requirements of this Section must have an advanced agreement as to how this is to be
1404 done.

1405
1406 H. At the discretion of the District the user may not be required to submit reports as
1407 stated above if:

1408
1409 (1) The District performs all the required sampling and analyses,

1410
1411 (2) The User does not sample the discharge and

1412
1413 (3) The flow information is collected by the District.

1414
1415 6.5 Reports of Changed Conditions

1416
1417 A. Each User must notify the General Manager of any significant changes to the User's
1418 operations or system which might alter the nature, quality, or volume of its
1419 wastewater at least 30 days before the change, including changes that may affect slug
1420 discharges to the POTW.

1421
1422 (1) The General Manager may require the User to submit such information as may be
1423 deemed necessary to evaluate the changed condition, including the submission of
1424 a wastewater discharge permit application under Section 4 of this Rules and
1425 Regulations.

1426
1427 (2) The General Manager may issue an individual wastewater discharge permit
1428 under Section 5 of this Rules and Regulations or modify an existing wastewater
1429 discharge permit under Section 5 of this Rules and Regulations in response to
1430 changed conditions or anticipated changed conditions.

1431
1432 B. The General Manager may approve, deny or conditionally approve the change based
1433 on the affects the change may have on the POTW and/or the Pretreatment Program.
1434

1435 6.6 Reports of Potential Problems
1436

1437 A. In the case of any discharge, including, but not limited to, accidental discharges,
1438 discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a Slug
1439 Discharge or Slug Load, that might cause potential problems for the POTW, the User
1440 shall immediately notify either in person or via a phone conversation with the General
1441 Manager of the incident. This notification shall include the location of the discharge,
1442 type of waste, concentration, and volume, if known, and corrective actions taken by
1443 the User.
1444

1445 B. Within five (5) days following such discharge, the User shall, unless waived by the
1446 General Manager, submit a detailed written report describing the cause(s) of the
1447 discharge and the measures to be taken by the User to prevent similar future
1448 occurrences. Such notification shall not relieve the User of any expense, loss,
1449 damage, or other liability which might be incurred as a result of damage to the
1450 POTW, natural resources, or any other damage to person or property; nor shall such
1451 notification relieve the User of any fines, penalties, or other liability which may be
1452 imposed pursuant to this Rules and Regulations.
1453

1454 C. A notice should be permanently posted on the User's bulletin board or other
1455 prominent place advising employees who to call in the event of a discharge described
1456 in paragraph A, above. Employers shall ensure that all employees, who could cause
1457 such a discharge to occur, are advised of the emergency notification procedure.
1458

1459 D. Significant Industrial Users are required to notify the General Manager immediately
1460 of any changes at its facility affecting the potential for a Slug Discharge.
1461

1462 6.7 Reports from Unpermitted Users
1463

1464 All Users not required to obtain an individual wastewater discharge permit shall provide
1465 appropriate reports to the General Manager as the General Manager may require.
1466

1467 6.8 Notice of Violation/Repeat Sampling and Reporting
1468

1469 If sampling performed by a User indicates a violation, the User must notify the General Manager
1470 within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the
1471 sampling and analysis and submit the results of the repeat analysis to the General Manager
1472 within thirty (30) days after becoming aware of the violation. Resampling by the Industrial User
1473 is not required if the District performs sampling at the User's facility at least once a month, or if
1474 the District performs sampling at the User between the time when the initial sampling was
1475 conducted and the time when the User or the District receives the results of this sampling, or if
1476 the District has performed the sampling and analysis in lieu of the Industrial User. If the District

1477 performs the sampling and analysis and a violation occurs, in lieu of the User performing the
1478 sampling and analysis, then the District will perform the repeat sampling and analysis unless it
1479 notifies the User of the violation and requires the User to perform the repeat sampling and
1480 analysis.

