

Snyderville Basin Water Reclamation District Pretreatment Program Rules and Regulations

Chapter 1 General Provisions

Section 1 Use of public sewers.

- A. Storm water, surface water, groundwater, roof runoff, and subsurface drainage shall not be discharged to the POTW unless approved or authorized in writing by the Manager.
- B. Wastewater from recreational vehicles shall be discharged into the POTW only at locations designated by the Manager.

Section 2 Connections.

- A. All connections to the District's Wastewater Collection System shall be in accordance with the "Mandatory Connection Policy", Snyderville Basin Water Reclamation District, dated March 26, 2012. The Mandatory Connection Policy is hereby incorporated by reference into these Rules and Regulations.
- B. No person, either in person or through an agent, employee, or contractor, shall make, allow or cause to be made any sewer connection to the POTW for service, or for the purpose of servicing property outside the boundaries of the POTW, except upon recommendation of the POTW Manager and the express approval of the POTW's Board of Trustees. Such connection to the POTW shall be made by a person who is either a bonded, state-licensed sewer contractor or a plumber who has obtained the necessary permits.

Section 3 Fees and Charges

- A. The Board of Trustees shall review the user charge system on a periodic basis and will revise the system as necessary to assure the equity of the system and to assure that sufficient funds will be collected from the system to adequately operate and maintain the wastewater reclamation facilities and collection system.
- B. Users may be subject to a surcharge as defined in the District's Rate Resolution and for service outside the POTW boundaries as provided for in the resolution establishing the schedule of rates and charges.

Section 4 – Damage to Facilities

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

- B. No person shall open any POTW sewer manhole located in the District without permission from the District Manager or his designee.
- C. When a user's discharge causes an obstruction or damage, or because of the nature of the discharge pollutants increase the costs for managing the effluent or the sludge of the POTW, the user shall pay for the damages or the increased cost.

Chapter 2 Industrial Pretreatment Program

Section 1 – Applicability, Objectives and Policy

- A. **Applicability:** These Rules and Regulations sets forth uniform requirements for all Industrial Users discharging to the POTW and enables the Snyderville Basin Water Reclamation District (District) to comply with all applicable State and federal laws including the Clean Water Act (33 United States Code (U.S.C.) Section 1251 et seq.) and the State of Utah Pretreatment Regulations (Rule 317-8-8). Any Industrial User, the discharge from which directly or indirectly enters a District POTW from areas within or without the boundaries of the District, shall be bound by these Rules and Regulations as they now exist or may hereafter be amended. These Rules and Regulations may be enforced against any Industrial User.
- B. **Objectives:** The objectives of these Rules and Regulations are:
 - 1. To prevent the introduction of pollutants into the Publicly-Owned Treatment Works (POTW) that will interfere with the operation of the system or contaminate the resulting sludge;
 - 2. To prevent the introduction of pollutants into the POTW which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
 - 3. To improve the opportunity to recycle and reclaim wastewaters and sludges from the system;
 - 4. To provide for and promote the general health, safety and welfare of the citizens residing within the District and connecting jurisdictions;
 - 5. To enable the District to comply with its Utah Pollutant Discharge Permit System (UPDES) permit conditions, sewage sludge use and disposal requirements, and any other applicable federal or state laws or regulations to which the POTW is subject;
 - 6. To prevent adverse impacts to worker health and safety due to the discharge of pollutants from industrial users; and

7. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW.

C. Non-Domestic Industrial Users: It shall be unlawful for any Industrial User to discharge any domestic or non-domestic wastewater into any natural waterway, any surface drainage, or storm drain unless specifically approved by the State and any local jurisdiction in which such discharge occurs. No industrial wastewater shall be discharged to the POTW unless done so in compliance with the provisions of these Rules and Regulations.

D. Owner/Tenant Responsibility

Where an owner of property leases premises to a person as a tenant under any rental or lease agreement, if either the owner or the tenant is an Industrial User, either or both may be held responsible for compliance with the provisions of these Rules and Regulations.

E. Regulation of Industrial Users from Outside Jurisdictions

Pretreatment Program responsibilities shall be delegated to the District by all connecting jurisdictions. The District is required to administer and enforce its Pretreatment Program in accordance with these Rules and Regulations and its UPDES Permit.

1. Outside Jurisdictions and Intergovernmental Agreements (IGAs).

a. In order for the District to effectively implement and enforce Pretreatment Standards and Requirements for all industrial users discharging to the POTW, the District shall enter into Intergovernmental Agreements (IGA) with contributing jurisdictions. Such agreements may be Pretreatment Program Only IGAs. Prior agreements addressing Pretreatment Program requirements shall be unaffected by these requirements until such time as the District determines that modifications are necessary.

b. Each connecting jurisdiction shall enact an ordinance, rule or resolution that provides notice of the delegation of pretreatment responsibilities to the District. The ordinance, rule or resolution shall incorporate the District's Pretreatment Program by reference. Alternatively, the connecting jurisdiction may adopt parallel legal authority language identifying the District as the Control Authority for the Pretreatment Program.

c. Prior to entering into an IGA, the District shall be provided the following information from the contributing jurisdiction:

(1) A description of the quality and volume of wastewater discharged to the POTW by the contributing jurisdiction;

(2) An inventory of all sources of Indirect Discharge located within

the contributing jurisdiction that are discharging to the POTW; and

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

2. Intergovernmental Agreement Content

The IGA may contain the following conditions:

- a. A requirement for the contributing jurisdiction to adopt an ordinance, rule or resolution which specifically requires that all non-domestic users shall be under the jurisdiction of these Rules and Regulations for the purposes of implementation and enforcement of Pretreatment Standards and Requirements;
- b. Each contributing jurisdiction shall adopt an ordinance, rule or resolution approved by the District sufficient to provide for the proper handling of liquid wastes containing excessive grease or other harmful ingredients.
- c. A requirement for the contributing jurisdiction to submit an updated user inventory on at least an annual basis;
- d. A provision specifying that the District shall be delegated full responsibility for implementation and enforcement of the pretreatment program unless otherwise agreed to and specified in the IGA;
- e. A requirement for the contributing jurisdiction to provide the District with access to all information that the contributing jurisdiction obtains regarding effluent quantity and quality from non-domestic users; and
- f. A provision specifying remedies available for breach of the terms of the IGA.

Section 2 Responsibility and Authority of the District

- A. Except as otherwise provided herein, the Manager shall administer, implement, and enforce the provisions of these Rules and Regulations. Any powers granted to or duties imposed upon the Manager may be delegated by the Manager to other District personnel.
- B. The District shall attempt to notify in writing any Industrial User whom they have cause to believe is subject to a National Categorical Pretreatment Standard or Requirement, or other applicable requirements promulgated by the EPA under the provisions of Section 204(b) or 405 of the Act, or under the provisions of sections 3001, 3004, or 4004 of the Solid Waste Disposal Act. Failure of the District to so notify industrial users shall not relieve said industrial users from the responsibility of

complying with applicable requirements. It is the responsibility of Significant Industrial Users to apply for and receive a permit prior to discharge, whether or not the Industrial User has been identified and formally requested to do so.

- C. If wastewaters containing any pollutant, including excess flow, or as otherwise defined in these Rules and Regulations, are discharged or proposed to be discharged to the POTW, the District may take any action necessary to:
1. Prohibit the discharge of such wastewater;
 2. Require an Industrial User to demonstrate that in-plant facility modifications will reduce or eliminate the discharge of such substances in conformity with these Rules and Regulations;
 3. Require treatment, including storage facilities or flow equalization necessary to reduce or eliminate the potential for a discharge to violate these Rules and Regulations;
 4. Require the Industrial User making, causing or allowing the discharge to pay any additional cost or expense incurred by the District for handling, treating, disposing or remediation costs as a result of wastes discharged to the wastewater treatment system;
 5. Require the Industrial User to apply for and obtain a permit;
 6. Require timely and factual reports from the Industrial User responsible for such discharge; or
 7. Take such other action as may be necessary to meet the objectives of these Rules and Regulations.

Section 3 Definitions.

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

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

Amalgam separator. A collection device designed to capture and remove dental amalgam from the amalgam process wastewater of a dental facility.

Amalgam waste. Any waste containing mercury or residues from the preparation, use or removal of amalgam. This includes, but is not limited to, any waste generated or collected by chair-side traps, screens, filters, vacuum systems filters, amalgam separators, elemental mercury,

and amalgam capsules.

Approval Authority. The Director of the Division of Water Quality of the Utah Department of Environmental Quality or its authorized representative.

Authorized or Duly Authorized Representative of the Industrial User.

- A. If the Industrial User is a corporation:
 - 1. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or
 - 2. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which 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 Industrial Wastewater Discharge Permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- B. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- C. If the user is a Federal, State, or local government facility: A director or highest official appointed or designated to oversee the operation and performance of the activities of the governmental facility, or their designee.
- D. The individuals described in paragraphs A through C, above, may designate another Duly Authorized Representative if the authorization is made in writing, the authorization specifies the individual or a position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the District.

Best Management Practices (BMPs). Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the General and Specific Prohibitions listed in Section 5 of these Rules and Regulations. BMPs may also include, but are not limited to, treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. BMPs shall be considered local limits and Pretreatment Standards for the purposes of these Rules and Regulations and Section 307(d) of the Act, R317-8-8.5(7) and 40 CFR Section 403.5(c)(4).

Biochemical Oxygen Demand (BOD₅). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, approved in 40 CFR Part 136, over a period of five (5) days at 20 degrees (20°) Celsius and expressed in milligrams per liter (mg/L).

Board of Trustees or Board. The District's governing Board of Trustees.

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

Categorical Industrial User. An Industrial User subject to a Categorical Pretreatment Standard.

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

Chemical Oxygen Demand (COD). The measure of the oxygen equivalent of the portion of organic matter in a wastewater sample that is susceptible to oxidation by a strong chemical oxidant and expressed in milligrams per liter (mg/L).

Composite sample. A representative flow-proportioned sample generally collected within a twenty-four (24) hour period and combined according to flow. Time-proportional sampling may be approved or used by the District where time-proportional samples are believed representative of the discharge.

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

Control Authority. The Snyderville Basin Water Reclamation District as defined in R317-8-8.2(4).

Cooling water.

- A. Contact. Water used for cooling purposes which comes in contact with any raw material, intermediate product, waste product or finished product.
- B. Noncontact. Water used for cooling purposes which does not come in contact with any raw material, intermediate product, waste product or finished product and the only pollutant added is heat.

Daily Maximum Discharge Limit. The maximum allowable concentration of a pollutant(s) that may be discharged during a twenty-four (24) hour period or as specified in an industrial user

discharge permit. Where daily maximum limitations are expressed in units of mass, the discharge is the total mass discharged over the sampling period.

Dental amalgam. An alloy of elemental mercury and other metals that is used in the practice of dentistry.

Dental Facility. Any facility used for the practice of dentistry or dental hygiene which may discharge wastewater containing amalgam.

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

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

District. Shall mean and include all territory over which the Snyderville Basin Water Reclamation District now has or shall hereafter acquire jurisdiction for the exercise of regulatory powers.

Domestic sewage. Wastewater from residential sources including, but not limited to wastewater from kitchen, bath, and laundry facilities; or wastewater from the personal sanitary conveniences (toilets, showers, bathtubs, fountains, noncommercial sinks and similar structures) of commercial, industrial or institutional buildings, provided that the wastewater exhibits characteristics that are similar to those of wastewater from normal residential activities.

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

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

Existing Source. A source of discharge by an Industrial User, the construction of which commenced prior to the publication of the proposed Categorical Pretreatment Standard which is subsequently promulgated in accordance with Section 307 of the Clean Water Act, or as otherwise specified in the applicable Categorical Pretreatment Standard.

Fats, Oil and Grease (FOG). Non-petroleum organic polar compounds derived from animal or plant sources such as fats, non-hydrocarbons, fatty acids, soaps, waxes, and oils that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical procedures established in 40 CFR Part 136.

