

Title 4 Public Utilities

[4.04 Payson City Water Ordinance](#)

[4.08 Water Service - General Provisions](#)

[4.12 Solid Waste Collection And Removal](#)

[4.16 Sewer And Wastewater](#)

[4.20 Pretreatment](#)

[4.24 Power And Light](#)

4.04 Payson City Water Ordinance

[4.04.010 Title And Penalty](#)

[4.04.020 Purpose For Title](#)

[4.04.030 Water Superintendent](#)

[4.04.040 Rates Schedules And Connection Fees](#)

[4.04.050 Water Restrictions](#)

[4.04.060 Conveyance Of Water Rights, Requirements For Development](#)

[4.04.070 Application For New Water Service, Payment](#)

[4.04.080 Open Ditch Irrigation](#)

[4.04.090 Pressurized Irrigation](#)

[4.04.100 Watershed Protection](#)

[4.04.110 Culinary Water Source Protection](#)

4.04.010 Title And Penalty

This Title may be known, cited, and referred to as the City Water Ordinance. Any person violating any of the provisions of this Title shall be guilty of a Class C misdemeanor, and upon conviction, shall be punished in accordance with Utah State law.

Notwithstanding any provision or agreement to the contrary, the City may terminate culinary water or pressurized irrigation services without notice where, in the City's judgment, a clear emergency or serious health or safety hazard exists, for so long as such conditions exist, or where there is unauthorized use of or connection to the city culinary water system or pressurized irrigation system collectively known as city water systems.

No culinary water or pressurized irrigation service connection to any premises shall be installed or maintained by the City unless the water supply is protected as required by the City, County, State, and/or Federal laws, regulations, codes, and this Title. A water service found to be in violation of this Title shall be discontinued after written notification and due process of the violation.

4.04.020 Purpose For Title

This Title is adopted for the following purposes:

- A. To protect and provide for the public health, safety, and general welfare.
- B. To provide adequate water service for present residents, future growth, and development in the City in accordance with the City General Plan.
- C. To protect water supplies in case of fire, flood, landslides, and other geologic and natural hazards.
- D. To provide adequate and efficient water facilities for current and future residents of the City.
- E. To establish reasonable standards of design and orderly layout of the city water systems.
- F. To insure water facilities are available with sufficient capacity to serve proposed development.
- G. To prevent pollution of streams and ponds, assure the adequacy of drainage facilities, protect subsurface water, encourage the wise use and management of natural resources throughout the City, and preserve the integrity, stability, beauty of the community, and value of the land.

4.04.030 Water Superintendent

The city water systems shall be under the supervision of the Water Superintendent as directed by the Public Works Director. It shall be the duty of the Water Superintendent to supervise, manage, operate, and maintain the city water systems in accordance with the provisions of the City Code and any other rules and regulations adopted by the City. The Water Superintendent shall authorize all connections to the city water systems and keep suitable maps and records of all connections, repairs, and extensions.

The Water Superintendent shall supervise the maintenance of the city water systems and all extensions or repairs thereof, and ensure that appropriate inspections are completed. The Public Works Director may employ, subject to the approval of the Mayor and City Council, such help as shall be necessary to carry out the duties prescribed by City Code and any other rules and regulations adopted by the City.

4.04.040 Rates Schedules And Connection Fees

The City has adopted and established fee schedules, connection fees, and rules and regulations governing the city water systems. The City Council is constituted as a Board of Equalization of water system rates to hear complaints and make corrections of any assessments deemed to be illegal, unequal, or unjust.

4.04.050 Water Restrictions

The Mayor is hereby authorized and empowered during times of emergency to issue on behalf of the City, and at the direction of the City Council, an order restricting the use of

water. The order shall be given by proclamation and signed by the Mayor. Notice may be given in such manner as the Mayor may determine.

4.04.060 Conveyance Of Water Rights, Requirements For Development

The following requirements pertain to new development within the City. These requirements are intended to be in harmony with the requirements of PCC 13, Zoning Ordinance and PCC 12, Subdivision Ordinance. An applicant for development approval shall satisfy the following requirements:

- A. It is the intent of the City to assure each future property owner reasonable access to adequate water to make said property productive; and, to initiate a program to provide funding and adequate water resources for more efficient city water systems.
- B. All developers of subdivisions or land owners requesting a building permit within the boundaries of the City shall provide adequate water to be distributed through the city's water systems with appropriate easements along a suitable location by which to convey the water to each property. Adequate water shall be assessed as follows, except as noted:

Zone	Acre Feet of Indoor Water Per ERC*	Acre Feet of Irrigation Water Per Acre or Per Connection +
A-5, Agriculture	0.3	3.2
R-1-A, Residential Agriculture	0.3	3.2
R-1-12, Residential	0.30	0.48 ⁺
R-1-10, Residential	0.30	0.42 ⁺
R-1-9, Residential	0.30	0.38 ⁺
R-1-75, Residential	0.30	0.32 ⁺
R-2-75, Residential	0.30	0.32 ⁺
PO-1, CC-1, GC-1, I-1, I-2, S-1, R&D, All R-M-O Overlay Zones, Planned Residential Developments, R-MF	Site Specific – 0.30 acre-ft per ERC	Site Specific - 3.2 acre-ft per irrigable acre

* ERC – An ERC is an Equivalent Residential Connection, which means it is the equivalent of one average residential homes worth of water usage.

The irrigation water right requirement is the same on the Culinary System and PI System. the A-5 and the R-1-A zones are using the irrigatable acreage for the water requirement where the other zones are using the ERC calculation for the water requirement. Anything with the * is Based on the ERC number for culinary water usage.

+ Acre-feet per connection based on the residential zoning definition in PCC 13, Zoning Ordinance, and irrigated area level of service. The numbers are calculated by taking the Irrigated Acreage listed in the adopted Pressurized Irrigation Impact Fee Plan adopted on 9-2-2020 on Table 3-5. You take the number listed in the table and multiply it by 43,560 to obtain the water per connection based on the lot size.

Water rights or source shall be dedicated to or procured from the City—at the City’s discretion—prior to the time of recording of the plat in which the lot or unit is located. If the lot is existing, but water rights or sources have not been dedicated to or procured from the City in sufficient quantities to meet the requirements of this Section, they are required to be dedicated to or procured from the City prior to the issuance of a building permit. The following is a list of water rights or source that may be acceptable to the City:

- A. **Peteetneet Creek (Payson Canyon) Water.** All Peteetneet Creek Water is owned by the City. At the time of development approval, all Peteetneet Creek Water attached to any land proposed to be subdivided or developed shall revert to the ownership of the City and shall not be used on any other property or to satisfy any other water requirement.
- B. **Underground Water Rights.** Water rights approved by the Public Works Director and approved by the Utah Division of Water Rights for underground withdrawal and municipal use in the City Culinary Water System service area.
- C. **Strawberry Water.** Only limited Strawberry water shall be accepted when approved by the Public Works Director at the amount of 0.88 acre-feet per share.
- D. **Salem Canal Water.** Only limited Salem Canal Company water shall be accepted when approved by the Public Works Director at the amount of 0.88 a/f per acre foot of water.
- E. **Central Utah Project Water.** City has contractual rights to obtain 5,123.96 acre feet of Central Utah Project (CUP) water when the project is complete. The City will accept cash in order to obtain and pay for the cost of CUP water based on the following formula: The estimated repayment cost for 5,123.96 acre-feet of CUP water, spread over the repayment term, discounted to present value, which equals \$5,383.00. An exception exists for applicants who have submitted a completed application for development approval (preliminary plat or site plan) by May 1, 2020 and can show that they already had water rights for that development on May 1, 2020.

As a condition of subdivision approval, all lots shall be connected to the pressurized irrigation system as required by PCC 4.04.090. Irrigation easements at a suitable location may be required at the time the system is installed. No open ditches shall be allowed unless accepted and required by the City Engineer and approved by the irrigation company and the City. Appropriate grates, gates, vents, valves, drains, and other control structures may also be required. In accordance with Utah Code § 73-1-15 (1953 as amended), the developer shall be responsible for obtaining written approval from all affected irrigation companies for any proposed work before final subdivision approval is granted. The developer shall also meet the specifications for pipe or covering size and requirements established and approved by the City Engineer in accordance with the provisions of state law.

The provisions of this Section apply only to properties located within the city limits. Any application for annexation will be required to meet all water requirements of PCC 13.26, Annexation Ordinance.

If a subdivision is proposed on land that water rights have been previously transferred to the City as part of the annexation process, a credit shall be given toward satisfying the requirements of this Section.

When a building permit is requested for more units than the property was designed to accommodate on the original plat or exceeds the number for which water rights were conveyed, the additional water rights shall be conveyed before the permit shall be issued.

The installation of the city water systems shall be consistent with the requirements of PCC 13, Zoning Ordinance, PCC 12, Subdivision Ordinance, and the Design Guidelines and Standard Specifications of the City. The distribution lines required for new development shall be at least eight (8) inches in size and of a material approved by the City Engineer in the Design Guidelines and Standard Specifications.

Any project that proposes a water storage facility to satisfy the requirements of this Title, PCC 13, Zoning Ordinance, PCC 12, Subdivision Ordinance, the adopted Fire Code, or any other relevant development ordinance of the City, the following requirements shall apply:

- A. All new storage facilities shall have a capacity of at least Two Hundred Fifty Thousand (250,000) gallons.
- B. If the new storage facility has a capacity of less than Five Hundred Thousand (500,000) gallons, the facility shall be located below ground.
- C. The City may require applicants to explore options that may provide water storage facilities in the most efficient manner including communication with other applicants.
- D. All new water storage facility plans and technical specifications must be

reviewed and approved by the City. The color and landscaping requirements of the new water storage facility must be approved by the City Council.

- E. Individual water pumping stations that provide water on an on-demand basis are not allowed. Water pumping stations that pump to an approved water storage facility are acceptable.

4.04.070 Application For New Water Service, Payment

A. **Application For New Service.** Applicants for new water service from the City shall make written application on forms prepared by the City and pay all applicable fees including a utility deposit. An owner having a recent record of six (6) continuous months of timely and complete payments to the City for water service, shall not be required to pay a deposit to obtain water service for a residential structure containing four (4) or less dwelling units.

1. The City may accept a guarantee, in lieu of the customer deposit required in this Section, subject to the following:
 - a. The guarantor must agree in writing to pay all obligations incurred by the named purchaser of water service and for charges to connect, disconnect or reconnect, if the obligations are not paid when due by the purchaser.
 - b. The guarantor may withdraw the guarantee by giving thirty- (30) day written notice thereof and by paying the unpaid obligations of the purchaser through and including the notice period.
2. Deposits may be applied to the payment of delinquent accounts. Renewal of deposits applied to delinquent accounts may be required as a condition of the continuation of water service.

B. **Payment.** Bills for water use shall be rendered monthly or as determined by the City. If bills are not paid within sixty (60) days, the City may cause the water to be turned off. Before the water is turned on again, all unpaid water bills shall be paid in full together with a reconnection fee in an amount as established by the city fee schedule.

4.04.080 Open Ditch Irrigation

A. **Irrigation Secretary To List Property And Prepare Schedule.** On or before the fifteenth of January each year the irrigation secretary shall ascertain the number of city lots and the number of acres of land irrigated by open ditch irrigation, and the name of all persons, corporations, companies and firms owning, being in possession, charge or control thereof, and make a schedule of the same and return it to the Water Superintendent previous to the first of February of the same

year. The City shall keep an account with the amount of assessment and the amount paid.

- B. **Appeal Of Apportionment.** Any person aggrieved at the proportion of water may, on written complaint, be heard by the City Council. All complaints must be presented within twenty (20) days from the origin of the act. If any person is aggrieved at the decision of the City Council, they may appeal the decision to the appropriate district court within thirty (30) days.
- C. **Entitlement To Use Of Water.** Persons owning property with open ditch irrigation shall be entitled to the use of water as fixed by the water schedule, provided the assessment has been paid and that all the requirements of this Section have been complied with by the owner. It shall be unlawful for any person to use water without first having paid the assessment. Open ditch irrigation will not be extended to any new property. The responsibility of the City in regard to irrigation water ends when irrigation water has been brought to the respective property line of the property in question, or to the head ditch feeding the property.
- D. **Permission To Make Change In Street.** The property owner shall keep in constant repair all necessary bridges and culverts, where the ditch crosses any street, road, or sidewalk, and shall be liable for all damages occurring by their neglect.

No open, unbridged, dangerous, or unsafe ditch or canal across any sidewalk, or use of any water by means of an open, unbridged, dangerous, or unsafe ditch or canal is permitted.
- E. **Surplus Water.** It shall be the duty of all persons using or conveying water for irrigation purposes to conduct any surplus or waste water into the city open ditch irrigation system. It shall be unlawful for any person to permit flooding of any street, sidewalks, or private property or to unnecessarily waste water. It shall be unlawful for any person, during the freezing non-irrigation season of the year, to conduct or turn surplus or waste water into any irrigation ditch situated on any public street of the City.
- F. **Users To Control Water.** Persons using water for irrigation shall be required to control the water distributed to them, and shall be liable for all damages caused through their neglect.
- G. **Changes In Irrigation Water System.** It shall be unlawful to alter, move, cover, or change any head gate, irrigation ditch, pipeline, or other right-of-way through which city open ditch irrigation water travels, without the prior written consent of the Water Superintendent. Any person proposing to make a change shall submit written plans describing the change. The plans, when approved, shall be implemented at the expense of the person proposing the change. Any person making a change prohibited by this Section shall be liable for all damages and costs caused by the unauthorized action including the cost of any corrective or

restoration work deemed necessary by the City.

- H. **Head Gates.** Any person who shall convey any water from any ditch or canal of the City without first having provided a good and sufficient head gate through which to take such water, to the acceptance of the Water Superintendent, or fail to keep such head gate in good repair, shall be guilty of a Class C misdemeanor. Every person that takes any water under the control of the City at any time when the water is distributed by authority of the City to any other person, or take any greater quantity of such water than has been duly distributed or interfere with or changes any flow or any water when lawfully distributed to any other person for irrigation or other useful purposes, except when authorized to make such changes, or willfully or maliciously breaks or injures any dam, canal, head gate, water ditch, or other means of diverting or conveying water for irrigation or other useful purposes, or digs away the bank or banks or any ditch, canal, or reservoir forming part of the city open ditch irrigation system, shall be guilty of a Class C misdemeanor.

Where more than one turn-out from the main feeder ditch has been allowed for a single account owner, the owner is responsible for closing all turnouts diverting water to the property prior to the beginning of the scheduled turn of the following account owner.

4.04.090 Pressurized Irrigation

- A. **Connections And Extensions.** No connection shall be made to the pressurized irrigation system and no extension shall be made to any installation served by the pressurized irrigation system until a permit has been issued by the City Engineer. The City Engineer shall not issue a permit until the required connection and other fees have been paid.

All pressurized irrigation system users shall keep their service pipe and connections and other apparatus in good repair and protected from frost at their own expense, but no person, except under the direction of the Public Works Director, shall be allowed to dig into the street, parking strip, sidewalk, or other public property or right-of-way for the purpose of laying, removing, or repairing any service pipe.

- B. **Wasting Water Prohibited.** It shall be unlawful for any pressurized irrigation user to waste water by imperfect stop-taps, valves, leaky joints, or pipes, or to allow tanks or watering troughs to leak or overflow. Additionally, water shall not be wasted by allowing water to run from hose bibs, excessive watering, open pipes, or other apparatus, or to use the water in such a manner as to cause it to overflow into the neighboring yards, property, streets, or sidewalks, or in violation of the rules and regulations set forth by resolution for controlling the pressurized irrigation system.

The City Council may, by resolution, regulate, restrict, or limit the use of water during water shortage periods and shall have the power to take all necessary means to make any necessary regulations as circumstances may require to protect the users of the pressurized irrigation system.

- C. **City To Have Unrestricted Access.** The City shall at all ordinary hours have unrestricted access to places supplied with water from the pressurized irrigation system for the purpose of examining the apparatus to ascertain the amount of water used and the manner of its use.
- D. **City Not Liable For Damage.** The City shall not be liable for any damage due to the pressurized irrigation system by reason of stoppage or interruption of the pressurized irrigation supply caused by fires, scarcity of water, accidents to works or mains, alterations, additions, repairs, or from any other cause.
- E. **Water Not For Motors.** No water shall be supplied from the pipes of the pressurized irrigation system for the purposes of driving any motor, siphon, turbine, or other wheels, or any hydraulic engines or elevators, or for driving or propelling machinery of any kind, nor shall any license be granted or issued for any such purpose except by special permission of the City.
- F. **Connection Required.** The record owners, or their duly authorized agents, of all residential sites and all commercial sites located within the City that require outside watering of lawns or plants whose properties lie within three hundred (300) feet of the pressurized irrigation system shall connect their properties to the pressurized irrigation system and pay the applicable fees and charges, unless the sites are part of a newly annexed area and the annexation agreement dictates when existing sites will be connected to the pressurized irrigation system. Property that is required to be connected to the pressurized irrigation system shall not be issued a building permit for construction unless the building permit applicant shall first connect the property to the pressurized irrigation system, or agree to connect the property to the pressurized irrigation system, and provide adequate assurances of connection, in a form acceptable to the City, including the payment of all applicable fees and costs.

It shall be unlawful for the owner or occupant of any property served by the pressurized irrigation system, or any user thereof, to permit any person from other premises, or any unauthorized persons, to use or obtain water regularly from the premises or pressurized irrigation fixtures.

G. Prohibitions.

- 1. It shall be unlawful for any person, after the pressurized irrigation system has been turned off from the premises for either non-payment of utility charges as provided for herein or for a violation of the rules and regulations pertaining to the city water systems, to turn on or allow the water to be turned on or used without authorization from the Water Superintendent.

2. It shall be unlawful for any person to destroy, deface, injure, or interfere with the operation of any part, pipe, fixture, appliance, or appurtenance of the pressurized irrigation system.
3. It shall be unlawful for any person to place or introduce into the pressurized irrigation system or any source of water supplying the system any matter, substance, chemical, or compound without authorization from the Water Superintendent.
4. It shall be unlawful for any person to connect any part of the pressurized irrigation system to any part of any culinary water system to create a potential cross-connection whereby irrigation water could be introduced into the culinary water system.
5. It shall be unlawful for any person to use substantial quantities of water from the pressurized irrigation system for the purpose of flood irrigating any property. Except for incidental watering of shrubs, flowers, and other limited use applications, water from the pressurized irrigation system used for irrigation of lawns, gardens, and other irrigation applications must be applied through either a sprinkler or drip irrigation system, including sprinklers attached to garden hoses.
6. Any water owned by a landowner for the purpose of use in the pressurized irrigation system that has been used to satisfy the water requirements of this Title shall not be removed or transferred to another location without the written approval of the City. If any such water is removed or transferred, the landowner's connection to the pressurized irrigation system will be disconnected until the landowner satisfies the water requirements of this Title. The City will require each developer that proposes to use water not owned by the City to satisfy the requirements of this Title to deed restrict the water to remain appurtenant to the land.

H. Water Service Outside City Limits. The City prohibits anyone outside the city limits to connect to the pressurized irrigation system. Users outside the city limits that are currently connected to the pressurized irrigation system may remain connected to the system.

I. Failure To Pay For Service. If the owner of any of the premises fails to pay the required fees and charges applicable to the pressurized irrigation system or violates any provisions of this Section, the City may cause the culinary water system or pressurized irrigation system to be shut off from the premises, and the City shall not be required to turn the utility on again until all arrears are paid in full.

J. Shut-Off Valve. Persons connecting to the pressurized irrigation system shall be required to provide and install a valve independent of the City's shut-off valve with which they may control the pressurized irrigation service to their premises.

At no time will a person be allowed to tamper with or operate the City's shut-off valve unless acting under the direction of the Water Superintendent. Shut-off valve shall be located and installed in the resident's irrigation box adjacent to and directly behind irrigation meter box. No connections are to be made in the irrigation box, including and not limited to filters, tees, elbows, etc.

K. **Use Of Culinary Water.** It shall be unlawful for any person or entity to use culinary water for outside watering of lawns or plants if the property is connected to the pressurized irrigation system and water is available in the system, or the owner is required to connect to the pressurized irrigation system pursuant to this Title and has not done so.

L. **Pressurized Irrigation Meters.** When a new service line is installed connecting any unit or premises to the pressurized irrigation system of the City, an irrigation meter must be installed. All irrigation meters shall be installed in easily accessible locations selected by the Water Superintendent.

Irrigation meters shall be furnished and installed by the City. Irrigation meters shall not be installed until new main lines have been pressure tested and approved and service lines, including meter boxes and appurtenances, have been inspected and approved. No meters shall be installed until all applicable fees have been paid including connection fees and main line extension fees as appropriate.

It shall be unlawful for any person to tamper with, modify, or deface in any manner an irrigation meter or meter box. Modifications or connections to piping inside the meter box are prohibited or at any point on the service line between the meter and the distribution main are prohibited. Any such connections shall be removed at the expense of the owner of the property being served. Additionally, it shall be unlawful for any person or persons to deface, mutilate, tear down, or in any way destroy any signs or markers erected by the City.

4.04.100 Watershed Protection

A. **Jurisdiction, Rules, And Regulations.** It is the intent of the City to protect its watershed and to assert jurisdiction over the City Watershed Area, including aquifers and surface waters to the maximum extent allowed by law consistent with the Utah Drinking Water Source Protection Rule as adopted and/or amended by the State of Utah Department of Environmental Quality. In addition to the provisions of this Section, the City is hereby authorized to prescribe rules and regulations not contrary to law, for governing all matters of water quality. It shall be unlawful for any person to commit any act that will pollute any source of water in the City Watershed Area pursuant to the Utah Drinking Water Source Protection Rule or any other rule or standard adopted by the City.

B. **Construction Conditions.** It shall be unlawful to construct or remodel any

structure within the City Watershed Area without first securing approval from the City in accordance with these provisions. No structure in the watershed shall be approved without complying with all requirements set forth in this Section.

All applicants for a building permit within the City Watershed Area shall submit a copy of all plans, specifications and drawings required to the City. In addition, any other necessary permits, approval by the City Engineer, shall be obtained for all construction in the City Watershed Area. Building permits and plan approvals by other agencies of government, including county, state, and federal government, shall not be considered approval by the City.

C. Sewage Disposal Requirements.

1. Approval for the construction and maintenance of all garbage or sewage disposal systems within the City Watershed Area shall be under the direct supervision and control of the City Engineer. It shall be unlawful to:
 - a. Construct, use, or maintain any sewage disposal system anywhere within the watershed without first obtaining the written approval of the City. The City shall only give approval for the construction, use, or maintenance of a sewage disposal system if the owner of the sewage disposal system can demonstrate that the use or maintenance of the sewage disposal system will not violate established standards or rules for Drinking Water Source Protection Zones. At the time of adoption of this Section, existing systems shall be allowed to continue as long as they are not modified, expanded, damaged, become inoperable, or otherwise constitute a threat of contamination to the City Watershed Area.
 - b. Deposit any dead animal within the City Watershed Area.
 - c. Damage, vandalize, alter, or destroy any authorized sewage disposal system in the City Watershed Area.
 - d. Pump sewage storage vaults or conduct a scavenger operation except in accordance with all applicable laws, rules, and regulations. A sewage disposal system within the City Watershed Area shall be sealed immediately if it is unsanitary or does not comply with the water quality requirements of federal, state, or local law or regulations. Facilities may not be used until made sanitary and conform to the requirements of federal, state, and local law and regulations. It shall be unlawful for any person to use or maintain any facility sealed in accordance with the provisions of this Section.
2. When the City determines that a sewage disposal system violates applicable laws, rules, or regulations or is a potential hazard to the watershed and cannot be adequately corrected, the City shall order the

destruction and removal of the sewage disposal system. The cost of all remedies or destruction and removal shall be the responsibility of the property owner.

- D. Sanitary Sewage Disposal System Required.** Any person who owns, operates, maintains, or permits the use of any house, cottage, cabin, human habitation, or camping place shall provide and maintain a sewage disposal system satisfactory to the Department of Water Resources. Failure to do so may result in the closure, seal, and prevention of use of the house, cottage, cabin, human habitation, or camping place.

Septic tanks and drain fields in the City Watershed Area may only be used if permitted by the City and approved by other governing agencies. The use of chemical toilets in the City Watershed Area shall be installed and used only with the prior written approval of the City. This approval shall be in addition to approval by other governing agencies. All vaults or other approved receptacles used by any persons for storage of sewage shall be emptied completely at least once each year. If determined a health hazard by the City, owners of such facilities shall keep the level of sewage below sixty (60) percent of the vault's capacity to allow sufficient reserve for emergencies. The contents removed from any sewage holding tank or vault must be removed by a licensed scavenger operation at the cost of the owner to an approved sewage facility. It shall be unlawful for any person to construct, locate, or maintain any vault for the deposit or storage of sewage within one hundred (100) feet of any spring, marsh, watercourse, water source, or reservoir.

