ORDINANCE NO. 2018-19

AN ORDINANCE OF IVINS CITY, UTAH, ADOPTING REGULATIONS GOVERNING "SEWER PRETREATMENT"

WHEREAS the Ivins City Council desires to adopt and codify regulations governing "Sewer Pretreatment" as a new Chapter to the Ivins City Code under Title 10, Public Services;

NOW, THEREFORE, BE IT ORDAINED by the Ivins City Council that regulations governing Sewer Pretreatment shall be added to the Ivins City Code as Chapter 6 of Title 10 as follows:

Title 10 – PUBLIC SERVICES

* * *

CHAPTER 6

SEWER PRETREATMENT

Part 1

GENERAL PROVISIONS

10.06.101 Purpose and Policy. This ordinance sets forth uniform requirements for Users of the Publicly Owned Treatment Works for the St. George Regional Water Reclamation Facility (SGRWRF) and enables the Ivins City 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 General Pretreatment Regulations (Title 40 of the *Code of Federal Regulations* (CFR) Part 403), and the Utah Administrative Code R317-8-8. This ordinance shall apply to all Users of the Publicly Owned Treatment Works. This ordinance authorizes the issuance of individual wastewater discharge permits; authorizes monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires User reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein. The objectives of this ordinance are:

(1) To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation or contaminate the resulting sludge;

(2) To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, the atmosphere, or otherwise be incompatible with the Publicly Owned Treatment Works;

(3) To ensure that the quality of the wastewater treatment plant sludge is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations found in 40 CFR Part 503;

(4) To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment, and the general public;

(5) To promote reuse and recycling of wastewater and sludge from the Publicly Owned Treatment Works;

(6) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and

(7) To enable SGRWRF to comply with its Utah Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

10.06.102 Administration. Except as otherwise provided herein, the Ivins City Public Works Director (hereinafter "Manager") shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the Manager may be delegated by the Manager to a duly authorized Ivins City Public Works or St. George Regional Water Reclamation Facility employee.

10.06.103 Abbreviations. The following abbreviations, when used in this ordinance, shall have the designated meanings:

BMP – Best Management Practice

BMR – Baseline Monitoring Report

BOD – Biochemical Oxygen Demand

CFR – *Code of Federal Regulations*

COD – Chemical Oxygen Demand

DWQ - State of Utah, Department of Environmental Quality, Division of Water Quality

EPA – U.S. Environmental Protection Agency

FOG – Fats, Oils and Grease

FOGS – Fats, Oils, Grease and Soil

gpd – gallons per day

IU – Industrial User

mg/L – milligrams per liter

POTW – Publicly Owned Treatment Works

RCRA – Resource Conservation and Recovery Act

SIU – Significant Industrial User

SGRWRF - St. George Regional Water Reclamation Facility

TSS – Total Suspended Solids

UPDES – Utah Pollutant Discharge Elimination System

U.S.C. – United States Code

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

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

(2) Approval Authority. The State of Utah, Department of Environmental Quality, Division Water Quality (DWQ), or its successor agency**.**

(3) Authorized or Duly Authorized Representative of the User.

(a) If the User is a corporation:

(i) 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

(ii) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility, and is authorized to sign documents on behalf of the corporation in accordance with corporate procedures, and where the manager has the duty to:

(A) make major capital investment recommendations;

(B) initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; or

(C) ensure that necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements;

(b) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(c) If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or its designee.

(d) The individuals described in paragraphs 1 through 3, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Manager.

(4) Best Management Practices or BMP. The schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 10.06.201 (1) and (2). BMPs include, but are not limited to, treatment requirements, operating procedures and practices to control plant site runoff, spillage, leaks, sludge, waste disposal, or drainage from raw materials storage. BMPs may be developed by the Pretreatment Program as a local limit to control discharges from SIU as needed.

(5) Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/L).

(6) Bypass. The intentional diversion of waste streams from any portion of a User's treatment facility.