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

Grab sample. A sample which is taken from a waste stream on a one-time basis with no regard to the flow and over a period of time not to exceed fifteen (15) minutes.

Gravity Grease Interceptor. A plumbing appurtenance or appliance that is installed in a sanitary drainage system to intercept FOG from a wastewater discharge and are designed for gravity separation considering calculated retention times, volumes and flow rates for each facility. This is an in-ground interceptor that is located outside the facility.

Grease trap. Small devices hooked directly to the outgoing drains of sinks located inside a commercial food preparation facility that allows for the separation of fats, oils and grease of a non- petroleum nature from wastewater prior to being discharged into the public works system.

Hazardous Waste. Any waste designated as hazardous under the provisions of 40 CFR Part 261.

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

Indirect Discharge. The introduction of pollutants into a POTW from any non-domestic source regulated under Section 307(b), (c), or (d) of the Act, including holding tank sewage discharged into the system.

Industrial. Of or pertaining to industry, manufacturing, commerce, trade, or business as distinguished from domestic or residential.

Industrial User. A source of Indirect Discharge.

Industrial Wastewater Discharge Permit. A permit issued to an Industrial User by the District that allows, limits and/or prohibits the discharge of pollutants or flow to the POTW as set forth in Section 7 of these Rules and Regulations.

Industrial waste surcharge. A charge, levied on industrial users of the wastewater treatment works for the additional cost of treating waste discharges that exceed normal domestic strength wastewater. This charge includes capital, as well as, operating and maintenance costs.

Industrial wastes or non-domestic wastes. The liquid or solid wastes from industrial manufacturing processes, trade or business activities producing non-domestic or non-residential sewage as distinct from domestic wastes.

Instantaneous limit. The maximum or minimum concentration or measurement of a pollutant property allowed to be discharged at any time for any length of time. For pollutants, compliance is typically determined by use of a grab sample.

Interference. A discharge, which alone or in conjunction with a discharge or discharges from other sources, both:

- A. Inhibits or disrupts the POTW treatment processes, or operations or its sludge

processes, use or disposal; and

- B. Therefore, is a cause of violation of any requirement of the District's UPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued hereunder, or any more stringent state or local regulations: Section 405 of the Act; the Solid Waste Disposal Act (SWDA), including Title II commonly referred to as the Resources Conservation and Recovery Act (RCRA); any State regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the Solids Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

Local Limits. Any regulation containing pollution discharge limits promulgated by the District in accordance with R317.8.8.5, which are deemed to be Pretreatment Standards and contained in Section 5 of these Rules and Regulations.

Main sewer. A sewer that receives wastewater from the building or lateral sewer.

Manager. The General Manager of SBWRD, or their designee.

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

New Source.

- A. Any building, structure, facility or installation from which there is or may be a Discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307 (c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:
1. The building, structure, facility or installation is constructed at a site at which no other source is located; or
 2. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 3. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

- B. Construction on a site at which an existing source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs A.2. or A.3. of this definition but otherwise alters, replaces, or adds to existing process or production equipment.
- C. Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:
 - 1. Begun, or caused to begin as part of a continuous onsite construction program:
 - a. Any placement, assembly, or installation of facilities or equipment; or
 - b. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - 2. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

Normal domestic strength wastewater. Wastewater, when analyzed in accordance with procedures established by the EPA pursuant to 40 CFR Part 136, as amended, contains no more than two hundred fifty (250) mg/L of TSS and/or two hundred and fifty (250) mg/L of BOD₅.

Pass Through. A discharge which exits the POTW into the waters of the State of Utah in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the District's UPDES permit, including an increase in the magnitude or duration of a violation.

Person. Any individual, partnership, co- partnership, firm, company, corporation, association, joint stock company, trust, estate, group, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The definition includes all federal, state and local government entities.

pH. The intensity of acid or base condition of the solution expressed as the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in moles per liter of solution and reported as Standard Units (SU).

Pollutant. Any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage,

sewage sludge, explosives, munitions, medical waste, chemical wastes, corrosive substance, biological material, biological nutrient, toxic substance, radioactive material, heat, malodorous substance, wrecked or discharged equipment, rock, sand, slurry, cellar dirt, untreatable waste, or industrial, domestic, or agricultural wastes and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD₅, COD, toxicity, or odor) discharged into or with water.

Pollution. The man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of water.

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 discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CFR Section 403.6(d). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 40 CFR Section 403.6(e).

Pretreatment Requirement. Any substantive or procedural requirement related to Pretreatment, other than a National Pretreatment Standard, imposed on an Industrial User.

Pretreatment Standard, National Pretreatment Standard, or Standard. 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. The term includes prohibitive discharge standards, local limits, and Best Management Practices that are or may be established by the District.

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

Publicly Owned Treatment Works (POTW). A treatment works as defined by Section 212 of the Act (33 U.S.C. 1291) which is owned by the District. This definition includes the wastewater reclamation facilities, all lift stations, all equipment, machinery and appurtenances to the plant and the lift stations, and any wastewater lines and appurtenances used in the conveyance of wastewater to the reclamation facilities, except privately owned building or lateral sewer lines. For the purposes of these Rules and Regulations, POTW shall also include any wastewater lines that convey wastewater to the POTW from persons outside the POTW boundaries who are by contract or agreement with the POTW users of the POTW. The term POTW shall also refer to the District's East Canyon Creek Water Reclamation Facility and the Silver Creek Water Reclamation Facility.

POTW reclamation facility. That portion of the Publicly Owned Treatment Works or any

portion thereof designed to provide treatment for wastewater.

Sand-Oil Separator. A plumbing appurtenance or appliance that is installed in a sanitary drainage system to intercept sand (or other aggregate) and petroleum-based oil and grease from a wastewater discharge and are designed considering retention times, volumes in gallons calculated for each facility, and gravity separation; such interceptors include baffle(s) and a minimum of two compartments. See Section 17 of these Rules and Regulations.

Sanitary sewer. The pipe or conduit system and appurtenances, that carries liquid and water-carried wastes from the residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm and surface waters that are not admitted intentionally. This definition shall also include the terms "public sewer", "sewer system", "collection line" and "sewer".

Sector Control Program. A program designed to control specific pollutants from industrial users with similar operations, waste generation or treatment through the implementation of Pretreatment Standards and Requirements, including Best Management Practices. These Sector Control Program requirements may be found at Section 17 of these Rules and Regulations.

Shall, will, may. "Shall" and "will" are mandatory; "may" is permissive.

Significant Industrial User (SIU). Except as provided in paragraph C. of this definition, a Significant Industrial User is:

- A. An Industrial User subject to Categorical Pretreatment Standards; or
- B. An Industrial User that:
 - 1. Discharges an average of twenty-five thousand gallons per day (25,000 gpd) or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);
 - 2. Contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW reclamation facilities; or
 - 3. Is designated as such by the District on the basis that the Industrial User has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.
- C. Upon finding by the District that an Industrial User meeting the criteria in Section B of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standards or Requirement, the District may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with R317-8-8.8(6)(b)12., determine that such Industrial User is not a Significant Industrial User.

Slug Load or Slug Discharge. Any discharge at a flow rate or concentration, which could cause a violation of the Specific Prohibitions in Section 5. 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, or a discharge which exceeds the hydraulic or design of an Industrial Users treatment system or any part of the treatment unit including a discharge which has a reasonable potential to cause Interference or Pass Through or in any other way violate an applicable Pretreatment Standard or Requirement or an Industrial Wastewater Discharge Permit issued by the District.

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

State. State of Utah.

Storm drain or storm sewer. Every pipe, culvert, flume, ditch, gutter, storm sewer, cistern, tank, drain, lake, pond, stream, ravine, gully or other facility or natural feature, that contains, holds, transports, diverts, channels, impounds, or drains water, into which any naturally occurring stormwater runoff within the District may seep, percolate or flow; and every street, sidewalk, alley, gutter, roof, parking lot, yard, field, driveway, patio and other surface within the District across which any naturally occurring stormwater runoff may seep, percolate or flow.

Storm water. Any surface flow, runoff and drainage flow occurring during or following any form of natural precipitation and resulting from such precipitation, including snowmelt.

Total Suspended Solids. The total suspended matter, expressed in milligrams per liter, that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering in accordance with procedures approved in 40 CFR Part 136, as amended.

Toxic pollutants. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under Section 307(a) of the Act or as otherwise listed at 40 CFR Part 122, Appendix D.

Utah Permit Discharge Elimination System (UPDES): The State of Utah program for issuing, conditioning, and denying permits for the discharge of pollutants from point sources into waters of the State pursuant to Rule R317-8 and Section 402 of the Clean Water Act.

Wastewater. The liquid and water-carried domestic or non-domestic wastes from dwellings, commercial buildings, industrial facilities, institutions, recreational vehicles and other human occupied premises whether treated or untreated which are contributed into or permitted to enter the POTW.

Waters of the State. All streams, lakes, ponds, marshes, watercourses, 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 or wildlife, shall not be considered to be "waters of the State." The exception for confined bodies of water does not apply to any waters which meet the definition of "waters of the United States" under 40 CFR 122.2. Waters are considered to be confined to and retained within the limits of private property only if there is no discharge or seepage to either surface water or groundwater. Waters of the State includes "wetlands" as defined in the Federal Clean Water Act.

Section 4 Abbreviations.

The following abbreviations shall have the designated meanings:

BMP	Best Management Practice
BOD ₅	5 Day Biochemical Oxygen Demand
°C	degrees Celsius
CFR	Code of Federal Regulations
COD	Chemical Oxygen Demand
CWA	Clean Water Act
EPA	U.S. Environmental Protection Agency
FOG	Fats, Oils and Grease
mg/L	milligrams per Liter
O&M	Operation and Maintenance
POG	Petroleum, Oil and Grease
POTW	Publicly Owned Treatment Works
SIC	Standard Industrial Classification
SIU	Significant Industrial User
SNC	Significant Noncompliance
SBWRD	Snyderville Basin Water Reclamation District
§	Section
TSS	Total Suspended Solids
UPDES	Utah Pollutant Discharge Elimination System
U.S.C.	United States Code

Section 5 General and Specific Prohibitions

- A. General Prohibitions. 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 and the Specific Prohibitions in paragraph B of these Rules and Regulations apply to each Industrial User of the POTW, whether or not the Industrial

User is subject to other Pretreatment Standards or Requirements.

B. Specific Prohibitions. No Industrial User shall contribute or cause to be contributed, directly or indirectly, the following pollutants, pollutant properties or prohibited activities:

1. Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Celsius using the test methods specified in R315-2-1. The Manager may require industrial users with the potential to discharge flammable, combustible or explosive substances to install and maintain an approved combustible gas detection meter or explosion hazard meter. No two successive readings on an explosion hazard meter at the point of discharge shall be more than five percent (5%), nor any one reading more than ten percent (10%), of the Lower Explosive Limit (LEL) of the meter .
2. Solid or viscous pollutants in amounts which will cause obstruction of the flow resulting in Interference. This prohibition includes, but is not limited to, grease, garbage with particles greater than one- half inch (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides, or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes, petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin.
3. Wastewater having a pH less than 5.0 or more than 10.0, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW unless the works is specifically designed to accommodate such discharges.
4. Pollutants, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW.
5. 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 reclamation facilities exceeds 40 degrees Celsius (104°F) unless the Director, upon request of the POTW, approves alternate temperature limits.
6. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through.
7. Pollutants, which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health or safety problems.