- E. Animals.** It shall be unlawful to keep or maintain for a period in excess of thirty (30) days any domestic animals, including but not limited to, dogs, cattle, horses, sheep, and hogs within the City Watershed Area without first obtaining a written animal permit from the City. Applicants shall inform the City of the number and type of animals and their proposed method of controlling and maintaining the animals. Animal enclosures shall be kept and maintained in a reasonably clean and sanitary condition at all times and shall be subject to inspection by the City. Fecal waste must be disposed of in a manner approved by the City.

It is unlawful for any person to permit an animal to run loose upon any City Watershed Area. Any such animal shall be deemed stray, and the City may cause any such animal to be impounded.

- F. Camping And Campfire Restrictions.** The City may require that picnicking or camping be restricted from certain designated places. The City may prohibit campfires within fifteen hundred (1500) feet of any well or spring protection area.
- G. Vehicles.** It shall be unlawful for any person to operate any motor vehicle including, but not limited to, motorcycles, trail bikes, dune buggies, motor scooters, or jeeps upon any public property within the watershed, except on

designated roads, without first obtaining the written permission of the public entity that is in possession of the property, with the exception of the use of real property primarily devoted to agricultural purposes.

4.04.110 Culinary Water Source Protection

- A. **Short Title And Purpose.** This Section shall be known as the “Culinary Water Source Protection Ordinance.” The purpose of the ordinance is to insure the provision of a safe and sanitary drinking water supply for the City by the establishment of culinary water source protection zones surrounding the wellheads for all wells and the spring collection area margin for all springs that are the supply sources for the city culinary water system and by the designation and regulation of property uses and conditions that may be maintained within such zones.
- B. **Definitions.** When used in this Section, the following words and phrases shall have the following meanings:

DESIGN STANDARD. A control that is implemented by a potential contamination source to prevent discharges to the ground water. Spill protection is an example of a design standard.

LAND MANAGEMENT STRATEGIES. Zoning and non-zoning controls that include, but are not limited to, the following: zoning and subdivision ordinances, site plan reviews, design and operating standards, source prohibitions, purchase of property and development rights, public education programs, ground-water monitoring, household hazardous waste collection programs, water conservation programs, memoranda of understanding, written contracts, agreements, and so forth.

POLLUTION SOURCE. The point a source discharges contaminants to ground water or potential discharges of the liquid forms of "extremely hazardous substances" that are stored in containers in excess of "applicable threshold planning quantities" as specified in SARA Title III. Examples of possible pollution sources include, but are not limited to, the following: storage facilities that store the liquid forms of extremely hazardous substances, septic tanks, drain fields, class V underground injection wells, landfills, open dumps, landfilling of sludge and septage, manure piles, salt piles, pit privies, and animal feeding operations with more than ten animal units. The following clarify the definition of pollution source:

1. **Animal Feeding Operation.** A lot or facility where the following conditions are met: animals have been or will be stabled or confined and fed or maintained for a total of forty-five (45) days or more in any twelve (12) month period, and crops, vegetation forage growth, or post-harvest residues that are not sustained in the normal growing season over any

portion of the lot or facility. Two or more animal feeding operations under common ownership are considered to be a single feeding operation if they adjoin each other, if they use a common area, or if they use a common system for the disposal of wastes.

2. **Animal Unit.** A unit of measurement for any animal feeding operation calculated by adding the following numbers; the number of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighing over 55 pounds multiplied by 0.4, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0.
3. **Extremely Hazardous Substances.** means those substances that are identified in Section 302(EHS) column of the "TITLE III LIST OF LISTS - Consolidated List of Chemicals Subject to Reporting Under SARA Title III," (EPA 560/4-91-011).
4. **Potential Contamination Source.** Any facility or site that employs an activity or procedure that may potentially contaminate ground water. A pollution source is also a potential contamination source.

REGULATORY AGENCY. Any governmental agency with jurisdiction over hazardous waste as defined herein.

SANITARY LANDFILL. A disposal site where solid wastes, including putrescible wastes or hazardous wastes, are disposed of on land by placing earth cover thereon.

SEPTIC TANK/DRAIN-FIELD SYSTEMS. A system that is comprised of a septic tank and a drain-field that accepts domestic wastewater from buildings or facilities for subsurface treatment and disposal. By design, septic tank/drain-field system discharges cannot be controlled with design standards.

WELLHEAD. The upper terminal of a well, including adapters, ports, seals, valves, and other attachments.

- C. **Establishment Of Culinary Water Source Protection Zones.** There are hereby established use districts known as Zone One, Zone Two, Zone Three, and Zone Four of the Culinary Water Source Protection Zones, identified and described as follows:

1. **Zone One.** The area within a one hundred- (100) foot radius from the wellhead or spring collection area margin.
2. **Zone Two.** The area within a Two Hundred Fifty- (250) day ground-water time of travel to the wellhead or spring collection area margin, the boundary of the aquifer(s) that supplies water to the ground-water source, or the ground-water divide, whichever is closer.

3. **Zone Three (Waiver Criteria Zone).** The area within a three- (3) year ground-water time of travel to the wellhead or spring collection area margin, the boundary of the aquifer(s) that supplies water to the ground-water source, or the ground-water divide, whichever is closer.
4. **Zone Four.** The area within a fifteen-(15) year ground-water time of travel to the wellhead or spring collection area margin, the boundary of the aquifer(s) that supplies water to the ground-water source, or the ground-water divide, whichever is closer.

D. Permitted Uses. The following uses shall be permitted within Culinary Water Source Protection Zones:

1. Any use permitted within existing agricultural, single family residential, multi-family residential, and commercial zones so long as uses conform to the rules and regulations of the regulatory agencies.
2. Any other open land use where any building located on the property is incidental and accessory to the primary open land use.

E. Prohibited Uses. The following uses or conditions shall be and are hereby prohibited within Culinary Water Source Protection Zones, whether or not such use or condition may otherwise be ordinarily included as a part of a use permitted under paragraph D.

1. **Zone One.** The location of any pollution source as defined herein.
2. **Zone Two.** The location of a pollution source unless its contaminated discharges can be controlled with design standards.
3. **Zones Three And Four.** The location of a potential contamination source unless it can be controlled through land management strategies.

F. Administration. The policies and procedures for administration of any Culinary Water Source Protection Zone established under this ordinance, including without limitation those applicable to nonconforming uses, exception, enforcement, and penalties, shall be the same as provided in the existing zoning ordinance as the same is presently enacted or may from time to time be amended.

4.08 Water Service - General Provisions

4.08.010 Spring Protection Zone

4.08.020 Protection Of Water Transmission Line

4.08.030 Water Main Line Extensions

4.08.040 Maintenance Of Water Mains And Service Connections

4.08.050 Service Line Connections

4.08.060 Separate Service Lines Required

[4.08.070 Abandoned Water Service Lines](#)
[4.08.080 Water Meters](#)
[4.08.090 Use Of Unmetered Water](#)
[4.08.100 Resuming Use After Turn-Off Prohibited](#)
[4.08.110 Wasting Water](#)
[4.08.120 Cost Of Pumping Water](#)
[4.08.130 Use And Regulation Of Fire Hydrants And Valves](#)
[4.08.140 Shutting Off Water - City Liability](#)
[4.08.150 Access](#)
[4.08.160 Fire Service Lines](#)
[4.08.170 Water Service Outside Of City Limits](#)
[4.08.180 Cross Connection Control And Backflow Prevention](#)
[4.08.190 Water Pollution Prohibited](#)
[4.08.200 Private Systems And Private Wells](#)

4.08.010 Spring Protection Zone

Concentrated sources of pollution including, but not limited to, septic tanks, drain fields, garbage dumps, pit-privies, corrals, etc., shall not be allowed within Spring Protection Zones. Spring Protection Zones include all land within fifteen hundred (1500) feet of a spring collection area. Sewer lines may be permitted within Spring Protection Zones at the discretion of the City Engineer. Sewer lines shall be no less than three hundred (300) feet from a spring. The provisions of this Section shall be superseded by State or Federal regulations if such impose stricter standards.

4.08.020 Protection Of Water Transmission Line

No person shall establish, construct, or maintain any structure including field drains, septic tanks, pit-privies, nearer than three hundred (300) feet to any city water main line without first procuring written permission from the City Engineer.

4.08.030 Water Main Line Extensions

It shall be unlawful for any person to make any extension of any pipe or water fixture attached to city water systems without first obtaining a permit from the City Engineer. Additionally, it shall be unlawful for any person other than duly authorized employees of the department to open or close any water gate valve in connection with the city water systems.

When an applicant desires or is required to install water connections and extensions for a subdivision or development, the applicant may voluntarily extend the water main line. The applicant for a project that requires the extension of a water main line shall pay the cost of the extension. No person shall construct a water main line extension without first having plans for the main line extension approved by the City Engineer. All subdivisions shall have a complete water distribution system installed before subdivision improvements are accepted by the City. The design and construction of the water

distribution system shall be approved by the City Engineer before the system is installed. The water distribution system shall be installed at the applicant's expense.

If an applicant installs a water main line extension to serve a parcel of property, the water main line extension shall originate at the nearest adequate existing water main and extend completely across the parcel of property being developed along all public street frontages. The applicable cost shall include replacement of all road surface damaged or removed for installation of new extensions in accordance with the Design Guidelines and Standard Specifications.

4.08.040 Maintenance Of Water Mains And Service Connections

The responsibility of maintenance of water mains and the property being serviced by the new water service line is borne by the applicant until the City accepts, by dedication, the new water mains and service connections. Service connections therefrom shall be as follows:

- A. Once dedicated, all water mains and the service connections therefrom that are located on public property shall be maintained by the City, except that the City will not maintain a service connection at any point between the meter and the facility it serves. Service lines from the meter to the facility shall be kept in good repair and free from leaks by the owner of the property serviced. If a water meter is located in any place other than a location near the property line, the City will only maintain the lines to the curb box or valve located on the property line.
- B. Water mains and service lines that are located on private property shall be maintained and repaired by the property owner and not by the City. Provided, however, that water mains that are on private property, located within a utility easement, and part of the city water systems shall be maintained and repaired by the City. Water service to or through main lines or service lines on private property may be discontinued if the owner of the lines fails or refuses to repair the lines when reasonably requested by the City.
- C. The City shall maintain all water meters including those on private property. The City shall have the right to enter private property to inspect, repair, or replace water meters.

4.08.050 Service Line Connections

Service line connections shall not be made to the city water systems or to main water lines on private property without a permit authorized by the City Engineer and payment of the appropriate fees. All connection expenses shall be borne by the applicant including trenching from the new service location or building to the main water lines. Inspection and final approval of the installation shall be by the Water Superintendent or designee

Water service connections including the main line tap, service line, meter box, yoke, ring, and lid, must be installed by a qualified and licensed plumber or a pre-qualified utility contractor at the expense of the applicant. No tapping or connecting to water mains will be allowed in temperatures below forty (40) degrees Fahrenheit.

4.08.060 Separate Service Lines Required

Service lines must be arranged to supply each separate unit or premises with a separate meter placed near the street curb. Where water is supplied through one service to one or more units or premises, the City may either refuse to furnish water until separate services are provided or continue to supply water on the condition that one (1) person shall be responsible to pay for all water used through the service.

4.08.070 Abandoned Water Service Lines

When a water service line is abandoned in favor of a different service line, the old service line shall be disconnected from the main line and the old service tap shall be plugged at the main line. The cost of all work shall be the responsibility of the owner of the property being serviced by the new water service line. Work described in this Section shall be inspected by the City before backfilling.

4.08.080 Water Meters

When a new service line is installed connecting any unit or premises to an unmetered private line, which is supplied water from the City or when a service pipe is connected directly to city water systems, a water meter must be installed. All water meters shall be installed in easily accessible locations selected by the Water Superintendent.

Water meters shall be furnished and installed by the City. Water meters shall not be installed until new main lines have been pressure tested, disinfected, and approved and service lines, including meter boxes and appurtenances, have been inspected and approved. No meters shall be installed until all applicable fees have been paid including water connection fees and main line extension fees as appropriate. If any meter malfunctions and fails to register, the water shall be charged for the time the meter is out of order at the average daily rate as registered by the meter for the previous meter reading period when the meter was in order.

It shall be unlawful for any person to tamper with, modify, or deface in any manner a water meter or meter box. Modifications or connections to piping inside the meter box are prohibited or at any point on the service line between the meter and the main line are prohibited. Any such connections shall be removed at the expense of the owner of the property being served. Additionally, it shall be unlawful for any person or persons to deface, mutilate, tear down, or in any way destroy any signs or markers erected by the City.

4.08.090 Use Of Unmetered Water

Use of unmetered water through any service line, main line, or fire hydrant is prohibited unless authorized by the City. Use of a "jumper" in place of a meter to convey water through a service line is at all times prohibited.

4.08.100 Resuming Use After Turn-Off Prohibited

It shall be unlawful for any person after the water has been turned off from any lot or premises, because of non-payment of rates or other violation of the rules and regulations pertaining to the water supply, to turn on or allow the water to be turned on, or use or allow the water to be used without permission of the Water Superintendent.

4.08.110 Wasting Water

It shall be unlawful to waste water or to allow it to be wasted by imperfect stops, valves, leaky joints, or pipes, or to allow tanks or watering troughs to leak or overflow, or to wastefully run water from hydrants, faucets, or stops, or through basins, water closets, urinals, sinks, or other apparatus.

4.08.120 Cost Of Pumping Water

When it becomes necessary to pump water, the cost of the pump or pumps and the installation thereof together with the cost of operation shall be borne by the benefitted party, and all water shall be metered. No pumps shall be installed unless the pumps shall have a capacity to create twenty (20) pounds or more per square inch at the highest meter where the water shall be delivered.

4.08.130 Use And Regulation Of Fire Hydrants And Valves

It shall be unlawful for any person, without obtaining prior permission from the City, to turn on, turn off, operate, or tamper with any fire hydrant or any valve constituting a part of city water systems for any purpose. In addition to the criminal punishment hereinafter provided, any person violating this provision shall be liable for all ensuing damages to the city water systems and to private property.

Pipes to be used only in case of fire will be allowed within buildings on the following conditions. The fire pipes must be entirely disconnected from those pipes used for other purposes, and hose pipes or branches must be arranged by means of seals or otherwise used only in case of fire. Any water used through fire pipes for other than fire purposes shall require a meter to be installed on the fire pipes.

The City shall charge a uniform fee per inch of diameter per month of water main requested for standby service for fire protection as fixed by the city fee schedule.

4.08.140 Shutting Off Water - City Liability

The City reserves the right, without notice, to shut off the water from its mains for the purpose of making repairs or extensions or for other purposes, and no claim shall be

made against the City, by reason of any breakage, or for any damage that may result from the shutting off of water for repairing, laying or relaying mains, hydrants, or other connections or for any other reason.

In case of leaks or other accidents to service pipes or other apparatus connected with the waterworks, licensed plumbers may shut off the water at the curb/meter box to make necessary repairs.

4.08.150 Access

Access at all ordinary hours shall be allowed to the Water Department, or other authorized persons to all places supplied with water from the city water systems, to examine the apparatus, the amount of water used, the manner of its use, and to make all necessary shut offs for vacancy, delinquency, and violations of this Title.

4.08.160 Fire Service Lines

Private fire service lines designed to provide fire protection to a building or buildings shall be constructed according to city specifications, Plumbing Code adopted by the State of Utah, and the International Fire Code latest edition at the expense of the owner of the building being serviced. Maintenance associated with such fire service lines shall also be at the expense of the owner.

4.08.170 Water Service Outside Of City Limits

Connection to the city culinary water system for properties outside of the city limits, but within the Annexation Policy Plan area, is allowed only under the following conditions. Each request will be reviewed by the Public Works Director on a case-by-case basis. The Public Works Director is under no obligation to approve the request. The City may allow connections to any existing or new building if the residence can be connected to both wastewater and culinary water city systems. The approval for any non-resident to connect to the city culinary water system does not set a precedent for future connections. The City reserves the right to refuse service to any non-resident.

- A. The water main must be able to be extended or exist in front of the proposed residence and must be paid for by the residence requesting the water and sewer line connections.
- B. All connections must be metered with a water meter provided by the City at the expense of the non-resident. The non-resident user will be required to pay according to the city fee schedule.
- C. The culinary water will be used for domestic purposes and will not be used for agricultural pursuits. Any verification of non-domestic use (inside use and incidental landscape maintenance not to exceed eight thousand (8,000) square feet of turf area) will result in termination of service.

- D. The non-resident will be responsible for payment of all associated impact fees and connection fees according to the city fee schedule. Furthermore, the non-resident will be required to transfer adequate water rights to serve the dwelling or unit in an amount according to PCC 4.04.060. The City may, at the option of the City, accept money in lieu of water rights when addressing an emergency situation.
- E. If the non-resident uses rights assigned to a private well to satisfy the water transfer requirement, the subject well shall be appropriately capped in accordance with state statute.
- F. The non-resident is responsible for all construction costs associated with the connection to the culinary water main. Furthermore, the non-resident is responsible to obtain any necessary permits that may be required by non-city entities including, but not limited to, Utah County and the Utah Department of Transportation.
- G. If deemed appropriate by the City Council at the recommendation of the Public Works Director, a non-resident, as a condition of approval, may be required to submit an application for annexation, submit payment of application fees, and complete the annexation process. If it is not practicable for the property to be annexed into the City, the request may still be approved by the Public Works Director if it is feasible to connect to the culinary water system.
- H. The request to connect to the city culinary water system will not be approved simply to avoid compliance with federal, state, or local laws (i.e. drilling new wells, decontamination of an existing well).
- I. The City will not accept any responsibility or liability associated with the inability of the property owner to obtain culinary water from the previous source, which must be evidenced by a hold harmless agreement from the non-resident.
- J. Following a recommendation from the Fire Chief, the Public Works Director may, but is not obligated to, approve an extension of, or connection to, the culinary water system for improvement to the firefighting system. The non-resident for extension of or connection to the culinary water system must demonstrate that the extension or connection will significantly improve the ability of the City to provide fire protection and will not impact the fire flow of the existing system.
 - 1. Each non-resident requesting extension of or connection to the culinary water system for firefighting purposes must be able to demonstrate that the extension or connection will not be used to satisfy water requirements of another government agency, that the water will not be used for any purpose other than fire protection, and that the provision of fire protection through use of the culinary water system will not place an inordinate burden on the culinary water system due to the size or building materials of the structure or the contents of the structure.

Water service outside of the city limits will require a finding of surplus water and a written contract between the non-resident and the City. Any use not authorized by the contract may result in disconnection from the culinary water system. The City reserves the right to pursue any legal remedies to enforce such contract or recover damages or lost water from the non-resident.

4.08.180 Cross Connection Control And Backflow Prevention

- A. **Title And Purpose.** This Section shall be known as the “Culinary Water Source Protection and Backflow Prevention Ordinance.” The purpose of the ordinance is to ensure the provision of a safe and sanitary drinking water supply for the City by the establishment of culinary backflow prevention definitions and requirements to protect the health and safety of those using the water system.
- B. **Definitions.** When used in this Section, the following words and phrases shall have the following meanings:

APPROVED BACKFLOW ASSEMBLY. An assembly accepted by the Utah State Department of Environmental Quality, Division of Drinking Water meeting an applicable specification or as suitable for the proposed use.

AUXILIARY WATER SUPPLY. Any water supply on or available to the premises other than the city's public water supply will be considered as an auxiliary water supply. These auxiliary waters may include water from another city's public potable water supply or any natural source(s) such as a well, spring, river, stream, harbor, etc., or "used waters" or "industrial fluids". These waters may be contaminated or polluted or may be objectionable and constitute an unacceptable water source over which the Water Superintendent does not have authority for sanitary control.

BACKFLOW. The reversal of the normal flow of water caused by either back-pressure or back-siphonage.

BACK-PRESSURE. The flow of water or other liquids, mixtures, or substances under pressure into the feeding distribution pipes of a potable water supply system from any source(s) other than the intended source.

BACK-SIPHONAGE. The flow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water supply system from any source(s) other than the intended source, caused by the reduction of pressure in the potable water supply system.

BACKFLOW PREVENTION ASSEMBLY. An assembly or means designed to prevent backflow. Specifications for backflow prevention assemblies are contained within the Plumbing Code, as adopted by the State of Utah in the

Cross Connection Control Program for Utah maintained by the Division of Drinking Water.

CONTAMINATION. Degradation of the quality of the potable water supply by sewage, industrial fluids or waste liquids, compounds, or other materials that may create a health hazard.

CROSS CONNECTION. Any physical connection or arrangement of piping or fixtures that may allow non-potable water or industrial fluids or other material of questionable quality to come in contact with potable water inside a distribution system. This would include any temporary conditions, such as swing connections, removable sections, four-way plug valves, spools, dummy sections of pipe, swivel or change-over devices, sliding multiport tubes, or other plumbing arrangements.

CROSS CONNECTION-CONTROLLED. A connection between a potable water system and a non-potable water system with an approved backflow prevention assembly properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.

CROSS CONNECTION-CONTAINMENT. The installation of an approved backflow assembly as the water service connection to any premises where it is physically and economically infeasible to find and permanently eliminate or control all actual or potential cross connections within the water distribution system; or, it shall mean the installation of an approved backflow prevention assembly on the service line leading to and supplying a portion of a water system when there are actual or potential cross connections that cannot be effectively eliminated or controlled at the point of the cross connection (isolation).

RIGHT OF ENTRY. Employees of the City shall have the right to enter any place which is plumbed with water from the City drinking water distribution system to conduct a hazard survey or any other examination or test reasonably required for the enforcement of this Section.

RESPONSIBILITY OF COST. Any user of drinking water installing a backflow prevention device or assembly shall pay all costs for installation and testing.

TESTING. Backflow prevention devices must be tested by the owner 10 days after installation and every year thereafter by a technician certified by the Utah State Bureau of Drinking Water Committee. Test results shall be furnished to the Public Works Department of the City and the Utah State Bureau of Drinking Water and Sanitation.

VIOLATION. Drinking water service may be discontinued to any user who is found in violation of this Section and who fails to take corrective action within ten

days after violation notification, except that drinking water service may be discontinued immediately if a threat to the water supply exists. Any person who violates the provisions of this Section shall be civilly liable to Payson City, or to third persons suffering damage, for all damages approximately caused by said violation.

PRESSURIZED IRRIGATION CROSS CONNECTION. Pressurized irrigation water is not treated and is not to be used for any drinking water purpose, but is for outdoor watering use only. No cross connections with the drinking water system shall be allowed without backflow prevention. Additionally, there shall be no direct connection between Culinary and Pressurized Irrigation lines. In addition to any criminal penalty, such person shall also be subject to termination of drinking and pressurized irrigation water service from the City and shall be responsible for the costs of disinfecting the City's drinking water system, together with all other costs incurred by the City as a result of the cross connection.

C. Requirements.

1. No water service connection to any premises shall be installed or maintained by the Water Superintendent unless the water supply is protected as required by State laws, regulations, codes, and this ordinance. Service of water to a lot, parcel, or property found to be in violation of this ordinance shall be discontinued by the Water Superintendent after due process of written notification of violation and an appropriate time suspense for voluntary compliance, if:
 - a. A backflow prevention assembly required by this ordinance for the control of backflow and cross connections is not installed, tested, and maintained, or
 - b. It is found that a backflow prevention assembly has been removed or by-passed, or
 - c. An unprotected cross connection exists on the premises, or
 - d. The periodic system survey has not been conducted.
2. Service will not be restored until such conditions or defects are corrected.
3. The system(s) shall be open for inspection at all reasonable times to authorized representatives of the Water Superintendent to determine whether cross connections or other structural or sanitary hazards, including violation of this ordinance exist and to audit the results of the required survey (R309-400 of the Utah Administrative Code).
4. Whenever the Water Superintendent deems a service connection's water usage contributes a sufficient hazard to the water supply, an approved backflow prevention assembly shall be installed on the service line of the identified consumer's water system, at or near the property line or

immediately inside the building being served; but, in all cases, before the first branch line leading off the service line.

5. The type of protective assembly required shall depend upon the degree of hazard that exists at the point of cross connection (whether direct or indirect), applicable to local and state requirements or resulting from the required survey.
6. All presently installed backflow prevention assemblies that do not meet the requirements of this Section but were approved assemblies for the purposes described herein at the time of installation and that have been properly maintained, shall, except for the inspection and maintenance requirements, be excluded from the requirements of these rules so long as the Water Superintendent is assured that it will satisfactorily protect the public water system.
7. Whenever the existing backflow preventer is moved from the present location or requires more than minimum maintenance or when the Water Superintendent finds that the operation of this assembly constitutes a hazard to health, the unit shall be replaced by an approved backflow prevention assembly meeting all local and state requirements.
8. It shall be the responsibility of the consumer at any premises where backflow prevention assemblies are installed to have certified survey/inspections, and operational tests made at once per year at the consumer's expense. In those instances where the Water Superintendent deems the hazard to be great, certified surveys/inspections and tests may be required at more frequent intervals. It shall be the duty of the Water Superintendent to see that these tests are made according to the standards set forth by the State Department of Environmental Quality, Division of Drinking Water.
9. All backflow prevention assemblies shall be tested within ten (10) working days of initial installation.
10. No backflow prevention assemblies shall be installed so as to create a safety hazard. Example: Installed over an electrical panel, steam pipes, boilers, or above ceiling level.