1481
1482 6.9 Notification of the Discharge of Hazardous Waste
1483

1484 A. Any User who commences the discharge of hazardous waste shall notify the POTW,
1485 the EPA Regional Waste Management Division Assistant General Manager, and State
1486 hazardous waste authorities, in writing, of any discharge into the POTW of a
1487 substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR
1488 Part 261. Such notification must include the name of the hazardous waste as set forth
1489 in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge
1490 (continuous, batch, or other). If the User discharges more than one hundred (100)
1491 kilograms of such waste per calendar month to the POTW, the notification also shall
1492 contain the following information to the extent such information is known and readily
1493 available to the User:

- 1494
1495 (1) An identification of the hazardous constituents contained in the wastes,
1496
1497 (2) An estimation of the mass and concentration of such constituents in the
1498 wastestream discharged during that calendar month, and
1499
1500 (3) An estimation of the mass of constituents in the wastestream expected to be
1501 discharged during the following twelve (12) months.
1502

1503 B. All notifications must take place no later than one hundred and eighty (180) days after
1504 the discharge commences. Any notification under this paragraph need be submitted
1505 only once for each hazardous waste discharged. However, notifications of changed
1506 conditions must be submitted under Section 6 of this Rules and Regulations. The
1507 notification requirement in this Section does not apply to pollutants already reported
1508 by Users subject to categorical Pretreatment Standards under the self-monitoring
1509 requirements of Sections 6.1, 6.3, and 6.4 of this Rules and Regulations.
1510

1511 C. Dischargers are exempt from the requirements of paragraph A, above, during a
1512 calendar month in which they discharge no more than fifteen (15) kilograms of
1513 hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40
1514 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of
1515 nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous
1516 wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time
1517 notification. Subsequent months during which the User discharges more than such
1518 quantities of any hazardous waste do not require additional notification.
1519

1520 D. In the case of any new regulations under section 3001 of RCRA identifying additional
1521 characteristics of hazardous waste or listing any additional substance as a hazardous
1522 waste, the User must notify the General Manager, the EPA Regional Waste

1523 Management Waste Division Assistant General Manager, and State hazardous waste
1524 authorities of the discharge of such substance within ninety (90) days of the effective
1525 date of such regulations.

1526
1527 E. In the case of any notification made under this Section, the User shall certify that it
1528 has a program in place to reduce the volume and toxicity of hazardous wastes
1529 generated to the degree it has determined to be economically practical.

1530
1531 F. This provision does not create a right to discharge any substance not otherwise
1532 permitted to be discharged by this Rules and Regulations, a permit issued thereunder,
1533 or any applicable Federal or State law.

1534
1535 6.10 Analytical Requirements constant

1536
1537 A. All pollutant analyses, including sampling techniques, to be submitted as part of a
1538 individual wastewater discharge permit application, report, individual wastewater
1539 discharge permit or other requirement by this Rules and Regulations shall be
1540 performed in accordance with the techniques prescribed in 40 CFR Part 136
1541 amendments thereto and at a laboratory certified by the Utah Bureau of Laboratory
1542 Improvement, unless otherwise specified in an applicable categorical Pretreatment
1543 Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for
1544 the pollutant in question, or where the EPA determines that the Part 136 sampling and
1545 analytical techniques are inappropriate for the pollutant in question, sampling and
1546 analyses shall be performed by using validated analytical methods or any other
1547 applicable sampling and analytical procedures, including procedures suggested by the
1548 General Manager or other parties approved by EPA.

1549
1550 B. All laboratory samples collected for this Rules and Regulations shall be analysis by a
1551 laboratory that is either certified by the Utah Bureau of Laboratory Improvements or
1552 approved by the General Manager. The following must be met for field methods or
1553 analysis completed by the permittee: the analysis must adhere to the requirements of
1554 40 CFR 136 and/or has been approved by the General Manager for analysis by the
1555 user.

1556
1557 6.11 Sample Collection

1558
1559 Samples collected to satisfy reporting requirements must be based on data obtained through
1560 appropriate sampling and analysis performed during the period covered by the report, based on
1561 data that is representative of conditions occurring during the reporting period.