8. Trucked or hauled pollutants, except at discharge points designated by the District.
9. Pollutants which singly or cumulatively or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.
10. Stormwater drainage from ground resulting in Infiltration and Inflow (I&I) through the Industrial User's service line(s) or surface, roof drains, catch basins, unroofed area drains (e.g. commercial car washing facilities) or any other source unless otherwise approved by the Manager. Specifically prohibited is the connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to the District's wastewater collection system. No Industrial User shall connect or discharge water from underground drains, sump pump discharges, natural springs and seeps, water accumulated in excavation or grading or any other water associated with construction activities to the POTW.
11. Pollutants which may cause the POTW's effluent, sludge or residue to be unsuitable for reclamation and reuse or to interfere with the reclamation process.
12. Pollutants which will cause the POTW to violate its UPDES permit, other State issued permit or the receiving Water Quality Standards.
13. Wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
14. A Slug Discharge as defined in Section 3.
15. Any radioactive substance, the discharge of which does not comply with limits established by the District or other regulations set forth by the State of Utah or that violates any applicable federal standards.
16. Bulk, expired, outdated or concentrated prescription or non-prescription drugs.
17. The discharge from commercial establishments using mechanically operated grinders or disposers for producing ground garbage is prohibited where the waste is discharged to a grease trap or grease interceptor.
18. Wastewater or pollutants discharged directly into a manhole or other opening in the POTW unless specifically authorized by the District or as otherwise permitted under these Rules and Regulations. Prohibited is the opening of a manhole or discharging into any opening in violation of these Rules and Regulations.
19. No chemicals, materials, or substances, including but not limited to, paints, solvents, boiler or water treatment chemicals, sludges, chemicals, or wastes shall be stored in

proximity to a floor drain or other sewer openings. Containers shall be clearly labeled and stored in a place where the chemicals, materials, substances or wastes, in case of leakage or rupture of the container, cannot enter the wastewater collection system. The storage of any chemicals, materials, substances or wastes that leak or have potential to leak or discharge into the wastewater collection system which may create an explosion hazard or in any way have a deleterious effect to the POTW or constitute a nuisance or a hazard to POTW personnel, the general public, the environment, or the receiving stream shall be prohibited.

20. Wastewater contaminated as a result of discharge from aboveground and/or underground gasoline, diesel fuels, fuel oil, kerosene, and jet fuel tanks, tank accessories, and/or pipelines without applying for and obtaining a permit prior to discharge.
21. Wastes containing detergents, surface-active agents, or other substances in concentrations which cause excessive foaming in the POTW or cause or contribute to Interference or Pass Through.
22. Pollutants or wastewater containing pollutants with UV (254 nm) absorbing substances which causes interference with UV disinfection at the reclamation facilities.
23. Wastewater which contains grease or oil or any other substances that will solidify or become discernibly viscous at temperatures between thirty-two degrees (32°) Fahrenheit (0° Celsius) and one hundred fifty degrees (150°) Fahrenheit (65.5° Celsius).
24. Wastewater containing free or floating oil and grease, or any discharge containing animal fat or grease by-product in excess of two hundred milligrams per liter (200 mg/L) except where a food service establishment has installed and is properly operating and maintaining a grease interceptor and implementing all BMPs.
25. Wastewater containing Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin or any discharge in excess of one-hundred milligrams per liter (100 mg/L) except where the industrial user has installed and is properly operating and maintaining a sand-oil interceptor and implementing all required BMPs.
26. Reintroduce any portion of wastes pumped from grease interceptors, grease traps, sand-oil separators or other treatment units back into the POTW either directly or indirectly.

C. Numeric Discharge Limitations and Requirements

1. No Significant Industrial User or other permitted non-Significant Industrial User shall discharge or cause to be discharged to the East Canyon Creek Water Reclamation Facility or the Silver Creek Wastewater Reclamation Facility

wastewater that exceeds the following limits:

Pollutant	Daily Maximum Limit ^(a)	
	East Canyon Creek Water Reclamation Facility	Silver Creek Water Reclamation Facility
Arsenic	0.31	0.09
Cadmium	0.10	0.05
Chromium	15.72	1.36
Copper	3.56	0.80
Lead	1.42	0.49
Mercury	0.0038	0.0031
Molybdenum	1.00	0.38
Nickel	3.31	1.23
Selenium	0.41	0.07
Silver	8.66	6.99
Zinc	12.64	0.43
Biochemical Oxygen Demand (BOD ₅) – lbs/day ^(b)	1406	472
Total Suspended Solid (TSS) – lbs/day ^(b)	3651	759
Phosphorus	40.6	N/A

(a) All pollutants shown in the Table are total and in mg/L unless otherwise noted.

(b) These limits are the total mass in pounds per day (lbs/day) that are available to allocate to all permitted industrial users. Allocations are at the sole discretion of the District.

2. The District may, at its sole discretion, implement local limits through allocation of the Maximum Allowable Industrial Load (MAIL) to industrial users. The MAIL is the total load available to be allocated to Significant Industrial Users and corresponds to the uniform concentration local limits shown in the table in Section 5.C.1. The MAILs are hereby incorporated by reference.
3. The following limits shall apply to wastewaters that are discharged from the groundwater cleanup of petroleum or gasoline underground storage tanks or other remediation wastewaters containing these pollutants or where these pollutants are appropriate surrogates. It shall be unlawful for any Industrial User to discharge or cause to be discharged any waste or wastewater to the East Canyon Creek Water Reclamation Facility or the Silver Creek Wastewater Reclamation Facility that exceeds the following limits, as applicable.

Pollutant ^(c)	Daily Maximum Limit (mg/L)
Benzene ^(a)	0.050
BTEX ^(b)	0.750

- (a) All pollutants shown in the Table are total.
- (b) BTEX shall be measured as the sum of Benzene, Ethylbenzene, Toluene and Xylenes.
- (c) These limits are based upon installation of air stripping technology as described in the EPA document: “Model NPDES Permit for Discharges Resulting from the Cleanup of Gasoline Released from Underground Storage Tanks. June 1989.”

4. Dilution is prohibited as a substitute for treatment and shall be a violation of these Rules and Regulations. Except where expressly authorized to do so by an applicable Pretreatment Standard or Requirement, no Industrial User shall ever increase the use of process water, or in any other way attempt to dilute a Discharge as a partial or complete substitute for adequate treatment to achieve compliance with a Pretreatment Standard or Requirement. The District may impose mass limitations on industrial users which are using dilution to meet applicable Pretreatment Standards or Requirements or in other cases where the imposition of mass limitations is appropriate.
5. The District may establish more stringent pollutant limits, additional site-specific pollutant limits, Best Management Practices, or additional Pretreatment Requirements when, in the judgment of the District, such limitations are necessary to implement the provisions of these Rules and Regulations.
6. All industrial users subject to a Categorical Pretreatment Standard shall comply with all requirements of such Standard, and shall also comply with any limitations contained in these Rules and Regulations. Where the same pollutant is limited by more than one Pretreatment Standard, the limitations which are more stringent shall prevail. Compliance with Categorical Pretreatment Standards shall be the timeframe specified in the applicable Categorical Pretreatment Standard. Limitations shall be applied in accordance with 40 CFR Section 403.6.
7. State requirements and limitations on discharges shall apply in any case where they are more stringent than federal Pretreatment Standards and Requirements or those in these Rules and Regulations.

Section 6 Pretreatment and Monitoring Facilities

- A. **Treatment Required:** An Industrial User shall provide necessary wastewater treatment at the Industrial User's expense as required to comply with these Rules and Regulations and shall achieve compliance with all Pretreatment Standards and Requirements within the time limitations specified by the EPA, the State, or the District, whichever is more stringent. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Manager for review and shall be acceptable before construction of the facility. The review of such plans and operating procedures will in no way relieve the Industrial User from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the District under the provisions of these Rules and Regulations.
- B. **Monitoring Facilities:** The District may require an Industrial User to install at the Industrial User's expense, suitable monitoring facilities or equipment that allows for the representative sampling and accurate observation of wastewater discharges. Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with the District's requirements and all applicable construction standards and specifications. Monitoring equipment and structures shall be maintained in proper working order, calibrated as required by manufacturer's recommendations and kept safe and accessible at all times to District personnel. The monitoring equipment shall be located and maintained on the Industrial User's premises outside of the building unless otherwise approved by the District. When such a location would be impractical, the District may allow such facility to be constructed in the public street or easement area, with the approval of the agency having jurisdiction over such street or easement, and located so that it will not be obstructed by public utilities, landscaping or parked vehicles. No Industrial User shall cover any manhole, sewer cleanout, or other openings in the wastewater collection system with earth, paving, or otherwise render it inaccessible.
- C. **Wastewater Discharge Control:** The District may require an Industrial User to restrict discharge during peak flow periods, designate that certain wastewater be discharged only into specified sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and demonstrate the Industrial User's compliance with the requirements of these Rules and Regulations.
- D. **Flow Equalization:** The District may require any Industrial User discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An Industrial Discharge Permit may be issued solely for flow equalization.
- E. **Multitenant Buildings:** When more than one Industrial User is able to discharge into a common service line, the District may require installation of separate monitoring equipment or structures for each Industrial User.
- F. **Flow, pH, LEL and other meters and equipment:** If the District determines that an

Industrial User needs to measure and report wastewater flow, discharge process wastewaters necessitating continuous pH measurement or discharge wastewater that may contain flammable substances or other pollutants or pollutant properties of concern, the District may require the Industrial User install and maintain, at the Industrial User's expense, approved meters and equipment.

Section 7 Industrial Wastewater Discharge Permits

A. Permits Required.

All Significant Industrial Users proposing to connect to, or discharge into, any part of the wastewater system shall apply for and obtain an Industrial Wastewater Discharge Permit prior to commencing discharge to the POTW. A separate permit may be required for each Industrial User, building or complex of buildings. Such Significant Industrial Users shall immediately contact the District and obtain an Industrial Waste Discharge Permit.

B. New Industrial Users: Applying for an Industrial Wastewater Discharge Permit.

Any Industrial User required to obtain an Industrial Wastewater Discharge Permit who proposes to begin or recommence discharging into the POTW must apply for and obtain such permit prior to the beginning or recommencing of such discharge. The Industrial User shall file a permit application on forms provided by the District containing the information specified in Section 7, F below. Incomplete applications be returned to the Industrial User for completion and may delay the issuance of an Industrial Wastewater Discharge Permit. The completed application for the Industrial Wastewater Discharge Permit must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

C. Existing Industrial Users: Applying for an Industrial Wastewater Discharge Permit Re-issuance.

An Industrial User with an expiring Industrial Wastewater Discharge Permit shall apply for a new permit by submitting a complete permit application at least ninety (90) days prior to the expiration of the Industrial User's existing discharge permit. The Industrial User shall file a permit application on forms provided by the District containing the information specified in Section 7, F below. Incomplete applications be returned to the Industrial User for completion and may delay the issuance of an Industrial Wastewater Discharge Permit. An Industrial User with an existing permit that has filed a complete and timely application may continue to discharge as approved in writing by the District through an administrative extension of the existing permit if the delay in permit issuance is not due to any act or failure to act on the Industrial User's part.

D. Other Industrial Users.

The District may require other Non-Significant Industrial Users to apply for and obtain

wastewater discharge permits or similar control mechanisms necessary to carry out the purposes of these Rules and Regulations. The District may issue a zero discharge permit to prohibit the discharge of some or all non-domestic process wastewater from an Industrial User.

E. Enforceability.

Any violation of the terms and conditions of an Industrial Wastewater Discharge Permit, failure to apply for a permit as required, or discharging without a required permit shall be deemed a violation of these Rules and Regulations and subjects the Industrial User to enforcement by the District. Obtaining an Industrial Discharge Permit does not relieve a permittee of its obligation to comply with all State and federal Pretreatment Standards or Requirements.

