

**CITY OF LOGAN, UTAH
ORDINANCE NO. 23-31**

**AN ORDINANCE AMENDING SECTION 12.36.020 OF THE LOGAN MUNICIPAL
CODE REGULATING SEWERS AND SEWAGE DISPOSAL:**

WHEREAS, the state legislature has granted general welfare power to the City Council, independent, apart from, and in addition to, its specific grants of legislative authority, which enables the City of Logan to pass ordinances as are necessary and proper to provide for the safety and preserve the health, promote the prosperity, improve the peace and good order, comfort, and convenience of the City and its inhabitants, and for the protection of property and the City; and

WHEREAS, the City Council has determined that certain amendments to the following ordinance is in the City's best interest;

NOW THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF LOGAN, UTAH, AS FOLLOWS:

Section 1. Section 13.12 of the Logan Municipal Code is amended as follows:

**CHAPTER 13.12
SEWERS AND SEWAGE DISPOSAL**

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ARTICLE I. APPLICATION

13.12.005: GENERAL PROVISIONS:

A. Purpose And Policy: This chapter sets forth uniform requirements for users of the publicly owned treatment works for the City of Logan and enables the City of Logan to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code [USC] section 1251 et seq.) and the General Pretreatment Regulations (title 40 of the Code of Federal Regulations [CFR] part 403). The objectives of this chapter are:

1. To prevent the introduction of pollutants into the publicly owned treatment works that will interfere with its operation or contaminate the resulting sludge;
2. To prevent the introduction of pollutants into the publicly owned treatment works that will pass through the publicly owned treatment works, inadequately treated, into receiving waters, or the atmosphere, or otherwise be incompatible with the publicly owned treatment works;
3. To protect both publicly owned treatment works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
4. To promote reuse and recycling of wastewater and sludge from the publicly owned treatment works;
5. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the publicly owned treatment works; and

6. To enable the City to comply with its Utah pollutant discharge elimination system permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the publicly owned treatment works is subject.

This chapter shall apply to all users of the publicly owned treatment works. This chapter authorizes the issuance of individual wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

B. Administration: Except as otherwise provided herein, the City of Logan Environmental Department Director shall administer, implement, and enforce the provisions of this chapter. Any powers granted to or duties imposed upon the City of Logan Environmental Department Director may be delegated by the City of Logan Environmental Department Director to a duly authorized City employee.

C. Abbreviations: The following abbreviations, when used in this chapter, 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
EPA	U.S. Environmental Protection Agency
gpd	Gallons per day
IU	Industrial user
LCEDD	Logan City Environmental Department Director
mg/L	Milligrams per liter
NSCIU	Non-significant categorical industrial user
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
USC	United States Code

(Ord. 17-25, 2018)

13.12.010: DEFINITIONS:

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

ACT OR THE ACT: The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC section 1251 et seq.

APPROVAL AUTHORITY: State of Utah Division of Water Quality or its successor agency.

AUTHORIZED OR DULY AUTHORIZED REPRESENTATIVE OF THE USER:

A. If the user is a corporation:

1. 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

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

B. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.

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

D. The individuals described in subsections A through C of this definition, 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 City.

BEST MANAGEMENT PRACTICES OR BMPs: Means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in subsections 13.12.160A and B of this chapter. BMPs shall be considered the local limits and Pretreatment Standards for the purposes of this chapter and Section 307(d) of the Act, 40 CFR 403.5(c)(4) and R317-8-8.8. BMPs shall also include but

are not limited to, treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

BIOCHEMICAL OXYGEN DEMAND OR BOD: The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at twenty degrees centigrade (20°C), usually expressed as a concentration (e.g., mg/L).

CATEGORICAL INDUSTRIAL USER: An industrial user subject to a categorical pretreatment standard or categorical standard.

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

CHEMICAL OXYGEN DEMAND OR COD: A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

CONTROL AUTHORITY: The City of Logan.

DAILY MAXIMUM: The arithmetic average of all effluent samples for a pollutant collected during a calendar day.

DAILY MAXIMUM LIMIT: The maximum allowable discharge limit of a pollutant during a calendar day. Where daily maximum limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

ENVIRONMENTAL DIRECTOR: The person designated by the City to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this chapter. The term also means a duly authorized representative of the Environmental Director.

ENVIRONMENTAL PROTECTION AGENCY OR EPA: The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.

EXISTING SOURCE: Any source of discharge that is not a "new source".

GRAB SAMPLE: A sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

HAZARDOUS WASTE: Any waste deemed hazardous under the Resource Conservation and Recovery Act (RCRA).

INDIRECT DISCHARGE OR DISCHARGE: The introduction of pollutants into the POTW from any nondomestic source.

INSTANTANEOUS LIMIT: The maximum or minimum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any grab or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

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

LOCAL LIMIT: Specific discharge limits developed and enforced by the City upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in subsections 13.12.160A and B of this chapter. The technical based local limits have been developed and the are listed in subsection 13.12.170D of this chapter. The development documents are kept on file at the City office and can be reviewed if requested.

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

MONTHLY AVERAGE: The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

MONTHLY AVERAGE LIMIT: The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

NEW SOURCE: A. 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:

1. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
2. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

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

B. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of subsection A2 or A3 of this definition but otherwise alters, replaces, or adds to existing process or production equipment.

C. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

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

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

PASS THROUGH: A discharge which exits the POTW into waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's NPDES permit, including an increase in the magnitude or duration of a violation.

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

pH: A measure of the acidity or basicity of a solution, expressed in standard units.

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

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

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

PRETREATMENT STANDARDS OR STANDARDS: Pretreatment standards shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act, which applies to industrial users, which includes but is not limit to prohibited discharge standards, categorical pretreatment standards, and local limits.

PROHIBITED DISCHARGE STANDARDS OR PROHIBITED DISCHARGES: Absolute prohibitions against the discharge of certain substances; these prohibitions appear in section 13.12.160 of this chapter.

PUBLICLY OWNED TREATMENT WORKS OR POTW: A treatment works, as defined by section 212 of the Act (33 USC section 1292), which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant. It also includes sewers, pipes and other conveyances if they convey wastewater to a POTW treatment plant. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

SEPTIC TANK WASTE: Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

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

SIGNIFICANT INDUSTRIAL USER (SIU): Except as provided in subsections C and D of this definition, a significant industrial user is:

- A. An industrial user subject to categorical pretreatment standards; or
- B. An industrial user that:
 1. Discharges an average of twenty five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blow down wastewater);
 2. Contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

3. Is designated as such by the City on the basis that it has a reasonable potential for affecting the POTW's operation or for violating any pretreatment standard or requirement.

C. The City may determine that an industrial user subject to categorical pretreatment standards is a non-significant categorical industrial user rather than a significant industrial user on a finding that the industrial user never discharges more than one hundred (100) gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:

1. The industrial user, prior to the City's finding, has consistently complied with all applicable categorical pretreatment standards and requirements;

2. The industrial user annually submits the certification statement required in subsection 13.12.230M2 of this chapter, together with any additional information necessary to support the certification statement; and

3. The industrial user never discharges any untreated concentrated wastewater.

D. Upon a finding that a user meeting the criteria in subsection B of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the City may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

SLUG LOAD OR SLUG DISCHARGE: Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in section 13.12.160 of this chapter. A slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non- customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions.

STORMWATER: Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

THE CITY: Refers to the City of Logan.

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

USER OR INDUSTRIAL USER: A source of indirect discharge.

WASTEWATER: Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

WASTEWATER TREATMENT PLANT OR TREATMENT PLANT: That portion of the POTW which is designed to provide treatment of Municipal sewage and industrial waste.