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

(8) Categorical Industrial User or CIU. An Industrial User subject to a categorical Pretreatment Standard or categorical Standard.

(9) City. Ivins City, State of Utah.

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

(11) Chemical Oxygen Demand or COD. A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

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

(13) Daily Maximum. The arithmetic average of all effluent samples for a pollutant collected during a calendar day.

(14) Daily Maximum Limit. The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

(15) Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.

(16) Existing Source. Any source of discharge that is not a "New Source.

(17) Grab Sample. A sample that is taken from a wastestream, without regard to the flow in the wastestream, and over a period of time not to exceed fifteen (15) minutes.

(18) Hazardous Waste. Waste as defined in 40 CFR 261.3, incorporated herein and made a part hereof.

(19) Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any nondomestic source which is regulated under section 307(b), (c) or (d) of the Act (including septage waste discharged into the POTW).

(20) Instantaneous Limit. The maximum or minimum concentration (or load) of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete, grab or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

(21) Interference. A discharge that alone, or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; therefore, it is a violation of SGRWRF's UPDES permit, or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent

State or local regulations, including, but not limited to: 1) Section 405 of the Act; 2) the Solid Waste Disposal Act, including Title II commonly referred to as the RCRA; 3) any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; 4) the Clean Air Act; 5) the Toxic Substances Control Act; and 6) the Marine Protection, Research, and Sanctuaries Act.

(22) Local Limit. Specific discharge limits developed to protect the POTW in accordance with 40 CFR 403.5 and enforced by SGRWRF upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in Section 8-4-2.1.A and B. The technically based local limits and development documents are kept on file at the SGRWRF office and can be reviewed if requested.

(23) Manager. The person designated by the City to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this ordinance**.** Manager also means a Duly Authorized Representative of the Manager.

(24) Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

(25) Monthly Average. The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

(26) Monthly Average Limit. The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month, divided by the number of "daily discharges" measured during that month

(27) New Source.

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

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

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

(iii) 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 Section (1)(b) or (c) above 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:

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

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

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

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

(28) Non-contact Cooling Water. Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

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

(30) Person. Any individual, partnership, co-partnership, firm, company, corporation, limited liability company, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.

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

(32) Pollutant. Any pollutant, including, but not limited to: dredged spoils; solid waste; incinerator residue; filter backwash; sewage; garbage; sewage sludge; munitions; medical wastes; chemical wastes; biological materials; radioactive materials; heat; wrecked or discarded equipment; rock; sand; cellar dirt; municipal, agricultural and industrial wastes; and, certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

(33) Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties, in wastewater, prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by: 1) physical, chemical, or biological processes; 2) process changes; or 3) other means. Pretreatment cannot be obtained by diluting the concentration of the pollutants, unless allowed by an applicable Pretreatment Standard.

(34) Pretreatment Coordinator. The person designated by SGRWRF to coordinate the SGRWRF Pretreatment Program, charged with certain duties and responsibilities under the ordinance as directed and delegated by the Manager. A technically skilled position, the Pretreatment Coordinator, or his or her designee, performs surveillance, administrative duties, and related work in monitoring compliance, and is a liaison with IUs of the SGRWRF.

(35) Pretreatment Standards or Standards. Pretreatment Standards shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307 (b) and (c) of the Act, which applies to IUs, which includes, but is not limited to, prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.

(36) Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 10.06.201 of this ordinance.

(37) Publicly Owned Treatment Works or POTW. A treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), which is owned by the SGRWRF. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature, and any conveyances, which convey wastewater to a treatment plant. It also includes sewers, pipes and other conveyances if they convey wastewater to a POTW. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the Indirect Discharges to, and the discharges from, such a treatment works.

(38) Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

(39) Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).