D. Pollution Of Culinary Water System.

1. Protection of culinary water from the possibility of contamination or pollution through compliance with Utah Public Drinking Water Rules (UPDWR) and the Plumbing Code, as adopted by the State of Utah. Compliance with these minimum safety codes will be considered reasonable vigilance for prevention of contaminants or pollutants that could backflow into the public culinary water system.
2. It shall be unlawful at any place supplied with water from the city culinary

water system:

- a. To install or use any physical connection or arrangement of piping or fixtures that may allow any fluid or substance not suitable for human consumption to come in contact with potable water in the city culinary water system.
 - b. To connect the culinary water system and pressurized irrigation water system together.
 - c. To install any connection, arrangement, or fixtures without using a backflow prevention device or assembly designed to prevent backflow. Any such device or assembly must be approved for installation by the City Engineer.
 - d. To install any backflow prevention device or assembly that is not installed as required in the adopted Plumbing Code.
3. Any user of the city culinary water system shall pay all costs of installation and testing of backflow prevention devices or assemblies. Backflow prevention devices or assemblies required by this Section shall be tested as frequently as determined by the City Engineer. Test results shall be furnished to the City and the Utah State Department of Environmental Quality, Division of Drinking Water.
4. Water service may be discontinued to any user who is found to be in violation of this Section and who fails to take corrective action within ten (10) days after notification, except that water service may be disconnected immediately if an immediate threat to the water supply exists. Any person who violates the provisions of this Section shall be liable to the City, and third parties other than the City, for all damage caused by the violation.
5. The responsibility to enforce the applicable sections of the Plumbing Code begins at the point of service (downstream side of the meter) and continues throughout the developed length of the city culinary water system. The City Engineer or designee will review all plans to ensure that unprotected cross connections are not an integral part of the water system. If a cross connection cannot be eliminated, it must be protected by the installation of an air gap or an approved backflow prevention assembly, in accordance with the adopted Plumbing Code. Water vacating the culinary water system must do so via approved air gap or approved mechanical backflow prevention assembly, properly installed and in accordance with the adopted Plumbing Code.
6. Whether employed by the consumer or utility to survey, test, repair, or maintain backflow prevention assemblies the certified backflow technicians, surveyors, or repair persons will have the following responsibilities:

- a. To insure acceptable testing equipment and procedures are used for testing, repairing, or overhauling backflow prevention assemblies.
- b. To make reports of testing and/or repair to the Water Superintendent on a form approved for such use by the Water Superintendent within time frames as described by the Division of Drinking Water.
- c. Prepare a report that shall include the list of materials or replacement parts used. Replacement parts shall be equal in quality to parts originally supplied by the manufacturer of the assembly being repaired. A certified technician shall perform all tests of the mechanical assemblies and be responsible for the competence and accuracy of all tests and reports.
- d. To not change the design, material, or operational characteristics of the assembly during testing, repair, or maintenance.
- e. To insure the license is current, the testing equipment being used is acceptable to the State of Utah, and is in proper operating condition and to be equipped with, and be competent to use, all necessary tools, gauges, and other equipment necessary to properly test, and maintain backflow prevention assemblies.
- f. The certified technician conducting the test must tag each double check valve, pressure vacuum breaker, reduced pressure backflow assembly and high hazard air gap, showing the serial number, date tested, and by whom. The technician's license number must also be on this tag. In the case of a consumer requiring an assembly to be tested, any certified technician is authorized to make the test and report the results of that test to the consumer, and the Water Superintendent. The installation, replacement, or repair of assemblies must be made by a tester having appropriate licensure from the Department of Commerce, Division of Professional Licensing, except when the backflow technician is an agent of the assembly owner.

4.08.190 Water Pollution Prohibited

It shall be unlawful for any person to maintain or erect any building, pens, or stalls for any horses, cattle, sheep, swine, or other animals or to permit any of such animals to be corralled, bedded, or to run at large within three hundred (300) feet of any stream from which water for the city culinary water system shall be taken at any point within fifteen (15) miles above the point where the water of the stream is taken into the city culinary water system.

It shall likewise be unlawful for any person to construct or maintain within three hundred (300) feet of any such stream at any point within fifteen (15) miles above the point where the water of such system is taken into the city culinary water system, any closet, privy, or outhouse without providing an effective septic tank or other germ destroying appliance. Such tanks or appliances, prior to being placed in use, are subject to inspection and approval of the City.

4.08.200 Private Systems And Private Wells

As specified in PCC 13.14 of PCC 13, Zoning Ordinance, private drinking water wells may be allowed in the A-5-H, Annexation Holding Zone and the Mountain and Hillside Zones, as outlined in the respective ordinance. Only one single-family dwelling shall be connected per well.

Wells must satisfy the requirements of the Utah Division of Environmental Quality; the Utah County Health Department; and any other agency having authority to regulate on-site utility systems. Written documentation certifying the proposed on-site system conforms to the pertinent state and county health regulations shall be provided. A building permit shall not be issued until the required approvals have been granted.

4.12 Solid Waste Collection And Removal

[4.12.010 Definitions: Solid Waste Collection And Removal](#)

[4.12.020 Collection By City](#)

[4.12.030 Application For Service](#)

[4.12.040 Collection Supervised By Superintendent Of Solid Waste Department](#)

[4.12.050 Appeals](#)

[4.12.060 Creation Of Solid Waste Department And Office Of Superintendent](#)

[4.12.070 Duties Of Superintendent](#)

[4.12.080 Establishment And Collection Of Charges](#)

[4.12.090 Disposal Of Garbage-Burning](#)

[4.12.100 Rules And Regulations](#)

[4.12.110 Collection Of Garbage And Waste Matter On Premises](#)

[4.12.120 Containers To Be Kept Clean](#)

[4.12.130 Use Of Containers](#)

[4.12.140 Points Of Collection](#)

[4.12.150 Frequency Of Collection](#)

[4.12.160 Limitations Of Quantity](#)

[4.12.170 Infectious Of Flammable Refuse](#)

[4.12.180 Liquid Garbage](#)

[4.12.190 Inspection](#)

[4.12.200 Only Authorized Agents To Collect Garbage](#)

[4.12.210 Refuse Property Of City](#)

[4.12.220 Fees And Rates](#)

[4.12.230 Use Of City Landfill](#)

[4.12.240 Penalty For Violations](#)

4.12.010 Definitions: Solid Waste Collection And Removal

For the purposes of this Chapter, the following terms, phrases, words, and their derivatives shall have the meaning given herein. When not consistent with the context, words used in the present tense include the future; words in the plural number include the singular number; and words in the singular number include words in the plural number. The word "shall" is always mandatory and not merely discretionary.

CITY means the City of Payson.

PERSON is any person, firm, partnership, association, corporation, company or organization of any kind.

GARBAGE shall be held to include and mean kitchen and table refuse, leavings and offal, swill, and also every accumulation of animal and vegetable and other matter that attends the preparation, consumption, decay and dealing in or storage of meats, fish, fowls, birds, fruits and vegetables.

WASTE MATTER shall include and be held to mean crockery, bottles, tin cans, metal vessels, trimmings from lawns and gardens, pasteboard boxes, berry boxes, rags, paper, straw, sawdust, packing material, shavings, boxes, ashes, and all rubbish or other refuse.

4.12.020 Collection By City

All occupied property in Payson City shall be provided with waste removal services by the City beginning February 1, 1968 and charges for this service shall be made to the occupant or owner on their regular utility bill except as provided for in PCC 4.12.220.

4.12.030 Application For Service

All applications for utility service shall include solid waste service. Applicants may apply for more than one residential container and pay the rate established pursuant to PCC 4.12.220. Commercial applicants shall apply for the size of container that best fits the needs of the applicant.

4.12.040 Collection Supervised By Superintendent Of Solid Waste Department

All refuse accumulated in the city shall be collected, conveyed and disposed of by the city under the supervision of the superintendent of the Solid Waste Department of Payson City. The superintendent shall have the authority to make regulations concerning the days of collection, type and location of waste containers, and such other matters pertaining to the collection, conveyance and disposal as he shall find necessary, and to change and modify the same after notice as required by law, provided that such regulations are not contrary to the provisions hereof.

4.12.050 Appeals

Any person aggrieved by the regulations of the superintendent shall have the right of appeal to the City Council of Payson City, who shall have the authority to confirm, modify, or revoke any such regulation or fee.

4.12.060 Creation Of Solid Waste Department And Office Of Superintendent

There is hereby created a Solid Waste Department of Payson City, and the office of superintendent of said department. The Department shall be managed, operated and supervised by the superintendent appointed by the City Council of Payson City and under the direction of the City Manager. The City Council may authorize such other employees as may be required and necessary for the operation and maintenance of the department.

4.12.070 Duties Of Superintendent

The superintendent shall have charge of the Solid Waste Department, and all property of the City used by said Department. The superintendent shall efficiently manage the system of collection and removal of garbage and waste matter in accordance with law, and under the direction of the City Council of Payson City.

4.12.080 Establishment And Collection Of Charges

For the services of collecting and disposing of garbage and waste matter, the owner, attendant, or occupant of each place from which garbage or waste matter is collected by the city, or other authorized personnel and individuals, shall be charged such rates as may be established by resolution of the City Council of Payson City. Said charge shall be deemed to be a civil debt owing to Payson City from the occupants of said property. Payson City shall place said charges on the monthly utility bill and shall be collected, and accounted for, and used as provided by law.

4.12.090 Disposal Of Garbage-Burning

- A. **Use Of Sanitary Fill.** No person, firm or corporation shall, for the purpose of final disposal thereof, dump, place, or bury in any lot, street, alley, gutter, land, or in any water or waterway, within the corporate limits of Payson City, any garbage or waste matter, as defined herein, or any substance condemned by the superintendent of the waste removal department, or any other deleterious or offensive substance, and all such substances must be disposed of at the Payson City landfill, or other approved landfill.
- B. **Burning Prohibited.** No person, firm or corporation shall, for the purpose of final disposal thereof, burn in any lot, street, alley, gutter or on any land, any garbage, deleterious, offensive or any substance condemned by the Solid Waste Superintendent. Any burning within the municipal limits of Payson City shall receive approval from the city fire chief.

4.12.100 Rules And Regulations

The superintendent of the Solid Waste Department of Payson City, subject to the approval of the City Council of Payson City, shall have the power to establish rules and regulations consistent with the provisions of state law and this Chapter, governing the keeping, collection, removal and disposal of garbage and waste matter.

4.12.110 Collection Of Garbage And Waste Matter On Premises

No person owning or occupying any building, lot, or premises in the city shall suffer, allow or permit to collect and remain upon said lot or premises any garbage as defined in PCC 4.12.010 for a period of more than one week, or any waste matter as defined in PCC 4.12.010 for a period of more than four weeks.

4.12.120 Containers To Be Kept Clean

All garbage and waste matter containers shall be kept in a clean and sanitary condition by the owner or person using the same, and garbage containers shall be kept tightly covered at all times, except when garbage is being deposited therein or removed therefrom, and shall at all times be protected against the access by flies to the contents thereof.

4.12.130 Use Of Containers

All garbage and waste matter shall be placed in the container or containers provided by Payson City.

4.12.140 Points Of Collection

Points of collection may be established by the superintendent of the Solid Waste Department from time to time.

4.12.150 Frequency Of Collection

- A. **Residential.** Refuse accumulated by residence shall be collected at least once each week.
- B. Commercial, Industrial, and other business establishments as deem it necessary may enter into an agreement for a greater frequency of collection. Where necessary to protect the public health, the superintendent shall have the authority to require that more frequent collections be made.

4.12.160 Limitations Of Quantity

Residential. The Solid Waste Department shall only collect accumulations of refuse that fit within the approved containers during a collection period for the charge established by resolution.

Commercial. The Solid Waste Department shall collect accumulations of refuse of Commercial, Industrial and other business establishments during the collection period or as established by agreement for the charge established by resolution.

4.12.170 Infectious Of Flammable Refuse

Contagious Disease Refuse. The removal of wearing apparel, bedding, or other refuse from homes or other places where highly infectious or contagious diseases have prevailed should be performed under the supervision and direction of the city/county health officer. Such refuse shall not be placed in containers for regular collection.

4.12.180 Liquid Garbage

No liquid garbage shall be deposited with any garbage or waste matter. All kitchen garbage shall be drained of all moisture and completely wrapped in paper before being placed in the garbage container.

4.12.190 Inspection

The Solid Waste Department, or other duly authorized representative shall visit all premises within the municipal limits of the city from time to time to examine the sanitary conditions of each premise to determine whether the provisions of the Chapter are being complied with. Upon notification by the Solid Waste Department, all persons, firms or corporations shall, within three days after notice, comply with the provisions of this Chapter, or be deemed guilty of a class C misdemeanor.

4.12.200 Only Authorized Agents To Collect Garbage

It shall be unlawful for any person, firm, or corporation, other than the Solid Waste Department of Payson City, to collect, remove or dispose of garbage in Payson City. The provisions of this Section shall not apply to any person transporting his own garbage and/or waste matter to the landfill of Payson City, or the places outside the city limits.

4.12.210 Refuse Property Of City

Ownership of refuse material set out for collection or deposited at the city landfill shall be vested in Payson City.

4.12.220 Fees And Rates

Fees and rates for collection of disposable refuse shall be determined and adopted by resolution of the City Council. The City Council of Payson City may, for good cause shown, exempt a person from garbage collection fees provided such person shall file a claim of exemption with the Payson City Recorder, who shall then submit all such claims to the City Council. The person shall be exempt from garbage fees for such time as determined by the City Council, providing sanitary practices prevail on the premises.

The City Council shall have the authority to waive fees for the C & D Landfill to individuals for the purpose of economic development and/or elimination of blighted buildings. Individuals must apply to the city council and show the public benefits the city receives by waiving the above stated fees. The City Council will only approve the request if the public benefit outweighs loss of revenue to the city.

4.12.230 Use Of City Landfill

Any person may use the Payson City Landfill or other place of disposal established by the waste removal department providing said person shall comply with the rules and regulations as herein stated and as provided herein.

4.12.240 Penalty For Violations

Any violation of this Chapter shall be deemed a Class C Misdemeanor.

4.16 Sewer And Wastewater

[4.16.010 Superintendent Of Sewers Created](#)

[4.16.020 Responsibility Of Superintendent](#)

[4.16.030 Right Of Entry](#)

[4.16.040 Permit For Sewer Connection](#)

[4.16.050 Fees Not Waived By Payment Of Assessments](#)

[4.16.060 Inspection Of Sewer Connections](#)

[4.16.070 Permit For Street Excavations](#)

[4.16.080 Barricades At Excavations](#)

[4.16.090 Construction, Excavation And Backfill Requirements](#)

[4.16.100 Privies, Cesspools, Septic Tanks Prohibited Within City Boundaries](#)

[4.16.110 Standards And Specifications For Building Sewer Connections](#)

[4.16.120 Sewer Connection Fee](#)

[4.16.130 User Rate Fee And Charges](#)

[4.16.140 Direct Connection From Privy, Cesspool Or Steam Exhaust Prohibited](#)

[4.16.150 Discharging Waste From Cesspools And Septic Tanks At Sewage Treatment Plant](#)

[4.16.160 Sewer Treatment Plant Charges For Trucked-In Waste](#)

[4.16.170 Storm Water, Etc., Prohibited In Sanitary Sewers](#)

[4.16.180 Discharge Of Storm Water, Etc.](#)

[4.16.190 Water And Waste Prohibited In Public Sewers](#)

[4.16.200 Grease, Etc., Interceptors May Be Required; Specifications](#)

[4.16.210 Maintenance Of Grease, Etc., Interceptors](#)

[4.16.220 When Preliminary Treatment Required](#)

[4.16.230 Amalgam Separator\(s\)](#)

[4.16.240 Damaging Or Tampering With Sewer Structure, Appurtenance, Or Equipment](#)

[4.16.250 Notice To Cease Violations](#)

[4.16.260 Use Of City Sewer System Mandatory](#)

[4.16.270 Sewer Service Lines](#)

[4.16.280 Penalty For Continuing Violation](#)

[4.16.290 Liability For Violation](#)

[4.16.300 Plumbing Code](#)

[4.16.310 Disconnection Of Service](#)

4.16.010 Superintendent Of Sewers Created

There is hereby created and established within and for Payson City the office of Superintendent of Sewers.

4.16.020 Responsibility Of Superintendent

The sewer system shall be under the immediate control of the superintendent of sewers who shall be responsible for the proper care and operation thereof, including the responsibility for the inspection and supervision of all sewer connections within the city limits.

4.16.030 Right Of Entry

Whenever necessary to make an inspection to enforce any of the provisions of this ordinance or whenever the Superintendent or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition which makes such building or premises unsafe as defined in the International Plumbing Code or these ordinances, the Superintendent or his authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Superintendent by the plumbing code, provided that if such building or premises be occupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused the Superintendent or his authorized representative shall have recourse to every remedy provided by law to secure entry.

No owner or occupant or any other person having charge, care, or control of any building or premises shall fail or neglect, after proper demand is made as herein provided, to properly permit entry therein by the Superintendent or his authorized representative for the purpose of inspection and examination pursuant to this Ordinance.

4.16.040 Permit For Sewer Connection

Applications for a permit for a sewer connection must be made in writing to the city Development Services Department by the owner of the premises or his authorized agent, and must be accompanied by a plan showing the cause of the connection, its size and location. The application and plan, together with all impact, connection and special assessment fees shall be deposited with the city. A permit will be granted only after the applicant has complied with all applicable codes and building standards.

4.16.050 Fees Not Waived By Payment Of Assessments

The payment of any of the above assessments does not in any way relieve the owner from the payment of other fees mentioned in this code.

4.16.060 Inspection Of Sewer Connections

Inspection of the sewer-connection, or connection to any sewage disposal unit shall be notified at least twenty four (24) hours in advance by the plumber that the connection is complete and ready for inspection. The entire length of the sewer shall be fully exposed. No backfilling shall be done until the inspection is made and work accepted. If any portion of the work is not completed in accordance codes, standards and specifications and the instructions of the inspector, it shall be corrected prior to the inspection being passed.

4.16.070 Permit For Street Excavations

It shall be unlawful for any person to excavate in any public street before first obtaining a written permit from the city and posting a proper bond. Caution must be taken to prevent the destruction or disturbance of any gutter, drain, gas, water, or other pipe or conduit or the injury or destruction of property of any kind. Blue Stake Center must be called and utilities marked, as well as city utilities.

4.16.080 Barricades At Excavations

It shall be unlawful for any person to fail or neglect to maintain proper and sufficient barricades and signals at or near every excavation required in this Title. All excavations shall be adequately guarded with barricades and lights so as to protect the public from hazards. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city. The applicant shall obtain all necessary construction and work permits from the authorities when any work or construction is to be done in any public street, alley, road or other public way.

4.16.090 Construction, Excavation And Backfill Requirements

The construction, excavation and backfill requirements shall be in accordance with the Payson City Technical Specifications and Standards.

4.16.100 Privies, Cesspools, Septic Tanks Prohibited Within City Boundaries

It shall be unlawful for any person to construct any privy, vault, cesspool or septic tank upon any lot or real estate located within the city boundaries.

All existing residential structures currently serviced by a vault, privy, cesspool or septic tank that is within 300 feet of the municipal sewer system shall disconnect from the existing vault, privy, cesspool or septic tank and connect to the municipal sewer system at the owner's expense, unless the existing residential structure is part of a newly annexed area and the annexation agreement dictates when existing structures will be

connected to the municipal sewer system.

4.16.110 Standards And Specifications For Building Sewer Connections

A building sewer or sewer connection shall be deemed that part of the piping extending from the building drain to its connection with the main sewer.

It shall be unlawful for any person to construct or attach any private drain with the public sewers of Payson City, except under full compliance with the provisions of this Title.

All sewer connections or building sewers shall be not less than four inches or more than six inches in diameter.

- A. **Polyvinyl Chloride Sewer Pipe.** PVC sewer pipe and fittings shall be of type and source approved by the International Plumbing Code, as adopted by the State of Utah. Approved pipe presently includes ASTM 3033 (SDR 41) and ASTM 3034 (SDR 34). Pipe shall be schedule 40. Joints shall be Bell and Spigot, ASTM 3040 (SDR 34), 4" for service connections.

PVC sewer pipe and fitting shall not be used in any reach of pipe that will carry acid or corrosive wastes, unless such pipe is of a type approved by the International Plumbing Code for such application.

- B. **Concrete Sewer Pipe.** Due to the tendency of concrete to be attacked by chemical combinations produced by wastewater, concrete sewer pipe will normally not be approved for use in sewers where the pipe is being laid to minimum grade.

If concrete sewer pipe is approved for use, it shall conform to ASTM C14, Class 3, for diameters eighteen inches or less. Reinforced concrete sewer pipe and fittings shall conform to ASTM C76, Class 2, for diameters twenty one inches or larger, as well as for smaller diameters where required by the Engineer. Joints shall be of the Bell and Spigot rubber gasket design conforming to ASTM C443.

- C. **Other Pipe Materials.** Pipes and fittings constructed of materials other than those specified above may be used if approved by the Engineer and the International Plumbing Code. Any such pipe shall comply with the applicable ASTM designation.

- D. **Manholes.** Precast concrete manhole sections shall conform to ASTM C478 for eccentric cone and to ASTM C76 for cylindrical sections. Concrete bases for manholes shall be cast in place or precast conforming to Payson City Specifications. Other manhole materials, such as preformed fiberglass, may be approved by the Engineer. Concrete stabilization rings shall be Class A concrete.

Manholes shall conform to Part III of the Utah State Division of Health Code of Waste Disposal Regulations.

E. **Service Connections.** Service lines shall be constructed of materials approved by the International Plumbing Code for the particular application. Minimum pipe size shall be four inches diameter.

F. **Sewer Lateral Cleanout.**

Definitions.

SEWER LATERAL CLEANOUT means a point of access where a sewer lateral can be serviced.

OPERATOR means a person who owns, operates or maintains an underground facility. An “operator” does not include an owner of real property where underground facilities are:

A. Located Within.

1. The owner’s property; or
2. A public street adjacent to the owner’s property, a right-of-way adjacent to the owner’s property, or a public utility easement adjacent to the owner’s property;

B. Used exclusively to furnish services to the owner’s property; and

C. Maintained under the operation and control of that owner

D. An operator need not mark or locate an underground facility the operator does not own.

Locating Laterals On Private Property.

A. An excavator may enter or access an owner’s property or dwelling to locate a sewer lateral with the owner’s permission.

Installation and location of sewer lateral cleanouts – Records.

A. An operator or person installing or replacing a sewer lateral cleanout beginning August 1, 2009 shall install or replace the sewer lateral cleanout in a manner so that the lateral can be located, including:

1. house sheets
2. electronic markers
3. electronic databases

B. An operator or person installing or replacing a sewer lateral cleanout beginning

August 1, 2009 shall install a service box over the sewer lateral cleanout.

1. service box must be 12x6x8 or larger
 2. sewer lateral cleanout shall have a metal cap
- C. An operator or person installing a sewer lateral cleanout shall notify the sewer operator of the sewer lateral cleanout location for record keeping purposes.
- D. All new, replaced or contractor located sewer lateral cleanouts shall be GPS by operator or contractor with the GPS location given to the Superintendent within 48 hours of location.
- E. Beginning on August 1, 2009, a sewer operator shall maintain records identifying where all new, replaced or contractor – identified sewer lateral cleanouts are located within the sewer operator's jurisdiction.
- F. An Inspection of the Sewer Connections pursuant to PCC 4.16.060 shall apply to Sewer Lateral Cleanouts.

A sewer operator shall provide to an excavator information in the sewer operator's possession pertaining to a sewer lateral cleanout location within the sewer operator's jurisdiction. The sewer operator shall provide the information within 48 hours of the excavator's request.

4.16.120 Sewer Connection Fee

The schedule of charges to be imposed for sewer connections shall be set by the City Council from time to time by resolution.

4.16.130 User Rate Fee And Charges

The council shall by resolution fix the rates and charges for sewer service and provide the time of payment. The rate set by resolution should generate sufficient revenues to maintain, operate replace physical plant needs of the system and paying debt service requirements of the system.

Users Outside City Limits.

The City may allow connections to any existing or new residential building if the residence can be connected to both wastewater and culinary water city systems. These connections will be approved by the Public Works Director upon meeting the ability to connect to the facilities and if in the interest of the City there are no issues with the facilities to do so. The cost of connecting to the facilities, including impact and connection fees, will be charged to each property owner as detailed in the adopted fee schedule. The property owner shall also be responsible to properly disconnect existing septic tanks pursuant to Utah County regulations.