F. Permit Application Contents.

In support of the application, the Industrial User shall submit, in units and terms appropriate for evaluation, the following information:

1. Name of business, address of the facility, location of the discharge if different from facility address, and contact information for the owner, operator and Authorized Representative of the Industrial User.
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 and maximum rate of production (including each product produced by type, amount, processes, and rate of production);
 - b. The Standard Industrial Classification(s) of the operation(s) carried out by such Industrial User;
 - c. A schematic process diagram, which indicates all process tanks, process lines, treatment systems, drains, and points of discharge to the POTW from the regulated process;
 - d. Types of wastes generated;
 - e. 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;
 - f. Number of employees; and

- g. Hours of operation, and proposed or actual hours of operation.
- 4. Time and duration of discharges including the date the industrial user first began discharge or plans to discharge to the POTW.
- 5. The location for sampling the wastewater discharges from the Industrial User.
- 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 40 CFR Section 403.6(e). For New Sources and new permittees not currently discharging, verifiable estimates of flows may be used for meeting the requirements of the Baseline Monitoring Report required in Section 16, B. where justified by cost or feasibility considerations.
- 7. Measurement of Pollutants.
 - a. The Pretreatment Standards applicable to each regulated process;
 - b. The results of sampling and analysis identifying the nature and concentration, and/or mass of regulated pollutants in the discharge from each regulated process where required by the Standard or by the District;
 - 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 collected in accordance with procedures set out in Section 14. Where the Standard requires compliance with a BMP or pollution prevention alternative, the Industrial User shall submit documentation as required by the District or the applicable Standards to determine compliance with the Standard; and
 - e. Analyses must be performed in accordance with procedures set out in Section 14.
- 8. A list of hazardous waste(s) generated and a description of the storage area and procedures for the wastes.
- 9. Slug Discharge Control Plan for Significant Industrial Users as described in Section 16, E. shall be submitted and for Non-Significant Industrial User as required by the District.
- 10. Compliance Schedule. If additional pretreatment and/or Operation and Maintenance (O&M) will be required to meet the Pretreatment Standards,

the shortest schedule by which the Industrial User will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. The following conditions shall apply to this schedule:

- a. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the Industrial User to meet the applicable Pretreatment Standards (e.g. hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.). No such increment shall exceed nine (9) months.
 - b. Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the Industrial User shall submit a progress report to the Manager including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the Industrial User to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the Manager.
11. **Certification.** A statement, reviewed by an Authorized Representative of the Industrial User and certified to 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 for the Industrial User to meet the Pretreatment Standards and Requirements.
 12. **Signatory Certification.** All Industrial Wastewater Discharge Permit applications and certification statements must be signed by an Authorized Representative of the Industrial User and contain the applicable certification statement(s) in Section 16, H.
 13. Any other information as may be deemed by the Manager to be necessary to evaluate the permit application.

G. Industrial Wastewater Discharge Permit Issuance.

1. Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period of less than five (5) years at the District's discretion or may be stated to expire on a specific date.
2. Where the District is establishing enforceable permit specific Pretreatment Standards

or Requirements, the permit shall be noticed for public comment for thirty (30) days in a newspaper of general circulation that provides meaningful public notice. The District shall consider all comments that are received prior to issuing the permit.

3. The District shall issue an Industrial Wastewater Discharge Permit to the applicant if the District finds that all of the following conditions are met:
 - a. The applicant has provided a timely and complete permit application to the District;
 - b. The proposed discharge by the applicant is in compliance with the limitations established in these Rules and Regulations;
 - c. The proposed operation and discharge of the applicant would permit the normal and efficient operation of the POTW; and
 - d. The proposed discharge by the applicant would not result in a violation by the District of the terms and conditions of its UPDES Permit or cause Pass Through or Interference.
4. If the District finds that the condition set out in Subsection 3.b. of this Section is not met, the District may, at their discretion, issue an Industrial Wastewater Discharge Permit to the applicant if the conditions set out in subsections 3.a., 3.c. and 3.d. of this Section have been met and if the applicant submits, and the District approves, a compliance schedule setting out the measures to be taken by the applicant and the dates that such measures will be implemented to insure compliance with applicable Pretreatment Standards. At no time shall a discharge be allowed to cause a violation of any General or Specific Prohibition established in Section 5, nor shall the final compliance date for a Categorical Pretreatment Standard be extended.
5. Any person, including the Industrial User, may petition the District to reconsider the terms of an Industrial Wastewater Discharge Permit within thirty (30) days of the permit issuance. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal. In its petition, the appealing party must indicate the permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit. The effectiveness of the Industrial Wastewater Discharge Permit shall not be stayed pending the appeal. If the District does not act on such appeal within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider, not to issue an Industrial Wastewater Discharge Permit, or not to modify a permit, shall be considered final administrative action for purposes of judicial review.

H. Denial by District to Issue a Permit

1. In the event the District denies an Industrial User's request for a permit to discharge,

the Manager shall notify the applicant in writing of such denial. Such notification shall state the grounds for such denial with that degree of specificity which will inform the applicant of the measures or actions which must be taken by the applicant prior to issuance of a permit.

2. Upon receipt of notification of denial of permit issuance, the applicant may request and shall be granted a hearing to be held by the Manager, provided the request is submitted in writing to the Manager within fourteen (14) days of receipt of the District's original notification. At such hearing the applicant shall have the burden of establishing that the conditions set out in Section 7, G. above have been met and that a permit should be issued.
- I. **Transferability.** Industrial Wastewater Discharge Permits are issued to a specific Industrial User for a specific operation. An Industrial Wastewater Discharge Permit shall not be reassigned or transferred or sold to a new owner, new Industrial User, different premises, or a new or changed operation without the prior written approval of the District. Any succeeding owner shall comply with the terms and conditions of the existing permit until a new permit is issued. The Permittee shall notify the District at least fourteen (14) days prior to any change of ownership.

Section 8 Industrial Wastewater Discharge Conditions

Industrial Wastewater Discharge Permits shall be expressly subject to all provisions of these Rules and Regulations and all other applicable regulations, user charges and fees established by the District.

- A. Permits shall contain the following:
1. A statement that indicates the permit's issuance date, expiration date and effective date;
 2. A statement on permit transferability;
 3. Limits on the average and/or maximum wastewater constituents and characteristics including, but not limited to, effluent limits, including Best Management Practices, based upon applicable Pretreatment Standards;
 4. Self-monitoring, sampling, reporting, notification and record-keeping requirements required in these Rules and Regulations, including, but not limited to, identification of the pollutants or BMPs to be monitored, sampling location, sampling frequency and sample type, based on federal, state and local law;
 5. Statements of applicable administrative, civil and criminal penalties for the violation of Pretreatment Standards and Requirements, the permit,

these Rules and Regulations, and any applicable compliance schedule;

6. Requirements to control and report any slug discharges and notify the District immediately of any changes at its facility affecting potential for a Spill or Slug Discharge and to notify the POTW immediately in the event of a Slug Discharge, spill or accidental discharge to the POTW;

B. Permits may also include, as appropriate:

1. The unit charge or schedule of user charges and fees for the wastewater to be discharged into a public sewer;
2. Limits on average and maximum rate and time of discharge or requirements for flow;
3. Requirements for installation and maintenance of inspection and sampling facilities and equipment;
4. Best Management Practices (BMPs) to control specific pollutants as necessary to meet the objectives of these Rules and Regulations;
5. Compliance Schedules;
6. Requirements to reapply for a new permit prior to expiration of the existing permit;
7. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
8. Closure requirements for permitted facilities undergoing partial or complete closure activities to ensure closure activities are completed and wastes have been properly disposed and remaining access to sanitary and storm sewers are protected;
9. Other conditions as deemed appropriate by the District or the Manager to ensure compliance with all applicable rules and regulations.

Section 9 Industrial Wastewater Discharge Permit Modification

The notification of an Industrial Wastewater Discharge Permit Modification does not stay any wastewater discharge permit condition. The District may modify an Industrial 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 Industrial User's operation, processes, or wastewater volume or character since the time of the Industrial 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, sludge disposal, District personnel, or the receiving waters;
- E. Violation of any terms or conditions of the Industrial Discharge Permit;
- F. Misrepresentations or failure to fully disclose all relevant facts in the Industrial Discharge Permit application or in any required reporting;
- G. To reflect a transfer of the facility ownership and/or operation to a new owner/operator;
- H. To correct typographical or other errors in the Industrial Discharge Permit; or
- I. Upon request of the Permittee, provided such request does not result in a violation of any applicable Pretreatment Standards or Requirements, or these Rules and Regulations. The filing of a request by the Permittee for a permit modification does not stay any permit condition.

Section 10 Industrial Wastewater Discharge Permit Revocation

A violation of the conditions of a permit or of these Rules and Regulations or of applicable State and federal regulations shall be reason for revocation of such permit by the District. Upon revocation of the permit, any wastewater discharge from the affected Industrial User shall be considered prohibited and in violation of these Rules and Regulations. Grounds for revocation of a permit include, but are not limited to, the following:

- A. Failure of an Industrial User to accurately disclose or report the wastewater constituents and characteristics of any discharge;
- B. Failure of the Industrial User to report significant changes in operations or wastewater constituents and characteristics as required;
- C. Refusal of access to the Industrial User's premises for the purpose of inspection or monitoring;
- D. Falsification of records, reports or monitoring results;

- E. Tampering with monitoring equipment;
- F. Misrepresentation or failure to fully disclose all relevant facts in the Industrial Wastewater Discharge Permit application;
- G. Failure to pay fines or penalties;
- H. Failure to pay sewer charges, surcharges, or pretreatment programs fees;
- I. Failure to meet compliance schedules;
- J. Failure to provide advance notice of the transfer of business ownership of a permitted facility;
- K. Failure to provide required reports, including but not limited to, a wastewater survey, baseline monitoring report, 90-day compliance report, permit application, self-monitoring report or other permit required reports or notifications within the timeframe required by the District; or
- L. Violation of any Pretreatment Standard or Requirement, or any terms of the Industrial Wastewater Discharge Permit or these Rules and Regulations.

Section 11 Special agreements and contracts.

No statement contained in these Rules and Regulations shall be construed as prohibiting special written agreements between the District and any Industrial User allowing industrial waste or wastewater of unusual strength or character to be discharged to the POTW, provided said Industrial User compensates the District for any additional costs of treatment. Such agreement, however, shall not allow or cause:

- A. Any adverse effect to the POTW;
- B. A violation of the POTW UPDES permit;
- C. A violation of a General or Specific Prohibition;
- D. A Maximum Allowable Industrial Load (MAIL) to be exceeded;
- E. A violation of State or federal law or regulation; or
- F. Provide any waiver to applicable Categorical Standards.

Section 12 Recordkeeping

- A. All Industrial Users shall retain, and make available for inspection and copying, all records, reports, monitoring or other data, applications, permits and all other information and documentation required by these Rules and Regulations including documentation associated with Best Management Practices.

- B. Industrial users shall retain such records and shall keep such records available for inspection for at least three (3) years. This recordkeeping period shall be extended automatically for the duration of any litigation concerning the Industrial User's compliance with any provision of these Rules and Regulations, or when the Industrial User has been specifically and expressly notified of a longer records retention period by the Manager.
- C. Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the U.S. Postal Service, the date of receipt of the report shall govern.

Section 13 Confidential Information - Disclosure of Information and Availability to the Public.

- A. All records, reports, data or other information supplied by any person or Industrial User as a result of any disclosure required by these Rules and Regulations or information and data from inspections shall be available for public inspection except as otherwise provided in this Section, R317-8-8-12, 40 CFR Section 403.14 and the Utah Government Records Access and Management Act (Title 63G, Chapter 2, et. seq.).
- B. These provisions shall not be applicable to any information designated as a trade secret by the person supplying such information. Materials designated as a trade secret may include, but shall not be limited to, processes, operations, style of work or apparatus or confidential commercial or statistical data. Any information and data submitted by the Industrial User which is desired to be considered a trade secret shall have the words, "Confidential Business Information," stamped on each page containing such information. The Industrial User must demonstrate to the satisfaction of the District that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the Industrial User.

Information designated as a trade secret pursuant to this Section shall remain confidential and shall not be subject to public inspection. Such information shall be available only to officers, employees or authorized representatives of the District charged with implementing and enforcing the provisions of these Rules and Regulations and properly identified representatives of the U.S. Environmental Protection Agency and the Utah Department of Environmental Quality.

Effluent data from any Industrial User whether obtained by self-monitoring, monitoring by the District or monitoring by any state or federal agency, shall not be considered a trade secret or otherwise confidential. All such effluent data shall be available for public inspection.

Section 14 Sampling and Analytical Methods

A. Sample Collection.

Compliance determinations with respect to prohibitions and limitations in these Rules and Regulations may be made on the basis of either grab or composite samples of wastewater as specified by the District. Such samples shall be taken at a point or points which the District determines to be suitable for obtaining a representative sample of the discharge. Composite samples may be taken over a twenty-four (24) hour period, or over a longer or shorter time span, as determined by the District to meet specific circumstances.