(40) Significant Industrial User (SIU). Except as provided in Subsection (c), a Significant Industrial User is:

(a) An Industrial User subject to categorical Pretreatment Standards; or

(b) An Industrial User that:

(i) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, non-contact cooling, and boiler blowdown wastewater);

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

(iii) Is designated as such by SGRWRF on the basis that it has a reasonable potential for adversely affecting the POTW's operation, or for violating any Pretreatment Standard or Requirement.

(c) Upon a finding that a User meeting the criteria in Subsection (b) has no reasonable potential for adversely affecting the POTW's operation, or for violating any Pretreatment Standard or Requirement, SGRWRF may at any time, on its own initiative, or in response to a petition received from an Industrial User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.

(41) Slug Load or Slug Discharge. Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 10.06.201 of this ordinance. A Slug Discharge is any Discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violates the POTW's regulations, Local Limits or Permit conditions.

(42) Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

(43) Total Suspended Solids, or TSS, or Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.

(44) Upset. Any exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the User. Upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(45) User, or Industrial User, or IU. A source of indirect discharge.

(46) Wastewater. Liquid and water-carried industrial waste and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

(47) Wastewater Treatment Plant or Treatment Plant. The portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

(48) Waters of the State. All streams, lakes, ponds, marshes, water-courses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through, or border upon this state or any portion thereof. Waters of the State does not include bodies of water confined to, and retained within, the limits of private property, and which do not develop into or constitute a nuisance, or a public health hazard, or a menace to fish and wildlife. (See, Section 19-5-102 of the Utah Code).

Part 2

GENERAL SEWER USE REQUIREMENTS

10.06.201Prohibited Discharge Standards.

(1) General Prohibitions. No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.

(2) Specific Prohibitions. No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

(a) Pollutants which will create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140° F (60° C) using the test methods specified in 40 CFR 261.21;

(b) Pollutants which will cause corrosive structural damage to the POTW, including, but not limited to, Discharges with a pH lower than 5.0, unless the works is specifically designed to accommodate such Discharges;

(c) Pollutants which will cause corrosive structural damage to the POTW, including, but not limited to, Discharges with a pH greater than 12.0;

(d) Solid or viscous pollutants in amounts which will cause obstruction of the flow in the POTW resulting in Interference;

(e) Any pollutant, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW;

(f) Any wastewater having a temperature greater than 140° F (60° C), or which will inhibit biological activity in the SGRWRF resulting in Interference, but in no case in such quantities that cause the temperature at the SGRWRF headworks to exceed 104° F (40° C);

(g) Any petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through;

(h) Any petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, exceeding 100 mg/L;

(i) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause worker health and safety problems;

(j) Any trucked or hauled pollutants, except at discharge points designated by the POTW, see Section 10.06.304 of this ordinance;

(k) Any noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance, a hazard to life, or prevent entry into the sewers for maintenance or repair;

(l) Any wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating SGRWRF's UPDES permit;

(m) Any wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;

(n) Storm Water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, Non-contact Cooling Water, and unpolluted wastewater, unless specifically authorized by the Manager;

(o) Any sludges, screenings, or other residues from the pretreatment of industrial wastes;

(p) Any Discharge of medical waste that causes or contributes to Pass Through or Interference:

(q) Any wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test; or

(r) Any waste containing detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW.

(3) Discharge. Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW.

10.06.202 National Categorical Pretreatment Standards.

(1) National Categorical Pretreatment Standards, specifying quantities or concentrations of pollutants or pollutant properties which may be discharged to a POTW by existing or new industrial users in specific industrial subcategories, have been established by EPA in 40 CFR Chapter I, Subchapter N, Parts 405-471 and are hereby incorporated.

(2) Users must comply with categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405–471.

(3) When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the Manager shall impose an alternate limit in accordance with 40 CFR 403.6(e).

10.06.203 State Pretreatment Standards. State of Utah Pretreatment standards, established by the Utah Administrative Code R317-8-8, are hereby incorporated. Any User subject to a state pretreatment standard is required to comply with the applicable standard.