WATER OF THE STATE: Means all streams, lakes, ponds, marshes, water-courses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through, or border upon this State or any portion thereof, except that bodies of water confined to and retained within the limits of private property, and which do not develop into or constitute a nuisance, or a public health hazard, or a menace to fish and wildlife, shall not be considered to be "waters of the State" under this definition. (Ord. 17-25, 2018)

13.12.020: APPLICATION PROCEDURES GENERALLY:

Applications for a permit for a sewer connection must be made to the Office of the City Engineer by the owner of the premises or the owner's authorized licensed plumber. Application must be made at least one day before any work is done and, if required by the City Engineer, must be accompanied by a complete plan showing line size, type of pipe, location of line and any other information required. If the plan in all things shall conform to the ordinance of the City, including effluent monitoring, and pretreatment facilities if deemed necessary, then the application shall be granted, subject to the provisions of this article, to any licensed plumber hired by the owner to install the line. (Prior Code § 14-1-1)

13.12.030: FEES AND SERVICES:

A. The City Engineer shall charge such connection, inspection or other fees for services provided by the City as set by the Municipal Council from time to time by resolution with the approval of the Mayor.

B. All roads capped for main line extensions shall be backfilled and resurfaced in accordance with the City standard specifications and shall be done at the contractor's or owner's expense.

C. The general policy of the City is not to extend City sewer service to locations outside the City unless there is an emergency involving the health, safety and welfare of persons and property, or unless to deny the service would impose severe financial hardships and such service can be extended without additional costs to the City. (Prior Code § 14-1-2)

13.12.040: PUBLIC SEWER AND CONNECTIONS; MAINTENANCE AND IMPROVEMENT FEE:

A. An initial schedule of charges for services rendered by the Municipal sewer system of the City are fixed as follows in this section:

1. Residential and domestic customers, including multiple dwelling units, trailers and mobile homes (including individual trailers located in mobile home parks, trailer camps or campgrounds): flat rate monthly charge of eight dollars seventy five cents (\$8.75) per month for each living unit, plus \$0.175 per one thousand (1,000) gallons, after an initial

allowance of three thousand (3,000) gallons per month (nonaccumulative). Nonmetered residential will be charged a flat rate of eight dollars seventy five cents (\$8.75) per unit monthly.

2. Commercial and industrial customers: minimum charge of nine dollars fifteen cents (\$9.15) per month plus \$0.175 per one thousand (1,000) gallons. Nonmetered commercial and industrial customers will be charged a flat rate of nine dollars fifteen cents (\$9.15) per unit monthly.

3. Public elementary and high schools, churches, boarding houses, fraternity and sorority houses, shall be charged a minimum monthly charge of nine dollars fifteen cents (\$9.15) per month plus \$0.175 per one thousand (1,000) gallons.

4. Any or all of the above rates, and rates for regulated industries, may be amended by resolution in rate schedules which may be promulgated by resolution of the municipal council of the city, with approval of the mayor. Copies of such rate schedules shall be maintained at all times in the office of the city recorder and shall at all times during normal office hours be available for inspection by the public.

5. Any commercial customer required to be connected to the sewer that uses water from a private well shall have a water meter installed to measure water consumption from the well and this consumption shall be used to compute the sewage rate.

6. For those sewer services having abnormal use requirements, the director of public works shall set fees based upon the director of public work's estimate of sewer use by said customer.

7. Any residence that has a home industry or home occupation located there shall be classified as a commercial customer and shall pay the commercial rate.

8. Where sewer rates are set by or refer to consumption, then water meter measurement shall be used to determine the consumption to compute the sewer rates.

B. Units not classified in subsection A of this section will have rates set consistent with the above rates and proportionate to the service rendered after recommendation by the city engineer and fixed by the mayor.

C. In cases where the nature of the sewage from any commercial or industrial plant, building or premises is such that it imposes an unreasonable burden upon the system, an additional charge shall be made therefor or the mayor may, if it is advisable, compel such plant, building or premises to treat such sewage in such manner as shall be specified by the mayor before discharging such sewage into the system. (Ord. 92-74 § 1, 1992: Ord. 92-69 § 1, 1992: Ord. 91-51 § 1, 1991: Ord. 89-44 § 2, 1989: prior code § 14-1-3)

13.12.050: RATES AND CHARGES; REVISION:

The schedule of rates and charges set out in section 13.12.040 of this article shall be subject to such revisions and changes as may be necessary to be made from time to time in order to

comply with all requirements of the proceedings, resolutions and ordinances authorizing the issuance of any obligations of the city payable from the income and revenues of the municipal sewer system which may be at any time and from time to time outstanding; and the municipal council reserves the right to establish such rates in the future which it considers fair and equitable in order to cover circumstances and situations not specifically included in section 13.12.040 of this article. Such changes may be made by resolution. (Ord. 92-69 § 2, 1992: prior code § 14-1-4)

13.12.060: OWNER RESPONSIBILITIES:

Application for service from the municipal sewer system of the city to any premises shall be made by the owner desiring such service, or the owner's duly authorized agent. When an application for service from the municipal sewer system of the city shall be made by a tenant or the owner of any premises or property, as a condition of the granting of the application, the owner or the owner's duly authorized agent shall thereby agree in consideration of the granting of such application by the city that such owner will pay for all services furnished to such tenant or any occupant of the premises named in the application. In the event any such tenant or occupant shall fail to pay for such services according to the terms and provisions of this article, the owner of the property shall be liable and responsible for such services. (Prior code § 14-1-5)

13.12.070: BILLING:

Billing for sewer service shall be consolidated with billing submitted for water service to those persons who are liable for the payment of charges for both such services. Bills for sewer service and such consolidated bills shall be mailed at intervals as may be determined by the mayor, according to the rates provided for in this article, or in effect from time to time. Each such consolidated bill shall be paid in full as a unit and payment of one portion thereof shall not be permitted without payment of the remainder. In the event that any such bill is not paid within thirty (30) days after the mailing of such bill to the customer, such bill shall be deemed delinquent. After ten (10) days' written notice, all water and sewer service to the premises concerned shall be immediately cut off. (Prior code § 14-1-6)

13.12.080: REQUIRED CONNECTIONS:

All persons owning or occupying buildings within two hundred feet (200') of an existing sewer shall be billed regardless of whether or not they have made a connection to the sewer system. (Prior code § 14-1-7)

ARTICLE II. USE AND INSPECTION

13.12.090: CITY OFFICIALS; DUTIES:

- A. Manager:** The manager of the division of sewer and water shall be responsible for the proper care and operation of the public collection system.
- B. Building Inspector:** It shall be the duty of the building inspector to inspect the sewer connections and building drains and plumbing. (Prior code § 14-2-1)

13.12.100: INJURING SEWER OR DISCHARGING CERTAIN SUBSTANCES PROHIBITED:

It is unlawful for any person to injure, break or remove any part or portion of any sewer or of any sewer appliance or appurtenance, or to discharge into a sewer any mud or dirt or any flammable gas, gasoline, oil or grease of any kind from automobiles, or any calcium carbide or residue therefrom, or any liquid or other material or substance which will evolve an inflammable gas when in contact with water, sewage or fire. (Prior code § 14-2-2)

13.12.110: MANHOLE COVERS:

It is unlawful for any person to open any sewer manhole, or in any way interfere with the same, without permission from the manager of the division of sewer and water. (Prior code § 14-2-3)

13.12.120: PRIVY, VAULTS AND CESSPOOLS; NOTICE TO ABATE:

It is unlawful for any owner, agent or occupant of property abutting the sewer system embraced within the limits of any sewer district of the city, to refuse, fail or neglect for a period of twenty (20) days after notice from the board of health of this city to discontinue use of, disinfect and fill up all privy vaults and cesspools on such property, or neglect or refuse for such period after such notice to remove the seat or seats from all outside closets on such property, or to neglect or refuse for such period after such notice to make proper connection with the sewer system abutting such property. (Prior code § 14-2-4)

13.12.130: SEPTIC TANKS; UNLAWFUL WHEN:

- A. It is unlawful for the owner or other person having charge of or occupying any property upon which a building shall have been or is being constructed for residential, commercial or industrial use, any part of which building is within two hundred feet (200') of any street, alley or way in which a public sewer is then in existence and used in the city, to construct or permit to be constructed or to use, or to permit to be used, any privy vault, septic tank or cesspool connected with such building. Each owner or other person shall, within sixty (60) days after having been given notice by the city that an accepted public sewer is ready to receive connections, cause such building to be connected with the sewer

(except that if such building shall have a period of 2 years in which to connect it with such public sewer) and it shall thereafter be unlawful for such owner or other person to have the plumbing in such building remain unconnected to the public sewer or to maintain or use or cause to permit to exist any privy vault, septic tank or cesspool to which the building is connected or which is used by the occupant thereof. Whenever an accepted public sewer is available to receive connections therewith, the manager of the system shall cause appropriate notice to be served upon the owner, agent or other person having charge of or occupying all property coming within scope of this section, that the public sewer is ready to receive connections therewith and then all plumbing must be connected with such sewer.

B. Whenever the owner, agent or other person having charge of or occupying any property coming within the scope of this section has been properly notified to make connection with an available public sewer and has not made or caused to be made such connection, or when such connection has been made but the connection charge therefor has not been paid, any water and sewer service to such premises shall immediately be discontinued. (Prior code § 14-2-5)

13.12.140: UNPOLLUTED DRAINAGE PROHIBITED IN SANITARY SEWERS:

No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer. (Prior code § 14-2-6)

13.12.150: UNPOLLUTED DRAINAGE TO BE DISCHARGED WHERE:

Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the City Engineer. Industrial cooling water or unpolluted process waters may be discharged to the sewer, to a storm sewer, or natural outlet if a UPDES permit is issued by Utah Department of Water Quality. (Ord. 17-25, 2018)

13.12.160: PROHIBITED DISCHARGES:

Prohibited discharge standards:

A. General Prohibitions: No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions and the specific prohibitions in subsection B of this section apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, State, or local pretreatment standards or requirements.

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

1. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed- cup flashpoint of less than one hundred forty degrees Fahrenheit (140°F) (60°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;
3. Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with a pH of more than 10.5;
4. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference;
5. Solids shall not be discharged that are greater than two inch(es) (2") or five centimeter(s) (5 cm) in any dimension;
6. 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;
7. 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 forty degrees Celsius (40°C) (104°F) unless the approval authority, upon request of the POTW, approves alternate temperature limits;
8. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
9. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
10. Trucked or hauled pollutants, except at discharge points designated by the Environmental Director in accordance with section 13.12.350 of this chapter;
11. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
12. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating City's UPDES permit;
13. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
14. Stormwater, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the LCEDD;
15. Sludges, screenings, or other residues from the pretreatment of industrial wastes;

16. Medical wastes, except as specifically authorized by LCEDD in an individual wastewater discharge permit;
17. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test;
18. Detergents, surface-active agents, or other substances which that might cause excessive foaming in the POTW;
19. Fats, oils, or greases of animal or vegetable origin in concentrations greater than one hundred milligrams per liter (100 mg/L) or as indicated in the individual discharge permit;

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. (Ord. 17-25, 2018)

13.12.170: LIMITATIONS:

A. National Categorical Pretreatment Standards:

1. 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.
2. Users must comply with the categorical pretreatment standards found at 40 CFR chapter I, subchapter N, parts 405 - 471.
3. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Environmental Director may impose equivalent concentration or mass limits in accordance with subsections A6 and A7 of this section.
4. When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the Environmental Director 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.
5. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Environmental Director shall impose an alternate limit in accordance with 40 CFR 403.6(e).
6. When a categorical pretreatment standard is expressed only in terms of pollutant concentrations, an industrial user may request that the City convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Environmental Director. The City may establish equivalent mass limits

only if the industrial user meets all the conditions set forth in subsections A6a(1) through A6a(5) of this section.

a. To be eligible for equivalent mass limits, the industrial user must:

(1) 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;

(2) 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;

(3) Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;

(4) 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

(5) Have consistently complied with all applicable categorical pretreatment standards during the period prior to the industrial user's request for equivalent mass limits.

b. An industrial user subject to equivalent mass limits must:

(1) Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;

(2) Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;

(3) Continue to record the facility's production rates and notify the Environmental Director whenever production rates are expected to vary by more than twenty percent (20%) from its baseline production rates determined in subsection A6a(3) of this section. Upon notification of a revised production rate, the Environmental Director will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and

(4) Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to subsection A6a(1) of this section so long as it discharges under an equivalent mass limit.

c. When developing equivalent mass limits, the Environmental Director:

(1) 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;

(2) 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

(3) May retain the same equivalent mass limit in subsequent individual wastewater 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 13.12.200 of this article. The industrial user must also be in compliance with subsection 13.12.285C of this article regarding the prohibition of bypass.

7. The Environmental Director may convert the mass limits of the categorical pretreatment standards of 40 CFR parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual industrial users. The conversion is at the discretion of the Environmental Director.

8. Once included in its permit, the industrial user must comply with the equivalent limitations developed in this section in lieu of the promulgated categorical standards from which the equivalent limitations were derived.

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

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

B. State Pretreatment Standards: Users must comply with State of Utah Administrative Code codified at R317 8-8.

C. City's Right Of Revision: The City reserves the right to establish, by ordinance or in individual wastewater discharge permits, more stringent standards or requirements on discharges to the POTW consistent with the purpose of this chapter. In addition, the Environmental Director is authorized to temporarily or permanently revoke or suspend issuance of any type of permit at any time in order to protect the POTW from pass through or interference in order to maintain compliance with any UPDES permit requirement or Pretreatment Program requirement. The Director shall also have the right to deny new or

increased contributions or to set additional conditions on such contributions to protect the POTW, including limits that may be more stringent than the limits set in local limits below.

D. Local Limits:

1. The Environmental Director is authorized to establish local limits pursuant to 40 CFR 403.5(c). The development documents are kept at the City Environmental Center Office and can be reviewed if requested.
2. No person shall discharge wastewater containing pollutants in excess of the specific local limit as established by the City from time to time. The local limits are developed and implemented per the requirements of 40 CFR 403. The development documents can be found at the City Environmental Center Office.
3. Local limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. The Environmental Director may impose mass limitations in addition to the concentration-based limitations above.
4. The Environmental Director may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits to implement local limits and the requirements of section 13.12.160 of this article.