4.16.140 Direct Connection From Privy, Cesspool Or Steam Exhaust Prohibited

No privy, vault, cesspool, exhaust from steam engine or blow off from a steam boiler shall be connected directly with a sewer.

4.16.150 Discharging Waste From Cesspools And Septic Tanks At Sewage Treatment Plant

It shall be unlawful for any person, firm or corporation to discharge the waste material collected and gathered in cleaning cesspools or septic tanks at any place within the corporate limits of the city except at the designated site created for such purposes at the sewage disposal treatment plant of Payson City.

Any person who violates the provisions of this Section shall be deemed guilty of a Class C Misdemeanor.

4.16.160 Sewer Treatment Plant Charges For Trucked-In Waste

Trucked in waste as provided in PCC 4.16.170 shall not be permitted in the Payson City sewage system without a written permit first obtained from the Superintendent. The Superintendent shall have sole discretion of what trucked in waste is acceptable to the plant. Charges for trucking in sewage shall be set by the Payson City Council from time to time by resolution.

4.16.170 Storm Water, Etc., 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.

4.16.180 Discharge Of Storm Water, Etc.

Storm water 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 superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the superintendent, to a storm sewer, combined sewer or natural outlet.

4.16.190 Water And Waste Prohibited In Public Sewers

Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

- A. Any liquid or vapor having a temperature higher than one hundred and fifty degrees Fahrenheit.
- B. Any water or waste which may contain more than twenty parts per million, by

weight, of fat, oil, or grease.

- C. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- D. Any garbage with the exception of household garbage disposals.
- E. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, wood, paunch manure, or any other solid or viscous substances capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.
- F. Any waters or wastes having a PH lower than six or higher than eight and five tenths, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
- G. Any waters or waste containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant.
- H. Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.
- I. Any noxious or malodorous gas or substances capable of creating a public nuisance. (Statutory authority, Utah Code § 10.8.46 (1953 as amended)).

4.16.200 Grease, Etc., Interceptors May Be Required; Specifications

Grease, oil, and sand interceptors shall be provided when, in the opinion of the superintendent they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sands, and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, or watertight, and equipped with easily removable covers which when bolted in place shall be gas tight and water tight.

4.16.210 Maintenance Of Grease, Etc., Interceptors

Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at the owners expense, in continuously efficient operation at all times.

4.16.220 When Preliminary Treatment Required

Users whose facilities produce potential discharges in quantities or concentrations which are prohibited under PCC 4.16.190, must provide preliminary treatment facilities designed to bring such discharges into compliance with said ordinance.

Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and of the water pollution control committee of the State of Utah, and no construction of such facilities shall be commenced until said approvals are obtained in writing.

4.16.230 Amalgam Separator(s)

Amalgam separator(s) must be installed in Dental Dischargers who remove amalgam according to 40 CFR 441.

- A. Amalgam process wastewater means any wastewater generated and discharged by a dental discharger through the practice of dentistry that may contain dental amalgam.
- B. Amalgam separator means a collection device designed to capture and remove dental amalgam from the amalgam process wastewater of a dental facility.
- C. Dental amalgam means an alloy of elemental mercury and other metal(s) that is used in the practice of dentistry.
- D. Dental Discharger means a facility where the practice of dentistry is performed, including, but not limited to, institutions, permanent or temporary offices, clinics, home offices, and facilities owned and operated by Federal, state or local governments, that discharges wastewater to a publicly owned treatment works (POTW).
- E. Existing Sources means a dental discharger that is not a new source.
 - 1. No later than July 14, 2020, any existing source must achieve the §441.30 pretreatment standards for the removal of dental amalgam solids from all amalgam process wastewater and implementing the best management practices.
- F. New Sources means any new source as of July 14, 2017 is subject to comply with the requirements of 441.30(a) and (b) and the reporting and recordkeeping requirements of §441.50.
- G. Requirements from this section must meet the most current requirements of the Environmental Protection Agency (EPA) 40 CFR 441.

4.16.240 Damaging Or Tampering With Sewer Structure, Appurtenance, Or Equipment

No unauthorized person shall maliciously, willfully, or negligently break, damage,

destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage works. Any person violating this provision shall be guilty of a class C misdemeanor.

4.16.250 Notice To Cease Violations

Any person found to be violating any provision of this Chapter shall be served by the city with written notice stating the nature of the violations and providing a reasonable time limit for the satisfactory correction thereof; not to exceed thirty days, however. The offender shall, within the period of time stated in such notice, or prior to the expiration of thirty days from notice, permanently cease all violations.

4.16.260 Use Of City Sewer System Mandatory

It shall be unlawful for the owner or any other person occupying or having charge of any premises within the city limits which are situated within 300 feet of a sewer main to dispose of sewage there from by any means other than by use of the city sewer system, unless the premise is part of a newly annexed area and the annexation agreement dictates when existing structures will be connected to the municipal sewer system.

It shall be unlawful to construct or to continue to use any other sewage disposal system, such as a privy, vault, cesspool or septic tank on such property except as provided in PCC 4.16.110.

4.16.270 Sewer Service Lines

Payson City shall maintain and repair all collection mains, however, it shall be the responsibility of resident to maintain sewer service lines from building to city main.

4.16.280 Penalty For Continuing Violation

Any person, firm or corporation who shall violate any provisions of this Chapter shall be guilty of a class C misdemeanor. Each day in which any such violation shall continue shall be deemed a separate offense.

4.16.290 Liability For Violation

Any person, firm or corporation who shall violate any provisions of this Chapter shall be civilly liable to the city by reason of such violation. Civil liability may include, but shall not be limited to, fines, fees and penalties imposed by the State of Utah and/or the Federal Government on Payson City that is directly attributable to the person, firm or corporation.

4.16.300 Plumbing Code

The International Plumbing Code as adopted and amended by the State of Utah, is hereby adopted by Payson City.

4.16.310 Disconnection Of Service

If the user of sewer service fails within the time fixed in the resolution to pay the utility bill, which includes the sewer fees, the sewer service shall be discontinued until the utility bill is paid.

4.20 Pretreatment

4.20.010 General Provisions

4.20.020 General POTW Use Requirements

4.20.030 Pretreatment Of Wastewater

4.20.040 Individual And General Wastewater Discharge Permits

4.20.050 Individual And General Wastewater Discharge Permit Issuance

4.20.060 Reporting Requirements

4.20.070 Compliance Monitoring

4.20.080 Fats, Oils, Grease, And Sand (FOGS) Control

4.20.090 Confidential Information

4.20.100 Publication Of Users In Significant Non-Compliance

4.20.110 Administrative Enforcement Remedies

4.20.120 Judicial Enforcement Remedies

4.20.130 Supplemental Enforcement Action

4.20.140 Affirmative Defenses To Discharge Violations

4.20.150 Appeals

4.20.160 Miscellaneous Provisions

4.20.010 General Provisions

A. Purpose And Policy.

1. This Pretreatment Ordinance sets forth uniform requirements for users of the Publicly Owned Treatment Works (POTW) for Payson City Corporation and enables Payson City to comply with all applicable State and Federal laws including the Clean Water Act (33 U.S.C. 1251 et seq.), the General Pretreatment Regulations found in the U.S. Code of Federal Regulations (CFR) 40 CFR Part 403, and the Utah Administrative Code R317-8-8. The objectives of this Pretreatment Ordinance are:
 - a. To prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW;
 - b. To prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated, into receiving waters or otherwise be incompatible with the POTW;
 - c. To ensure that the quality of the wastewater treatment plant sludge is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations found in 40 CFR Part 503;

- d. To protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public;
 - e. To improve the opportunity to recycle and reclaim wastewater and sludge from the POTW;
 - f. To provide for fees for the equitable distribution of the cost of operation, maintenance and improvement of the POTW; and
 - g. To enable Payson City to comply with its Utah Pollution Discharge Elimination System Permit (USPES) conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.
2. This Pretreatment Ordinance shall apply to all users of the POTW. This Pretreatment Ordinance authorizes issuance of wastewater discharge permits; authorizes monitoring, compliance and enforcement activities; establishes administrative review procedures; requires industrial user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

B. Administration. Except as otherwise provided herein, the Wastewater Superintendent, shall administer, implement, and enforce the provisions of this Pretreatment Ordinance. Any powers granted to or duties imposed upon the Superintendent may be delegated by the Superintendent to duly authorized Payson City personnel.

C. Definitions. Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Pretreatment Ordinance, shall have the meaning hereinafter designated.

ACT or THE ACT. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. section 1251 et seq. and any subsequent amendments thereto.

APPROVAL AUTHORITY means the State of Utah, Department of Environmental Quality, Division of Water Quality (DWQ) or its successor agency.

AUTHORIZED REPRESENTATIVE OF THE INDUSTRIAL USER or AUTHORIZED REPRESENTATIVE shall mean:

- 1. If the Industrial User is a corporation, Authorized Representative shall mean:
 - a. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other

person who performs similar policy or decision-making functions for the corporation.

- b. The manager of one or more manufacturing, production, or 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.
- c. If the Industrial User is a partnership, or sole proprietorship, an Authorized Representative shall mean a general partner or proprietor, respectively;
- d. If the Industrial User is a Federal, State or local governmental facility, an Authorized Representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his/her designee;
- e. The individuals described in paragraphs 1,a–1,c above may designate another authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to Payson City's Wastewater Superintendent.

BIOCHEMICAL OXYGEN DEMAND (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20o centigrade expressed in terms of mass and concentration [milligrams per liter (mg/l)]. This test must be performed in accordance with approved procedures found in 40 CFR Part 136.

BEST MANAGEMENT PRACTICES or BMP'S means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in this Ordinance [40 CFR 403.5(a) (1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

CATEGORICAL PRETREATMENT STANDARD or CATEGORICAL STANDARD (40 CFR 403.6 and 40 CFR Parts 405-471). Any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1317) which apply to a specific category of industrial users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

CATEGORICAL INDUSTRIAL USER. An Industrial User subject to a categorical Pretreatment Standard or categorical Standard.

CHAIN OF CUSTODY (COC). A record of each person involved in the possession of a sample from the person who collects the sample to the person who analyzes the sample in the laboratory.

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

CODE OF FEDERAL REGULATIONS (CFR). A codification of Federal rules published by the Office of the Federal Register National Archives and Records administration. Title 40 of the CFR contains the regulations for Protection of the Environment.

COLOR. The optical density at the visual wave length of maximum absorption, relative to distilled water. One hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.

COMPOSITE SAMPLE. The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time, to minimize the effect or the variability of the individual samples. This sampling should be in accordance with 40 CFR Part 403 Appendix E Subpart I - Composite Method.

COMPLIANCE SCHEDULE. A schedule of remedial measures included in a permit or an enforcement order, including a sequence of interim requirements (for example, actions, operations, or milestone events) that lead to compliance with the CWA and regulations.

CONTROL AUTHORITY. The City of Payson. A POTW with an approved Pretreatment Program or the approval authority in the absence of a POTW Pretreatment Program.

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 PROTECTION AGENCY OR EPA. The U.S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the Management Division Director or other duly authorized official of said agency.

EXISTING SOURCE. Any source of discharge, the construction or operation of which commenced prior to the publication of proposed categorical Pretreatment Standards which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

GRAB SAMPLE. A sample which is taken from a waste stream on a one-time basis, over 15 minutes or less, without regard to the flow in the waste stream and without consideration of time. This sampling should be in accordance with 40 CFR Part 403 Appendix E Subpart II - Grab Method.

HAZARDOUS WASTE. Any pollutant listed and characterized under 40 CFR part 261, which can do significant damage to the POTW.

INDIRECT DISCHARGE OR DISCHARGE means the introduction of pollutants into a POTW from any non-domestic source regulated under section 307(b), (c) or (d) of the Act. An indirect discharge is the introduction of pollutants into the POTW from any nondomestic source.

USER or INDUSTRIAL USER. A source of indirect discharge.

INSTANTANEOUS LIMIT. The maximum concentration (or loading) 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 which, alone or in conjunction with a Discharge or Discharges from other sources both:

1. Inhibits or disrupts the POTW; and
2. Causes a violation of Payson City's UPDES permit or prevents sewage sludge use or disposal in compliance with any of the following statutory/state or local regulations): Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA), including Title II commonly

referred to as the Resource Conservation and Recovery Act (RCRA); 40 CFR Part 503 governing the use and disposal of sewage sludge; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.

LEGAL AUTHORITY. 40 CFR 403.8(f)(1) As stated in the regulation, the authority may be contained in a statute, ordinance, or series of contracts or joint powers agreements which the POTW is authorized to enact, enter into or implement, and which are authorized by State law. At a minimum, the legal authority must enable the POTW to:

1. Deny or condition new or increased contributions of pollutant to the POTW (403.8 (f)(1)(i).
2. Require compliance with applicable Pretreatment Standards and Requirements (4103.8 (f)(1)(ii).
3. Control users through permits, orders, or similar means to ensure compliance with applicable standards and requirements (403.8 (f)(1)(ii).
4. Require the development of a compliance schedule by users (403.8 F9) (iv)(A).
5. Require the submission of all notices and self-monitoring reports (403.8 (f)(1)(iv)(B).
6. Carry out all inspections, surveillance and monitoring procedures necessary to determine compliance or noncompliance by users (403.8 (f)(1)(v).
7. Obtain remedies for noncompliance by users including the authority to seek injunctive relief and seek or assess penalties of at a maximum of \$10000 per day per violation (403.8 (f)(1)(vi).

LOCAL LIMIT. Specific discharge limits developed to protect the POTW in accordance with 40 CFR 403.5 and enforced by Payson City upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in this Ordinance. The technical based local limits and development documents are kept in a separate file at the Wastewater Treatment Plant and can be reviewed if requested.

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

MONTHLY AVERAGE. The arithmetic average value of all samples taken in a calendar month for an individual pollutant parameter. The monthly average may be the average of all grab samples taken in a given calendar month, or the

average of all composite samples taken in a given calendar 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.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES). The National Program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing discharge permits from point sources to waters of the United States, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318 and 405 of the CWA.

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.

NEW SOURCE. (40 CFR 403.3(m))

1. Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
 - a. The building, structure, facility or installation is constructed at a site at which no other source is located; or
 - b. The building, structure, facility of installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - c. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
2. Construction on a site at which an Existing Source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs 1,b or 1,c above but otherwise alters, replaces, or adds to

existing process or production equipment.

3. Construction of a new source as defined has commenced if the owner or operator has begun, or caused to begin as part of a continuous on site construction program:
 - a. Any placement, assembly, or installation of facilities or equipment;
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 is 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.

NON-CONTACT COOLING WATER. Water used for cooling which 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 Payson City Wastewater Treatment Plant UPDES permit, including an increase in the magnitude or duration of a violation.

PAYSON CITY. Payson City Corporation, a duly organized political subdivision of the State of Utah.

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

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

POLLUTANT. (40 CFR 122.2). Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, industrial wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes, and the characteristics of the wastewater [i.e., pH, temperature,

TSS, turbidity, color, BOD, Chemical Oxygen Demand, toxicity, odor].

PRETREATMENT. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. 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 COORDINATOR. A person who under the Superintendents direction administers the Pretreatment Program.

PRETREATMENT INSPECTOR. A person(s) who under the Superintendents direction administers the Pretreatment Program, along with the Pretreatment Coordinator.

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 Categorical Pretreatment Standards, State Pretreatment requirements, and Local Limits established by the Payson City.

PROHIBITED DISCHARGE STANDARDS or PROHIBITED DISCHARGES. Absolute prohibitions against the discharge of certain substances or wastewater characteristics; these prohibitions appear in Section 2.2.1 of this Pretreatment Ordinance.

PUBLICLY OWNED TREATMENT WORKS (POTW). A treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), which is owned by Payson 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, dish washing operations, etc.)

SIGNIFICANT INDUSTRIAL USER (SIU). Except as provided in paragraphs (3) and (4) of this definition, a Significant Industrial User is:

1. Industrial Users subject to Categorical Pretreatment Standards; or
2. Any other Industrial User that
 - a. Discharges an average of 25,000 gpd or more of process wastewater to the POTW (excludes sanitary, noncontact cooling and boiler blowdown wastewater),
 - b. Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the treatment Plant or,
 - c. Is designated as significant by Payson City on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.
3. Payson 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 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
 - a. The Industrial User, prior to Payson City's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
 - b. The Industrial User annually submits the certification statement required in Section 6.20.060 I. 5. [see 40 CFR 403.12(q)], together with any additional information necessary to support the certification statement; and
 - c. The Industrial User never discharges any untreated concentrated wastewater
4. Upon a finding that a User meeting the criteria in paragraph 2 of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, Payson 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.

SIGNIFICANT NON-COMPLIANCE (SNC) 40 CFR 403.8(f)(2)(viii). Industrial

user violations meeting one or more of the following criteria:

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 (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 6.20.010 C.
2. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6)-month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 6.20.010 C. 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 paragraph 2 of this definition (Daily Maximum, long term average, Instantaneous Limit, or narrative standard) that the Wastewater Superintendent 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 other discharge violation that the Control Authority believes has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of Payson City personnel or the general public);
5. Any discharge of pollutants that have caused imminent endangerment to human health, welfare or to the environment or have resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;
6. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
7. Failure to provide within thirty (30) 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;
8. Failure to accurately report noncompliance;
9. Any other violation(s), which may include a violation of Best Management Practices, which the Wastewater Superintendent determines will adversely affect the operation or implementation of the local pretreatment

program.

SLUG LOAD OR SLUG DISCHARGE. 40 CFR 403.8 (f)(2)(vi). Any discharge at a flow rate or concentration which could cause a violation of the Prohibited Discharge Standards in Section 2.2 of this Pretreatment Ordinance. 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.

STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODE. A classification pursuant to the Standard Industrial Classification Manual issued by the U.S. Office of Management and Budget.

STORM WATER. Rain water, snow melt, and surface runoff and drainage.

SUPERINTENDENT. The person designated by Payson City to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this Pretreatment Ordinance or Duly Authorized Representative of the Superintendent.

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

TOXIC POLLUTANT. Any pollutant listed as toxic under section 307 (a)(1) of the CWA, or in the case of sludge use or disposal practices, any pollutant identified in regulations implementing section 405(d) of the CWA.

TREATMENT PLAN EFFLUENT. Any discharge from the POTW into waters of the State of Utah.

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

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

90-DAY FINAL COMPLIANCE REPORT (40 CFR 403.12(d)). A report submitted by categorical industrial users within 90 days following the date for final compliance with the standards. This report must contain flow measurement (of regulated process streams and other streams), measurement of pollutants, and a

certification as to whether the categorical standards are being met.

WATERS OF THE STATE means all streams, lakes, ponds, marshes, water-courses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through, or border upon this state or any portion thereof, except that bodies of water confined to and retained within the limits of private property, and which do not develop into or constitute a nuisance, or a public health hazard, or a menace to fish and wildlife, shall not be considered to be "waters of the state" under this definition (Utah Code § 19-5-102).

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

BOD - Biochemical Oxygen Demand
BMR - Baseline Monitoring Report
CFR - Code of Federal Regulations
CIU - Categorical Industrial User
COD - Chemical Oxygen Demand
CWA - Clean Water Act
EPA - U.S. Environmental Protection Agency
Gpd - Gallons Per Day
IU - Industrial User
L - Liter
Mg - Milligrams
mg/l - Milligrams Per Liter
NOV - Notice of Violation
NPDES - National Pollutant Discharge Elimination System or the Utah Pollutant Discharge Elimination System
O&M - Operation and Maintenance
POTW - Publicly Owned Treatment Works
RCRA - Resource Conservation and Recovery Act
SIC - Standard Industrial Classification
SIU - Significant Industrial User
SNC - Significant Non-Compliance
SWDA - Solid Waste Disposal Act (42U.S.C. 6901, et seq.)
TSS - Total Suspended Solids
USC - United States Code

4.20.020 General POTW Use Requirements

A. **Prohibited Discharge Standards.**

1. No industrial user shall introduce or cause to be introduced into the

POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not the source is subject to categorical Pretreatment Standards or any other National, State or local Pretreatment Standards or requirement. Furthermore, no user may contribute the following substances to the POTW:

- a. Pollutants which create a fire or explosive hazard in the POTW system, including, but not limited to waste streams with a closed-cup flashpoint of less than 140° F (60° C) using the test methods specified in 40 CFR 261.21.
- b. Pollutants which will cause corrosive structural damage to the POTW, but in no case Discharges with pH lower than 5.0, unless the works is specifically designed to accommodate such Discharges;
- c. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference,
- d. Any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW.
- e. Heat in amounts which will inhibit biological activity in the POTW resulting in Interference, but in no case heat in such quantities that the temperature at the POTW Treatment Plant exceeds 40° C (104° F) unless the Approval Authority, upon request of the POTW, approves alternate temperature limits;
- f. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.
- g. Pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may case acute or chronic worker health and safety problems.
- h. Any trucked or hauled pollutants, except at discharge points designed by the Superintendent in accordance with this Pretreatment Ordinance.
- i. 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;
- j. Any wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and

vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent thereby violating Payson City's Wastewater Treatment Plants UPDES Permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than 10 percent (10%) from the seasonably established norm for aquatic life.

- k. Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the Superintendent in compliance with applicable State or Federal regulations.
 - l. Storm water, surface water, ground water, artisan well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water, and unpolluted industrial wastewater, unless specifically authorized by the Superintendent.
 - m. Any sludge, screening, or other residues from the pretreatment of industrial wastes.
 - n. Any medical wastes, except as specifically authorized by the Superintendent in a wastewater discharge permit.
 - o. Any wastewater causing, alone or in conjunction with other sources, the treatment plant effluent to fail a toxicity test.
 - p. Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the POTW.
 - q. Any discharge of fats, oils, or greases of animal or vegetable origin is limited to 100 mg/L.
2. Pollutants prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW. All floor drains located in process or materials storage areas must discharge to the industrial user's pretreatment facility before connecting with the POTW. If the industrial user storing the specified pollutant does not have a pretreatment facility, the floor drain shall be either plugged with concrete or valved. The valve shall be locked closed at all times and opened only with permission from the Superintendent.

B. 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. When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the Wastewater Superintendent shall impose an alternate limit in accordance with 40 CFR 403.6(e).
4. When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Wastewater Superintendent 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 Wastewater Superintendent 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 Wastewater Superintendent convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Wastewater Superintendent. Wastewater Superintendent may establish equivalent mass limits only if the Industrial User meets all the conditions set forth below.

To be eligible for equivalent mass limits, the Industrial User must:

- a. Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;
- b. Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;
- c. Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;
- d. Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and

- e. Have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.

An Industrial User subject to equivalent mass limits must:

- a. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
- b. Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
- c. Continue to record the facility's production rates and notify the Wastewater Superintendent whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph B,6,c. Upon notification of a revised production rate, the Wastewater Superintendent will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
- d. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraph B,6,a as long as it discharges under an equivalent mass limit.

When developing equivalent mass limits, the Wastewater Superintendent:

- a. Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based Daily Maximum and Monthly Average Standard for the applicable categorical Pretreatment Standard and the appropriate unit conversion factor;
- b. Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
- c. May retain the same equivalent mass limit in subsequent individual wastewater discharger permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to this Ordinance. The Industrial User must also be in compliance with this Ordinance regarding the prohibition of bypass.

C. State Pretreatment Requirements. State of Utah Pretreatment Standards

contained in the Utah Administrative Code R317-8-8 are hereby incorporated. Any User subject to a state pretreatment standard is required to comply with the applicable standard.

D. Payson City Wastewater Treatment Plant Local Limits.

1. The Wastewater Superintendent is authorized to establish Local Limits pursuant to 40 CFR 403.5(c).
2. 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 Wastewater Superintendent may impose mass limitations in addition to the concentration based limitations as stated in paragraph D. The development documents for local limits are kept at the Wastewater Treatment Plant office and can be reviewed if requested.
3. The Wastewater Superintendent may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits, to implement Local Limits and the requirements of paragraph A.
4. Pollutant local limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of these limits. Specific local limits are presented in the local limits development document and are hereby incorporated as part of this Ordinance.

E. Right Of Revision. The Wastewater Superintendent reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharge to the POTW consistent with the purpose of this Pretreatment Ordinance. In addition, the Wastewater Superintendent is authorized to temporarily or permanently revoke or suspend issuance of any 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 Wastewater Superintendent 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 approved Local Limits.

F. Special Agreement. The Wastewater Superintendent reserves the right to enter into special agreements with industrial users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a Pretreatment Standard or Requirement. However, the industrial user may request a net gross adjustment of a Categorical Standard in accordance with 40 CFR 403.15. They may also request, from EPA, a variance from the Categorical Pretreatment Standard. Such a request will be approved only if the industrial user can prove that factors relating to its discharge are fundamentally different from the factors considered by EPA when established that

particular Pretreatment Standard. An industrial user requesting a variance must comply with procedural and substantive provision in 40 CFR 403.13.