10.06.204 Local Limits.

(1) The Manager is authorized to establish local limits pursuant to 40 CFR 403.5(c).

(2) Local limits apply at the point where the wastewater is discharged to the POTW. All limits set for metallic substances are for total metal unless indicated otherwise. The Manager may impose mass limitations in addition to the concentration-based limitations. The development documents for local limits are kept at SGRWRF offices and may be reviewed upon request.

(3) The Manager may develop Best Management Practices (BMPs), by ordinance, or in individual wastewater discharge permits, to implement local limits and the requirements of Section 10.06.201.

(4) No User shall discharge pollutants in excess of the local limits established by the Manager.

10.06.205 City's Right of Revision. The City reserves the right to establish, by ordinance, or in individual wastewater discharge permits, more stringent Standards or Requirements on discharges to the POTW consistent with the purpose of this ordinance. In addition, the Manager is authorized to temporarily or permanently revoke or suspend issuance of any type of permit at any time, in order to protect the POTW from Pass Through or Interference, or in order to maintain compliance with any UPDES permit requirement or pretreatment program requirement. The Manager shall also have the right to deny new or increased contributions, or to set additional conditions on such contributions, to protect the POTW, including limits that may be more stringent than the approved local limits.

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

10.06.207 Wastewater System.

(1) Application for Wastewater Service. Any person desiring to secure, or required to secure, wastewater service, when such service is available from the city, shall apply to the water services director, or to such other person designated by the water services director, and shall pay the required fees before any wastewater connection is approved. By applying for a wastewater connection, such person agrees to be bound by this chapter and all applicable policies and regulations pertaining to the city POTW.

(2) Mandatory Use Of Wastewater System:

(a) Residential:

(i) Residential Subdivisions. Residential subdivision developments are subject to city policy regarding use of, and connection to, the POTW, as well as this chapter.

(ii) Residential Dwelling Unit. It is mandatory that any residential dwelling unit shall be connected to the wastewater system at the expense of the owner or occupant thereof.

(A) The sole exception shall be for single residential lot not within a platted subdivision where said lot is one acre or greater in size. In such case, a private wastewater disposal system may be utilized if a delay improvement agreement is approved and executed with the city, and easements are provided where required. Before commencement of construction of any private wastewater disposal system, the property owner or person seeking to install a private wastewater system shall submit plans, specifications, and other information deemed necessary to the Utah Department of Health, and obtain a written permit from it for installation thereof. The type, capacity, location, and layout of a private wastewater disposal system shall comply with all requirements of the Utah Department of Health. The owner of a private wastewater disposal system shall at all times operate and maintain the same in a sanitary manner and at no expense to the city.

(B) When, in the discretion of the wastewater manager, a private wastewater disposal system ceases to operate effectively or creates a sanitation hazard, direct connection to the public wastewater system may be required by the manager, in which case the private wastewater disposal system shall be closed, and its facilities disconnected and properly decommissioned.

(b) Commercial, Industrial, and Other Buildings: It is mandatory that all commercial, industrial, and other buildings with wastewater service be connected to the public wastewater system. Private wastewater disposal systems shall not be allowed.

(c) In addition to other available enforcement actions, the city may enforce the wastewater connection requirements imposed in this section by disconnecting or refusing to supply the culinary water servicing the premises until proper connection to the wastewater system has been made.

(3) Ownership Of Connecting Lines: Unless provision is expressly made otherwise for ownership of laterals or lines by the owner of the adjacent property through a written agreement, all lines and laterals connecting the city POTW to a landowner or user's premises shall be deemed to be the property of the landowner/user, and all operation and maintenance shall be at the landowner's/user's expense. The city shall not be liable for blockage or flow interference in laterals or connecting lines before they connect to the city wastewater line.

(4) POTW Connections: Connection to, or extension of, the city wastewater main for use by a user shall be the sole responsibility of the user. Acceptance of any wastewater facility by the city for public use and maintenance, shall not occur until such facility has been inspected and approved for compliance with all city, state, and federal requirements.