1562
1563 A. Except as indicated in Section B and C below, the User must collect wastewater
1564 samples using 24-hour flow-proportional composite sampling techniques, unless
1565 time-proportional composite sampling or grab sampling is authorized by the General
1566 Manager. Where time-proportional composite sampling or grab sampling is
1567 authorized by the District, the samples must be representative of the discharge. Using
1568 protocols (including appropriate preservation) specified in 40 CFR Part 136 and

1569 appropriate EPA guidance, multiple grab samples collected during a 24-hour period
1570 may be composited prior to the analysis as follows: for cyanide, total phenols, and
1571 sulfides the samples may be composited in the laboratory or in the field; for volatile
1572 organics and oil and grease, the samples may be composited in the laboratory.
1573 Composite samples for other parameters unaffected by the compositing procedures as
1574 documented in approved EPA methodologies may be authorized by the District, as
1575 appropriate. In addition, grab samples may be required to show compliance with
1576 Instantaneous Limits.

- 1577
- 1578 B. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and
1579 volatile organic compounds must be obtained using grab collection techniques.
 - 1580
 - 1581 C. For sampling required in support of baseline monitoring and 90-day compliance
1582 reports required in Section 6.1 and 6.3, a minimum of four (4) grab samples must be
1583 used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic
1584 compounds for facilities for which historical sampling data do not exist; for facilities
1585 for which historical sampling data are available, the General Manager may authorize
1586 a lower minimum. For the reports required by paragraphs Section 6.4, the Industrial
1587 User is required to collect the number of grab samples necessary to assess and assure
1588 compliance by with applicable Pretreatment Standards and Requirements.
 - 1589

1590 6.12 Date of Receipt of Reports

1591
1592 Written reports will be deemed to have been submitted on the date postmarked. For reports,
1593 which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal
1594 Service, the date of receipt of the report shall govern.

1595 1596 6.13 Recordkeeping

- 1597
- 1598 A. Users subject to the reporting requirements of this Rules and Regulations shall retain,
1599 and make available for inspection and copying:
 - 1600
 - 1601 (1) All records of information obtained pursuant to any monitoring activities required
1602 by this Rules and Regulations,
 - 1603
 - 1604 (2) Any additional records of information obtained pursuant to monitoring activities
1605 undertaken by the User independent of such requirements, and
 - 1606
 - 1607 (3) Documentation associated with Best Management Practices established as
1608 Pretreatment Standards and per Section 2.
 - 1609
 - 1610 B. Records shall include the date, exact place, method, and time of sampling, and the
1611 name of the person(s) taking the samples; the dates analyses were performed; who

1612 performed the analyses; the analytical techniques or methods used; and the results of
1613 such analyses.

1614
1615 C. These records shall remain available for a period of at least three (3) years. This
1616 period shall be automatically extended for the duration of any litigation concerning
1617 the User or the District, or where the User has been specifically notified of a longer
1618 retention period by the General Manager.

1619
1620 6.14 Recordkeeping

1621
1622
1623 A. Certification of Permit Applications, User Reports and Initial Monitoring Waiver—
1624 The following certification statement is required to be signed and submitted by Users
1625 submitting permit applications in accordance with Section 4; Users submitting
1626 baseline monitoring reports under Section 6; Users submitting reports on compliance
1627 with the categorical Pretreatment Standard deadlines under Section 6; Users
1628 submitting periodic compliance reports required by Section 6, and Users submitting
1629 an initial request to forego sampling of a pollutant on the basis of Section 6. The
1630 following certification statement must be signed by an Authorized Representative as
1631 defined in Section 1:

1632
1633 I certify under penalty of law that this document and all attachments were
1634 prepared under my direction or supervision in accordance with a system designed
1635 to assure that qualified personnel properly gather and evaluate the information
1636 submitted. Based on my inquiry of the person or persons who manage the system,
1637 or those persons directly responsible for gathering the information, the
1638 information submitted is, to the best of my knowledge and belief, true, accurate,
1639 and complete. I am aware that there are significant penalties for submitting false
1640 information, including the possibility of fine and imprisonment for knowing
1641 violations.