E. Surcharges: Surcharges are additional charges to recover the cost to treat wastewaters that are typically assessed when discharge concentrations are above defined values (650 mg/L for BOD and/or TSS), typically above domestic wastewater. Enforceable local limits for conventional pollutants are established where there is potential for these pollutants to be discharged to the POTW in quantities or concentrations that could exceed the POTW's plant capacity. When IUs discharge in excess of a local limit, they are subject to enforcement actions. (Ord. 17-25, 2018)

13.12.180: GREASE, OIL AND SAND INTERCEPTORS:

- A. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Environmental Director, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the Environmental Director and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired in accordance with the City's pretreatment policy by the user, at their expense.
- B. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.
- C. Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at the owner's expense, in continuously efficient operation at all times. (Ord. 17-25, 2018)

13.12.190: OXYGEN REQUIREMENT:

(Rep. by Ord. 17-25, 2018)

13.12.200: MODIFICATION OF PROCESS WATER OR DISCHARGE:

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. (Ord. 17-25, 2018)

13.12.210: PRELIMINARY TREATMENT PROVIDED BY DISCHARGER:

A. Pretreatment Facilities: Users shall provide wastewater treatment as necessary to comply with this chapter and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in section 13.12.160 of this article within the time limitations specified by EPA, the State, or the Environmental Director, 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 Environmental Director for review, and shall be acceptable to the Environmental Director before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under the provisions of this chapter. (Ord. 17-25, 2018)

13.12.220: COMPLIANCE SCHEDULE:

A. Where additional pretreatment and/or operation and maintenance activities will be required to comply with this article or pretreatment standards, the user shall provide a declaration of the shortest schedule by which the user will provide such additional pretreatment and/or implementation of additional operational and maintenance activities. The completion date in this schedule shall not be later than the completion date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in subsections B through E of this section;

B. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

- C. No increment referred to above shall exceed nine (9) months;
- D. The user shall submit a progress report to the Environmental Director no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
- E. In no event shall more than nine (9) months elapse between such progress reports to the Environmental Director. (Ord. 17-25, 2018)

13.12.230: REPORTING REQUIREMENTS FOR USER:

A. **Compliance Report Date:** Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Environmental Director a report containing the information described in subsections F1 through F5 of this section. For users subject to equivalent mass or concentration limits established in accordance with the procedures in section 13.12.170 of this article, this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with subsection M1 of this section. All sampling will be done in conformance with subsection D of this section.

B. **Periodic Compliance Reports:**

1. Except as specified in subsection B3 of this section, all permitted significant industrial users must, at a frequency determined by the Environmental Director submit no less than twice per year on dates specified in the permit or as required by the City, reports indicating the nature, concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the pretreatment standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the user must submit documentation required by the Environmental Director or the pretreatment standard necessary to determine the compliance status of the user.

2. The City may authorize an industrial user subject to a categorical pretreatment standard to forego sampling of a pollutant regulated by a categorical pretreatment standard if the industrial user has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the industrial user. This authorization is subject to the following conditions:

- a. The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical standard and otherwise includes no process wastewater.
- b. The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than five (5) years. The user must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit. See subsection 13.12.340D1h of this chapter.
- c. In making a demonstration that a pollutant is not present, the industrial user must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.
- d. The request for a monitoring waiver must be signed in accordance with the definition of authorized or duly authorized representative of the user, in section 13.12.010 of this chapter, and include the certification statement in subsection M1 of this section.
- e. Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR part 136 with the lowest minimum detection level for that pollutant was used in the analysis.
- f. Any grant of the monitoring waiver by the Environmental Director must be included as a condition in the user's permit. The reasons supporting the waiver and any information submitted by the user in its request for the waiver must be maintained by the Environmental Director for three (3) years after expiration of the waiver.
- g. Upon approval of the monitoring waiver and revision of the user's permit by the Environmental Director, the industrial user must certify on each report with the statement in subsection M3 of this section, that there has been no increase in the pollutant in its wastestream due to activities of the industrial user.
- h. In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the user's operations, the user must immediately: comply with the monitoring requirements of subsection B1 of this section, or other more frequent monitoring requirements imposed by the Environmental Director, and notify the Environmental Director.
- i. This provision does not supersede certification processes and requirements established in categorical pretreatment standards, except as otherwise specified in the categorical pretreatment standard.

3. The City may reduce the requirement for periodic compliance reports to a requirement to report no less frequently than once a year, unless required more frequently in the pretreatment standard or by the EPA or State of Utah, where the industrial user's total categorical wastewater flow does not exceed any of the following:

- a. 0.01 percent of the POTW's design dry-weather hydraulic capacity of the POTW, or five thousand (5,000) gallons per day, whichever is smaller, as measured by a continuous effluent flow monitoring device unless the industrial user discharges in batches.
- b. 0.01 percent of the design dry-weather organic treatment capacity of the POTW; and
- c. 0.01 percent of the maximum allowable headworks loading for any pollutant regulated by the applicable categorical pretreatment standard for which approved local limits were developed in accordance with subsection 13.12.170D of this article.

Reduced reporting is not available to industrial users that have in the last two (2) years been in significant noncompliance, as defined in subsection 13.12.250C of this article. In addition, reduced reporting is not available to an industrial user with daily flow rates, production levels, or pollutant levels that vary so significantly that, in the opinion of the Environmental Director, decreasing the reporting requirement for this industrial user would result in data that are not representative of conditions occurring during the reporting period.

4. All periodic compliance reports must be signed and certified in accordance with subsection M1 of this section.
5. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
6. If a user subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Environmental Director, using the procedures prescribed in subsection D of this section, the results of this monitoring shall be included in the report.
7. Users that send electronic (digital) documents to the City to satisfy the requirements of this section must satisfy the requirement specified in 40 CFR part 3 for electronic reporting.

C. Analytical Requirements:

1. All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application, report, permit or other requirement of this chapter shall be performed in accordance with the techniques prescribed in 40 CFR part 136 and amendments thereto, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Environmental Director or other parties approved by EPA.

2. All laboratory samples collected for this chapter shall be analyzed by a laboratory that is either certified by the Utah Bureau of Laboratory Improvements or approved by the Environmental Director.

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

1. Except as indicated in subsections D2 and D3 of this section, 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 Environmental Director. Where time-proportional composite sampling or grab sampling is authorized by the City, 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 City, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.

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

3. For sampling required in support of baseline monitoring and 90-day compliance reports required in subsections A and F of this section, 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 Environmental Director may authorize a lower minimum. For the reports required by subsection B of this section, the industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.

E. Notification Of The Discharge Of Hazardous Waste:

1. Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred kilograms (100 kg) of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar

month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under subsection G of this section. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of subsections A, B, and F of this section.

2. Dischargers are exempt from the requirements of subsection E1 of this section, during a calendar month in which they discharge no more than fifteen kilograms (15 kg) of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen kilograms (15 kg) of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

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

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

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

F. Baseline Monitoring Reports: Within either one hundred eighty (180) days after the effective day of the 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 Environmental Director a report which contains the information listed 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 Environmental Director a report which contains the following information below outlined in subsections (F)(1) through (F)(5). A New Source shall report the method of pretreatment it intends to use to meet applicable categorical Standards. A New Source shall also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

1. All information required in subsections 13.12.340D1a, D1b, D1c, D1f, and D1g(1) through D1g(4) of this chapter.

2. Measurement of pollutants.

- a. The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
- b. 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;
- c. Sampling and analysis shall be performed in accordance with subsections C and D of this section;
- d. The Environmental Director 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; and
- e. 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 13.12.010 of this chapter and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

4. Compliance schedule. If additional pretreatment and/or O&M will be required 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 section 13.12.220 of this article.

5. Signature and report certification. All baseline monitoring reports must be certified in accordance with subsection M1 of this section and signed by an authorized representative as defined in section 13.12.010 of this chapter.

G. Reports Of Changed Conditions: Each user must notify the Environmental Director of any significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least ten (10) days before the change, including changes that may affect slug discharges to the POTW.