- G. **Dilution.** No industrial user shall increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. The Wastewater Superintendent may impose mass limitations on industrial users which are using dilution to meet applicable Pretreatment Standards or Requirements or in other cases when the imposition of mass limitations is appropriate.

4.20.030 Pretreatment Of Wastewater

- A. **Pretreatment Facilities.** Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Section 6.20.010 A. of this ordinance within the time limitations specified by EPA, the State, or the Wastewater Superintendent, 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 Wastewater Superintendent for review, and shall be acceptable to the Wastewater Superintendent 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 Payson City under the provisions of this ordinance.

B. Additional Pretreatment Measures.

1. The Wastewater Superintendent may require industrial users to restrict their discharge during peak flow periods, designate certain wastewater be discharged only into specific sewers, relocated and/or consolidate points of discharge, separate municipal waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and secure the industrial user's compliance with the requirements of this Pretreatment Ordinance.
2. Each person discharging into the POTW greater than 50,000 gallons per day, may be required by the Wastewater Superintendent to install and maintain, on his property and at his expense, a suitable storage and flow control facility to insure equalization of flow over a twenty-four (24) hour period. The facility shall have a capacity for at least one-hundred and fifty percent (150%) of the daily discharge volume and shall be equipped with alarms and a rate of discharge controller, the regulation of which shall be directed by the Wastewater Superintendent. A wastewater discharge

permit may be issued solely for flow equalization.

3. Grease, oil and sand interceptors and traps shall be provided when, in the opinion of the Wastewater Superintendent or Pretreatment Coordinator, 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 interceptor and trap units shall be of type and capacity approved by the Wastewater Superintendent or Pretreatment Coordinator and shall be so located to be easily accessible for cleaning and inspection. Interceptors shall be inspected and cleaned at least quarterly unless otherwise stated by the Wastewater Superintendent or Pretreatment Coordinator by the owner at his/her expense. Traps must be cleaned at least weekly unless otherwise stated by the Wastewater Superintendent or Pretreatment Coordinator by the owner at his/her expense.
4. Industrial users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.
5. Sampling manholes shall be located in an area to allow for ease of cleaning, sampling and inspection by the User and the Pretreatment Department. No parking shall be allowed on the sampling manhole.

C. Accidental Discharge/Slug Discharge Control Plans. The Pretreatment Coordinator may require any industrial user to develop and implement a slug control plan. At least once every two (2) years the Pretreatment Coordinator shall evaluate whether each significant industrial user needs such a plan. The Pretreatment Coordinator 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. Any industrial user required to develop and implement a slug control plan shall submit a plan which addresses, at a minimum, the following:

1. Description of discharge practices, including non-routine batch discharges;
2. Type and quantity of stored chemicals;
3. Procedures for immediately notifying the Wastewater Superintendent or Pretreatment Coordinator of any accidental or slug discharge. Such notification must also be given for any discharge which could violate any of the Prohibited Discharge Standards in Section 2.6.6 of this Pretreatment Ordinance; and
4. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to:
 - a. Inspection and maintenance of storage areas,

- b. Handling and transfer of materials, loading and unloading operations,
- c. Control of plant site run-off,
- d. Worker training,
- e. Building of containment structures or equipment,
- f. Measures for containing toxic organic pollutants (including solvents), and/or
- g. Measures and equipment for emergency response.

D. Tenant Responsibility. It is the responsibility of owner/operators of shopping malls/strip centers to require any business, tenant, or user that is subject to this Pretreatment Ordinance to fully meet the requirements of this Pretreatment Ordinance and all other applicable federal, State or local regulations.

It is the responsibility of each owner, tenant, or User located in shopping malls/strip centers to obtain from the Pretreatment Coordinator any applicable discharge permits, licenses and approvals to discharge to the WWTP.

All existing shopping malls/strip centers shall have one year from written notification from the Pretreatment Coordinator to fully comply with this Pretreatment Ordinance.

E. Business/Industrial Parks. It is the responsibility of owners/operators of business/industrial parks designed for the conglomeration of commercial and industrial operations, research and development, scientific and other business endeavors, and conducted in a business park-like setting, to require their tenants to comply with applicable sections of this Pretreatment Ordinance and any other applicable federal, State or local regulations.

F. Commercial And Institutional Pools. The owner(s) of commercial and institutional (non-residential) swimming pools, when draining a swimming pool to the sanitary sewer system, must restrict the volume of discharge to prevent surcharging (hydraulic overload) of the sewer system. The WWTP must be advised in advance of plans to drain a swimming pool to the WWTP sewer system and may require, among other conditions, specific times of day that the discharge may take place. The owner(s) of all commercial and institutional swimming pools must prepare a BMP (Best Management Practice) Plan that describes procedures acceptable to Wastewater Superintendent for draining their pool(s) to the sanitary sewer system.

G. Recreational Vehicle (RV) Dump Stations.

1. It shall be the responsibility of owner/operators of commercial recreational

vehicle (RV) wastewater dump stations to obtain permission from the Wastewater Superintendent to connect an RV dump station to the WWTP Collection system. Owner/operators of commercial RV dump stations are responsible for compliance with all applicable federal, state, and local wastewater discharge standards, including those general and specific prohibitions listed in Section 6.20.020 A. It shall be the responsibility of owner/operators of commercial RV dump stations to post appropriate signage next to wastewater discharge points that prohibit the discharge of the following:

- a. Flammable and/or explosive materials, materials having a flashpoint less than 140 degrees F
 - b. Solid or viscous materials
 - c. Toxic, hazardous, or corrosive materials
 - d. Noxious or malodorous materials.
2. The owner/operator of a commercial RV dump station is liable for damages and losses of WWTP if it is determined that a discharge of damaging and prohibited substances emanated from User's establishment. It shall be the User's sole responsibility to pay for all associated costs therewith, including but not limited to, investigation, sampling, analysis, damages, fines and penalties and any other costs that are the result of said discharges.
 3. It is prohibited for any owner/operator of a commercial RV dump station to allow the discharge of any wastes other than RV generated wastes, including but not limited to, commercially hauled wastes, grease interceptor wastes, and car wash interceptor wastes, and any other wastes generated and/or hauled by a business.

H. Hauled Wastewater. Septic tank waste may be accepted into the POTW only at locations designated by the Wastewater Superintendent, and at such times as are established by the Wastewater Superintendent. Such waste shall not violate this ordinance or any other requirements established or adopted by Payson City. The Wastewater Superintendent may require septic tank waste haulers to obtain individual wastewater discharge permits from Payson City.

The Wastewater Superintendent may require haulers of industrial waste to obtain individual wastewater discharge permit. The Wastewater Superintendent may require generators of hauled industrial waste to obtain individual wastewater discharge permits. The Wastewater Superintendent also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this ordinance.

Industrial waste haulers may discharge loads only at locations designated by the Wastewater Superintendent. No load may be discharged without prior consent of the Wastewater Superintendent. The Wastewater Superintendent may collect samples of each hauled load to ensure compliance with applicable Standards. The Wastewater Superintendent may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

Waste haulers (septic and industrial) must provide a waste tracking form for every load. This form shall include, at a minimum, the name and address of the waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of waste, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

Fees for discharging hauled wastewater will be established as part of the Payson City Fee Schedule as authorized by Payson City governing body.

- I. **Vandalism.** No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or equipment, or other part of the POTW. Any person found in violation of this requirement shall be subject to the sanctions set out in Sections 10-12, below.

4.20.040 Individual And General Wastewater Discharge Permits

Payson City uses individual and general wastewater discharge permits (6.20.040) as control mechanisms to control and enforce limits upon IUs that indirectly discharge to the POTW.

- A. **Wastewater Analysis.** When requested by the Pretreatment Coordinator, a User must submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. The Pretreatment 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 Pretreatment Coordinator thirty (30) days prior to the process being changed or added.
- B. **Individual Wastewater Discharge Permit And General Permit Requirement.** No Significant Industrial User shall discharge wastewater into the POTW without first obtaining an individual or general wastewater discharge permit from the Wastewater Superintendent, except that a Significant Industrial User that has filed a timely application pursuant to Section 6.20.040 C. of this Pretreatment Ordinance may continue to discharge for the time period specified therein.

The Wastewater Superintendent may require other Users to obtain individual or general wastewater discharge permits as necessary to carry out the purposes of

this Pretreatment Ordinance.

Any violation of the terms and conditions of an individual or a general wastewater discharge permit shall be deemed a violation of this Pretreatment Ordinance and subjects the wastewater discharge permittee to the sanctions set out in Sections 6.20.110 through 6.20.130 of this Pretreatment Ordinance. Obtaining an individual or a general 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.

C. Individual And General Wastewater Discharge Permitting: Existing

Connections. Any User required to obtain an individual or a general wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this Pretreatment Ordinance and who wishes to continue such discharges in the future, shall, within ninety (90) days after said date, apply to the Pretreatment Coordinator for an individual or a general permit wastewater discharge permit in accordance with Section 6.20.040 E. of this Pretreatment Ordinance, and shall not cause or allow discharges to the POTW to continue after one-hundred eighty (180) days of the effective date of this Pretreatment Ordinance except in accordance with an individual or a general permit wastewater discharge permit issued by the Wastewater Superintendent.

D. Individual And General Wastewater Discharge Permitting: New

Connections. Any User required obtaining an individual or a general 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 or general permit wastewater discharge permit, in accordance with Section 6.20.040 E. of this Pretreatment Ordinance, must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence. The Wastewater Superintendent or Pretreatment Coordinator has the right to place conditions on new or increased contributions from existing users.

E. Individual And General Wastewater Discharge Permit Application Contents.

All Users required to obtain an individual or a general wastewater discharge permit must submit a permit application. Users that are eligible may request a general permit under Section 6.20.040 H. All permittees that will be continuing to discharge are required to complete an application ninety (90) days prior to the permit expiring. The Pretreatment Coordinator shall approve a form to be used as a permit application. The Pretreatment Coordinator may require Users to submit all or some of the following information as part of a permit application:

1. Identifying Information.

- a. The name and address of the facility, including the name of the operator and owner.
- b. Hours of Operation: Number and type of employees, hours of

operation, either proposed or actual hours.

c. Contact information, description of activities, facilities, and plant production processes on the premises;

d. The description of activities, facilities, and plant production processes and the premises;

2. **Environmental Permits.** A list of any environmental control permits held by or for the facility.

3. **Description of Operations.**

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

b. Identify the Categorical Pretreatment Standards applicable to each regulated process.

c. 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;

d. Number and type of employees, hours of operation, and proposed or actual hours of operation;

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

f. 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;

g. Pollutants: Submit the results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the standard or by Payson City) of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and long term average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall be sampled and analyzed in accordance with procedures set out in this Pretreatment Ordinance (6.20.060 A.).

4. Time and duration of discharges;

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

6. **Flow Measurement.** Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in Section 6.20.020 B. 3. (40 CFR 403.6(e)).
7. **Certification.** A statement reviewed by the industrial user's authorized representative and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis. If not, state whether additional O&M and/or additional pretreatment is required to meet the Pretreatment Standards and requirements.

8. **Measurement of Pollutants.**

- a. The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
 - b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the Pretreatment Coordinator of regulated pollutants in the discharge from each regulated process.
 - c. Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.
 - d. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 6.20.060 I. of this Pretreatment Ordinance. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Pretreatment Coordinator the applicable Standards to determine compliance with the Standard.
 - e. Sampling must be performed in accordance with procedures set out in Section 6.20.060 I. 2. of this Pretreatment Ordinance.
9. Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on Section 6.20.060 D. 2. [40 CFR 403.12(e)(2)].
10. Any request to be covered by a general permit based on Section 6.20.040 H.
11. Any other information as may be deemed necessary by the Pretreatment Coordinator to evaluate the permit application.
- a. Incomplete or inaccurate applications will not be processed and

will be returned to the User for revision.

b. Based on information provided by the permittee as required in Section 6.20.040 H., the Pretreatment Coordinator will review within sixty (60) days to determine if:

(1) Additional information is needed; or

(2) A permit is not necessary; or

(3) If a permit will be required before the IU is allowed to discharge to the POTW.

12. Should any of the information requested or supplied be considered by the User to be confidential, the User shall indicate in writing which information is deemed confidential in accordance with Section 6.20.090 of this Pretreatment Ordinance. Information regarding sampling and analysis of the discharge cannot be considered confidential information.

F. Application Signatories And Certifications. All individual and general wastewater discharge permit applications, User reports and certification statements must be signed by an Authorized Representative, see Section 6.20.010 C., of the User and contain the certification statement in Section 6.20.060 I. 5. a..

"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 people who manage the system, or those people directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

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 Pretreatment Coordinator prior to or together with any reports to be signed by an Authorized Representative.

A facility determined to be a Non-Significant Categorical Industrial User by the Wastewater Superintendent pursuant to 6.20.010 C. must annually submit the signed certification statement in Section 6.20.060 I. 2..

G. Individual And General Wastewater Discharge Permit Decisions. The Pretreatment Coordinator will evaluate the data furnished by the User and may require additional information. Within sixty (60) days of receipt of a complete permit application, the Wastewater Superintendent will determine whether to issue an individual or general wastewater discharge permit. The Wastewater Superintendent may deny or conditionally approve any application for an individual or general wastewater discharge permit.

H. Wastewater Discharge Permitting: General Permits.

1. The Wastewater Superintendent may use at his/her discretion the use of general permits to control SIU discharges to the POTW if the following conditions are met. All facilities to be covered by a general permit must:
 - a. Involve the same or substantially similar types of operations;
 - b. Discharge the same types of wastes;
 - c. Require the same effluent limitations;
 - d. Require the same or similar monitoring; and
 - e. In the opinion of the Wastewater Superintendent, are more appropriately controlled under a general permit than under an individual wastewater discharge permits.
2. To be covered by the general permit, the SIU must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general permit, any requests in accordance with Section 6.20.060 D. 2. for a monitoring waiver for a pollutant neither present nor expected to be present in the Discharge, and any other information the POTW deems appropriate. A monitoring waiver for a pollutant neither present nor expected to be present in the discharge is not effective in the general permit until after the Wastewater Superintendent has provided written notice to the SIU that such a waiver request has been granted in accordance with Section 6.20.060 D. 2..
3. The Wastewater Superintendent will retain a copy of the general permit, documentation to support the POTW's determination that a specific SIU meets the criteria in Section 6.20.010 C. and applicable State regulations, and a copy of the User's written request for coverage for three (3) years after the expiration of the general permit. 40 CFR 403.8(f)(1)(iii)(A)(1) through (5)
4. The Wastewater Superintendent may not control an SIU through a general permit where the facility is subject to production based categorical Pretreatment Standards or categorical Pretreatment Standards expressed as mass of pollutant discharged per day or for IUs

whose limits are based on the Combined Wastestream Formula (Section 6.20.020 B.) or Net/Gross calculations (Section 6.20.20 D). 40 CFR 403.6(e) and 40 CFR 403.15

4.20.050 Individual And General Wastewater Discharge Permit Issuance

- A. Individual And General Wastewater Discharge Permit Duration.** An individual or general 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 or general wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of Wastewater Superintendent. Each individual or general wastewater discharge permit will indicate a specific date upon which it will expire.
- B. Individual And General Wastewater Discharge Permit Contents.** An individual or a general wastewater discharge permit shall include such conditions as are deemed necessary by the Wastewater Superintendent 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.

Individual and general wastewater discharge permits must contain:

1. A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years.
2. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Wastewater Superintendent or Pretreatment Coordinator. Each wastewater discharge permit will indicate a specific date upon which it will expire.
3. A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;
4. A statement that the individual or general wastewater discharge permit is nontransferable without prior notification to the Wastewater Superintendent in accordance with Section 6.20.050 D. of this Pretreatment Ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
5. Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;
6. 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.

7. The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the Discharge in accordance with Section 6.20.060 D. (40 CFR 403.12(e)(2))
8. A statement of applicable civil, criminal penalties and administrative penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
9. Requirements to control Slug Discharge, if determined by the Wastewater Superintendent or Pretreatment Coordinator to be necessary.
10. Any grant of the monitoring waiver by the Wastewater Superintendent must be included as a condition in the User's permit or other control mechanism. (See Section 6.20.060 D. 2. for additional requirements).
11. Requirement that the permittee notify the Wastewater Superintendent of changes to the industrial user discharge ninety (90) days prior to the change. The Wastewater Superintendent 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.
12. A statement that the wastewater discharge permit may be revoked upon violation of the terms and conditions of the permit as stated this Pretreatment Ordinance.
13. A statement that grants the Wastewater Superintendent, Pretreatment Coordinator and Pretreatment Inspector(s) the right of entry into all industrial user properties, facilities, buildings, etc. when wastewater is known or expected to be generated and/or discharged.
14. Individual or general 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 POTW
 - 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 non-routine 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 or general 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 or general wastewater discharge permit; and
- h. Other conditions as deemed appropriate by the Wastewater Superintendent to ensure compliance with this Pretreatment Ordinance, and State and Federal laws, rules, and regulations.
- i. Any and all pretreatment equipment must be properly operated and maintained. A record of any maintenance must be kept and maintained for five (5) years from the permit expiration date. This record must be submitted to the Pretreatment Coordinator annually.
- j. The Chain of Custody documents and analysis records must be submitted with monitoring reports and retained with the records.

C. Permit Modification.

1. The Wastewater Superintendent 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 POTW, related personnel, 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. Revision of or a grant of variance from categorical Pretreatment Standards pursuant to 40 CFR 403.13;
 - h. To correct typographical or other errors in the individual wastewater discharge permit; or
 - i. To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 6.20.050 D.
2. The Wastewater Superintendent may modify a general 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. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
 - c. To correct typographical or other errors in the individual wastewater discharge permit; or
 - d. To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 6.20.050 D.

D. Individual And General Wastewater Discharge Permit Transfer.

1. Individual or coverage under general wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least one-hundred eighty (180) days advance notice to the Wastewater Superintendent and the Wastewater Superintendent approves the individual or coverage under the general wastewater discharge permit transfer. The notice to the Wastewater Superintendent must include a written certification by the new owner or operator which:
- a. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
 - b. Identifies the specific date on which the transfer is to occur; and
 - c. Acknowledges full responsibility for complying with the existing individual or general wastewater discharge permit.

2. Failure to provide advance notice of a transfer renders the individual or coverage under the general wastewater discharge permit void as of the date of facility transfer.

E. Individual And General Wastewater Discharge Permit Revocation.

1. The Wastewater Superintendent may revoke an individual or coverage under a general wastewater discharge permit for good cause, including, but not limited to, the following reasons:
 - a. Failure to notify the Wastewater Superintendent of significant changes to the wastewater prior to the changed discharge;
 - b. Failure to provide prior notification to the Wastewater Superintendent of changed conditions pursuant to Section 6.20.060 E. of this Pretreatment Ordinance;
 - c. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
 - d. Falsifying self-monitoring reports;
 - e. Falsifying certification statements;
 - f. Tampering with monitoring equipment;
 - g. Refusing to allow the Wastewater Superintendent, Pretreatment Coordinator, Pretreatment Inspector or any other Pretreatment Program Administer timely access to the facility premises and records;
 - h. Failure to meet effluent limitations;
 - i. Failure to pay fines;
 - j. Failure to pay sewer charges;
 - k. Failure to meet compliance schedules;
 - l. Failure to complete an industrial wastewater survey or the individual or general wastewater discharge permit application or reapplication;
 - m. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
 - n. Violation of any Pretreatment Standard or Requirement, or any terms of the individual or general wastewater discharge permit or this Pretreatment Ordinance.
2. Non-compliant industrial users will be notified of the proposed termination of their wastewater permit and will be offered an opportunity to show

cause under these standards why the proposed action should not be taken. However, notwithstanding any other provisions of this Section, the Wastewater Superintendent may in his or her sole discretion immediately revoke any discharge permit where the discharge reasonably appears to present an imminent endangerment to the health or welfare of persons.

3. Individual or coverage under general wastewater discharge shall be voidable upon cessation of operations or transfer of business ownership. All individual or general of a new individual wastewater discharge permit to that User.

F. Individual And General Wastewater Discharge Permit Reissuance. A User with an expiring individual or general wastewater discharge permit shall apply for individual or general wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 6.20.040 E. of this Pretreatment Ordinance, a minimum of ninety (90) days prior to the expiration of the User's existing individual or general wastewater discharge permit.

G. Regulation Of Waste Received From Other Jurisdictions.

1. If another municipality, or User located within another municipality, contributes wastewater to the POTW, the Wastewater Superintendent shall enter into an interlocal agreement with the contributing municipality.
2. Prior to entering into an agreement required by paragraph G,1 above, the Wastewater Superintendent shall request the following information from the contributing municipality:
 - a. A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
 - b. An inventory of all Users located within the contributing municipality that are discharging to the POTW; and
 - c. Such other information as the Wastewater Superintendent may deem necessary.
3. An interlocal agreement, as required by paragraph G,1 above, shall contain the following conditions:
 - a. A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this Pretreatment Ordinance and Local Limits, including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in Section 6.20.060 A. of this Pretreatment Ordinance. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to Payson City's ordinance or Local Limits;

- b. A requirement for the contributing municipality to submit a revised User inventory on at least an annual basis;
- c. A provision specifying which pretreatment implementation activities, including individual or general 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 Wastewater Superintendent or Pretreatment Coordinator; and which of these activities will be conducted jointly by the contributing municipality and the Wastewater Superintendent or Pretreatment Coordinator;
- d. A requirement for the contributing municipality to provide the Wastewater Superintendent or Pretreatment Coordinator with access to all information that the contributing municipality obtains as part of its pretreatment activities;
- e. Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
- f. Requirements for monitoring the contributing municipality's discharge;
- g. A provision ensuring the Wastewater Superintendent or Pretreatment Coordinator 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 Wastewater Superintendent; and
- h. A provision specifying remedies available for breach of the terms of the interlocal agreement.
- i. Payson City has primary responsibility for permitting, compliance monitoring, or enforcement, the interlocal agreement should specify that the municipality (in which the POTW is located) has the right to take action to enforce the terms of the contributing municipality's ordinance or to impose and enforce Pretreatment Standards and Requirements directly against dischargers in the event the contributing jurisdiction is unable or unwilling to take such action.

4.20.060 Reporting Requirements

- A. **Baseline Monitoring Reports (BMR).** Within either one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4),

whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the Wastewater Superintendent or Pretreatment Coordinator a report which contains the information listed in paragraphs 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 Wastewater Superintendent or Pretreatment Coordinator a report which contains the information listed in the paragraphs below. A New Source shall report the method of pretreatment it intends to use to meet applicable categorical Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

Users described above shall submit the information set forth below.

1. All information required in Sections 6.20.040 E. 1., 2., 3., and 6. (40 CFR 403.12(b)(1)-(7))
2. Measurement of pollutants.
 - a. The User shall provide the information required in Section 6.20.040 E. 8.
 - b. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
 - c. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;
 - d. Sampling and analysis shall be performed in accordance with Section 6.20.060 I.;
 - e. The Pretreatment Coordinator 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
 - f. The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such

sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.

3. **Compliance Certification.** A statement, reviewed by the User's Authorized Representative as defined in Section 6.20.010 C. and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.
4. **Compliance Schedule.** If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set out in Section .20.060 B. of this Pretreatment Ordinance.
5. **Signature and Report Certification.** All baseline monitoring reports must be certified in accordance with Section 6.20.060 I. 5. a. of this Pretreatment Ordinance and signed by an Authorized Representative as defined in Section 6.20.010 C.

B. Compliance Schedule Progress Report. The following conditions shall apply to the compliance schedule required by Section 6.20.060 A. 4. of this Pretreatment Ordinance:

1. 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 hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, beginning and conducting routine operation).
2. No increment referred to above shall exceed nine (9) months.
3. The User shall submit a progress report to the Pretreatment Coordinator 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 industrial user to return to the established schedule, and
4. In no event shall more than nine (9) months elapse between such progress reports to the Pretreatment Coordinator.

C. Compliance Reports On Compliance With Categorical Pretreatment

Standard Deadline. Within ninety (90) days following the date for final compliance with applicable Categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any categorical industrial user subject to such Pretreatment Standards and Requirements shall submit to the Pretreatment Coordinator a report containing the information required by this Pretreatment Ordinance including but not limited to flow measurement, sampling, chain of custody and analysis of pollutants. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a determined measure of the User's long term production rate. For all other industrial 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 industrial user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 6.20.060 I. 5. a. of this Pretreatment Ordinance. All sampling will be done in conformance with Section 6.20.060 I. 2..

D. Periodic Compliance Report.

1. All Significant Industrial User must, at a frequency determined by the Pretreatment Coordinator submit no less than twice per year (June and December) 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 case where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Pretreatment Coordinator or the Pretreatment Standard necessary to determine the compliance status of the User.
2. The Wastewater Superintendent 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 5 years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit. See Section 6.20.040 E. 9.