1642
1643

1644 SECTION 7—COMPLIANCE MONITORING

1645

1646 7.1 Right of Entry: Inspection and Sampling

1647

1648 The General Manager shall have the right to enter the premises of any User to determine whether
1649 the User is complying with all requirements of this Rules and Regulations and any individual
1650 wastewater discharge permit or order issued hereunder. Users shall allow the General Manager
1651 ready access to all parts of the premises for the purposes of inspection, sampling, records
1652 examination and copying, and/or the performance of any additional duties. Monitoring and
1653 inspections shall be conducted at a frequency as determined by the District and may be
1654 announced or unannounced.

1655

1656 A. Where a User has security measures in force which require proper identification and
1657 clearance before entry into its premises, the User shall make necessary arrangements
1658 with its security guards so that, upon presentation of suitable identification, the
1659 General Manager shall be permitted to enter without delay for the purposes of
1660 performing specific responsibilities.

1661

1662 B. The General Manager shall have the right to set up on the User's property, or require
1663 installation of, such devices as are necessary to conduct sampling and/or metering of
1664 the User's operations.

1665

1666 C. The General Manager may require the User to install monitoring equipment as
1667 necessary. The facility's sampling and monitoring equipment shall be maintained at
1668 all times in a safe and proper operating condition by the User at its own expense. All
1669 devices used to measure wastewater flow and quality shall be calibrated as needed to
1670 ensure their accuracy.

1671

1672 D. Any temporary or permanent obstruction to safe and easy access to the facility to be
1673 inspected and/or sampled shall be promptly removed by the User at the written or
1674 verbal request of the General Manager and shall not be replaced. The costs of
1675 clearing such access shall be borne by the User.

1676

1677 E. Unreasonable delays in allowing the General Manager access to the User's premises
1678 shall be a violation of this Rules and Regulations.

1679

1680 F. The District may use a camera to photograph areas of the facility as necessary for
1681 carrying out the duties of the IPP including, but not limited to, documentation of the
1682 User's compliance status and for reinforcement of written reports. The User shall be
1683 allowed to review copies of the photographs for confidentiality claims.

1684

1685 7.2 System Disconnect

1686

1687 If the General Manager has been refused access to a building, structure, or property, or any part
1688 thereof, and is able to demonstrate probable cause to believe that there may be a violation of this
1689 Rules and Regulations, or that there is a need to inspect and/or sample as part of a routine

1690 inspection and sampling program of the District designed to verify compliance with this Rules
1691 and Regulations or any permit or order issued hereunder, or to protect the overall public health,
1692 safety and welfare of the community, the General Manager may disconnect the user from the
1693 system.

1694

1695

1696 SECTION 8—CONFIDENTIAL INFORMATION

1697
1698 A. All records, reports, data or other information supplied by any person or Industrial User as a
1699 result of any disclosure required by these Rules and Regulations or this Rules and Regulations or
1700 information and data from inspections shall be available for public inspection except as
1701 otherwise provided in this Section, R317-8-8-12, 40 CFR Section 403.14 and the Utah
1702 Government Records Access and Management Act (Title 63G).

1703
1704 B. These provisions shall not be applicable to any information designated as a trade secret by the
1705 person supplying such information. Materials designated as a trade secret may include, but shall
1706 not be limited to, processes, operations, style of work or apparatus or confidential commercial or
1707 statistical data. Any information and data submitted by the Industrial User which is desired to be
1708 considered a trade secret shall have the words, "Confidential Business Information," stamped on
1709 each page containing such information. The Industrial User must demonstrate to the satisfaction
1710 of the General Manager that the release of such information would divulge information,
1711 processes or methods of production entitled to protection as trade secrets of the Industrial User.
1712 Information designated as a trade secret pursuant to this Section shall remain confidential and
1713 shall not be subject to public inspection. Such information shall be available only to officers,
1714 employees or authorized representatives of the District charged with implementing and enforcing
1715 the provisions of these Rules and Regulations or this Rules and Regulations and properly
1716 identified representatives of the U.S. Environmental Protection Agency and the Utah Department
1717 of Environmental Quality. Effluent data from any Industrial User whether obtained by self-
1718 monitoring, monitoring by District or monitoring by any state or federal agency, shall not be
1719 considered a trade secret or otherwise confidential. All such effluent data shall be available for
1720 public inspection.