B. Sample Type.

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

1. Except as indicated in subparagraphs B.2. and B.3. below, the Industrial User must collect representative wastewater samples using twenty-four (24) hour flow proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is required by the District. Where time-proportional composite sampling or grab sampling is authorized by the District, the samples must be representative of the permitted discharge.
2. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a twenty-four (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. Composited samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the District, as appropriate. In addition, grab samples may be required to show compliance with instantaneous local limits, including pH.
3. For sampling required in support of Baseline Monitoring and 90-day Compliance reports required in Section 16, 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 representative sampling data do not exist. Where historical data are available, the District may authorize a lower minimum. For the reports required by Section 16, A., the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance with applicable Pretreatment Standards and Requirements.

C. Analytical Requirements.

All pollutant analysis, including sampling techniques, to be submitted as part of an Industrial Discharge Permit application, report, permit or other analyses required under these Rules and Regulations shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable Categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the District or other parties approved by the State. All laboratory analyses shall be conducted by a laboratory certified by the Utah Bureau of Laboratory Improvements. If, for a specific pollutant, a laboratory is not certified, the District may use a non-certified laboratory after consultation with the State.

D. Records shall include for all samples:

1. The date, exact place, method, and time of sampling and the name of the person(s) taking the samples;
2. The date(s) analyses were performed;
3. Who performed the analyses;
4. The analytical techniques/methods used, including method detection limits and QA/QC sample results;
5. Calibration and maintenance records;
6. All chain-of-custody records; and
7. The results of such analyses.

Section 15 Right of Entry

A. Whenever it shall be necessary for the purposes of these Rules and Regulations, the District may enter upon any Industrial User's facility, property, or premises subject to these Rules and Regulations for the purposes of:

1. Performing all inspection, surveillance and monitoring procedures necessary to determine, independent of information supplied by industrial users, compliance or noncompliance with applicable Pretreatment Standards and Requirements by an Industrial User. Monitoring and inspections shall be conducted at a frequency as determined by the District and may be announced or unannounced;
2. Examining and copying any records required to be kept under the provisions of these Rules and Regulations or of any other local, state or federal regulation;
3. The District may use a camera to photograph any areas of the facility as deemed

necessary for carrying out the duties of the industrial pretreatment program including, but not limited to, documentation of the industrial user's compliance status, operations and for verification of the data and other information submitted by the Industrial User. The industrial user shall be allowed to review copies of photographs for confidentiality claims.

4. Inspecting any monitoring equipment or method, pretreatment system equipment and/or operation;
 5. Sampling any discharge of wastewater into POTW; and/or
 6. Inspecting any production, manufacturing, fabricating or storage area where pollutants, regulated under these Rules and Regulations, could originate, be stored, or be discharged to the POTW.
- B. The occupant of such property or premises shall render all proper assistance in such activities. Where an Industrial User has security measures in place which require proper identification and clearance before entry into its premises, the Industrial User shall make necessary arrangements with its security personnel so that authorized representatives of the District will be permitted to enter without delay to perform their specified functions.
- C. The Manager and other duly authorized agents and employees of the District are entitled to enter all private properties through which the District or any connecting jurisdiction holds an easement.
- D. Failure to allow entry or unreasonable delays: In the event the District or other duly authorized representative of the District is refused admission or unreasonably delayed is a violation and may result in enforcement action as allowed for under these Rules and Regulations including revocation of the Industrial Wastewater Discharge Permit.
- E. 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 Industrial User at the written or verbal request of the Manager and shall not be replaced. The costs of clearing such access shall be borne by the User.
- F. If the Manager 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 these Rules and Regulations, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the District designed to verify compliance with these Rules and Regulations or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the Manager may seek issuance of a search warrant from the District Court of Summit County.
- G. The Manager or duly authorized employees of the District shall observe all safety rules applicable to the premises established by the Industrial User, and the Industrial User shall be held harmless for injury or death to the District employees, and the District shall

indemnify the company against loss or damage to its property by District employees and against liability claims and demands for the personal injury or property damage asserted against the Industrial User growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the Industrial User to maintain safe conditions.

- H. The Manager, or any employee of the District responsible for the implementation and enforcement of these Rules and Regulations, while acting for the District, shall not be rendered liable personally, and is hereby relieved from all personal liability for any damages accruing to persons or property as a result of any act required or permitted in the discharge of official duties required under these Rules and Regulations. The Manager or any employee of the District shall not be liable for costs in any action, suit or proceedings that is instituted in pursuance of the provisions of these Rules and Regulations, and the Manager or any employee of the District acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

Section 16 Reporting and Notification Requirements.

A. Periodic Compliance Reports – All Significant Industrial Users.

1. Any Significant Industrial User or other Industrial User required by the District, subject to a federal, state, or District Pretreatment Standard or Requirement must submit reports, at a frequency determined by the District but no less than once per six (6) months, indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practices (BMPs) or pollution prevention alternatives, the Industrial User must submit documentation required by the District or the Pretreatment Standard necessary to determine compliance status of the Industrial User. All periodic compliance reports must be signed and certified in accordance with Section 16.H.
2. All wastewater samples must be representative of the Industrial 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 an Industrial User to keep its monitoring facility in good working order shall not be grounds for the Industrial User to claim that the sample results are unrepresentative of its discharge.
3. If an Industrial User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the District, using the methods and procedures prescribed in Section 14, the results of this monitoring shall be included in the report.

4. The sampling and analyses required for the reporting outlined above may be performed by the District in lieu of the permittee. Where the District itself makes arrangements with the Industrial User to collect all the information required for the report, the Industrial User will not be required to submit the report. Any information not collected by the District shall be reported by the Industrial User.

B. Baseline Monitoring Reports (BMR) – Categorical Industrial Users.

1. 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 Section 403.6(a)(4), whichever is later, existing industrial users currently discharging to or scheduled to discharge to the POTW shall submit to the District a report which contains the information listed in paragraph 2 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 Pretreatment Standard, shall submit to the District a report which contains the information listed in paragraph 2 below. A New Source shall report the method of pretreatment it intends to use to meet applicable Pretreatment Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged from regulated process streams and other non-process streams.
2. Industrial users described above shall submit the information set forth below.
 - a. All information required in Section 7, F.
 - b. Measurement of pollutants.
 - (1) The Industrial User shall take a minimum of one (1) representative sample to compile the data necessary to comply with the requirements of this paragraph.
 - (2) 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 Industrial User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 Section CFR 403.6(e) in order to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR Section 403.6(e) this adjusted limit along with supporting data shall be submitted to the District.
 - (3) Sampling and analysis shall be performed in accordance with Section 14.

- (4) The District may allow the submission of a BMR which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.
- (5) The BMR 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.
- (6) Signature and Report Certification. All baseline monitoring reports must be signed in accordance with Section 16, H. and signed by an Authorized Representative as defined in Section 3.

C. 90-Day Compliance Reports – Categorical Industrial Users.

1. New Sources: All New Sources subject to existing Categorical Pretreatment Standards shall submit a report to the District within ninety (90) days from the date of first discharge to the POTW demonstrating actual and continuing compliance with those Standards.
2. Existing Sources: All Existing Sources required to comply with newly promulgated Categorical Pretreatment Standards shall submit a report to the District within ninety (90) days of the date on which compliance is required with those Standards demonstrating that actual and continuing compliance with such Standards has been achieved.
3. For Industrial Users subject to equivalent mass or concentration limits established by the District in accordance with the procedures in 40 CFR Section 403.6(c), this 90-Day Compliance Report shall contain a reasonable measure of the Industrial User's long term production rate.
4. Such 90-day Compliance Report shall contain at a minimum the information required in Section 16, paragraph F., subparagraphs 6, 7, 10, 11, 12 and 13.

D. 24 Hour Notice and 30 Day Re-sampling.

If sampling performed by an Industrial User indicates a violation of these Rules and Regulations, the Industrial User shall notify the District within twenty-four (24) hours of becoming aware of the violation. The Industrial User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the District within thirty (30) days after becoming aware of the violation. The Industrial User is not required to resample if the following occurs:

1. The District performs sampling at the Industrial User's facility at a frequency of at least once per month.
2. The District performs sampling at the Industrial User's facility between the time when the Industrial User performs its initial sampling and the time when the Industrial User receives the results of this sampling. It is the sole responsibility of the Industrial User to verify if the District has performed this sampling.

E. Slug Discharge Control Plan.

1. Each Industrial User shall provide protection from accidental and slug discharges of pollutants regulated under these Rules and Regulations. Facilities to prevent the discharge of spills or slug loads shall be provided and maintained at the Industrial User's expense.
2. The District shall evaluate whether each Significant Industrial User needs a Slug Discharge Control Plan or other action to control spills and slug discharges. The District may require an Industrial User to develop, submit for approval, and implement a Slug Discharge Control Plan or take such other action that may be necessary to control spills and slug discharges.
3. A Slug Discharge Control Plan shall address, at a minimum, the following:
 - a. Detailed plans (schematics) showing facility layout and plumbing representative of operating procedures;
 - b. Description of contents and volumes of any process tanks;
 - c. Description of discharge practices, including non-routine batch discharges;
 - d. Listing of stored chemicals, including location and volumes;
 - e. Procedures for immediately notifying the District of any spill or Slug Discharge. It is the responsibility of the Industrial User to comply with the reporting requirements in Section 16;
 - f. Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response; and
 - g. Any other information as required by the District.

4. Notice to employees. A notice shall be permanently posted on the Industrial User's bulletin board or other prominent place advising employees who to call in the event of an accidental or slug discharge. Employers shall ensure that all employees who work in any area where an accidental or slug discharge may occur or originate are advised of the emergency notification procedures.

F. Reports of Potential Problems – Slug and Spills.

1. In the case of any changes at its facility affecting potential for a Slug Discharge as defined in Section 3 or any actual discharge, including, but not limited to, spills, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a discharge that may cause potential problems for the POTW, the Industrial User shall immediately telephone and notify the District of the incident. This notification shall include:
 - a. Name of the facility
 - b. Location of the facility
 - c. Name of the caller
 - d. Date and time of discharge
 - e. Date and time discharge was halted
 - f. Location of the discharge
 - g. Type of waste and estimated volume of discharge
 - h. Estimated concentration of pollutants in discharge
 - i. Corrective actions taken to halt the discharge
 - j. Method of disposal if applicable
2. Within five (5) working days following such discharge, the Industrial User shall, unless waived by the District, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the Industrial User to prevent similar future occurrences. Such notification shall not relieve the Industrial User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the Industrial User of any fines, penalties, or other liability which may be imposed pursuant to these Rules and Regulations.

G. Reports for Non-Significant Industrial Users.

If the District deems it necessary to assure compliance with provisions of these Rules and Regulations, any Industrial User of the POTW may be required to submit an Industrial Discharge Permit Application, questionnaire or other reports and notifications in a format and timeframe as specified by the District.

H. Signatory Certification.

All reports and other submittals required to be submitted to the District shall include the

following statement and signatory requirements.

1. The Authorized Representative of the Industrial User signing any application, questionnaire, any report or other information required to be submitted to the District must sign and attach the following certification statement with each such report or information submitted to the District.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or the 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 a fine and imprisonment for knowing violations."

2. If the person designated as the 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 and meeting the definition in Section 3 must be submitted to the District prior to or together with any reports to be signed by an Authorized Representative.

I. Compliance Schedules.

Should any schedule of compliance be established in accordance with the requirements of these Rules and Regulations, the compliance schedule shall be consistent with Section 7, F., 10.