- 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 Section 6.20.040 E. 9., and include the certification statement in Section 6.20.060 I. 5. a. (40 CFR 403.6(a)(2)(ii)).
 - 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 Wastewater Superintendent 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 Wastewater Superintendent 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 Wastewater Superintendent, the Industrial User must certify on each report with the statement in Section 6.20.060 I. 5. c. below, 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 Section 6.20.060 D. 1., or other more frequent monitoring requirements imposed by the Wastewater Superintendent, and notify the Wastewater Superintendent.
 - 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. All periodic compliance reports must be signed and certified in accordance with Section 6.20.060 I. 5. a. of this Pretreatment Ordinance.
4. 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.

5. 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 Pretreatment Coordinator, using the procedures prescribed in Section 6.20.060 I. 2. of this Pretreatment Ordinance, the results of this monitoring shall be included in the report. (40 CFR 403.12(g)(6))

E. Reports Of Changed Conditions.

1. Each industrial user is required to notify the Pretreatment Coordinator of any planned or significant changes to the User's operations or system which might alter the nature, quality or volume of its wastewater at least thirty (30) days before the change, including changes that may affect slug discharges to the POTW. Significant changes shall be considered to be changes beyond the typical operating range of the User or changes that would have significant impact of POTW operations.
 - a. The Pretreatment Coordinator may require the industrial user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of individual or general wastewater discharge permit application under Section 6.20.040 E. of this Pretreatment Ordinance.
 - b. The Wastewater Superintendent may issue an individual or general wastewater discharge permit or modify an existing Wastewater Discharge Permit under Section 6.20.050 C. of this Pretreatment Ordinance in response to changed conditions or anticipated changed conditions.
2. The Wastewater Superintendent may approve, deny or conditionally approve the change based on the effects the change may have on the POTW and/or the Pretreatment Program.

F. Reports Of Potential Problems. In the case of any discharge including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, a Slug Discharge or a Slug Load that may cause potential problems for the POTW, the User shall immediately notify the Pretreatment Coordinator of the incident either in person or by telephone conversation. This notification shall include the location of discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.

Within five (5) days following such discharge, the User shall, unless waived by the Wastewater Superintendent or Pretreatment Coordinator, 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 or any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; not shall such notification relieve the User of any fines, civil penalties, or other liability which may be imposed by this Pretreatment Ordinance.

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

Failure to notify the Wastewater Superintendent or Pretreatment Coordinator of potential problem discharge shall be deemed a separate violation of this Pretreatment Ordinance.

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

- G. **Reports From Unpermitted Users.** All User not required to obtain an individual or general wastewater discharge permit shall provide appropriate reports as required by the Pretreatment Coordinator.
- H. **Notice Of Violation/Repeat Sampling And Reporting.** If sampling performed by a User indicates a violation, the User must notify the Pretreatment Coordinator within twenty-four (24) hours and of becoming aware of the violation and in writing within five (5) days 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 Pretreatment Coordinator within thirty (30) days after becoming aware of the violation. Resampling by the Industrial User is not required if the POTW performs sampling at the User's facility at least once a month, or if the POTW performs sampling at the User between the time when the initial sampling was conducted and the time when the User or POTW receives the results of this sampling, or if the POTW has performed the sampling and analysis in lieu of the Industrial User. If the POTW sample indicates a violation the POTW may require the User to resample within thirty (30) days. The User is required to submit a five (5) day report to explain the violation.
- I. **Notification Of The Discharge Of Hazardous Waste.** Any industrial user who commences the discharge of hazardous waste shall notify the POTW, the EPA

Regional Waste Management Division Director, and the State Department of Environmental Quality, Division of Solid and 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 industrial user discharges more than one-hundred (100) kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user: an identification of the hazardous constituents contained in the wastes, and estimation of the mass and concentration of such constituents in the waste stream discharged during the calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months. All notifications must take place no later than thirty (30) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under Section 6.20.060 E., of this Pretreatment Ordinance. The notification requirement in this section does not apply to pollutants already reported under the Self-monitoring Requirements of Sections 6.20.060 A., 6.20.060 C., and 6.20.060 D. of this Pretreatment Ordinance.

Dischargers are exempt from the requirement of paragraph A, above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-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 industrial user discharges more than such quantities of any hazardous waste do not require additional notification.

In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substances as a hazardous waste, the industrial user must notify the Wastewater Superintendent, the EPA Regional Waste Management Division Director, and State Department of Environmental Quality, Division of Solid and Hazardous Waste Authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

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.

This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Pretreatment Ordinance, a permit issued there

under, or any applicable Federal or State law.

1. **Analytical Requirements.** All pollutant analyses, including sampling techniques, to be submitted as part of an individual or general wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Pretreatment Coordinator or other parties approved by EPA.

All sampling analysis shall be performed by a laboratory certified by the Utah Bureau of Laboratory Improvements.

2. **Sample Collection.** Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling, performed during the period covered by the report and based on data that is representative of conditions occurring during the reporting period.
 - a. Except as indicated in Subsections 2 and 3 below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Pretreatment Coordinator. Where time-proportional composite sampling or grab sampling is authorized by the Pretreatment Coordinator, 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 Pretreatment Coordinator, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.
 - b. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

- c. For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 6.20.060 A. and 6.20.060 C., 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 Pretreatment Coordinator may authorize a lower minimum. For the reports required by paragraphs Section 6.20.060 D., the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.
3. **Date Of Receipt Of Reports.** Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, or report with no postmark affixed, the date of receipt of the report by the POTW shall govern.
4. **Record Keeping.** Users subject to the reporting requirements of this Pretreatment Ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Pretreatment Ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Section 6.20.020 D. Any record, books, documents, memoranda, reports, correspondence, enforcement, special orders or litigation activities and any and all summaries thereof, relating to monitoring, sampling and chemical analyses made by or on behalf of the Users in connection with its discharge. 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 five (5) years following the expiration of the permit. This period shall be automatically extended for the duration of any litigation concerning the User or Payson City, or where the User has been specifically notified of a longer retention period by the Pretreatment Coordinator. Records shall be maintained in a central location in either a hard copy or electronic format.
5. **Certification Statements.**
 - a. Certification of Permit Applications, User Reports and Initial Monitoring Waiver—The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 6.20.040 F.; Users submitting baseline monitoring reports under Section 6.20.060 A.

5.; Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section 6.20.060 C.; Users submitting periodic compliance reports required by Section 6.20.060 D. 1. - 4., and Users submitting an initial request to forego sampling of a pollutant on the basis of Section 6.20.060 D. 2. and 4.. The following certification statement must be signed by an Authorized Representative:

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

- b. Annual Certification for Non-Significant Categorical Industrial Users—A facility determined to be a Non-Significant Categorical Industrial User by the Wastewater Superintendent pursuant to 6.20.010 C. and 6.20.040 F. Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR ____, I certify that, to the best of my knowledge and belief that during the period from _____, _____ to _____, _____ [months, days, year]: The facility described as _____ [facility name] met the definition of a Non-Significant Categorical Industrial User as described in 6.20.010 C.)

The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and (c) the facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information.

- c. Certification of Pollutants Not Present

Users that have an approved monitoring waiver based on Section 6.02.060 D. 2. must certify on each report with the following statement that there has been no increase in the pollutant in its waste stream due to activities of the User.

Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR _____ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under Section 6.02.060 D. 1.

4.20.070 Compliance Monitoring

- A. **Right Of Entry: Inspection And Sampling.** The Wastewater Superintendent or Pretreatment Coordinator shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this Pretreatment Ordinance and any individual or general wastewater discharge permit or order issued hereunder. Users shall allow the Wastewater Superintendent or Pretreatment Coordinator ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

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 Wastewater Superintendent or Pretreatment Coordinator shall be permitted to enter without delay for the purposes of performing specific responsibilities.

The Wastewater Superintendent or Pretreatment Coordinator 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.

The Wastewater Superintendent or Pretreatment Coordinator 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 at least annually or as required per the manufacturer's requirements, to ensure their accuracy.

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 Wastewater Superintendent or Pretreatment Coordinator and shall not be replaced. The costs of clearing such access shall be borne by the User.

Unreasonable delays in allowing the Wastewater Superintendent or Pretreatment Coordinator access to the User's premises shall be a violation of this Pretreatment Ordinance.

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

The location of the monitoring facility shall provide ample room in or near the monitoring facility to allow accurate sampling and preparation of samples and analysis and whether constructed on public or private property, the monitoring facility should be provided in accordance with the POTW's requirements and all applicable local construction standard and specifications. Such facilities shall be constructed and maintained in a manner that enables the Pretreatment Coordinator to perform independent monitoring activities.

All Significant Industrial Users will be inspected at least annually including review of facilities and reports. Inspections will not typically be announced to the User in advance of the inspection.

- B. **Search Warrants.** If the Wastewater Superintendent, Pretreatment Coordinator or Pretreatment Inspector 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 Pretreatment Ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the POTW designed to verify compliance with this Pretreatment Ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the Wastewater Superintendent, Pretreatment Coordinator or Pretreatment Inspector may seek issuance of a search warrant from a court of competent jurisdiction. The warrant shall be served by the Wastewater Superintendent or Pretreatment Program Administrator(s) in the company of a uniformed police officer of Payson City or office of that jurisdiction. In the event of an emergency affecting public health and safety, inspections shall be made without the issuance of a warrant.

4.20.080 Fats, Oils, Grease, And Sand (FOGS) Control

- A. **General.** The following Section is applicable to Commercial and Industrial Users that have the potential to discharge deleterious wastewaters containing elevated

levels of fat, oils, grease and/or sand and grit to the POTW.

B. Definitions. The following definitions are supplemental to this Pretreatment Ordinance and applicable to this Section:

COMMERCIAL USER. Any business or public or private entity, except for Significant Industrial Users (SIU), who causes or permits the contribution or discharge of wastewater into the POTW; and who may be regulated, where necessary, to comply with this Pretreatment Ordinance.

COMMON INTERCEPTOR. One or more interceptors receiving deleterious wastewater from more than one establishment.

DWELLING UNIT. Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, for not more than one (1) family, or a congregate residence for ten (10) or fewer persons. For purposes of this Section, dwelling unit includes hotel rooms, dormitory rooms, apartments, condominiums, sleeping rooms in nursing homes, and similar living units.

FOG. Fats, oil and grease of vegetable and animal origin.

FOGS. Fats, oil, grease (of vegetable and animal origin), petroleum oils (or crude oil origin), and soil (sand, dirt, etc.).

FOOD SERVICE ESTABLISHMENT (FSE) means any building, vehicle, place, or structure, or any room or division in a building, vehicle, place, or structure where food is prepared, served, or sold for immediate consumption on or in the vicinity of the premises; called for or taken out by customers; or prepared prior to being delivered to another location for consumption.

GREASE INTERCEPTOR. A structure or device designed for the purpose of removing and preventing fats, oils, and grease from entering the sanitary sewer collection system. These devices are below-ground units in outside areas with a minimum capacity of 800 gallons.

GREASE TRAP. A device designed for the purpose of removing and preventing fats, oils, and grease from entering the sanitary sewer collection system. These devices are typically compact under-the-sink units located near food preparation areas.

PETROLEUM OIL. Hydrocarbon fuels, oils, greases, and like products, derived from crude oil.

SAND/OIL and OIL INTERCEPTOR. A structure or device designed for the

purpose of separating sand, dirt, and petroleum oils and preventing them from entering the sanitary sewer collection system. These devices are below-ground units in outside areas with a minimum capacity of 800 gallons.

SURCHARGEABLE BUSINESS. A Commercial or Industrial User whose wastewater strength may exceed parameters established by the POWT, and is subject to surcharges (fees) based on wastewater strength and volume as outlined in the Payson City Fee Schedule.

- C. Interceptor And Trap Installation Specifications.** Grease and Sand/Oil Interceptors, as described by the International Plumbing Code (IPC), shall be required of any Commercial User when the Wastewater Superintendent or Pretreatment Coordinator determines they are necessary for the proper handling of wastewater containing FOGS in excessive amounts except that such interceptors shall not be required for residential dwelling units.

All construction plans for interceptors shall be submitted to the Wastewater Superintendent or Pretreatment Coordinator for review and approval prior to installation. All interceptors shall be of a type, construction, and capacity approved by Wastewater Superintendent or Pretreatment Coordinator.

All interceptors shall be installed and located so as to be readily accessible for cleaning by the User and inspection by Pretreatment Program Staff. Interceptor access manholes should not be located in parking spaces or adjacent to entrances or exits.

All interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, water tight and equipped with easily removable covers which are gas and water tight.

All existing commercial or industrial businesses shall have one year upon notification by the Wastewater Superintendent or Pretreatment Coordinator to install an interceptor where required by POTW standards.

Interceptors for businesses that have closed shall be dewatered and cleaned by the owner of said establishment. A representative of Pretreatment Program Staff may inspect and verify this process has been completed to the satisfaction of the Wastewater Superintendent or Pretreatment Coordinator.

Grease Traps are only allowed in place of grease interceptors when it is physically impossible to install a grease interceptor outside of the building or business. As such, a variance request from the owner of the property must be made to the Wastewater Superintendent or Pretreatment Coordinator with a letter from a Utah State certified plumber or engineer.

Alternative, but equivalent, FOGS management BMPs may be approved on a case-by-case basis, in lieu of installation of interceptors and traps.

D. General FOGS Waste Discharge Limits And Requirements. It shall be unlawful to discharge within POTW jurisdiction, any sanitary wastewater, commercial and industrial waste, or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this Pretreatment Ordinance. The following are general requirements and prohibitions applicable to this Section:

1. The discharge of any substance into the sewer system that exceeds or violates general or specific prohibitions listed in Section 6.20.020 A. is prohibited.
2. The discharge into the sewer system of FOGS that may accumulate and/or cause or contribute to blockages in the sewer system or at the sewer system lateral except as provided herein is prohibited.
3. Installation and use of food grinders in new and/or remodeled FSE's is not recommended.
4. Emulsifiers, enzymes or degreasers shall not be added as sewer aids to any plumbing that leads to, directly or indirectly to any interceptor.
5. The disposal of cooking oil (yellow grease) into the sewer system is prohibited. All waste cooking oils shall be collected, stored and labeled properly in receptacles such as barrels or drums for recycling or other acceptable methods of disposal.
6. The discharge of wastewater with temperatures in excess of one-hundred forty degrees (140°) F to any FOGS control device including interceptors and traps is prohibited.
7. The discharge of waste from toilets, urinals, washbasins, and other fixtures containing fecal materials into sewer lines intended for interceptor service is prohibited.
8. The discharge to the sewer system of any waste including FOGS and solid materials that were otherwise removed from an interceptor or other FOGS control device is prohibited. Wastes removed from interceptors must be hauled off and properly disposed of periodically in compliance with operation and maintenance requirements.
9. Operation of an interceptor with FOGS and solids (floating + settled) accumulation exceeding twenty-five percent (25%) of the design hydraulic depth of the interceptor is prohibited.
10. Commercial Users shall during regular business hours, provide immediate and safe access to the Wastewater Superintendent or

Pretreatment Coordinator or his or her designee to the Users premises and FOGS handling BMP facilities.

11. The Pretreatment Coordinator may require visual monitoring at the expense of the Commercial User to observe conditions of the User's sewer lateral and lines downstream.

E. Kitchen Best Management Practices (BMP Requirements). All Food Service Establishments (FSE) shall be required, at a minimum, to implement and comply with the following Kitchen BMPs, whenever applicable:

1. Drain screens (strainers) shall be installed on all drainage pipes in food preparation areas.
2. All waste cooking oil shall be collected and stored properly in recycling receptacles such as barrels or drums. Such recycling receptacles shall be maintained properly to ensure that they do not leak.
3. All garbage and food waste shall be disposed of directly into trash bins or containers, and not in sinks, drainage pipes or the sewer system. Food waste should be disposed of in lined trash bins.
4. Employee Training: Employees of the FSEs shall be trained twice each calendar year in the following areas:
 - a. How to "dry wipe/scrape" pots, pans, dishware and work areas before washing to remove FOG.
 - b. How to properly dispose of garbage, food waste and solids in lined plastic bags prior to disposal in trash bins or containers to prevent leaking and odors.
 - c. The location and use of absorbent products to clean under fryer baskets and other locations where FOG may be spilled or accumulated.
 - d. How to properly dispose of cooking oil from fry equipment into a FOG receptacle such as a barrel or drum without spilling.
 - e. Training shall be documented and employee signatures recorded indicating each employee's attendance and understanding of the practices reviewed. Training records shall be available for review at any time by the Pretreatment Coordinator, or designee.
5. Exhaust filters shall be maintained in good operating condition utilizing frequent cleaning practices. The wastewater generated from cleaning the exhaust filter shall be disposed properly.
6. Kitchen BMP and "NO GREASE" signs, posters or similar information in appropriate language(s) shall be prominently displayed in the food

preparation and dishwashing areas at all times.

7. Absorbent materials shall be placed under fryers and other areas where FOG typically or frequently drips or spills.
8. Covered devices shall be used in transporting FOG to prevent spills.
9. FOG containers shall be emptied before they are full to avoid accidental or incidental spills.
10. "Spill Kits" (e.g., absorbent materials, kitty litter) shall be provided and readily available in the event a spill.

F. Interceptor Operation And Maintenance Requirements. All existing and newly constructed interceptors shall be operated in accordance with the manufacturer's specifications. The maintenance frequency for all Commercial Users with interceptors shall be determined by the following:

1. Where installed, an interceptor shall be fully maintained by the User at its sole expense, in a continuous, efficient manner at all times subject to Payson City Pretreatment Program inspection and approval.
2. Interceptors shall be maintained in efficient operating condition by the periodic removal of the full contents of the interceptor. Interceptors shall be fully pumped out and cleaned at a frequency such that the combined floating and settled FOGS accumulation does not exceed twenty-five percent (25%) of the design hydraulic depth of the Interceptor. This is to ensure that the minimum hydraulic retention time and required available volume is maintained to effectively intercept and retain FOGS.
3. If an interceptor is at any time observed by the Pretreatment Coordinator or designee to contain floating and settled FOGS accumulation in excess of twenty-five percent (25%), the user shall be required to have the interceptor serviced as soon as possible, but no later than seventy-two (72) hours, such that all FOGS, sludge, and other materials are completely removed from the interceptor.
4. The owner of the property on which a Common Interceptor and/or the facilities discharging to a Common Interceptor are located shall be primarily responsible for the maintenance, upkeep, and repair of the interceptor.
5. No Commercial User shall increase the use of water or in any other manner attempt to dilute a discharge as a way of achieving compliance with this Pretreatment Ordinance.

G. Grease Trap Operation And Maintenance Requirements. Where installed, a grease trap shall be fully maintained by the User at its sole expense, in a continuous, efficient manner at all times subject to Pretreatment Program

inspection and approval.

A FSE may use or be required to install grease traps, in lieu of installation of a grease interceptor when (1) installation of an interceptor cannot physically be accomplished, (2) there is not adequate slope for gravity flow between kitchen plumbing fixtures and a proposed grease interceptor and/or between the grease interceptor and the private collection lines or the public sewer, or (3) no alternative pretreatment can be installed. Sizing and installation of grease traps shall conform to Payson City Design Standards and Construction Specifications.

Grease traps shall be operated in accordance with the manufacturer's specifications.

Grease traps shall be maintained in efficient operating condition by removing accumulated grease on an as needed basis, or the frequency specified by the manufacturer, but no less than weekly.

Grease traps shall be fully emptied of all food residues and any FOG waste during the cleaning and scraping process.

Grease traps shall be inspected periodically, but in no event less than once a month, to check for leaking seams and pipes, and for effective operation of the baffles and flow-regulating device. Grease traps and their baffles shall be maintained free of all caked-on FOG and waste. Removable baffles shall be removed and cleaned during the maintenance process.

Automatic dishwashers and food grinder units shall not be connected to or discharged into any grease trap.

No FSE shall increase the use of water or in any other manner attempt to dilute a discharge as a way of achieving compliance with this Pretreatment Ordinance.

H. Notification Requirements. A Commercial and Industrial User shall comply with the following notification requirements:

1. Notification of Spills and/or Sanitary Sewer Overflows (SSO).

- a. In the event a User is unable to comply with the FOGS Pretreatment Ordinances due to a breakdown of equipment, accidents, or human error or the User has reasonable belief that its discharge will violate the FOGS Pretreatment Ordinances, the User or its representative shall immediately notify the Pretreatment Coordinator by telephone at: (801) 465-5277.
- b. If the material discharged has the potential to cause or results in sewer blockage or SSO, the User shall immediately notify the POTW and the Pretreatment Coordinator by telephone at: (801)

465-5277.

- c. Confirmation of this notification shall be made in writing to the Pretreatment Coordinator no later than five (5) working days from the date of the incident to the following address:

Pretreatment Coordinator
Payson City WWTP
439 West Utah Avenue
Payson, Utah 84651.

- 2. The written notification shall state:

- a. The date of the incident,
- b. The reasons for the discharge or spill
- c. What steps were taken to immediately correct the problem and
- d. What steps are being taken to prevent a recurrence.

- 3. Such notification shall not relieve the user of any expense, loss, damage or other liability that may be incurred as a result of damage or otherwise arising out of a violation of this Pretreatment Ordinance, or other applicable law.

- 4. Commercial Users shall notify the Pretreatment Coordinator in writing at least sixty (60) days prior to any facility expansion and/or remodeling or process modifications that may result in new or substantially increased FOGS discharges or a change in the nature of the discharge. The User shall submit any information requested by the Pretreatment Coordinator for evaluation of the effect of such expansion and/or remodeling or process modifications on the users FOGS discharge to the sewer system. The written notification shall state:

- a. The FSE name,
- b. Name the title of the users contact person or person most knowledgeable concerning the facility expansion and/or
- c. Remodeling or process modifications,
- d. Address of the user
- e. Telephone number of the user,
- f. Date of the proposed facility expansion and/or
- g. Remodeling or process modifications and
- h. The reasons for the same.

I. Record Keeping Requirements.

1. The following records shall be maintained for no less than three (3) years and the Commercial User shall make them available to Pretreatment Coordinator, or designee:
 - a. A record or logbook of interceptor or trap cleaning and maintenance practices and activities. The record or logbook shall include:
 - (1) Dates inspected;
 - (2) Name of inspector;
 - (3) Inspector's observations concerning the effectiveness of the interceptor or trap in controlling FOGS;
 - (4) Dates cleaned; and
 - (5) Dates and nature of maintenance.
 - b. A record or logbook of FSE Kitchen BMPs being implemented including employee training. The record or logbook shall include:
 - (1) Date of training;
 - (2) Time and length of training;
 - (3) Names of employees in training;
 - (4) Training topic;
 - (5) Training instructor.
 - c. Any other information deemed appropriate by the Pretreatment Coordinator to ensure compliance with this Pretreatment Ordinance.
 - d. Copies of records and manifests of waste hauling of interceptor contents, which will include:
 - (1) Name of hauling company and disposal site
 - (2) Name and signature of operator performing the pump out
 - (3) Documentation of volume of water and FOGS removed
 - (4) Documentation if repairs to the interceptor are required.
 - (5) Records of any spills and/or cleaning of the lateral or sewer system.

2. **Inspections And Sampling.** Commercial Users are inspected on a regular basis by Pretreatment Department to determine if the businesses are in compliance with this Pretreatment Ordinance. The purpose of inspections is as follows:

- a. To verify if Users are complying with Pretreatment Ordinances.
- b. To collect and analyze samples and compare results to established discharge limitations.
- c. To provide evidence in support of enforcement actions.
- d. To verify correction of problems.
- e. To maintain records of User discharge constituents.
- f. To provide data in order to calculate surcharge fees.

3. **Commercial Wastewater Discharge Permit.** All Commercial Users subject to this Section are required to obtain a Commercial Wastewater Discharge Permit. Commercial Wastewater Permits may contain numeric and/or narrative discharge limitations specific to the business. Any variance from the rules set forth in this Section must be described in writing in the Users permit and issued by the Wastewater Superintendent or his authorized representative. Terms of the permits are fully enforceable under the Enforcement Response Plan (ERP).

4. **Fees.** Payson City has established a fee schedule for the use of the wastewater collection system and POTW. They are published in the Payson City Fee Schedule. Fees are charged to Users of the POTW collection system:

- a. Wastewater strength (BOD, TSS, oil and grease, etc.) (A flat fee is charged to Users that cannot be sampled).
- b. Inspection and sampling costs
- c. Permit issuance and renewal
- d. Construction inspection and plan review

4.20.090 Confidential Information

Information and data on an industrial user obtained from reports, surveys, individual or general wastewater discharge permit applications, individual or general wastewater discharge permits, and monitoring programs, and from Payson City Pretreatment Program inspections and sampling activities, shall be available to the public without restriction unless the User specifically requests, and is able to demonstrate the satisfaction of the Wastewater Superintendent, that the release of such information

would divulge information, processes or methods of productions 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 immediately be made available, upon request, to governmental agencies for uses related the UPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

4.20.100 Publication Of Users In Significant Non-Compliance

The Wastewater Superintendent or Pretreatment Coordinator 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 Industrial Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs C, D or H) and shall mean:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in PCC 4.20.010 paragraph C; (40 CFR 403.3(l))
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by PCC 4.20.010 paragraph C multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH); (40 CFR 403.3(l))
- C. Any other violation of a Pretreatment Standard or Requirement as defined by PCC 4.20.010 paragraph C (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Wastewater Superintendent or Pretreatment Program Administrator(s) 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; (40 CFR 403.3(l))
- D. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Wastewater Superintendent's or Pretreatment Coordinator exercise of its emergency authority to halt or prevent such a discharge;

- E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with Categorical Pretreatment Standard deadlines, periodic self-monitoring reports, 90-day compliance reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance; or
- H. Any other violation(s), which may include a violation of Best Management Practices, which the Wastewater Superintendent or Pretreatment Coordinator determines will adversely affect the operation or implementation of the local pretreatment program.