(5) Inspection Of POTW Connections: Any connection to, extension of, or modification of, the wastewater system shall be under the direction of the water services director, and inspection of such shall be made by the appropriate inspector after installation in every case. No backfilling shall be done until the inspection is made, and the work accepted. In the event of an installation, repair, or alteration, where no building permit is required, there shall be no connection, directly or indirectly, with the wastewater system without notification to, and approval in advance from, the water services director or his designated representative, as well

as the inspection after installation required above. A reasonable inspection fee shall be paid for any inspection made under this subsection.

(6) Quality Of Installations And Maintenance: All wastewater mains, manholes, service laterals and other materials used in conjunction with the wastewater system shall be of such quality and specifications as required by the "City Of St. George Standard Specifications For Design And Construction", as last revised. It shall be unlawful for any person to connect any drain or service line to the POTW system unless such person is a contractor properly licensed by the state. After installation, all private service pipes, connections and other apparatus shall be maintained in good repair at the user's expense. No person shall be allowed to dig into the street for purposes of installing, repairing or maintaining any service pipes, connections or other apparatus except under the direction of the water services director or his designated personnel who shall at all reasonable times have free access to drains and wastewater lines connecting with the wastewater system for the purpose of examination and inspection.

Part 3
PRETREATMENT OF WASTEWATER

10.06.301 Pretreatment Facilities. Users shall provide wastewater treatment as necessary to comply with this ordinance, and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Section 10.06.201 of this ordinance, within the time limitations specified by EPA, the State, or the Manager, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Manager for review, and shall be acceptable to the Manager before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to SGRWRF under the provisions of this ordinance.

10.06.302 Additional Pretreatment Measures.

(1) Whenever deemed necessary, SGRWRF may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW, and determine the User's compliance with the requirements of this ordinance.

(2) The Manager may require any person discharging into the POTW to install and maintain, on their property, and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit may be issued solely for flow equalization,

(3) Grease, oil, and sand interceptors, such as described by the International Plumbing Code, shall be provided when, in the opinion of the Manager, they are necessary for the proper handling of wastewater containing excessive amounts of liquid waste, floatable grease, oil, or sand; except, such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the Manager and shall be located to be easily accessible for cleaning and inspection, and away from building entrances and exits. Such interceptors shall be cleaned, repaired, and maintained by the User at its expense.

(4) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

(5) Sampling manholes shall be located in an area to allow for ease of cleaning, sampling and inspection by the User and SGRWRF. If located in a parking area, parking shall not be allowed on or over the sampling manhole.

10.06.303 Accidental Discharge/Slug Discharge Control Plans. The Pretreatment Coordinator shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan, or other actions to control Slug Discharges. The Pretreatment Coordinator may require any User to develop, submit for approval, and implement, such a plan, or take such other action that may be necessary to control Slug Discharges. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

(1) Description of discharge practices, including non-routine batch discharges;

(2) List and description of stored chemicals;

(3) Procedures for immediately notifying the Manager of any accidental or Slug Discharge, as required by Section 10.06.606 of this ordinance; and

(4) Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.\

10.06.304 Hauled Wastewater

(1) Septic tank waste may be introduced into the POTW only at locations designated by the Manager, and at such times as are established by the Manager. Such waste shall not violate Part 2 of this ordinance or any other requirements established by SGRWRF. The Manager may require septic tank waste haulers to obtain individual wastewater discharge permits.

(2) The discharge of hauled industrial wastes as "industrial septage" requires prior approval and an individual wastewater discharge permit from the SGRWRF. The Manager shall have authority to prohibit the disposal of such wastes, if disposal would interfere with the treatment plant operations or violate Part 2 of this ordinance. Waste haulers are subject to all other sections of this ordinance.

(3) Waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the waste hauler, truck identification, names and addresses of sources of waste, and volume and characteristics of waste.