J. Change in Discharge or Operations.

1. Every permitted Industrial User shall file a notification with the District a minimum of fourteen (14) days prior to any planned significant change in operations or wastewater characteristics. A significant change shall be a change equal to or greater than twenty percent (20%) in the mass of a pollutant or volume of flow discharged to the POTW. In addition, this notification shall include changes to:
 - a. Adding or removing processing, manufacturing or other production operations.
 - b. New pollutants used which may be discharged.
 - c. Changes in the listed or characteristic hazardous waste for which the Industrial User has submitted or is required to submit information to the District under these Rules and Regulations and R317-8-8.11(14)(d) .

2. Known or anticipated facility closure. The Industrial User is required to notify the District at least thirty (30) days prior to facility shutdown or closure which might alter the character, nature, quality, or volume of its wastewater.

K. Notification of the Discharge of Hazardous Waste.

1. Any Industrial User shall notify the District, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be hazardous waste under R315-2. Such notification to the District shall be made within the appropriate time frames specified in Section 16 paragraphs D, F, and J or within twenty-four (24) hours of becoming aware of the discharge, whichever is shorter.

Such notification must include:

- a. The name of the hazardous waste as set forth at R315-2;
 - b. The EPA hazardous waste number;
 - c. The type of discharge (continuous, batch, or other);
 - d. An identification of the hazardous constituents contained in the wastes;
 - e. An estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month;
 - f. An estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months;
 - g. Certification that the Industrial User 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; and
 - h. Signatory certification as required by Section 16, H.
2. Any Industrial User shall notify the EPA Regional Waste Management Division Manager, and State hazardous waste authorities, in writing, of the discharge into the POTW of a substance which, if otherwise disposed of, would be hazardous waste under R315-2 and meets the reporting criteria specified at R317-8-8.11(14)(d). Notification to the State and EPA is the responsibility of the Industrial User and shall be made as required under R317-8-8.11(14)(d) . The Industrial User shall copy the District on all notifications made to the State and EPA.
 3. In the case of any new regulation under Section 3001 of the Resource

Conservation and Recovery Act (RCRA) or adopted by the State identifying additional characteristics of hazardous waste or listing any additional substance as hazardous waste, the Industrial User must notify the District, the EPA Regional Waste Management Waste Division Manager, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

4. This provision does not create a right to discharge any substance not otherwise allowed to be discharged by these Rules and Regulations, a permit issued hereunder, or any applicable federal or state law.

L. Requests for Information

1. A permittee shall furnish to the District, within the timeframe set by the Manager, any information which the District may request to determine whether cause exists for modifying, revoking, and reissuing, or terminating an industrial wastewater discharge permit, or to determine compliance with the industrial wastewater discharge permit or these Rules and Regulations. A permittee shall also, upon request, provide to the District, within the timeframe required by the Manager, copies of any records that are required by the industrial wastewater discharge permit or these Rules and Regulations.
2. When requested by the District, any Industrial User shall submit information to the Manager regarding industrial processes, nature and characteristics of wastes and wastewaters generated at the industrial facility, method of disposal of wastes, or other information required by the Manager to meet the responsibilities under these Rules and Regulations, R317-8-8, and 40 CFR Part 403. Failure to provide information within the timeframe specified shall be a violation of these Rules and Regulations.

Section 17 Sector Control Programs

A. General Requirements.

1. Authority.

The District may establish specific sector control programs for industrial users to control specific pollutants as necessary to meet the objectives of these Rules and Regulations. Pollutants subject to these sector control programs shall generally be controlled using Best Management Practices (BMPs).

2. Facility Identification and Compliance.

The District shall implement procedures to identify industrial users for inclusion into applicable sector control programs. Once identified and included into one or more sector

control program, the industrial user shall be required to comply with the applicable sector control program requirements.

3. Notification to the District by the Industrial User and Management Review.

The District shall review new construction and existing industrial user undergoing any physical change, change in ownership, change in operations, or other change that could change the nature, properties, or volume of wastewater discharge, to ensure that current sector control program requirements are incorporated and implemented.

4. The Industrial User shall inform the District prior to:

- a. Sale or transfer of ownership of the business;
- b. Change in the trade name under which the business is operated;
- c. Change in the nature of the services provided that affect the potential to discharge sector control program pollutants; or
- d. Remodeling of the facility that may result in an increase in flow or pollutant loading or that otherwise requires the industrial user to submit plans or specifications for approval through a building or zoning department, or any other formal approval process of a District, county, or other jurisdiction.

5. Inspections.

- a. The District may conduct inspections of any industrial user with or without notice for the purpose of determining applicability and/or compliance with sector control program requirements.
- b. If any inspection reveals non-compliance with any provision of a sector control program requirement, corrective action shall be required pursuant to the applicable sector control program.
- c. Inspection results will be provided in writing to the industrial user.

6. Closure.

The District may require closure of plumbing, treatment devices, storage components, containments, or other such physical structures that are no longer required for their intended purpose. Closure may include the removal of equipment, the filling in and/or cementing, capping, plugging, etc.

7. Enforcement and Compliance.

- a. These requirements form a part of these Rules and Regulations. Enforcement of this regulation is governed by the express terms herein and the enforcement provisions of Section 19.
- b. Any extraordinary costs incurred by the District due to Interference, damage, Pass Through, or maintenance necessary in the treatment and/or collection system shall be paid by the Industrial User to the District. The direct costs of all labor, equipment and materials incurred in rectifying the Interference or damage, including reasonable attorney's fees, shall be billed directly to the owner or the Industrial User by the District, and such costs shall become part of the total charges due and owing to the District and shall constitute a lien on the Industrial User until paid in full.

B. Best Management Practices for the Installation and Maintenance of Gravity Grease Interceptors.

1. These Best Management Practices (BMP's) establish requirements for any industrial user that has the potential to discharge Fats, Oil, and Grease (FOG). These pollutants can contribute to sewer blockages, causing sanitary sewer overflows and backups into homes and businesses. All facilities subject to these BMPs must comply with the requirements which include both the requirement for installation and proper operation and maintenance of an interceptor and other reporting requirements.
2. Implementation: These FOG requirements may be implemented by letter, order or permit.
3. Applicability: The requirements established in this BMP shall apply to industrial users where preparation, manufacturing, processing of food or washing/sanitizing of dishes or equipment occurs and includes, but are not limited to, restaurants, cafes, fast food outlets, pizza outlets, delicatessens, sandwich shops, coffee shops, schools, nursing homes and other facilities that prepare, service, or otherwise make foodstuff available for consumption. These users shall install and maintain a gravity grease interceptor as directed by the District.
4. Variance
 - a. A variance as to the requirements may be granted by the Manager for good cause. The industrial user has the burden of proof of demonstrating through data and other information why a variance should be granted. In no case shall a variance result in violation of any Pretreatment Standard or Requirement specified in these Rules and Regulations and applicable to the discharge. The granting of any variance shall be at the sole discretion of the District and may be revoked at the sole discretion of the District. The denial of a variance by the Manager may be appealed in accordance with Section 7,H.

- b. If a variance is granted, the industrial user shall institute Best Management Practices and other mitigation measures as specified by the District. These BMPs may include, but not be limited to:
 - (1) Allow the installation of a grease trap or continue to allow the use of an existing grease trap in lieu of installing a grease interceptor where the grease trap is shown to be effective. If a grease trap is not shown to be effective, the District may require the industrial user to install a grease interceptor.
 - (2) Provide quarterly cleaning of its private service line to prevent the buildup of oil, grease and solids or as otherwise specified in the wastewater discharge permit.
 - (3) Submit records of the private service line cleaning as specified by the District.
 - (4) Pay the costs incurred by the District or other jurisdiction for accelerated sewer line cleaning on the sewer line providing service to the POTW, costs to the District for treating the excess strength waste and any costs for sampling and analysis. The District believes that these costs will be comparable to costs incurred by a user that installs and maintains a grease interceptor.

5. Program Requirements

a. General Control Requirements.

- (1) A gravity interceptor shall be required for all new industrial users the proper handling of liquid wastes which may be harmful to, or cause obstruction in the wastewater collection system or cause or contribute to Interference or Pass Through.
- (2) It shall be the responsibility of the industrial user and owner of the property, business or industry or an Authorized Representative of the Industrial User to contact the District for the purpose of obtaining a plan review. The plan review shall determine the need, size, location, and other requirements of the interceptor required to control discharges into the POTW. Written approval from the District must be obtained prior to installation of the interceptor. The review of such plans and operating procedures shall in no way relieve the industrial user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the District under the provisions of these Rules and Regulations.

- (3) The design and sizing of gravity interceptors shall be in accordance with requirements established by the District, International Uniform Plumbing Code or as otherwise required by the connecting jurisdiction or the County. The gravity interceptor shall be designed, sized, installed, maintained and operated so as to accomplish their intended purpose of intercepting pollutants from the industrial user's wastewater and minimizing the discharge of such pollutants to the District's wastewater collection system.
- (4) Upon change of ownership of any existing industrial user which would be required to have an interceptor under this Section, the applicant for sanitary sewer service shall have the burden to demonstrate that a properly sized and functioning grease interceptor is installed.
- (5) Hydromechanical grease interceptors shall not be permitted in lieu of a gravity interceptor to comply with the requirements of these Rules and Regulations unless the Manager has approved these under Section 17, B.4.
- (6) Toilets, urinals and similar fixtures shall not waste through a gravity interceptor. Such fixtures shall be plumbed directly into the building sewer and waste system.
- (7) All sinks which are connected to a gravity interceptor shall be equipped with a fixed or removable mesh or screen which shall catch garbage and food debris and prevent it from entering the gravity interceptor.
- (8) The industrial user shall implement procedures that minimize the discharge of food solids to the POTW, a grease trap or interceptor. In no case shall food waste be discharged that exceeds one-half (1/2) inch in any dimension.
- (9) The industrial user must ensure interceptors are easily accessible for inspection, cleaning, and removal of FOG.
- (10) The industrial user must maintain interceptors at their expense and keep in efficient operating condition at all times by the regular removal of accumulated FOG.

b. Required Maintenance.

- (1) Gravity interceptors shall be maintained by regularly scheduled cleaning so that they will properly operate as intended to efficiently intercept the fats, oil and grease from the industrial

user's wastewater and prevent the discharge of said materials into the District's wastewater collection system. A gravity interceptor shall be serviced at a frequency that is specified in the industrial user's permit. Interceptors must be cleaned whenever the combined thickness of the floating greases and settled solids is greater than 25% of the hydraulic working capacity of the interceptor. The District recommends that the industrial user pump the interceptor at least once per three (3) months if the industrial user does not opt to measure the hydraulic working capacity of the interceptor on a continuing basis.

- (2) The District may require more frequent cleaning than that prescribed in (b)(1). A variance from the requirement may be obtained if the industrial user can demonstrate less frequent cleaning is sufficient.
- (3) Maintenance of sand-oil separators shall be done in a workman-like manner only by a business/professional normally engaged in the servicing of such plumbing fixtures and holding licenses that may be required by the jurisdictions, including the City, County or State.
- (4) In the event an interceptor is not properly maintained by the Industrial User, owner, lessee, or other Authorized Representative of the industrial user, the District may authorize such maintenance work be performed on behalf of the Industrial User. The costs of such maintenance shall be billed directly to the tenant/owner and shall become part of the charges due and owed to the District.
- (5) Biological treatment or enzyme treatment shall not be a substitute for the servicing of gravity interceptors or grease traps at the frequency required by the District. Use of enzymes or any other chemical or biological treatment or product that emulsifies or acts to emulsify FOG is prohibited.
- (6) The Industrial User must document each pump-out with a waste manifest or trip ticket which must be provided to the District within fourteen (14) days of pump-out and kept by the industrial user on site for at least three (3) years.
- (7) The Industrial User must take reasonable steps to assure that all waste is properly disposed of at a industrial user in accordance with federal, state and local regulations (i.e. through a certification by the hauler included on the waste manifest or trip ticket for each load).