1. The Environmental Director may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under subsection 13.12.340D of this chapter.
2. The Environmental Director may issue an individual wastewater discharge permit under subsection 13.12.340M of this chapter or modify an existing wastewater discharge permit under subsection 13.12.340J of this chapter in response to changed conditions or anticipated changed conditions.
3. The Environmental Director may approve, deny or conditionally approve the change based on the affects the change may have on the POTW and/or the Pretreatment Program.

H. Reports Of Potential Problems:

1. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a slug discharge or slug load, that might cause potential problems for the POTW, the user shall immediately telephone and notify the Environmental Director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.
2. Within five (5) days following such discharge, the user shall, unless waived by the Environmental Director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this chapter.
3. If considered necessary by the Environmental Director, a notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in subsection H1 of this section. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.
4. Significant industrial users are required to notify the Environmental Director immediately of any changes at its facility affecting the potential for a slug discharge.

I. Reports From Unpermitted Users: All users not required to obtain an individual wastewater discharge permit shall provide appropriate reports to the Environmental Director as the Environmental Director may require.

J. Notice Of Violation/Repeat Sampling And Reporting: If sampling performed by a user indicates a violation, the user must notify the Environmental Director within twenty four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Environmental Director within thirty (30) days after becoming aware of the violation. Resampling by the industrial user is not required if the City performs sampling at the user's facility at least once a month, or if the City performs sampling at the user's facility between the time when the initial sampling

was conducted and the time when the user or the City receives the results of this sampling, or if the City has performed the sampling and analysis in lieu of the industrial user. If the City performs the sampling and analysis and a violation occurs, in lieu of the user performing the sampling and analysis, then the City will perform the repeat sampling and analysis unless it notifies the user of the violation and requires the user to perform the repeat sampling and analysis.

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

L. Recordkeeping: Users subject to the reporting requirements of this chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this chapter, any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with Best Management Practices established under subsection 13.12.170D4 of this article. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the City, or where the user has been specifically notified of a longer retention period by the Environmental Director.

M. Certification Statements:

1. Certification Of Permit Applications, User Reports And Initial Monitoring Waiver: The following certification statement is required to be signed and submitted by users submitting permit applications in accordance with subsection 13.12.340E of this chapter; users submitting baseline monitoring reports under subsection F of this section; users submitting reports on compliance with the categorical pretreatment standard deadlines under subsection A of this section; users submitting periodic compliance reports required by subsections B1 through B4 of this section, and users submitting an initial request to forego sampling of a pollutant on the basis of subsection B2d of this section. The following certification statement must be signed by an authorized representative as defined in section 13.12.010 of this chapter:

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.

2. Annual Certification For Non-Significant Categorical Industrial Users: A facility determined to be a non-significant categorical industrial user by the Environmental Director pursuant to subsection C of the definition of significant industrial user (SIU) in section 13.12.010 and subsection 13.12.340E3 of this chapter must annually submit the following certification statement signed in accordance with the signatory requirements in the definition of authorized or duly authorized representative of the user in section 13.12.010 of this chapter. This certification must accompany an alternative report required by the Environmental Director:

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

- (a) The facility described as [facility name] met the definition of a Non-Significant Categorical Industrial User as described in Logan Municipal Code Section 13.12.010;
- (b) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and
- (c) The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.
- (d) The facility during the reporting period never discharged untreated concentrated wastewater.

This compliance certification is based on the following information.

3. Certification Of Pollutants Not Present: Users that have an approved monitoring waiver based on subsection B2 of this section must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the user.

Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under Subsection 13.12.230(B)(1) of the Logan Municipal Code.

(Ord. 17-25, 2018)

13.12.240: MANHOLE:

When required by the City Environmental Director, the owner or occupier of any property or building served by a sewer carrying industrial wastes which, in the opinion of the City, needs to be monitored to assure compliance with this title, shall install a suitable control manhole in the sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessible at all times. If located in a parking area parking shall not be allowed on the sampling manhole. (Ord. 17-25, 2018)

13.12.250: MONITORING:

A. Right Of Entry; Inspection And Sampling: The Environmental Director shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this chapter and any individual wastewater discharge permit or order issued hereunder. Users shall allow the Environmental Director access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and/or the performance of any additional duties. Monitoring and inspections shall be conducted at a frequency as determined by the City and may be announced or unannounced.

1. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Environmental Director shall be permitted to enter without delay for the purposes of performing specific responsibilities.

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

3. The Environmental Director may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually to ensure their accuracy.

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

5. Unreasonable delays in allowing the Environmental Director access to the user's premises shall be a violation of this chapter.

6. The City may use a camera to photograph areas of the facility as necessary for carrying out the duties of the Industrial Pretreatment Program including, but not limited to, documentation of the user's compliance status and for reinforcement of written reports.

B. Search Warrants: If the Environmental Director has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this chapter or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the Environmental Director may seek issuance of a search warrant from the First District Court of the State of Utah.

C. Publication Of Users In Significant Noncompliance: The Environmental Director shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the users which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall be applicable to all significant industrial users (or any other industrial user that violates subsection C3, C4 or C8 of this section) and shall mean:

1. 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-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in sections 13.12.170 and 13.12.160 of this article;

2. 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- month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by sections 13.12.170 and 13.12.160 of this article multiplied by the applicable TRC criteria (TRC = 1.4 for BOD, TSS, fats, oils and grease, and TRC = 1.2 for all other pollutants except pH);

3. Any other violation of a pretreatment standard or requirement as defined by sections 13.12.170 and 13.12.160 of this article (daily maximum, long-term average, instantaneous limit, or narrative standard) that the Environmental Director determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;

4. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Environmental Director exercise of its emergency authority to halt or prevent such a discharge;

5. 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;

6. 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;
7. Failure to accurately report noncompliance; or
8. Any other violation(s), which may include a violation of Best Management Practices, which the Environmental Director determines will adversely affect the operation or implementation of the local Pretreatment Program. (Ord. 17-25, 2018)

13.12.260: CONFIDENTIAL INFORMATION:

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge permits, and monitoring programs, and from the Environmental Director's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Environmental Director, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES Program or Pretreatment Program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction. (Ord. 17-25, 2018)

13.12.270: PRELIMINARY TREATMENT:

Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation, by the owner or discharger at her or his own expense. (Prior Code § 14-2-20)

13.12.280: ENFORCEMENT OF INDUSTRIAL PRETREATMENT PROGRAM:

A. **Notification Of Violation:** When the Environmental Director finds that a user has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Environmental Director may serve upon that user a written Notice of Violation. Within thirty (30) days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include

specific required actions, shall be submitted by the user to the Environmental Director. 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 Environmental Director to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

B. Consent Orders: The Environmental Director may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents shall include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to subsections D and E of this section and shall be judicially enforceable.

C. Show Cause Hearing: The Environmental Director may order a user which has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Environmental Director and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the user as defined in section 13.12.010 of this chapter and required by subsection 13.12.340E1 of this chapter. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

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

E. Cease And Desist Orders: When the Environmental Director finds that a user has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Environmental

Director may issue an order to the user directing it to cease and desist all such violations and directing the user to:

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

F. Administrative Fines:

1. When the Environmental Director finds that a user has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Environmental Director may fine such user in an amount not to exceed one thousand dollars (\$1,000.00). Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.

2. When the Environmental Director finds that a user has had multiple violations over a given time period, such that they are considered a "chronic violator" or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Environmental Director may fine such user up to (as permitted by Utah Administrative Code 317-1-8 & Utah Code Ann. §19-5-115) ten thousand dollars (\$10,000.00) per day for violations of this section and up to \$25,000 per day for willful violations. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.

32. Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of up to fifty percent (50%) of the unpaid balance, and interest shall accrue thereafter at a rate of ten percent (10%) per month. A lien against the user's property shall be sought for unpaid charges, fines, and penalties.

43. Users desiring to dispute such fines must file a written request for the Environmental Director to reconsider the fine along with full payment of the fine amount within thirty (30) days of being notified of the fine. Where a request has merit, the Environmental Director may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The Environmental Director may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

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

G. Suspensions: The Environmental Director may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop

an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The Environmental Director may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

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

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

H. Termination Of Discharge: In addition to the provisions in subsection 13.12.340L of this chapter, any user who violates the following conditions is subject to discharge termination:

1. Violation of individual wastewater discharge permit conditions;
2. Failure to accurately report the wastewater constituents and characteristics of its discharge;
3. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
4. Refusal of access to the user's premises for the purpose of inspection, monitoring, or sampling; or
5. Violation of the pretreatment standards in sections 13.12.170 and 13.12.160 of this article.

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

I. Injunctive Relief: When the Environmental Director finds that a user has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge

permit, or order issued hereunder, or any other pretreatment standard or requirement, the Environmental Director may petition the First District Court through the City's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual wastewater discharge permit, or other requirement imposed by this chapter on activities of the user. The Environmental Director may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

J. Civil Penalties:

1. A user who has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the City for a maximum civil penalty of one thousand dollars (\$1,000.00) per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
2. The Environmental Director may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.
3. In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.
4. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

K. Criminal Prosecution:

1. A user who willfully or negligently violates any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a Class B misdemeanor, punishable by a fine of not more than ten thousand dollars (\$10,000.00) per violation, per day, or imprisonment for not more than six (6) months, or both.
2. A user who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a Class B misdemeanor and be subject to a penalty of at least twenty five thousand dollars (\$25,000.00), or be subject to imprisonment for not more than six (6) months, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.
3. A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this chapter, individual wastewater discharge permit, or order

issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction, be punished by a fine of not more than twenty five thousand dollars (\$25,000.00) per violation, per day, or imprisonment for not more than six (6) months, or both.

4. In the event of a second conviction, a user shall be punished by a fine of not more than twenty five thousand dollars (\$25,000.00) per violation, per day, or imprisonment for not more than six (6) months, or both.

L. Remedies Nonexclusive: The remedies provided for in this chapter are not exclusive. The Environmental Director may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the City may take other action against any user when the circumstances warrant. Further, the Environmental Director is empowered to take more than one enforcement action against any noncompliant user. (Ord. 17-25, 2018)

13.12.285: AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS:

A. Upset:

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

2. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of subsection A3 of this section, are met.

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

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

(3) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

4. In any enforcement proceeding, the user seeking to establish the occurrence of an upset has the burden of proof.

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

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

B. Prohibited Discharge Standards: A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in subsection 13.12.160A of this article or the specific prohibitions in subsections 13.12.160B3 through B9 and B11 through B19 of this article if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

1. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or

2. No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the City was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

C. Bypass:

1. Definitions: For the purposes of this section:

BYPASS: Means the intentional diversion of wastestreams from any portion of a user's treatment facility.

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

2. Exemption: A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of subsections C3 and C4 of this section.

3. Bypass Notifications:

- a. If a user knows in advance of the need for a bypass, it shall submit prior notice to the Environmental Director, at least ten (10) days before the date of the bypass, if possible.
- b. A user shall submit oral notice to the Environmental Director of an unanticipated bypass that exceeds applicable pretreatment standards within twenty four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Environmental Director may waive the written report on a case-by-case basis if the oral report has been received within twenty four (24) hours.

4. Bypass Prohibited:

- a. Bypass is prohibited, and Environmental Director may take an enforcement action against a user for a bypass, unless:

- (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (3) The user submitted notices as required under subsection C3 of this section.
- b. The Environmental Director may approve an anticipated bypass, after considering its adverse effects, if the Environmental Director determines that it will meet the conditions listed in subsection C4a of this section. (Ord. 17-25, 2018)

ARTICLE III. PERMITS

13.12.320: PERMIT REQUIRED:

It is unlawful for any person to connect or to carry on the work of laying, repairing, altering or connecting any sewer pipe with the public sewer without first having a permit to do so from the City Engineer or inspector. Such permit must be on the grounds during the whole time the work is in progress and must be exhibited to any City official demanding to see it. (Prior Code § 14-3-1)

13.12.330: PERMITS NOT TO BE ISSUED WHEN:

Permits to connect with the public sewer must not be issued unless the plumbing in the house or building to be connected is in accordance with the ordinances of the City. (Prior Code § 14-3-2)

13.12.340: INDUSTRIAL USE PERMITS:

A. Individual Wastewater Discharge Permit:

1. No significant industrial user shall discharge wastewater into the POTW without first completing a BMR and if required obtaining an individual wastewater discharge permit from the Environmental Director except that a significant industrial user that has filed a timely application pursuant to subsection N of this section may continue to discharge for the time period specified therein.
2. The Environmental Director may require other users to obtain individual wastewater discharge permits as necessary to carry out the purposes of this chapter.
3. Any violation of the terms and conditions of an individual wastewater discharge permit shall be deemed a violation of this chapter and subjects the wastewater discharge permittee to the sanctions set out in section 13.12.280 of this chapter. Obtaining an individual wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law.

B. Wastewater Analysis: When requested by the Environmental Director, a user must submit information on the nature and characteristics of its wastewater within ten (10) days of the request. The Environmental Director is authorized to prepare a form for this purpose and may periodically require users to update this information. If the user changes or adds a process the user is required to update the information provided to the Environmental Director thirty (30) days prior to the process being changed or added.

C. Individual Wastewater Discharge Permitting; New Connections: Any user required to obtain an individual wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this individual wastewater discharge permit, in accordance with subsection D of this section, must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

D. Individual Wastewater Discharge Permit Application Contents:

1. All users required to obtain an individual wastewater discharge permit must submit a permit application. All permittees that will be continuing to discharge are required to complete a re-application thirty (30) days prior to the permit expiring. The Environmental Director may require users to submit all or some of the following information as part of a permit application:

- a. Identifying information. The name and address of the facility, including the name of the operator and owner. Contact information for the authorized representative and the duly authorized representative for the facility. A description of activities, facilities, and plant production processes on the premises.
- b. Environmental permits. A list of any environmental control permits held by or for the facility.
- c. Description of operations.
 - (1) A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes;
 - (2) Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
 - (3) Number and type of employees, hours of operation, and proposed or actual hours of operation;
 - (4) Type and amount of raw materials processed (average and maximum per day);
 - (5) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.
- d. Time and duration of discharges.
- e. The location for monitoring all wastes covered by the permit.
- f. Flow measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in subsection 13.12.170A5 of this chapter (40 CFR 403.6(e)).
- g. Measurement of pollutants.
 - (1) The categorical pretreatment standards applicable to each regulated process and any new categorically regulated processes for existing sources.
 - (2) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Environmental Director, of regulated pollutants in the discharge from each regulated process.
 - (3) Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported.

(4) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in subsection 13.12.230C of this chapter. Where the standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the Environmental Director or the applicable standards to determine compliance with the standard.

(5) Sampling must be performed in accordance with procedures set out in subsection 13.12.230D of this chapter.

h. Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on subsection 13.12.230B2 of this chapter.

i. Any other information as may be deemed necessary by the Environmental Director to evaluate the permit application.

2. Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

3. Based on information provided by the permittee, in subsection D1 of this section, the City will within thirty (30) days determine if additional information is needed, a permit is not necessary or if a permit will be required to be issued before the IU discharge is allowed to the POTW.