4.20.110 Administrative Enforcement Remedies

- A. **Notification Of Violation.** When the Wastewater Superintendent finds that a User has violated, or continues to violate, any provision of this Pretreatment Ordinance, an individual or general wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Wastewater Superintendent 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 Wastewater Superintendent. 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 Wastewater Superintendent to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.
- B. **Administrative Fees.** Notwithstanding any other section of this Pretreatment Ordinance, any user found to have violated any provision of this Pretreatment Ordinance, its wastewater discharge permit, and orders issued hereunder, or any other Pretreatment Standard or Requirement may be fined in an amount no to exceed \$10,000 per day per violation. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, fines shall be assessed for each day during the period of violation. Payson City may add the costs of preparing administrative enforcement actions such as notices and orders to the fine.

Assessments may be added to the user's next scheduled sewer service charge and the Wastewater Superintendent shall have such other collection remedies as

may be available for service charges and fees.

Unpaid charges, fines and penalties shall, after sixty (60) calendar days, be assessed an additional penalty of ten percent (10%) of the unpaid balance and interest shall accrue thereafter at a rate of one percent (1%) per month. A lien against the individual user's property will be sought for unpaid charges, fines, and penalties.

Users desiring to dispute such fines must file a written request for the Wastewater Superintendent to reconsider the fine along with full payment of the fine amount within thirty (30) days of being notified of the fine, unless otherwise approved by the Wastewater Superintendent. Where a request has merit, the Wastewater Superintendent shall convene a hearing on the matter within fourteen (14) days of receiving the request from the industrial user. In the event the user's appeal is successful, the payment together with any interest accruing thereto shall be returned to the industrial user.

Issuance of an Administrative fine shall not be a prerequisite for taking any other action against the user.

- C. **Consent Orders.** The Wastewater Superintendent may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 6.20.110 E. and 6.20.110 F. of this Pretreatment Ordinance and shall be judicially enforceable.
- D. **Show Cause Hearing.** The Wastewater Superintendent may order a User which has violated, or continues to violate, any provision of Pretreatment Ordinances, an individual or general wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the Wastewater Superintendent and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail at least fifteen (15) days prior to the hearing. Such notice may be served on any Authorized Representative of the User. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.
- E. **Compliance Orders.** When the Wastewater Superintendent finds that a User has violated, or continues to violate, any provision of this Pretreatment Ordinance, an individual or general wastewater discharge permit, or order issued hereunder, or

any other Pretreatment Standard or Requirement, the Wastewater Superintendent 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.

F. Cease And Desist Orders. When the Wastewater Superintendent finds that a User has violated, or continues to violate, any provision of this Pretreatment Ordinance, an individual or general 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 Wastewater Superintendent 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.
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.

G. Emergency Suspensions.

1. The Wastewater Superintendent 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 Wastewater Superintendent may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.
 - a. Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Wastewater Superintendent 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 Wastewater Superintendent may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Wastewater Superintendent that the period of endangerment has passed, unless the termination proceedings in Section 6.20.110 H. of Pretreatment Ordinances are initiated against the User.

- b. A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Wastewater Superintendent prior to the date of any show cause or termination hearing under Sections 6.20.110 D. or 6.20.110 H. of Pretreatment Ordinances.
2. Nothing in this Section shall be interpreted as requiring a hearing prior to any Emergency Suspension of a permit and/or discharge to the POTW.

H. Termination Of Discharge.

1. In addition to the provisions in Section 6.20.050 D. of this Pretreatment Ordinance, any User who violates the following conditions is subject to discharge termination:
- a. Violation of individual or general wastewater discharge permit conditions;
 - b. Failure to accurately report the wastewater constituents and characteristics of its discharge;
 - c. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
 - d. Refusal of access to the User's premises for the purpose of inspection, monitoring, or sampling; or
 - e. Violation of the Pretreatment Standards in Section 2 of this Pretreatment Ordinance.
2. Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 6.20.110 D. of this Pretreatment Ordinance why the proposed action should not be taken. Exercise of this option by the Wastewater Superintendent shall not be a bar to, or a prerequisite for, taking any other action against the User.

4.20.120 Judicial Enforcement Remedies

- A. **Injunctive Relief.** When the Wastewater Superintendent finds a User has violated, or continues to violate, any provision of this Pretreatment Ordinance, Pretreatment Standard or Requirement, individual or general wastewater discharge permit or orders issued hereunder, or any other pretreatment standard or requirement, the Wastewater Superintendent may petition a court of competent jurisdiction through Payson City Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual or general wastewater discharge permit, order, or other requirement imposed by this Pretreatment Ordinance on activities of the User. The Wastewater Superintendent 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.
- B. **Civil Penalties.** A User who has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to Payson City for a maximum civil penalty of \$10,000 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.

In the event that an Industrial User discharges such pollutants which cause Payson City to violate any conditions of its UPDES Permit and Payson City is fined by EPA or the State of Utah for such violations, then such Industrial Users shall be fully liable for the total amount of the fines and civil penalties assessed against Payson City by EPA or the State of Utah and administrative costs incurred.

The Wastewater Superintendent 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 Payson City.

The POTW may file a suit in court to impose, assess and recover civil penalties together with actual damages.

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.

Filing a suit for civil penalties shall not be a bar against, or a prerequisite for,

taking any other action against a User.

- C. **Criminal Prosecution.** Payson City will refer to the State of Utah criminal violations of any Pretreatment Standards or permit conditions. The Attorney General's office for Utah and/or the District Attorney's office for Utah County may, at their discretion, initiate appropriate criminal action. The POTW may assist the prosecuting attorney's office where appropriate to support the action taken.

A User who willfully or negligently violates any provision of this Pretreatment Ordinance, an individual or general wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$25,000 per violation, per day, or imprisonment for not more than ninety (90) days, or both.

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 misdemeanor and be subject to a penalty of not more than \$25,000 per violation per day or be subject to imprisonment for not more than one (1) year, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

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 Pretreatment Ordinance, individual or general wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Pretreatment Ordinance shall, upon conviction, be punished by a fine of not more than \$25,000 per violation, per day, or imprisonment for not more than six (6) months, or both.

In the event of a second conviction, a User shall be punished by a fine of not more than \$50,000 per violation, per day, or imprisonment for not more than one (1) year, or both.

- D. **Remedies Nonexclusive.** The remedies provided for in this Pretreatment Ordinance are not exclusive. The POTW may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with POTW's enforcement response plan. However, POTW may take other action against any User when the circumstances warrant. Further, the POTW is empowered to take more than one enforcement action against any noncompliant User.
- E. **Falsification And Tampering With Pretreatment Equipment.** 40 CFR 403.8(f) (1)(i) Deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by Industrial Users where such

contributions do not meet applicable Pretreatment Standards and Requirements or where such contributions would cause the POTW to violate its UPDES permit.

4.20.130 Supplemental Enforcement Action

- A. **Penalties For Late Reports.** A penalty of \$100 shall be assessed to any User for each day that a report required by this Pretreatment Ordinance, a permit or order issued hereunder is late, beginning five (5) days after the date the report is due, higher penalties may also be assessed where reports are more than thirty to forty (30-45) days late. Actions taken by the Wastewater Superintendent to collect late reporting penalties shall not limit the Wastewater Superintendent's authority to initiate other enforcement actions that may include penalties for late reporting violations.
- B. **Liability Insurance.** The Wastewater Superintendent may decline to reissue an individual or general wastewater discharge permit to any user which failed to comply with the provisions of this Pretreatment Ordinance, any order, or a previous Wastewater Discharge Permit issued hereunder, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.
- C. **Payment Of Outstanding Fees And Penalties.** The Wastewater Superintendent may decline to issue or reissue an individual or general wastewater discharge permit to any User who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of this Pretreatment Ordinance, a previous individual wastewater discharge permit, or order issued hereunder.
- D. **Water Supply Severance.** Whenever a user has violated or continues to violate the provisions of this Pretreatment Ordinance, orders, or an individual or general wastewater discharge permit issued hereunder, water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.
- E. **Public Nuisance.** A violation of any provision of this Pretreatment Ordinance, an individual or general wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the Wastewater Superintendent. Any person(s) creating a public nuisance shall be subject to the provisions of Payson City Code 12.01 governing such nuisances, including reimbursing to Payson City for any costs incurred in removing, abating, or remedying said nuisance.
- F. **Referral For State Action.** The Wastewater Superintendent may refer to the State's Division of Water Quality and to the office of the State Attorney General violations under the provisions of the Utah Water Quality Act, Utah Code 19-5 (1953 as amended) and/or any other applicable law.

4.20.140 Affirmative Defenses To Discharge Violations

A. **Upset.** For the purpose 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 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.

1. An upset shall constitute an affirmative defense to an action brought for noncompliance with Categorical Pretreatment Standards if the requirements of the paragraph below, are met.
2. 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 workmanlike manner and in compliance with applicable operation and maintenance procedures.
 - c. The User has submitted the following information to the Wastewater Superintendent 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.
 - (3) Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.
3. In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.
4. Users will have the opportunity for a judicial determination on any claim of upset in an enforcement action brought for non-compliance with Categorical Pretreatment Standards.
5. User shall control production of all discharges to the extent necessary to maintain compliance with Categorical Pretreatment Standards upon

reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or has failed.

B. Bypass. For the Purpose of this Section:

BYPASS means the intentional diversion of waste streams from any portion of any Industrial 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 be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

An Industrial User may allow any bypass to occur which does not cause Pretreatment Standards or Requirement to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (C) and (D) of this section.

1. Bypass Notification.

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

2. Bypass. Bypass is prohibited, and the Wastewater Superintendent may take enforcement action against an Industrial User for a bypass, unless;

- a. Bypass was unavoidable to prevent loss of life, personal injury, or sever property damage.

- b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - c. The Industrial User submitted notices as required under paragraph (C) of this section.
- 3. The Wastewater Superintendent may approve an anticipated bypass, after considering its adverse effects, if the POTW determines that it will meet the three (3) conditions listed in paragraph (D)(1) of this section.

4.20.150 Appeals

- A. **Initial Appeal Hearing.** A person whose permit is denied, or is granted subject to conditions or terms deemed unacceptable, a permittee/user assessed a civil penalty under these standards, or on issued an administrative order under these standards shall have the right to petition the Wastewater Superintendent for reconsideration within thirty (30) days of notice of its issuance.

Failure to petition the Wastewater Superintendent within thirty (30) days of notice is deemed a waiver by the permittee/User of his/her right to challenge the terms, conditions, and/or decisions of the Wastewater Superintendent.

In its petition, the appealing party must indicate the individual or general wastewater discharge permit provisions or other matters objected to, the reasons for the objection, and the alternative condition, if any, the appealing party seeks to place in the individual or general wastewater discharge permit.

The appealing party may request a hearing before the Wastewater Superintendent and shall set forth in detail the specific issues to be contested.

The Wastewater Superintendent shall make a final decision on the contested permit, penalty, order or matter within thirty (30) calendar days of the after receipt of the petition or the conclusion of any hearing held thereon.

The Wastewater Superintendent shall transmit to the appellant a copy of the decision by registered or certified mail.

The effectiveness of the individual or general wastewater discharge permit shall not be stayed pending the appeal.

- B. **Final Appeal Hearing.** Any decision by the Wastewater Superintendent made as a result of the petition and any hearing held under Section 6.20.151 may be appealed to the City Council upon filing a written demand within ten (10) calendar days of receipt of notice of the Wastewater Superintendent's decision.

Failure to make written demand within the time specified herein shall bar further appeal.

The City Council may hold a hearing and shall make a final decision on the appeal within sixty (60) calendar days of the date of the appeal was filed and shall transmit to the appellant a written copy of the decision by registered or certified mail.

The decision of the City Council shall be considered the final administrative action for purposes of judicial review.

4.20.160 Miscellaneous Provisions

- A. **Wastewater Treatment Rates User Fees.** User fees should be assessed whenever there is a need to recover the cost of treating wastewater.
- B. **Pretreatment Charges And Fees.** Payson City may adopt charges and fees for reimbursement of cost of setting up and operating Payson City's Pretreatment Program, which may include:
1. Fees for wastewater discharge permit applications, including the cost of processing such applications.
 2. Fees for monitoring, inspection, and surveillance procedures including the cost of collecting and analyzing an Industrial User's discharge, and reviewing monitoring reports submitted by Industrial Users.
 3. Fees for reviewing and responding to accidental discharge procedures and construction.
 4. Fees for filing appeals.
 5. Fees to recover administrative and legal costs (not included in this Section) associated with the enforcement activity taken by the Wastewater Superintendent to address IU noncompliance, and
 6. Other fees as Payson City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this Pretreatment Ordinance and are separate from all other fees, fines, and penalties chargeable by Payson City.
- C. **Severability.** If any provision of this Pretreatment Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be effected and

shall continue in full force and effect.

- D. **Conflicts.** All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this Pretreatment Ordinance are hereby repealed to the extent of the inconsistency of conflict.

4.24 Power And Light

4.24.010 Power And Light General Provisions

4.24.020 Installation Of Power Systems

4.24.030 Power Rates

4.24.040 Power Meters

4.24.050 Electrical Power Pole Attachment Utility Rate

4.24.060 Distributed Generation Program

4.24.010 Power And Light General Provisions

- A. **Department Of Power And Light-Created.** There is hereby created the department of Power and Light of Payson City, which shall be managed and operated by the Payson City Council.
- B. **Appointment Of Director And Employees Of The Department Of Power And Light.** The Payson City Council shall appoint the Director of the power and light department, together with such other employees as shall be required and necessary for the operation and maintenance of said department. Said Director may be removed by the Mayor and City Council of Payson City, pursuant to law.
- C. **Duties Of Director.** The Director shall have the charge of the Power and Light department and all property of the city used by said department. Director shall manage effectively the system of the department of power and light.
- D. **Administrative Authority.** The City Manager, or person assigned by the City Manager, shall be responsible for administering the functions of accounting, billing, cashing, and customer services for the Department of Power and Light, in conformity with the Uniform Fiscal Procedures Act for Utah Cities. The City Recorder shall keep separate general ledger accounts for the electric department as prescribed by the City Council and shall furnish the Council with all reports required to carry out its responsibilities.
- E. **Funds-Collections-Applications.** The City Treasurer shall abide by credit policies established by the Payson City Council. Employees under his/her supervision shall faithfully account for and promptly pay over to the city treasurer all moneys received for the account of the department of power and light.
- F. **Board, Membership, And Appointment.** There is hereby created and established a body to be designated as the "Payson Power Board" that shall be composed of five (5) members, all of who shall be appointed by the Mayor and Power and Light Director with the advice and consent of the City Council. One of

Board Member shall be a member of the City Council.

G. Duty And Powers.

1. The matters of determining the general policy and the administration of the Electrical Power and Light Department shall be vested in the City Council.
2. The extent of the authority and discretion to be vested in the Director of the Power and Light Department shall be determined by City Council.
3. It is hereby declared as policy that matters pertaining to a general policy and the administration of the Power and Light Department be referred to the Power and Light Director with the advice, counsel, and recommendations of the Payson Power Board.

H. Term, Vacancies, Qualifications, Removal.

1. **Term.** Each appointed member shall serve for a term of five (5) years except as otherwise provided in this Section. The term of the member who is likewise a member of the City Council shall be as determined by the Mayor and with the advice and consent of the City Council. The first Power Board shall be appointed to terms so that the term of one member expires each year.
2. **Vacancies.** Vacancies occurring due to death, disability, resignation or removal, shall be filled by appointment. The term of such appointment shall be for the remainder of the unexpired term.
3. **Qualifications.** The members of the Power Board shall be resident voters and taxpayers of Payson City and shall be selected without regard to political considerations and solely on the basis of qualification for the position.
4. **Removals.** Any member of the Power Board may be removed, with or without cause, by the Mayor an Power and Light Director with the advice and consent of the City Council.

- I. **Rules.** The Board shall formulate its own rules for selection of a chair, time, place, and manner of calling the meetings and other procedural matters, provided that there shall be at least one meeting each quarter.

4.24.020 Installation Of Power Systems

- A. **Business License-Required.** No person shall engage in the installation, and construction of any Power distribution system, except work done for or on the property of Payson City, without first obtaining and paying for a Business license, from Payson City conforming with the rules and regulations of PCC 3, business

licenses and procedure.

- B. **License-Application.** The applicant shall, be approved by the Power and Light Director or may appear before the City Council in determining the fitness of such applicant to engage in electrical work for which Business License is requested. A minimum of 50 hours of underground distribution work must be shown.
- C. **Fees.** At the time of obtaining a Building permit, all fees, as set forth by resolution of the City Council, need to be paid. This includes plan review, inspection fees and Payson City Business license. This entitles Applicant to engage in the electrical work described in this Section.
- D. **Business License-Expiration-Renewal.** Each Business License shall be for the calendar year, shall expire at midnight on December thirty-first (31st) following the date of its issue, and shall conform to PCC 3.
- E. **Business License-Revocation.** Upon presentation of charges in writing that the holder of any Electrical business license has violated any provisions of this Section or any ordinance of Payson City regulating electrical installation or is incompetent or unfit to comply with such provisions, the Electrical Director shall investigate such Charge and if in its opinion the same is sustained, shall make recommendations to the city council for the revocation of such license. The holder of the license shall be notified in writing by the city council that such recommendation has been made, that a hearing has been set to address this matter and that unless he can show good and sufficient cause to the City Council why the license should not be revoked, the City Council shall revoke the license. This notification shall be delivered to the holder of the certificate at least five days in advance of the hearing by the City Council. When a license has been revoked, a new one shall not be granted to the same person until the city council determines that the applicant is qualified as provided by this Section and any applicable State law.

The City Council may at any time, on its own motion, and after notice, and hearing and for good and proper cause, revoke any license.

- F. **Electrical Wiring Inspector-Duties Listed.** The Payson City Council will retain a qualified electrical wiring inspector, who shall perform all the duties required of that officer by the ordinances of Payson City.

It shall be the duty of the electrical wiring inspector to inspect and supervise the construction, installation, and repairs of all electric distribution power lines in the city, except as hereinafter provided.

It shall be the duty of the said inspector to inspect any and all work for which permits have been issued when practical after notice by the contractor that the work is ready for inspection. The inspector shall indicate the results of the inspection by a tag or label, explaining items that need to be done or if OK, so

indicates by dating and signing of appropriate inspection.

G. Specifications.

1. Independent service. Each flat or dwelling place in an apartment house, flat, or building designed for two or more dwellings, shall be provided with an independently metered service in a readily accessible location. Meter base is on the outside of the building.
2. Underground service (600 volts or less) is to be installed by contractor from meter base to transformer, power pole or secondary splice box. Minimum buried depth is 24" in minimum PVC (sch. 40) duct of 2" with a pull string installed in the duct.
3. (See 4-2 Electrical Construction Standard and materials)
4. For an individual residence (non-subdivision) the overhead and underground wire will be provided by the City. The homeowner will be responsible for the trenching and the conduit with pull string from the meter base to either pole or splice box. Payson City will pull in the wire and make connections up at the pole. If a connection is made at the pole the individual resident will need to provide steel rigid 90 and the first 10 foot section of either IMC Steel or rigid for the riser pole and must be set in the manner that the rest of the riser may be built squarely with the pole. Payson City crews will build the riser past the first ten feet, using material furnished by the contractor
5. Meter Base or service location will be located by Payson City Power Department and installed by contractor, on the sides of the house within the front 10 feet.
6. All new Single Phase Construction (200 AMPS or less) is required to have an electrical service main disconnecting means on the outside of each residence.
7. When existing three wire service is changed by Payson City to new triplex wire, the customer is required to give a point of attachment on the home. In cases of emergency Payson City will install a temporary point of attachment but the homeowner will be required to go back and give a permanent point of attachment within 48 hours of the emergency.
8. Overhead services will be located by Payson City Corporation and installed by contractor. No electrical service will be connected having been installed in a carport, on an elevated porch, or similar "not readily accessible location."
9. Metering services enclosed by additions to previous structures will be required to be relocated on the outside of such addition in an accessible location, or the homeowner may install remote metering. The cost of installing remote metering lies with the homeowner.

10. Payson City Corporation will not be responsible for or required to repair any faulty device beyond the point of attachment of the original installation.

H. Subdivision And Mobile Home Parks Distribution Requirements. There is hereby levied a comprehensive fee to cover the expenses incurred to extend any and all high voltage distribution lines for the electrical servicing of a particular building, residence, Mobile Home Park or Subdivision. This fee is levied to cover initial expenditures to supply any and all electrical requirements for annexations and building sites not previously having been served. The power line extension fee will also be levied when an existing high voltage line is not adequate to supply requirements of new construction or development. It will be the developer's responsibility to supply all labor, materials, for all power line extensions. Any extensions that involve existing high-powered city lines that are energized will be updated by Payson City crews at the developer's expense. These fees will be set by resolution.

The department of Power and Light hereby sets specification standards and guidelines for the underground electrical distribution system of all Subdivisions and Mobile Home parks in Payson Utah. See 4-2 Electrical Construction Standard and Materials.

1. High voltage distribution systems in subdivisions will be loop connected where advantageous and be connected in a balanced three phase network if practical as determined by the Power and Light Director.
2. All high voltage distribution systems in sub-divisions and mobile home parks will be installed according to design and layout prepared by Payson Power and Light and provided to the developer. An as-built map of the power net work must be submitted to the department of Power and Light after installation.
3. All electrical distribution, primary and secondary systems are to be installed in a PVC Duct (sch 40) network and generally in property fronts. All PVC Duct network must be inspected before back filling.
4. As per the PCC 12 Subdivision Ordinance. All costs incurred, including labor and material, will be paid by the developer. The City will provide labor for terminating primary connections and will assist contractor pulling any underground primary wire. The City will perform all work done on overhead energized conductors and the Contractor will pay all costs associated with any line extensions involving live primary wires.
5. Estimated material and labor charges are to be bonded prior to installation.
6. The Developer or subcontractor can install the distribution system,

however they must be licensed with the city prior to beginning construction. All installations must be inspected and approved prior to burial of underground systems. All materials are to meet or exceed the specifications of the 4-2 Electrical Construction Standard and Materials.

7. Final grade shall be established for the placement of transformers, secondary splice boxes, and any other necessary equipment. Costs incurred as a result of a grade change such as transformer realignment shall be born by the subdivider/developer.
8. Individual residences within the subdivision will be responsible to trench, back fill, and install 600 Volt URD triplex cable in a PVC (sch 40) Duct from the secondary splice box or transformer to the meter main disconnect(rigid pipe and sweep 90') according to the original design and layout.
9. Damaged equipment and material as a result of carelessness by equipment operators or a dig-in to electrical cable will be repaired at the expense of the responsible party.
10. All temporary power stations that are located on the housing foundations and will provide permanent power upon final completion and inspection of residence. The temporary power stations are to be affixed permanently either by pouring the section of rigid conduit to which it is attached directly in the concrete foundation or anchoring to the concrete foundation. Meterbases must also be supported.
11. All meter bases are to be set at 4' 6"- 6'(center of meter socket) above permanent grade and are to be spotted by an agent of the Power department.
12. All garages, shops, or any other building on property already receiving services from Payson City requesting an additional power drop for garage or other said building will be required to pay applicable connection fees as per City Council resolution.
13. All street lighting in Subdivisions shall be installed by the subdivider according to city specifications.
14. All other problems or questions are to be discussed with the Payson City electrical Director. Variations in this policy must be approved by the Payson City Council.

I. Inspection-Certificate. Upon application for inspection of any distribution system as hereinafter provided the said inspector shall, after inspection and examination issue a certificate showing the result of such examination and any corrections in said work necessary to be made.

J. Unlawful Installation-Disconnection. If said inspector shall find any part of any

electric distribution system or power wiring, to have been installed without permit, or installed not in accordance with the provisions of this Section or to be dangerous to life and property, the inspector shall have the right and power to disconnect such defective work and shall at the same time give written notice of such disconnection.