C. Best Management Practices for the Installation and Maintenance of Sand-Oil Separators.

1. These Best Management Practices (BMP's) establish requirements for any industrial user that has the potential to discharge petroleum oil, mineral oil, cutting oils, non-food grease and solids. All facilities subject to these BMPs must comply with the requirements which include both the requirement for installation and proper operation and maintenance of a separator and other reporting requirements.
2. Implementation: These requirements may be implemented by letter, order or permit.
3. General Control Requirements.
 - a. It shall be the responsibility of the industrial user and owner of the property, business or industry or the Authorized Representative of the Industrial User to contact the District for the purpose of obtaining a plan review. The plan review shall determine the need, size, location, and other requirements of the separator required to control discharges to the POTW. Written approval from the District must be obtained prior to installation of the separator. The review of such plans and operating procedures shall in no way relieve the industrial user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the District under the provisions of these Rules and Regulations.
 - b. The design and sizing of sand-oil separators shall be in accordance with requirements established by the District, International Uniform Plumbing Code or as otherwise required by the connecting jurisdiction or the County. The sand-oil separator shall be designed, sized, installed, maintained and operated so as to accomplish their intended purpose of intercepting pollutants from the industrial user's wastewater and preventing the discharge of such pollutants to the District's wastewater collection system.
 - c. Upon change of ownership of any existing industrial user which would be required to have a separator under this Section, the applicant for sanitary sewer service shall have the burden to demonstrate that a properly sized and functioning sand-oil separator is installed.
 - d. Toilets, urinals and similar fixtures shall not discharge into or through a sand-oil separator. Such fixtures shall be plumbed directly into the building sewer and waste system.
 - e. The industrial user shall ensure separators are easily accessible for inspection, cleaning, and removal of pollutants.

- f. The industrial user shall maintain separators at their expense and keep in efficient operating condition at all times.

4. Required Maintenance.

- a. Sand-oil separators shall be maintained by regularly scheduled cleaning so that they will properly operate as intended to efficiently intercept the oil and solids from the industrial user's wastewater and prevent the discharge of said materials into the District's wastewater collection system. A sand-oil separator shall be serviced at a minimum once per six (6) months, or more often as required by the District. The industrial user should periodically check the separator for the accumulation of pollutants or solids to avoid exceeding the capacity of the separator.
- b. The District may require more frequent cleaning. A variance from this requirement may be obtained when the industrial user can demonstrate less frequent cleaning is sufficient.
- c. Maintenance of sand-oil separators shall be done in a workman-like manner only by a business/professional normally engaged in the servicing of such plumbing fixtures and holding licenses that may be required by the jurisdictions, including the City, County or State.
- d. In the event a separator is not properly maintained by the industrial user, owner, lessee, or other authorized representative of the industrial user, the District may authorize such maintenance work be performed on behalf of the industrial user. The costs of such maintenance shall be billed directly to the customer and shall become part of the charges due and owing to the District.
- e. The industrial user must document each pump-out with a waste manifest or trip ticket and submit to the District within fourteen (14) days of pump-out and retain copies of the records on site for at least three (3) years.
- f. The industrial user must take reasonable steps to assure that all waste is properly disposed of at a industrial user in accordance with federal, state and local regulations (i.e. through a certification by the hauler included on the waste manifest or trip ticket for each load).

D. Best Management Practices for Dry Cleaners

- 1. No person shall discharge, dispose or place dry cleaning solvent, filters, lint etc. from dry cleaning machine cleanout, button trap cleanout, pre-filter cleanout, spent diatomaceous earth, sludge, condensate or separator water, vacuum press

condensate, mop water, still bottoms or any other regulated waste material containing dry cleaning solvent into:

- a. Sanitary sewer or POTW;
 - b. Storm sewer;
 - c. Any underground structure (e.g. tank); or
 - d. On the ground or in any location other than in an appropriate waste storage container.
2. All invoices and/or manifests generated as a result of, but not limited to chemical and equipment purchases, equipment maintenance, disposal of dry-cleaning solvent and associated wastes shall be made available for review and copying upon request by the District. All documentation shall be kept onsite for a period of three years.
 3. The District may require compliance with these Rules and Regulations by letter, order or permit.

E. Best Management Practices for the Acceptance of Trucked and Hauled Waste

The requirements established in this Section shall apply to persons and operators of companies who discharge trucked and hauled waste at the POTW, including any discharge that enters the District's sewerage system. Where the District elects to accept hauled waste, the following conditions will apply:

1. Hauled wastes may be introduced into the POTW only at locations designated by the Manager, and at such times as are established by the Manager.
2. The District shall have the right to refuse any hauled waste load.
3. Waste haulers are prohibited from discharging wastes that would violate any Prohibited Discharge established in Section 5, paragraphs A. and B. of these Rules and Regulations.
4. Waste haulers are prohibited from discharging hazardous wastes to the POTW or other wastes that are generated by a Categorical Industrial User as defined in Section 3 of these Rules and Regulations.
5. The waste hauler shall comply with specific pollutant limitations established by the District specific for the hauled waste to be discharged.
6. The District shall require compliance with these Rules and Regulations by letter, order or permit.
7. The District may sample and analyze the hauled wastes or require the hauler to

perform such sampling and analysis to verify that each hauled load complies with applicable Pretreatment Standards and/or Requirements.

8. The District may sample and analyze the hauled wastes or require the hauler to perform such sampling and analysis at the location where the waste is generated.
9. The District may require the industrial waste hauler to receive prior approval or consent before discharging.
10. The waste hauler must notify the District of any new commercial or industrial customers or changes in the nature of hauled waste originating from existing customers. Customer lists shall be considered Confidential Business Information if so designated by the waste hauler.
11. The District may restrict the maximum number of loads that a waste hauler may discharge during a specific period of time, and the discharge rate of each load.
12. Waste haulers must provide a manifest form or similar for every load prior to discharge. The manifest form shall include, at a minimum:
 - a. The name and address of each customer or source of waste;
 - b. Permit number;
 - c. Truck identification;
 - d. Volume of wastewater from each source;
 - e. Type of waste to be discharged;
 - f. Known or suspected pollutants present in load(s); and
 - g. Certification that the hauled waste is not hazardous.
13. The waste hauler shall use a manifest form supplied or approved by the District.
14. The District may impose fees or charges for hauled wastes.
15. The waste hauler shall:
 - a. Maintain tanks, pumps, valves, hoses, racks, cylinders, diaphragms, pipes, connections, and other appurtenances on a vehicle in good repair and free from leaks;
 - b. Provide a safety plug or cap for each tank;
 - c. Ensure that the vehicle exterior is clean at the beginning of each work day (prior to entry to the POTW);
 - d. Clean the inside of tanks to ensure that non-permitted residual wastes are not left in the tank and allowed to mix with permitted wastes;
 - e. Ensure that tanks are an integral part of a vehicle to transport liquid waste. Portable tanks or other containers temporarily installed in vehicles are prohibited (unless prior approval is obtained from the District, e.g. portable toilets);

- f. Piping, valves, and connectors (excluding the discharge hose) shall be permanently attached to tank and/or vehicle;
 - g. Tanks must be liquid tight and tanks constructed so that every interior and exterior portion can be easily cleaned;
 - h. Opening of tank to be constructed so that collected waste will not spill during filling, transfer, transport or disposal;
 - i. Outlet connections to be constructed so that no liquid waste will leak, run, or spill out from the vehicle;
 - j. Outlets to be of a design and type suitable for the liquid waste handled and capable of controlling flow or discharge without spillage and undue spray on or flooding of immediate surroundings while in use; and
 - k. Pumps, valves, cylinders, diaphragms, and other appurtenances to be of a design and type suitable for the type of waste handled, capable of operation without spillage, spray, or leakage, and capable of being easily disassembled for cleaning.
16. Authorized Disposal Site. Only a disposal site authorized in writing by the Manager or authorized representative of the District shall receive trucked and hauled waste. Disposal of trucked and hauled wastes at sites other than those allowed by permit is prohibited and a violation of these Rules and Regulations.
17. Sanitation and Safety Standards. Each hauler who discharges wastes to the system shall be responsible for the cleanliness and safety practices at the points of disposal. It shall be the responsibility of the industrial user to discharge wastes in such a manner as to keep the area clean and free from spills or other debris. Any spills shall be promptly cleaned up. The permittee is also responsible for keeping their vehicle and related facilities clean and in good repair while being used for disposal to the POTW. These sanitary and safety practices shall be carried out in a manner acceptable to the District. Failure to comply with these sanitation and safety standards shall be grounds for suspension of the authorization to discharge.
18. Quality of Wastes. Wastes approved for discharge to the POTW shall be representative of what the waste hauler disclosed in the manifest. The waste hauler consents to the District's right to sample and analyze the contents of any vehicle utilizing the POTW for the discharge of wastes and charge the user for such sampling and analytical costs. The purpose of such sampling and analysis will be to determine conformance with these Rules and Regulations. It shall be the responsibility of the industrial user to assist in sample collection as directed by the District.
19. Performance Bond. All trucked and hauled waste haulers may be required to obtain bonding in an amount as specified by the District and indemnifying the District against damages sustained by any reason; any spill, dumping or discharge of any liquid waste, hazardous waste, or incompatible waste within the jurisdictional limits of the District. Proof of bonding shall be provided to the District prior to authorization to discharge. In addition, the District may decline

to authorize discharge to any user who has failed to comply with any provision of these Rules and Regulations unless such industrial user first files a satisfactory bond, payable to the District, in a sum not to exceed a value determined by the District to be necessary to achieve consistent compliance.

20. Suspension of Discharge. The District, at its discretion, may revoke the authorization to discharge and take other enforcement actions as specified in Section 19 of these Rules and Regulations. Violations that may result in a suspension of authorization to discharge include:
- a. Failure to submit accurate reports;
 - b. Failure to submit timely reports;
 - c. Failure to pay proper charges;
 - d. Failure to maintain the vehicle as required;
 - e. Failure to discharge at an authorized disposal site;
 - f. Failure to meet sanitation standards;
 - g. Discharging of industrial sludges or other unacceptable wastes into the system;
 - h. Suspension is necessary to protect the POTW;
 - i. Failure to maintain valid and current registrations, permits, and licenses as required by any local, State or federal regulation or requirement; or
 - j. Other violations of these Rules and Regulations.

21. Dump Fees. The District has established the following dump fees for the discharge of trucked and hauled waste:

Gallons Discharged	Fee
up to 500 gallons	\$20.00
501 gallons to 1000 gallons	\$40.00
1001 gallons to 1500 gallons	\$60.00
1501 to 2000 gallons	\$80.00

Any discharge greater than 2000 gallons must receive prior approval by the District. Fees for any volumes greater than 2000 gallons shall be billed at the rate of \$20.00 for each 500 gallons. The fee shall be rounded up to the nearest 500 gallons discharged (i.e. 2250 gallons shall be billed as 2500 gallons and the hauler shall be charged \$100.00. The District may change these fees at its own discretion. The District may reject any discharge where the volume, strength or quality of the discharge may pose a reasonable potential to interfere with the operations of the POTW or otherwise be determined to be incompatible with the POTW.

- F. Best Management Practices for the Treatment and Disposal of Amalgam Wastes from Dental Facilities
- 1. These Best Management Practices (BMPs) establish requirements for a Dental

Facility for reducing the amount of amalgam waste discharged into the sanitary sewer. The BMPs are intended to protect the POTW from the Pass Through or Interference and allow the District to consistently comply with the UPDES discharge permit.

2. The District shall require compliance with these Rules and Regulations by letter, order or permit.
3. The provisions of these BMPs do not apply to process wastewater discharges from dental dischargers which exclusively practice one or more of the following dental specialties: oral pathology, oral and maxillofacial radiology, oral and maxillofacial surgery, orthodontics, periodontics, or prosthodontics. A Dental Facility will be exempt from the requirements of this BMP so long as they:
 - a. Do not place or remove amalgam; and
 - b. Certify to the control authority that that they do not and will not use or remove amalgam.
4. Deadline: These BMPs shall be fully implemented when:
 - a. A dental facility opens a new business after the date of adoption of these Rules and Regulations; or
 - b. An existing dental facility moves into a new location within any jurisdiction served by the POTW.
5. Existing Dental Facilities

Existing dental facilities are not required to implement the BMPs in paragraph F.6.(a), (b), (c), and (e). The District may require any existing dental facility to implement all of the BMPs listed in F.6. where the District identifies mercury in the effluent from either POTW shows reasonable potential for exceeding a State Water Quality Standard or where EPA or the State adopt new Pretreatment Standards for dental facilities. All existing dental facilities shall implement the BMPs in F.6.(d) below. A Dental Facility shall implement the following BMPs:

- a. An ISO 11143 certified amalgam separator shall be installed and maintained according to manufacturer's specifications.
- b. All amalgam separators shall be appropriately sized for the Dental Facility. The amalgam separator shall be installed so that all amalgam-contaminated wastewater will pass through the unit before being discharged.
- c. Each Dental Facility shall inspect the amalgam separator at least once per month or more frequently to reasonably identify problems (leaks, early

removal of sludge).