1721

SECTION 9—PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

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

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

1769 SECTION 10—ADMINISTRATIVE ENFORCEMENT REMEDIES

1770

1771 10.1 Notification of Violation

1772

1773 When the General Manager finds that a User has violated, or continues to violate, any provision
1774 of this Rules and Regulations, an individual wastewater discharge permit, order issued
1775 hereunder, or any other Pretreatment Standard or Requirement, the General Manager may serve
1776 upon that User a written Notice of Violation. Within 30 days of the receipt of such notice, an
1777 explanation of the violation and a plan for the satisfactory correction and prevention thereof, to
1778 include specific required actions, shall be submitted by the User to the General Manager.
1779 Submission of such a plan in no way relieves the User of liability for any violations occurring
1780 before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority
1781 of the General Manager to take any action, including emergency actions or any other
1782 enforcement action, without first issuing a Notice of Violation.

1783

1784 10.2 Consent Orders

1785

1786 The General Manager may enter into Consent Orders, assurances of compliance, or other similar
1787 documents establishing an agreement with any User responsible for noncompliance. Such
1788 documents shall include specific action to be taken by the User to correct the noncompliance
1789 within a time period specified by the document. Such documents shall have the same force and
1790 effect as the administrative orders issued pursuant to Sections 10.4 and 10.5 of this Rules and
1791 Regulations and shall be judicially enforceable.

1792

1793 10.3 Show Cause Hearing

1794

1795 The General Manager may order a User which has violated, or continues to violate, any
1796 provision of this Rules and Regulations, an individual wastewater discharge permit, or order
1797 issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the
1798 General Manager and show cause why the proposed enforcement action should not be taken.
1799 Notice shall be served on the User specifying the time and place for the meeting, the proposed
1800 enforcement action, the reasons for such action, and a request that the User show cause why the
1801 proposed enforcement action should not be taken. The notice of the meeting shall be served
1802 personally or by registered or certified mail (return receipt requested) at least seven (7) days
1803 prior to the hearing. Such notice may be served on any Authorized Representative of the User as
1804 defined in Section 1 and required by Section 4. A show cause hearing shall not be a bar against,
1805 or prerequisite for, taking any other action against the User.

1806

1807 10.4 Compliance Orders

1808

1809 When the General Manager finds that a User has violated, or continues to violate, any provision
1810 of this Rules and Regulations, an individual wastewater discharge permit, or order issued
1811 hereunder, or any other Pretreatment Standard or Requirement, the General Manager may issue
1812 an order to the User responsible for the discharge directing that the User come into compliance
1813 within a specified time. If the User does not come into compliance within the time provided,
1814 sewer service may be discontinued unless adequate treatment facilities, devices, or other related

1815 appurtenances are installed and properly operated. Compliance orders also may contain other
1816 requirements to address the noncompliance, including additional self-monitoring and
1817 management practices designed to minimize the amount of pollutants discharged to the sewer. A
1818 compliance order may not extend the deadline for compliance established for a Pretreatment
1819 Standard or Requirement, nor does a compliance order relieve the User of liability for any
1820 violation, including any continuing violation. Issuance of a compliance order shall not be a bar
1821 against, or a prerequisite for, taking any other action against the User.

1822

1823 10.5 Cease and Desist Orders

1824

1825 A. When the General Manager finds that a User has violated, or continues to violate, any
1826 provision of this Rules and Regulations, an individual wastewater discharge permit,
1827 or order issued hereunder, or any other Pretreatment Standard or Requirement, or that
1828 the User's past violations are likely to recur, the General Manager may issue an order
1829 to the User directing it to cease and desist all such violations and directing the User
1830 to:

1831

1832 a. Immediately comply with all requirements; and

1833

1834 b. Take such appropriate remedial or preventive action as may be needed to
1835 properly address a continuing or threatened violation, including halting
1836 operations and/or terminating the discharge.