4. Should any of the information requested or supplied be considered by the user to be of a confidential nature, the user should request confidential status in accordance with section 13.12.260 of this chapter. Information regarding sampling and analysis of the discharge is not considered confidential information.

E. Application Signatories And Certifications:

1. 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 subsection 13.12.230M1 of this chapter.

2. 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 Environmental Director prior to or together with any reports to be signed by an authorized representative.

3. A facility determined to be a non-significant categorical industrial user by the Environmental Director pursuant to subsection C of the definition of significant industrial user (SIU) in section 13.12.010 of this chapter must annually submit the signed certification statement in subsection 13.12.230M2 of this chapter.

F. Individual Wastewater Discharge Permit Decisions: The Environmental Director will evaluate the data furnished by the user and may require additional information. Within fourteen (14) days of receipt of a complete permit application, the Environmental Director

will determine whether to issue an individual wastewater discharge permit. The Environmental Director may deny or conditionally approve any application for an individual wastewater discharge permit.

G. 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 Environmental Director. Each individual wastewater discharge permit will indicate a specific date upon which it will expire.

H. Individual Wastewater Discharge Permit Contents: An individual wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Environmental Director 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.

1. Individual wastewater discharge permits must contain:
 - a. A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;
 - b. A statement that the wastewater discharge permit is nontransferable without prior notification to the City in accordance with subsection K of this section, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
 - c. Effluent limits, including Best Management Practices, based on applicable pretreatment standards;
 - d. 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.
 - e. The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the discharge in accordance with subsection 13.12.230B2 of this chapter.
 - f. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule shall not extend the time for compliance beyond that required by applicable Federal, State, or local law.
 - g. The Environmental Director shall evaluate whether each SIU need an accidental discharge/slug control plan or other action to control slug discharges. The Environmental Director may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control slug discharges. An accidental

discharge/slug control plan shall address, at a minimum, the following: Requirements to control slug discharge, if determined by the Environmental Director to be necessary.

- (1) Description of discharge practices, including nonroutine batch discharges;
- (2) Description of stored chemical;
- (3) Procedures for immediately notifying the Environmental Director of any accidental or slug discharge, as required by section 13.12.230 H of this ordinance: and
- (4) 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 solvent, and/or measures and equipment for emergency response.

h. Any grant of the monitoring waiver by the Environmental Director must be included as a condition in the user's permit, see subsection 13.12.230B of this chapter.

i. Requirements to notify the Environmental Director of changes to the industrial user's discharge 30 days prior to the change that may require permit modification. The Environmental Director may deny or conditionally approve the change prior to the user making the change at the facility that may impact the discharge at the facility to the POTW.

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

- a. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
- b. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
- c. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
- d. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
- e. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
- f. Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
- g. A statement that compliance with the individual wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and

State pretreatment standards, including those which become effective during the term of the individual wastewater discharge permit; and

h. Other conditions as deemed appropriate by the Environmental Director to ensure compliance with this chapter, and State and Federal laws, rules, and regulations.

I. Permit Issuance Process: All wastewater discharge permits are considered public record and can be made available through a written request to the Environmental Director.

J. Permit Modification:

1. The Environmental Director may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

a. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;

b. 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;

c. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

d. Information indicating that the permitted discharge poses a threat to the City's POTW, City personnel, the treatment of sludge, or the receiving waters;

e. Violation of any terms or conditions of the individual wastewater discharge permit;

f. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

g. To correct typographical or other errors in the individual wastewater discharge permit; or

h. To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with subsection K of this section.

K. Individual Wastewater Discharge Permit Transfer: Individual wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least thirty (30) days advance notice to the Environmental Director and the Environmental Director approves the individual wastewater discharge permit transfer. The notice to the Environmental Director must include a written certification by the new owner or operator which:

1. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;

2. Identifies the specific date on which the transfer is to occur;

3. Acknowledges full responsibility for complying with the existing individual wastewater discharge permit;

4. The conditions of the permit will not change.

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

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

1. Failure to notify the Environmental Director of significant changes to the wastewater prior to the changed discharge;

2. Failure to provide prior notification to Environmental Director of changed conditions pursuant to subsection 13.12.230G of this chapter;

3. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

4. Falsifying self-monitoring reports;

5. Falsifying certification statements;

6. Tampering with monitoring equipment;

7. Refusing to allow the City timely access to the facility premises and/or records;

8. Failure to meet effluent limitations;

9. Failure to pay fines;

10. Failure to pay sewer charges;

11. Failure to meet compliance schedules;

12. Failure to complete a wastewater survey or the wastewater discharge permit application or reapplication;

13. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or

14. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this chapter.

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

M. Individual Wastewater Discharge Permit Reissuance: A user with an expiring individual wastewater discharge permit shall apply for individual wastewater discharge permit reissuance by submitting a complete permit application, in accordance with subsection D of this section, a minimum of thirty (30) days prior to the expiration of the user's existing individual wastewater discharge permit. An administrative extension of the wastewater discharge permit may be extended to wastewater discharge permits that have expired, if:

1. The permittee has submitted a timely application for renewal and the permit has not been renewed through no fault of the permittee; or
2. The Environmental Department Director otherwise determines that an administrative extension is appropriate.

Permits which are administratively extended shall continue in full force and effect until they are renewed.

N. Individual Wastewater Discharge Permitting; Existing Connections: Any user required to obtain an individual wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this chapter and who wishes to continue such discharges in the future, shall, within one hundred eighty (180) days after said date, apply to the Environmental Department Director for an individual wastewater discharge permit in accordance with subsection D of this section, and shall not cause or allow discharges to the POTW to continue after one hundred eighty (180) days of the effective date of this chapter except in accordance with an individual wastewater discharge permit issued by the Environmental Department Director. (Ord. 17-25, 2018)

13.12.345: REGULATION OF WASTE RECEIVED FROM OTHER JURISDICTIONS:

A. If another municipality, or user located within another municipality, contributes wastewater to the POTW, the Environmental Director shall enter into an interlocal agreement with the contributing municipality.

B. Prior to entering into an agreement required by subsection A of this section, the Environmental Director shall request the following information from the contributing municipality:

1. A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
2. An inventory of all users located within the contributing municipality that are discharging to the POTW; and
3. Such other information as the Environmental Director may deem necessary.

C. An interlocal agreement, as required by subsection A of this section, shall contain the following conditions:

1. A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this chapter and local limits, including required baseline monitoring reports (BMRs) which are at least as stringent as those [developed by the Environmental Director set out in subsection 13.12.170D of this chapter](#). The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to City's ordinance or local limits;
2. A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis;
3. A provision specifying which pretreatment implementation activities, including individual wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Environmental Director; and which of these activities will be conducted jointly by the contributing municipality and the Environmental Director;
4. A requirement for the contributing municipality to provide the Environmental Director with access to all information that the contributing municipality obtains as part of its pretreatment activities;
5. Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
6. Requirements for monitoring the contributing municipality's discharge;
7. A provision ensuring the Environmental Director 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 Environmental Director; and
8. A provision specifying remedies available for breach of the terms of the interlocal agreement. (Ord. 17-25, 2018)

13.12.350: DOMESTIC WASTE HAULER PERMITS:

Domestic septic tank waste may be introduced into the POTW only at locations designated by the Environmental Director, and at such times as are established by the Environmental Director. Such waste shall not violate section 13.12.160 or 13.12.170 of this chapter or any other requirements established by the City of Logan. The Environmental Director may require septic tank haulers to obtain individual wastewater discharge permits which shall include the following:

- A. A requirement that the domestic waste hauler submit a manifest form for any domestic waste to be deposited in the City sewer system which shall include the name of the customer, the type of waste and the estimated volume of the waste. The domestic waste hauler must certify that the manifest is true, accurate and complete. No waste from oil, sand or grease traps will be accepted for discharge into the sewer system;

B. A requirement that the domestic waste hauler be subject to a fee of fifteen dollars (\$15.00) for the dumping of a vehicle capacity of not more than one thousand five hundred (1,500) gallons and thirty dollars (\$30.00) for the dumping of any vehicle of a capacity of more than one thousand five hundred (1,500) gallons. The actual contents of the vehicle shall not be determinative of the fee, but the vehicle's capacity shall be determinative. (Ord. 17-25, 2018)

13.12.351: LIQUID WASTE HAULER PERMITS:

Hauled liquid waste, other than septic or industrial, may be introduced into the POTW only at locations designated by the Environmental Director, and at such times as are established by the Environmental Director. Such waste shall not violate section 13.12.160 or 13.12.170 of this chapter or any other requirements established by the City of Logan. The Environmental Director may require septic tank haulers to obtain individual wastewater discharge permits which shall include the following:

A. A requirement that the liquid waste hauler must submit a manifest form for any liquid waste to be deposited to the City clarifier system which shall include the name of the customer, the type of waste and the estimated volume of the waste. The waste hauler must certify that the manifest is true, accurate and complete. Certain wastes enumerated in section 13.12.160 of this chapter will be accepted for discharge to the City clarifier system with prior approval of the Environmental Director or the Environmental Director's delegate;

B. A requirement that the liquid waste hauler be subject to a fee of one hundred dollars (\$100.00) for the dumping of each vehicle capacity of not more than four thousand (4,000) gallons. The actual contents of the vehicle shall not be determinative of the fee, but the vehicle's capacity shall be determinative. (Ord. 17-25, 2018)

ARTICLE IV. CONNECTION

13.12.360: DRAIN PIPES; DESCRIPTION:

All connections to public sewers of the City shall be not less than four inches (4") inside diameter of good, hard, sound, well glazed vitrified clay, asbestos cement, concrete or cast iron soil pipe which shall be inspected and approved by the City Engineer before being installed. Pipe shall be laid true to line and grade and not less than one foot (1') in sixty feet (60') fall. The service line of vitrified clay, asbestos cement or concrete pipe shall be not less than five feet (5') from the front wall of the building and from that point thence into the building to be used shall be four inch (4") standard, extra heavy iron, or larger as necessary. All joints shall be rubber ring or factory made plastic compression joints. All sewer connections must be not less than four feet (4') deep at curb line. All connections shall be laid true to line and grade; necessary bends shall be made with curved pipe not

greater than one-eighth (1/8) bend. All connections shall be without traps or valves, or other obstructions to prevent or retard the free passage of air from sewers to main house stack, except as stated in this article. (Prior Code § 14-4-1)

13.12.370: CONNECTION WITH A "Y":

It is unlawful for any person to make a connection with a "Y" except it be done in the presence of the City Engineer or an inspector delegated for that purpose. (Prior Code § 14-4-2)

13.12.380: TRENCHES; HOW BACKFILLED:

Contractors who excavate sewer connection trenches, or any other trench in a street in the City shall first cut the asphalt surface of the street along the proposed lines of the trench with a jackhammer or other method that may have been previously approved by the inspector. The contractor shall be responsible for the removal and disposal of all material from the trench excavation. The contractor shall backfill the first twelve inches (12") of trench with fine earth or sand to protect the pipe. The balance of the trench shall be backfilled with gravel which must be thoroughly flushed with water or tamped or both, as may be directed by the inspector. After completion of the backfill, the contractor must notify the City Manager of the Division of Streets. After notification of the Manager of the Division of Streets, the City will then patch the trench surface with asphalt material. Final cleanup of the excavation must be approved by the inspector. It shall be unlawful to commence any excavation in any City street without first notifying the inspector of the location and time of the excavation. (Prior Code § 14-4-3)

13.12.390: CONNECTION BEFORE COMPLETION OF SEWER:

During the construction of any sewer extensions, abutting property owners may obtain permission to connect such property therewith by paying into the City Treasury her or his full assessment for such sewer extension and by complying with all other requirements of this chapter. (Prior Code § 14-4-4)

13.12.400: NOTICE REQUIRED TO BEGIN WORK:

It is unlawful for any person to commence to lay any sewer or drain pipe without having given to the City Engineer or inspector at least one day's notice of the time when such person will commence the work. Work done without notice or without inspection shall be treated as defective work, and shall be condemned and uncovered, and if need be, reconstructed, and all at the expense of the person doing such work without giving such notice. Sewer connections may be made only at the point designated by the engineer or inspector. A violation of this provision shall be a misdemeanor. (Prior Code § 14-4-5)

13.12.410: JUNCTION PIPES:

Unless directed in the permit all private sewers or house drains must be connected with junction pipes, slants or "Ys" laid in the sewer during construction. The connection point with the sewer must first be located before opening the trench for the rest of the work. All trenches must be of sufficient width and open in such manner as to permit easy inspection, and all connection with the public sewer must be made in the presence of the inspector. In all cases where connections are to be made, the opening of the sewer and the making of such connections must be in strict accordance with the permit. (Prior Code § 14-4-6)

13.12.420: INDEPENDENT SYSTEMS:

A. Independent Connections Required: The drainage system of each new building and of new work installed in any existing building shall be separate and independent from that of any other building, and when available every building shall have an independent connection with a public or private sewer.

B. Exception: Where one building stands in the rear of another building on an interior lot, and no private sewer is available or can be constructed to the rear building through adjoining court, yard or driveway, the building drain from the front building may be extended to the rear building. (Prior Code § 14-4-7)

13.12.430: INSIDE OF DRAIN:

All drains connecting with the public sewer must be left smooth and perfectly clean on the inside, and all dead ends must be securely stopped by concrete or other watertight and imperishable materials. (Prior Code § 14-4-8)

13.12.440: CERTIFICATE OF INSPECTION:

Upon the completion of any work done under a permit to make a sewer connection, the plumber or drain layer shall promptly notify the City Engineer or inspector to make an examination of the whole work and, if found to comply with the provisions of this article, the City Engineer or inspector shall approve same and issue a certificate therefor. (Prior Code § 14-4-9)

13.12.450: CLEANOUT:

A cleanout, when necessary, must be located within five feet (5') of the property line, and in all cases must be of iron pipe from the "Y" to the surface of the ground with a brass cleanout plug. (Prior Code § 14-4-10)

ARTICLE V. PENALTY

13.12.460: VIOLATION; PENALTY:

Penalty provisions pertaining to violations of this chapter are found in title 1, chapter 1.16 of this Code. (Ord. 89-44 § 4, 1989)

Section 2. Effective Date. This ordinance shall become effective upon publication.

ADOPTED BY THE LOGAN MUNICIPAL COUNCIL THIS _____ DAY OF
_____, 2023, BY THE FOLLOWING VOTE:

AYES:

NAYS:

ABSENT:

/s/ Ernesto López, Chairman

ATTEST:

/s/ Teresa Harris, City Recorder

PRESENTATION TO MAYOR

The foregoing ordinance was presented by the Logan Municipal Council to the Mayor for approval or disapproval this _____ day of _____, 2023.

/s/ Ernesto López, Chairman

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved this _____ day of _____, 2023.

/s/ Holly H. Daines, Mayor