- d. Implement the BMPs provided by the American Dental Association, including the use of non-oxidizing, pH neutral line cleaners and disinfectants that may enter or pass through the amalgam separator.
- e. The dental facility shall maintain records of amalgam recycling on site for at least three years and may be periodically reviewed by the District. These records shall include the date, the name and address of the facility to which any waste amalgam is shipped, and the amount shipped.

Section 18 Pretreatment Program Cost Recovery

The District may recover the costs incurred by implementing the pretreatment program established by these Rules and Regulations and adopt charges and fees, including, but not limited to the following:

- A. Fees for monitoring, inspection and surveillance activities;
- B. Fees for reviewing accidental discharge procedures and construction;
- C. Fees for permit applications;
- D. Fees for filing appeals and other legal expenses;
- E. Such other fees as the District may deem necessary to administer and enforce the requirements contained herein.

Section 19 Compliance and Enforcement

- A. Enforcement Response Plan.

The District may adopt policies and procedures as set forth in the District's Enforcement Response Plan for carrying out the provisions of these Rules and Regulations, provided that such policies and procedures are not in conflict with these Rules and Regulations or any applicable state or federal law or regulation.

- B. Publication of Industrial Users in Significant Noncompliance.

The District shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdiction served by the POTW, a list of the Significant Industrial Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. In addition, any Industrial User found to be in Significant Noncompliance

with paragraphs B.3, B.4, or B.8 shall also be published in the newspaper. The following criteria shall be used to define Significant Noncompliance:

1. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits.
2. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements for the same pollutant parameter taken during a six (6) month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH).
3. Any other violation of a Pretreatment Standard or Requirement (daily maximum, long-term average, instantaneous limit or narrative Standard) that the District determines has caused, alone or in combination with other discharges, Interference or Pass Through (including endangering the health of District personnel or the general public).
4. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or to the environment, or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.
5. Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.
6. Failure to provide, within thirty (30) days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.
7. Failure to accurately report noncompliance.
8. Any other violation or group of violations, which may include a violation of Best Management Practices, which the District determines may adversely affect the operation or implementation of the local pretreatment program.

C. Administrative Enforcement Actions.

1. Notice of Violation (NOV).

When the District finds that an Industrial User has violated, or continues to violate, any provision of these Rules and Regulations, an Industrial Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard

or Requirement, the District may serve upon the Industrial User a written Notice of Violation. Within five (5) working days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction of prevention thereof, to include specific required actions, shall be submitted by the Industrial User to the District. Submission of such a plan in no way relieves the Industrial User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the District to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

2. Suspension of Service.

- a. Endangerment to Health or Welfare of the Community: The District, through other than a formal notice to the affected Industrial User, may immediately and effectively halt or prevent the discharge of pollutants by any means available, including physical disconnection from the wastewater system, whenever it reasonably appears that such discharge presents an imminent endangerment to the health or welfare of the community.
- b. Endangerment to Environment or Treatment Works: The District, after written notice to the discharger may halt or prevent the discharge of pollutants by any means available, including physical disconnection from the wastewater system, whenever such discharge presents or may present an endangerment to the environment or threatens to interfere with the operation of the POTW.
- c. Any person notified of a suspension of the wastewater treatment service and/or the Industrial Wastewater Discharge Permit shall immediately stop or eliminate the contribution and respond as required in paragraph 2.d. of this Section. In the event of a failure of the person to comply voluntarily with the suspension order, the District shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to individuals or the environment. The District may reinstate the Industrial Wastewater Discharge Permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge.
- d. A detailed written statement submitted by the Industrial User describing the causes of the harmful contribution and the measure taken to prevent any future occurrence shall be provided to the District within five (5) days of the date of occurrence. Suspension of Service shall not be a bar against, or a prerequisite for, taking any other action against the Industrial User.

3. Administrative Compliance Order.

When the District finds that an Industrial User has violated, or continues to

violate, any provision of these Rules and Regulations, an Industrial Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the District may issue an order to the Industrial User responsible for the discharge directing that the Industrial User come into compliance within a specific time. If the Industrial 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 POTW. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the Industrial 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 Industrial User.

4. Consent Order.

The District may enter into a Consent Order, assurances of compliance, or other similar documents establishing an agreement with any Industrial User responsible for noncompliance. Such documents shall include specific actions to be taken by the Industrial User to correct the noncompliance within a time period specified by the document. A consent order may include penalties, supplemental environmental projects, or other conditions and requirements as agreed to by the District and the Industrial User.

5. Show Cause Hearing.

- a. The District may order any Industrial User who has violated or continues to violate an Industrial Waste Discharge Permit or a Pretreatment Standard or Requirement, or these Rules and Regulations to show cause before the Board why the proposed enforcement action should not be taken. A notice shall be served on the Industrial User specifying the time and place of a hearing to be held by the Board regarding the violation, the reasons why the proposed action is to be taken, and directing the Industrial User to show cause before the Board why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or be sent by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.
- b. After the Board has reviewed the evidence, it may issue an order or direct the Manager to issue an order of findings and direct the Manager to take an action or no action as necessary and appropriate. An Order by the Board shall be final for purposes of administrative review.

6. Cease and Desist Order

- a. When the Manager finds that an industrial user is violating these Rules and Regulations, a wastewater discharge permit, any order issued hereunder, or any other Pretreatment Standard or Requirement, or that the industrial user's past compliance history indicates that violations are likely to recur, the Manager may issue an order to the user directing it to cease and desist all such violations and directing the industrial 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.
- b. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the industrial user.

7. Administrative Fines.

- a. When the District finds that an Industrial User has violated, or continues to violate, any provision of these Rules and Regulations, an Industrial Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the District may fine such Industrial User in an amount not to exceed one thousand dollar (\$1,000) 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.
- b. A lien against the Industrial User's property shall be sought for unpaid charges, fines, and penalties.
- c. Industrial users desiring to appeal such fines must file a written request for the District to reconsider the fine along with full payment of the fine amount within ten (10) days of being notified of the fine. Such notice or appeal shall set forth the nature of the order or determination being appealed, the date of such order or determination, the reason for the appeal, and request a hearing pursuant to procedures outlined in Section 19, C.5.
- d. Issuance of an administrative fine shall not be a bar against, or prerequisite for, taking any other action against the Industrial User.

D. Judicial Enforcement Remedies.

1. Injunctive Relief.

When the District finds that an Industrial User has violated, or continues to violate, any provision of these Rules and Regulations, an Industrial Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the District may petition the Summit County District Court for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the Industrial Wastewater Discharge Permit, order, or other requirement imposed by these Rules and Regulations on activities of an Industrial User. The District may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the Industrial 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 an Industrial User.

2. Civil Penalties.

- a. An Industrial User who has violated, or continues to violate, any provision of these Rules and Regulations, an Industrial Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to the District for a maximum civil penalty not to exceed ten thousand dollars (\$10,000) per day per violation. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of violation.
- b. The District may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the District.
- c. In determining the amount of civil liability, the Court shall take into account all relevant circumstances including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the Industrial User's violation, corrective actions by the Industrial User, the compliance history of the Industrial User, and any other factor as justice requires.
- d. Actions for civil penalties shall be civil actions brought in the name of the District. The District must prove alleged violations by a preponderance of the evidence.
- e. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against an Industrial User.

3. Civil/Administrative Fine Pass Through.

In the event that an Industrial User discharges such pollutants which cause the

District to violate any condition of its UPDES permit and the District is fined by the EPA or the State for such violation, then such Industrial User shall be fully liable for the total amount of the fine assessed against the District by the EPA and/or the State.

4. Criminal Penalties

The District may refer violations that may warrant criminal prosecution to the U.S. Attorney General's Office, State Attorney General, EPA Criminal Investigation Division or other appropriate agency. This referral shall not preclude the District from taking a parallel administrative or civil enforcement action.

E. Remedies Nonexclusive.

The remedies provided for in these Rules and Regulations are not exclusive of any other remedies that the District may have under the provisions of Utah law. The District may take any, all, or any combination of these actions against a noncompliant industrial user. Enforcement of pretreatment violations will generally be in accordance with the District's Enforcement Response Plan. However, the District may take any other action against any industrial user when the circumstances warrant and may take more than one enforcement action against any non-compliant industrial user.

Section 20 Affirmative Defenses to Discharge Violations.

A. Upset.

1. For the purposes of these Rules and Regulations, upset means an exceptional incident in which there is unintentional and temporary noncompliance with Categorical Pretreatment Standards because of factors beyond the reasonable control of the Industrial User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.
2. An upset shall constitute an affirmative defense to an action brought for noncompliance with Categorical Pretreatment Standards if the requirements of paragraph 3 below are met.
3. An Industrial 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 Industrial User can identify the cause(s) of the upset;

- b. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
- c. The Industrial User has submitted the following information to the District within twenty-four (24) hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five (5) days):
 - (1) A description of the Indirect Discharge and cause of noncompliance;
 - (2) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - (3) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- 4. In any enforcement proceeding, the Industrial User seeking to establish the occurrence of an upset shall have burden of proof.
- 5. Industrial users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with Categorical Pretreatment Standards.
- 6. Industrial users shall control (decrease) production of all discharges to the extent necessary to maintain compliance with Categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

B. Prohibited Discharge Standards.

An Industrial User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the specific prohibitions in any action brought against it alleging a violation of the Specific Prohibitions in Section 5, B paragraphs 2, 4, 5, 6, or 7 where the user demonstrates that:

- 1. It did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause Pass Through or Interference; and
- 2. The Industrial User had accurately disclosed the concentration of the pollutant(s) causing the Pass Through or Interference in applications, reports, or other

required documents as required; and either:

- a. A local limit designed to prevent Pass Through and/or Interference, as the case may be was developed for each pollutant in the Industrial User's discharge that caused Pass Through or Interference, and the Industrial User was in compliance with each such local limit directly prior to and during the Pass Through or Interference; or
- b. If a local limit designed to prevent Pass Through and/or Interference, as the case may be, has not been developed for the pollutant(s) that caused the Pass Through or Interference, the Industrial User's discharge directly prior to and during the Pass Through or Interference did not change substantially in nature or constituents from the User's prior discharge activity when the POTW was regularly in compliance with the POTW's UPDES permit requirements and, in the case of Interference, applicable requirements for sewage sludge use or disposal.

C. Bypass

1. For purposes of this Subsection:
 - a. Bypass means the intentional diversion of wastestreams from any portion of an Industrial User's treatment facility.
 - b. Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
2. Bypass not violating applicable Pretreatment Standards or Requirements. An Industrial User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs 3 and 4 of this Section but are reportable under Section 16 paragraphs A, D, F, J and K, as appropriate.
3. Notice.
 - a. If an Industrial User knows in advance of the need for a bypass, it shall submit prior notice to the Manager, if possible, at least ten (10) days before the date of the bypass.
 - b. An Industrial User shall submit oral notice of an unanticipated bypass that

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

4. Prohibition of Bypass.

- a. Bypass is prohibited, and the Manager may take enforcement action against an Industrial User for a bypass, unless;
 - (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
 - (3) The Industrial User submitted notices as required under paragraph 3 of this Section.
- b. The Manager may approve an anticipated bypass, after considering its adverse effects, if the Manager determines that it will meet the three (3) conditions listed in paragraph 4.a. of this Section.