1837

1838 B. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for,
1839 taking any other action against the User.

1840

1841 10.6 Administrative Fines

1842

1843 A. When the General Manager finds that a User has violated, or continues to violate, any
1844 provision of this Rules and Regulations, an individual wastewater discharge permit,
1845 or order issued hereunder, or any other Pretreatment Standard or Requirement, the
1846 General Manager may fine such User in an amount not to exceed \$1,000. Such fines
1847 shall be assessed on a per-violation, per-day basis. In the case of monthly or other
1848 long-term average discharge limits, fines shall be assessed for each day during the
1849 period of violation.

1850

1851 B. Unpaid charges, fines, and penalties shall, after 30 calendar days, be assessed an
1852 additional penalty of five percent (5%) of the unpaid balance. A lien against the
1853 User's property shall be sought for unpaid charges, fines, and penalties.

1854

1855 C. Users desiring to dispute such fines must file a written request for the General
1856 Manager to reconsider the fine along with full payment of the fine amount within 30
1857 days of being notified of the fine. Where a request has merit, the General Manager
1858 may convene a hearing on the matter. In the event the User's appeal is successful, the
1859 payment, together with any interest accruing thereto, shall be returned to the User.

1860 The General Manager may add the costs of preparing administrative enforcement
1861 actions, such as notices and orders, to the fine.

1862
1863 D. Issuance of an administrative fine shall not be a bar against, or a prerequisite for,
1864 taking any other action against the User.

1865
1866 10.7 Emergency Suspensions

1867
1868 A. The General Manager may immediately suspend a User's discharge, after informal
1869 notice to the User, whenever such suspension is necessary to stop an actual or
1870 threatened discharge, which reasonably appears to present, or cause an imminent or
1871 substantial endangerment to the health or welfare of persons. The General Manager
1872 may also immediately suspend a User's discharge, after notice and opportunity to
1873 respond, that threatens to interfere with the operation of the POTW, or which
1874 presents, or may present, an endangerment to the environment.

1875
1876 (1) Any User notified of a suspension of its discharge shall immediately stop or
1877 eliminate its contribution. In the event of a User's failure to immediately
1878 comply voluntarily with the suspension order, the General Manager may take
1879 such steps as deemed necessary, including immediate severance of the sewer
1880 connection, to prevent or minimize damage to the POTW, its receiving
1881 stream, or endangerment to any individuals. the General Manager may allow
1882 the User to recommence its discharge when the User has demonstrated to the
1883 satisfaction of the General Manager that the period of endangerment has
1884 passed, unless the termination proceedings in Section 10.8 of this Rules and
1885 Regulations are initiated against the User.

1886
1887 (2) A User that is responsible, in whole or in part, for any discharge presenting
1888 imminent endangerment shall submit a detailed written statement, describing
1889 the causes of the harmful contribution and the measures taken to prevent any
1890 future occurrence, to the General Manager prior to the date of any show
1891 cause or termination hearing under Sections 10.3 or 10.8 of this Rules and
1892 Regulations.

1893
1894 B. Nothing in this Section shall be interpreted as requiring a hearing prior to any
1895 Emergency Suspension of a permit and/or discharge to the POTW.

1896
1897 10.8 Termination of Discharge

1898
1899 In addition to the provisions in Section 5.5 of this Rules and Regulations, any User who violates
1900 the following conditions is subject to discharge termination:

1901
1902 A. Violation of individual wastewater discharge permit conditions;

1903
1904 B. Failure to accurately report the wastewater constituents and characteristics of its
1905 discharge;

1906
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1920

- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- D. Refusal of access to the User’s premises for the purpose of inspection, monitoring, or sampling; or
- E. Violation of the Pretreatment Standards in Section 2 of this Rules and Regulations.