- K. **Use Of Disconnected Wiring Prohibited.** It shall be unlawful for any person to use any electrical power in, through, or by means of such disconnected distribution wiring.
- L. **Contracting Electricians-License-Defined.** It shall be unlawful for any person to engage in, commence, conduct or carry on a business of a contracting electrician without first obtaining a license to do so. A contracting electrician shall be defined as any person who installs any electrical distribution system wiring, furnishing lights or other electrical work for a stipulated amount or under contract.
- M. **Permit Application.** In order to secure a permit for the installation of electrical distribution system wiring, a written application shall be made to Payson City, and the applicant shall pay said department, in advance, the fee required in paragraph C.
- N. **Rules Governing Installation.** All electrical wiring installations, appliances for furnishing light, and other electrical work, shall be in conformity with the rules and requirements of the latest edition of the National Electrical Safety Code and the National Electrical Code, and all fittings and materials used in such installations must be sanctioned in the list of electrical fittings published by the National Board of Fire Underwriters, which rules and requirements and lists are hereby made a part of this Section.
- O. **Notification Of Inspection.** Upon the completion of the installation of any electrical wiring, it shall be the duty of the person doing the work to notify the city, who shall inspect the same, and if approved, there shall be issued a certificate of proper inspection which shall contain the date of such inspection and an outline of the result. It shall be unlawful for any person to turn on or connect such installation until such a certificate shall be issued. It shall also be unlawful to make any change, alterations, or extension in or to the installation of any electrical wiring after inspection, without notifying the city, and securing a permit to do so. (See paragraph C)
- P. **Right Of Entry.** The city power crews including inspector and meter reader shall have the right to enter any premises at all reasonable hours for the purpose of reading electrical meters or inspecting the electrical wiring.
- Q. **Vicious Animals.** The Payson City Inspector and Meter Reader, upon written notice to the owner or the landlord, where there is an electrical meter that is unattainable to be read or inspected because of a vicious animal, will be disconnected until alterations are made.

R. **Tree Trimming.** Payson City Power and Light crews or subcontractors shall have the right to enter and trim trees, shrubs, or bushes that interfere with or may interfere with the electrical system at the discretion of the Department.

S. **Liability To City.** Nothing in this Section shall be construed to relieve or lessen the responsibility of any person owning, operating or installing any electrical wires, fixtures, appliances, apparatus, construction or equipment for damages to anyone injured or damaged either in person or property by any defect therein. Nor shall the City or any agent thereof be held liable by reason of the inspection authorized herein or the certificate or inspection issued by the city wiring inspector.

T. **Code Adopted.**

1. The latest edition of the National Electric Code compiled by the National Fire Protection Association, prepared and published in code form by said association is hereby approved and adopted as the National Electric Code and by this reference is made a part of this Ordinance to the same extent and effect as though said Code was copied herein in full.
2. The latest edition of the National Electrical Safety Code compiled by the Institute of Electrical and Electronics Engineers, Inc. Prepared and published in code form by said association is hereby approved and adopted as the National Safety Code and by this reference is made a part of this Ordinance to the same extent and effect as though said Code was copied herein in full.

U. **Penalties For Violations.** Violation of any of the required acts, terms or conditions or the omission of any acts required by the National Safety Code adopted in this Section shall constitute a Class C misdemeanor.

4.24.030 Power Rates

A. **City Council To Adopt Schedule Of Rates.** The City Council of Payson shall adopt by resolution a schedule of rates to cover the costs of extension, connection and consumption of electric power. The City Council shall also adopt a policy setting forth the procedures and fees for the shut-off of City utility services relating to delinquent utility accounts.

B. **Application For Service-Contents.** Every person desiring to obtain electrical service from the department shall make application in writing, stating the location of the house or building by street number desired to be given such services, and stating whether or not it is a residence or business.

C. **Customer Accounts.** All Payson City Electrical Customer Accounts are confidential and will not be given out to the general public. Electrical Customers of Payson City may review their own accounts. Customers of Payson City may

receive a written copy of their own account at the cost of producing account information.

- D. Customer Deposit-When Required-Use.** The department of power and light may, before making any new connection for power service, require the purchaser thereof to deposit a sum of money equal to the estimated consumption of said purchaser for a period of two months. Minimum deposits will be set by resolution.

Residential Deposit. Residential deposits will be refunded to homeowners after six (6) consecutive months of full payments, made on or before the due date. Mobile home owners after twelve (12) consecutive months of full payments made, on or before the due date. Refund of deposit to rental units will be at the time of termination of power usage. If a purchaser is in default of payment for service more than for forty-five (45) days after due, the department, may discontinue service of said purchaser.

A consumer who believes that their bill is in error, or wish to discuss or dispute the bill for any reason, may request and receive a hearing with a Payson City official prior to interruption of service.

In case a delinquent account is referred to the City Attorney a reasonable attorney's fee and court costs must be paid by the defendant.

Commercial business deposit will not be required of an owner of a commercial business if a new account is being established by someone who currently has an active commercial account with Payson City for another business, and who's commercial account has been active and has not been in default for the past twenty-four (24) months. The Commercial establishment shall make a cash deposit or a Surety Bond deposit in place of cash payment. The Commercial customer will be responsible for all costs incurred for the bonding. If a purchaser is in default of payment for service more than Forty-five (45) days after due, the department may discontinue service to said purchaser.

At the end of 2 years (on the Anniversary date) Commercial Customer may request the bond to be canceled or the deposit to be applied to his account. At the time of the request the account must have a zero balance. The city will not pay any interest on the deposit or any fees connected therein with the bond while being held. A deposit will be required on all new building accounts to be paid at the time when connection fees are being paid.

- E. Credit-Discontinuing Service.** No credit shall be extended to any residential customer of electricity from said system for a period of more than forty (40) days; or to any commercial business for a period of more than forty (40) days. If service has been discontinued because of non-payment, it will not be restored until the payment of the delinquent amount is paid in full. A service charge is required by said customer if reconnection occurs during regular working hours, and an after-

hours service charge will be charged if reconnection occurs other than regular working hours. Fees will be set by resolution of Payson City Council. Even if a meter is not physically turned off, if the account is on the shut off list, the service fee will be charged.

4.24.040 Power Meters

- A. **Meters-Installation-Testing.** The department of power and light shall cause to be installed and maintained one meter per home or business. All Commercial businesses will be metered on a demand basis and billed accordingly. Building additions will not be supplied from a separate meter or additional meter, existing metering must be modified to accommodate additional power requirement. All meters will be tested periodically.
- B. **Damage To Property-Interruption Of Service.** All consumers of electricity connected with said meters shall be responsible on such consumer's premises, unless occasioned by cause beyond his control, or by the negligence of the department. The department shall not be responsible for any interruption or failure to supply electricity if such failure or interruption is without fault of said department of electrical power. Electrical wiring and equipment beyond the point of attachment shall be the responsibility of the consumer for any maintenance or repair.
- C. **Right To Meter Premises-Right Of Entry.** All consumers being served shall give the department employees permission to enter his/her premises to read and inspect meters, to repair and remove all or part of the apparatus or property owned by said department. The meter will be read and must be accessible at the time service is established and at certain periods thereafter.
- D. **Single Service Limitations.** The department shall not permit the use of power from a single service of two or more buildings, unless the buildings are under a common ownership, or leasehold. The buildings must be classed as one fire risk and operated as a single continuous property.
- E. **Penalties For Violations.** Any person, firm association or corporation violating any of the provisions of this Section, or any of the rules and regulations of the department shall be deemed guilty of a Class C misdemeanor.
- F. **Damaging Or Tampering With Electrical Structures, Appurtenances, Or Equipment.** No unauthorized persons, shall negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, equipment or meter that is part of the electrical system of Payson City. It shall be unlawful for any account holder, person, or his agent to (1) tamper with the meter (2) use any unauthorized electrical power from Payson City system (3) Damage any part of the electrical system. The account holder, or any other person, or agent with knowledge of 1, 2, 3 of the above occurring will be held criminally responsible if they fail to report the incident within 24 hours after the occurrence to Payson City.

Any person or persons who reconnect any electrical meter after being turned off because of non-payment will be in violation of a Class C Misdemeanor.

G. Temporary Power Unit Installation And Cost.

1. There will be a fee set by resolution, for Residential temporary power hook-up. All temporary power units will be metered. Each contractor will be responsible for providing their units. All inspections and accounts must be in place before temporary power is hooked-up. Residential units will be charged at the residential rate.
2. There will be a fee for Commercial and Industrial temporary hook-up set by resolution. Commercial and Industrial customers will provide their own temporary, including temporary unit, transformers and all other cost associated with the installation. They will be metered and charged at the General Service rate.
3. If part of this Ordinance is found to be invalid it shall not invalidate the remaining part of this Ordinance.

4.24.050 Electrical Power Pole Attachment Utility Rate

A. **Purpose.** The purpose of this Section is to establish a uniform rate to be applied in power pole line attachment agreements with private telecommunications and cable television companies which attach cables or lines to the city's power poles.

B. **Definitions.** The terms used in this Section shall have the following definitions:

AVERAGE NUMBER OF POLE ATTACHMENTS means the average number of pole line attachments per pole.

CARRYING CHARGE RATE means an amount equal to the sum of interest costs or return on net assets of 5.0% plus in lieu of tax transfer costs of 10.0%.

NET COST OF POLE means the average net cost of installing a power pole, including capital costs, labor and installation costs.

POLE HEIGHT means the standard height of a power pole, which shall be presumed to be 37.5 feet.

POLE ATTACHMENT means any attachment by a cable television system or provider of telecommunications service to a pole, duct, conduit, or right-of-way owned or controlled by Payson City.

POLE LINE ATTACHMENT RATE means the rate to be used by the city in

entering into power pole line attachment agreements with cable television and telecommunications providers, which shall be calculated as set forth in this Section.

SPACE OCCUPIED BY POLE LINE ATTACHMENT means the standard space occupied by one attachment to a power pole, which for the purposes of this Section shall be presumed to be one foot.

TOTAL USABLE POLE SPACE means the standard space on a power pole available for pole line attachments, which shall be presumed to be 13.5 feet.

TOTAL UNUSABLE POLE SPACE means the standard space on a power pole not available for pole line attachments, which shall be presumed to be 24 feet.

C. **Pole Line Attachment Rate Formulas.** The pole line attachment rate shall be set as determined by the following formulas:

1. Pole line attachment rate equals usable pole space factor plus unusable pole space factor, mathematically represented as follows:

Maximum Pole Line Attachment Rate = Usable Pole Space Factor +
Unusable Pole Space Factor

2. Usable pole space factor equal space occupied by pole line attachment divided by total usable space, multiplied by: (1) total usable space divided by pole height; (2) net cost of pole; (3) carrying charge rate, mathematically represented as follows:

Usable Pole Space Factor = Space Occupied By Pole Line Attachment

* Total Usable Space

* Net Cost Of Pole

* Carrying Charge Rate Total Usable Space Pole Height

3. Unusable pole space factor equals two-thirds multiplied by: (1) total unusable pole space divided by pole height; (2) net cost of pole divided by number of attachments; (3) carrying charge rate, mathematically represented as follows:

Unusable Pole Space Factor = $\frac{2}{3}$

* Total Unusable Pole Space

* Net Cost Of Pole

* Carrying Charge Rate Pole Height

D. **Minimum Requirements For Power Pole Line Attachment Agreements.** At a minimum, all power pole line attachment agreements shall require private

telecommunications and cable television providers to comply with the following:

1. All requirements of the National Electrical Safety Code, and additional safety requirements deemed necessary by the power department.
2. Location, spacing, loading and guying requirements deemed necessary by the power department engineering manager.
3. All mandatory underground cable installation requirements, if any, imposed by law on all telecommunications and cable television providers.

E. Special Conditions.

1. All customers with an application date later than March 1, 2017 shall pay for the net energy used in accordance with the formula outlined below in paragraphs E,1,a and E,1,b. All customers with an application date prior to March 1, 2017 shall pay for the net energy used in accordance with the formula described below in paragraph c:
 - a. The customer shall pay for all electric energy used by the customer at the Residential rate. Energy supplied to the city by the customer from on the premises generation, which is fed back into the city's electric distribution system will be paid at the feed in tariff rate. This true up will happen each billing cycle no banking of energy will be accepted.
 - b. Commercial installations will be handled the same way as Residential customers but will be billed under their applicable power rate.
 - c. The Customer
 - (1) The customer shall pay for all electric energy supplied by the city to the customer in any billing period in excess of the amount of electric energy produced by the customer on the premises which is fed back into the city's electric distribution system during that same billing period.
 - (2) The customer shall receive a credit for all electrical energy produced by the customer on the premises which is fed back into the city's electrical distribution system during a billing period in excess of the amount of electric energy supplied by the city during that billing period, with such credit applied to the customer's future bills, except that any electric energy credit balance remaining in favor of the customer under the provisions of this paragraph E at the time of their April billing each year shall be zeroed out with no further liability to the city and no credit to the customer for said balance.

- (3) In the event the customer terminates service under this electric service schedule, any electric energy credit balance in favor of the customer under the provisions of this paragraph E shall be forfeited. The city will not make cash payment to customers based on their participation in the program.
 - (4) Customers who are being billed pursuant to this paragraph E, 1, c who either sell or rent their home will be updated to the billing procedures of paragraphs E, 1, a and E, 1, b.
- 2. The price for electric energy provided to, or credited to, a customer participating in the Distributed Generation Program shall be the price charged by the city under the provisions of the electric service schedule for which the customer receives service.
- 3. The Distributed Generation Program billing adjustment only applies to charges for energy. Participating customers are subject to all other charges, rates, terms and conditions of the electric service schedule under which the customer receives service except as expressly altered by this electric service Distributed Generation Program.
- 4. The customer will release to City all renewable energy credits (RECs), solar renewable-energy credits (S-RECs), or other renewable attributes as appropriate based on actual on-site electric generation from the Renewable Resource.
- 5. The customer shall be responsible for any damage caused by the customer-generating facility to the City's distribution system and/or neighboring services. The customer shall be responsible for the installation and maintenance of applicable protection equipment, and for any damage caused by improper application, maintenance of faulty equipment.
- 6. Payson City shall not be liable directly or indirectly for permitting or continuing to allow an attachment of a net metering facility or for the acts or omissions of the customer-generator that cause loss or injury, including death, to any third party.

F. Application For Interconnection.

- 1. **Application Form.** When an applicant requests interconnection from the utility, the applicant shall be responsible for conforming to the rules and regulations that are in effect. The applicant seeking to interconnect a generating facility under these rules must fill out and submit a signed application form. Information must be accurate, complete and approved by the utility prior to installing the generating facility.

2. **Application Fees.** The utility requires a non-refundable interconnection application fee of \$100.00, with payment for the net meter.
3. **Applicants Are Customers.** All Applicants must take delivery of energy from Payson City at their applicable power rate schedule. The City may review its rate schedules at any time including the purchase price of distributed generation.
4. **Applicant Limits.** Applications will be accepted on a first-come, first served basis to the capacity limit of the circuit or the distribution system, as determined by the City. City may offer Customer the ability to pay for the cost to increase the circuit or distribution capacity limit to accommodate Customer request.
5. **Application Evaluation.** All generating interconnection requests pursuant to this Section will be reviewed by the utility for compliance with these rules. If the utility in its sole discretion find that the application does not comply with this Section, the utility may reject the application. If the utility rejects the application, it shall provide the applicant with written notification stating its reasons for rejecting the application.

G. Special Conditions.

1. The customer shall pay for the net energy used in accordance with the following formula:
 - a. The customer shall pay for all electric energy used by the customer at the Residential rate. Energy supplied to the city by the customer from on the premises generation, which is fed back into the city's electric distribution system will be paid at the feed in tariff rate. This true up will happen each billing cycle no banking of energy will be accepted.
 - b. Commercial installations will be handled the same way as Residential customer but will be billed under there applicable power rate.
2. The price for electric energy provided to, or credited to, a customer participating in the Distributed Generation Program shall be the price.

4.24.060 Distributed Generation Program

- A. **Purpose And Scope.** The purpose of this program is to establish rules for determining the terms and conditions governing the interconnection of electric generation facilities with a nameplate generating capacity of not more than 10 kilowatts for Residential and 25 kilowatts for Commercial to the electric system of Payson City.

B. Definitions.

APPLICANT means a customer of Payson Power and Light that desires to become a Generator operating a Generating Facility installed in Payson City's electric service territory.

ELECTRIC SYSTEM means all electrical wires, equipment, and other facilities owned or provided by the utility that are used to transmit electricity to customers.

GENERATING FACILITY means a source of electricity owned by the applicant or generator that is located on the applicant's side of the point of common coupling, and all facilities ancillary and appurtenant thereto, including interconnection facilities, which the applicant requests to interconnect to the utility's electric system.

GENERATOR means the entity that owns and/or operates the generating facility interconnected to the utility's electric system.

INTERCONNECTION means the physical connection of a generating facility to the electric system so that parallel operation may occur.

INTERCONNECTION AGREEMENT means the standardized terms and conditions that govern the interconnection of generating facilities pursuant to these rules. The model interconnection agreement may be modified to accommodate terms and conditions specific to individual interconnections, subject to the conditions set forth in these rules.

INTERCONNECTION FACILITIES means the electrical wires, switches and other equipment used to interconnect a generating facility to the electric system.

NET METERING means measuring the difference between the electricity supplied by the utility and the electricity generated by a generating facility that is fed back to the utility over the applicable billing period.

PARALLEL OPERATION or OPERATING IN PARALLEL means the synchronous operation of a generating facility while interconnected with the utility's electric system.

UTILITY means Payson City that owns and operates the electrical distribution system, or the electrical distribution system itself, onto which the applicant seeks to interconnect a generating facility.

C. Technical Standards For Interconnection.

1. General Interconnection Requirements.

- a. The generator shall comply with the requirements in paragraphs C,1,a,(1), C,1,a,(2), and C,1,a,(3). However, at its sole discretion, the utility may approve alternatives that satisfy the intent of, and/or may excuse compliance with, any specific elements of these requirements.
 - (1) Code and Standards. Applicant shall conform to all applicable codes and standards for safe and reliable operation. Among these are the National Electric Code (NEC), National Electric Safety Code (NESC), the Institute of Electrical and Electronic Engineers (IEEE), American National Standard Institute (ANSI), and Underwriters Laboratories (UL) standards, and local, state and federal building codes. The generator shall be responsible to obtain all applicable permit(s) for the equipment installations on its property.
 - (2) Safety. All safety and operating procedures for joint use equipment shall be in compliance with the Occupational Safety and Health Administration (OSHA) Standard 29, CFR 1910.269, the NEC, Washington Administrative Code (WAC) rules, the Washington Industrial Safety and Health Administration (WISHA) Standard, and equipment manufacturer's safety and operating manuals.
 - (3) Power Quality. Installations will be in compliance with all applicable standards including IEEE Standard 519-1992 Harmonic Limits.

2. Specific Interconnection Requirements.

- a. Applicant shall furnish and install on applicant's side of the meter, a UL- approved safety disconnect switch which shall be capable of fully disconnecting the applicant's generating facility from the utility's electric system. The disconnect switch shall be located adjacent to utility meters and shall be of the visible break type in a metal enclosure which can be secured by a padlock. The disconnect switch shall be accessible to utility personnel at all times.
- b. The requirement in paragraph C,2,a above may be waived by the utility if: (i) applicant provides interconnection equipment that applicant can demonstrate, to the satisfaction of the utility, performs physical disconnection of the generating equipment supply internally; and (ii) applicant agrees that its service may be disconnected entirely if generating equipment must be physically disconnected for any reason.

- c. The utility shall have the right to disconnect the generating facility at the disconnect switch under the following circumstances: when necessary to maintain safe electrical operating conditions; if the generating facility does not meet required standards; if the generating facility at any time adversely affects or endangers any person, the property of any person, the utility's operation of its electric system or the quality of the utility's service to other customers; or failure of the owner of record, as filed with the utility, to notify the utility of a sale or transfer of the generator, interconnection facilities or the premises on which the generator is located.
- d. Nominal voltage and phase configuration of applicant's generating facility must be compatible to the utility system at the point of common coupling.
- e. Applicant must provide evidence that its generation will never result in reverse current flow through the utility's network protectors. All instances of interconnection to secondary spot distribution networks shall require review and written pre-approval by the utility. Interconnection to distribution secondary grid networks is not allowed. Closed transition transfer switches are not allowed in secondary network distribution systems.

3. Specifications Applicable To All Inverter-based Interconnections.

Any inverter-based generating facility desiring to interconnect with the utility's electric system or modify an existing interconnection must meet the technical specifications, in their most current approved version, as set forth below.

- a. IEEE Standard 1547-2003, Standard for Interconnecting Distributed Resources with Electric Power Systems.
- b. UL Standard 1741, Inverters, Converters, and Controllers for use in Independent Power systems, Equipment must be UL listed.
- c. IEEE Standard 929-2000, IEEE Recommended Practice for Utility Interface of Photovoltaic (PV) Systems.

4. Requirements Applicable To All Non-inverter-based

Interconnections. Non-inverter based interconnection requests may require more detailed review, testing, and approval by the utility, at applicant cost, of the equipment proposed to be installed to ensure compliance with applicable technical specifications, in their most current approved version, including:

- a. IEEE Standard 1547-2003, Standard for Interconnecting

Distributed Resources with Electric Power Systems.

- b. ANSI Standard C37.90, IEEE Standard for Relays and Relay Systems Associated with Electric Power Apparatus.
- c. Applicants proposing such interconnection may also be required to submit a power factor mitigation plan for utility review and approval.

D. Application For Interconnection.

1. **Application Form.** When an applicant requests interconnection from the utility, the applicant shall be responsible for conforming to the rules and regulations that are in effect. The applicant seeking to interconnect a generating facility under these rules must fill out and submit a signed application form. Information must be accurate, complete and approved by the utility prior to installing the generating facility.
2. **Application Fees.** The utility requires a non-refundable interconnection application fee of \$100.00, with payment for the net meter.
3. **Applicants Are Customers.** All Applicants must take delivery of energy from Payson City at their applicable power rate schedule. The City may review its rate schedules at any time including the purchase price of distributed generation.
4. **Applicant Limits.** Applications will be accepted on a first –come, first served basis to the capacity limit of the circuit or the distribution system, as determined by the City. City may offer Customer the ability to pay for the cost to increase the circuit or distribution capacity limit to accommodate Customer request.
5. **Application Evaluation.** All generating interconnection requests pursuant to this Section will be reviewed by the utility for compliance with these rules. If the utility in its sole discretion find that the application does not comply with this Section, the utility may reject the application. If the utility rejects the application, it shall provide the applicant with written notification stating its reasons for rejecting the application.

E. Special Conditions.

1. All customers with an application date later than March 1, 2017 shall pay for the net energy used in accordance with the formula outlined below in paragraphs E,1,a and E,1,b. All customers with an application date prior to March 1, 2017 shall pay for the net energy used in accordance with the formula described below in paragraph E,2:
 - a. The customer shall pay for all electric energy used by the

customer at the Residential rate. Energy supplied to the city by the customer from on the premises generation, which is fed back into the city's electric distribution system will be paid at the feed in tariff rate. This true up will happen each billing cycle no banking of energy will be accepted.

- b. Commercial installations will be handled the same way as Residential customers but will be billed under their applicable power rate.

2. The Customer

- a. The customer shall pay for all electric energy supplied by the city to the customer in any billing period in excess of the amount of electric energy produced by the customer on the premises which is fed back into the city's electric distribution system during that same billing period.
 - b. The customer shall receive a credit for all electrical energy produced by the customer on the premises which is fed back into the city's electrical distribution system during a billing period in excess of the amount of electric energy supplied by the city during that billing period, with such credit applied to the customer's future bills, except that any electric energy credit balance remaining in favor of the customer under the provisions of this paragraph E at the time of their April billing each year shall be zeroed out with no further liability to the city and no credit to the customer for said balance.
 - c. In the event the customer terminates service under this electric service schedule, any electric energy credit balance in favor of the customer under the provisions of this paragraph E shall be forfeited. The city will not make cash payment to customers based on their participation in the program.
 - d. Customers who are being billed pursuant to this paragraph E,2 who either sell or rent their home will be updated to the billing procedures of paragraphs E,1,a and E,1,b.
3. The price for electric energy provided to, or credited to, a customer participating in the Distributed Generation Program shall be the price charged by the city under the provisions of the electric service schedule for which the customer receives service.
4. The Distributed Generation Program billing adjustment only applies to charges for energy. Participating customers are subject to all other charges, rates, terms and conditions of the electric service schedule

under which the customer receives service except as expressly altered by this electric service Distributed Generation Program.

5. The customer will release to City all renewable energy credits (RECs), solar renewable-energy credits (S-RECs), or other renewable attributes as appropriate based on actual on-site electric generation from the Renewable Resource.
6. The customer shall be responsible for any damage caused by the customer-generating facility to the City's distribution system and/or neighboring services. The customer shall be responsible for the installation and maintenance of applicable protection equipment, and for any damage caused by improper application, maintenance of faulty equipment.
7. Payson City shall not be liable directly or indirectly for permitting or continuing to allow an attachment of a net metering facility or for the acts or omissions of the customer-generator that cause loss or injury, including death, to any third party.