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

1921 SECTION 11—JUDICIAL ENFORCEMENT REMEDIES

1922

1923 11.1 Injunctive Relief

1924

1925 When the General Manager finds that a User has violated, or continues to violate, any provision
1926 of this Rules and Regulations, an individual wastewater discharge permit, or order issued
1927 hereunder, or any other Pretreatment Standard or Requirement, the General Manager may
1928 petition the Court through the District’s Attorney for the issuance of a temporary or permanent
1929 injunction, as appropriate, which restrains or compels the specific performance of the individual
1930 wastewater discharge permit, order, or other requirement imposed by this Rules and Regulations
1931 on activities of the User. The General Manager may also seek such other action as is appropriate
1932 for legal and/or equitable relief, including a requirement for the User to conduct environmental
1933 remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for,
1934 taking any other action against a User.

1935

1936 11.2 Civil Penalties

1937

1938 A. A User who has violated, or continues to violate, any provision of this Rules and
1939 Regulations, an individual wastewater discharge permit, or order issued hereunder, or
1940 any other Pretreatment Standard or Requirement shall be liable to the District for a
1941 maximum civil penalty of \$1,000 per violation, per day. In the case of a monthly or
1942 other long-term average discharge limit, penalties shall accrue for each day during the
1943 period of the violation.

1944

1945 B. The General Manager may recover reasonable attorneys’ fees, court costs, and other
1946 expenses associated with enforcement activities, including sampling and monitoring
1947 expenses, and the cost of any actual damages incurred by the District.

1948

1949 C. In determining the amount of civil liability, the Court shall take into account all
1950 relevant circumstances, including, but not limited to, the extent of harm caused by the
1951 violation, the magnitude and duration of the violation, any economic benefit gained
1952 through the User’s violation, corrective actions by the User, the compliance history of
1953 the User, and any other factor as justice requires.

1954

1955 D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking
1956 any other action against a User.

1957

1958 11.3 Criminal Prosecution

1959

1960 A. A User who willfully or negligently violates any provision of this Rules and
1961 Regulations, an individual wastewater discharge permit, or order issued hereunder, or
1962 any other Pretreatment Standard or Requirement shall be referred to the State
1963 Division of Water Quality for criminal prosecution.

1964

1965 B. A User who willfully or negligently introduces any substance into the POTW which
1966 causes personal injury or property damage shall be referred to the State Division of

1967 Water Quality for criminal prosecution. This penalty shall be in addition to any other
1968 cause of action for personal injury or property damage available under State law.
1969

1970

1971

11.4 Remedies Nonexclusive

1972

1973 The remedies provided for in this Rules and Regulations are not exclusive. The General
1974 Manager may take any, all, or any combination of these actions against a noncompliant User.
1975 Enforcement of pretreatment violations will generally be in accordance with the District's
1976 enforcement response plan. However, the General Manager may take other action against any
1977 User when the circumstances warrant. Further, the General Manager is empowered to take more
1978 than one enforcement action against any noncompliant User.
1979

1980

11.5 Referral

1981

1982 The District may refer any violation and/or criminal violation of any pretreatment standard,
1983 requirement or permit condition to the appropriate authorities and assist in the prosecution.
1984

1985

1986

1987 SECTION 12—SUPPLEMENTAL ENFORCEMENT ACTION

1988

1989 12.1 Public Nuisances

1990

1991 A violation of any provision of this Rules and Regulations, an individual wastewater discharge
1992 permit, or order issued hereunder, or any other Pretreatment Standard or Requirement is hereby
1993 declared a public nuisance and shall be corrected or abated as directed by the General Manager.

1994

1995 12.2 Informant Rewards

1996

1997 The General Manager may pay up to \$500 for information leading to the discovery of
1998 noncompliance by a User.

1999

2000

2001

2002 SECTION 13—WASTEWATER TREATMENT RATES

2003

2004 Wastewater treatment rates are established in the District's Cost Recovery System from time to
2005 time.

2006

2007 SECTION 14—MISCELLANEOUS PROVISIONS

2008 14.1 Severability

2009

2010 If any provision of this Rules and Regulations is invalidated by any court of competent
2011 jurisdiction, the remaining provisions shall not be affected and shall continue in full force and
2012 effect.

2013

2014

2015 SECTION 15—EFFECTIVE DATE

2016

2017 This Rules and Regulations shall be in full force and effect immediately following its passage,
2018 approval, and publication, as provided by law.