Part 4

INDIVIDUAL WASTEWATER DISCHARGE PERMITS

10.06.401 Wastewater Analysis. When requested by the Pretreatment Coordinator, a User must submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. The Pretreatment Coordinator is authorized to prepare a form for this purpose, and periodically may require Users to update this information. If the User changes or

adds a process, the User automatically is required to update the information provided to the Pretreatment Coordinator 30 days prior to the process being changed or added.

10.06.402 Individual Wastewater Discharge Permit Requirement.

(1) No Significant Industrial User shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit from the Manager, except that a Significant Industrial User that has filed a timely application pursuant to Section 10.06.403 of this ordinance may continue to discharge for the time period specified therein, unless the Manager has determined the SIU meets the requirements of 10.06.104.RR (3)

(2) The Manager may require other Users to obtain individual wastewater discharge permits as necessary to carry out the purposes of this ordinance.

(3) Any violation of the terms and conditions of an individual wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in Sections Part 10 through Part 12 of this ordinance. Obtaining an individual wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements, or with any other requirements of Federal, State, and local law.

10.06.403 Individual Wastewater Discharge Permitting: Existing Connections. Any User required to obtain an individual wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this ordinance, and who wishes to continue such discharges in the future, shall, within ninety (90) days after said date, apply to the Pretreatment Coordinator for an individual wastewater discharge permit in accordance with Section 10.06.405 of this ordinance, and shall not cause or allow discharges to the POTW to continue after one hundred eighty (180) days of the effective date of this ordinance, except in accordance with an individual wastewater discharge permit issued by the Manager.

10.06.404 Individual Wastewater Discharge Permitting: New Connections. Any User required to obtain an individual wastewater discharge permit who proposes to begin or recommence discharging into the POTW, shall obtain such permit prior to beginning or recommencing such discharge. An application for an individual wastewater discharge permit, in accordance with Section 10.06.405 of this ordinance, shall be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

10.06.405 Individual Wastewater Discharge Permit Application Contents.

(1) All Users required to obtain an individual wastewater discharge permit shall submit a permit application. All permittees that will be continuing to discharge are required to complete an application 60 days prior to the permit expiring. The SGRWRF may require Users to submit all or some of the following information as part of a permit application:

(a) Identifying Information.

(i) The name and address of the facility, including the name of the operator and owner.

(ii) Contact information for the authorized representative and the duly authorized representative for the facility, and

(iii) The description of activities, facilities, and plant production processes on the premises;

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

(c) Description of Operations.

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

(ii) Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;

(iii)Number and type of employees, proposed hours of operation, and actual hours of operation;

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

(v) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;

(d) Time and duration of discharges.

(e) The location for monitoring all wastes covered by the permit

(f) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in Section 10.06.202.C. (40 CFR 403.6(e)).

(g) Measurement of Pollutants.

(i) The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources;

(ii) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the Pretreatment Coordinator, of regulated pollutants in the discharge from each regulated process;

(iii)Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported;

(iv) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 10.06.610 of this ordinance. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Pretreatment Coordinator, or the applicable Standards to determine compliance with the Standard; and

(v) Sampling must be performed in accordance with procedures set out in Section 10.06.611 of this ordinance.

(h) Any other information as may be deemed necessary by the Pretreatment Coordinator to evaluate the permit application.

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

(3) Based on information provided by the permittee as required in 10.06.405.A, the SGRWRF will determine, within 30 days: 1) if additional information is needed; 2) if a permit is not

necessary; or 3) if a permit will be required to be issued before the IU discharge is allowed to the POTW.

(4) Should any of the information requested or supplied be considered by the User to be of a confidential nature, the User should request confidential status of specific information in accordance with Section Part 8 of this ordinance. Information regarding sampling and analysis of the discharge is not considered confidential information.

10.06.406 Application Signatories and Certifications.

(1) All wastewater discharge permit applications, User reports and certification statements shall be signed by an Authorized Representative of the User and contain the certification statement required in Section 10.06.614.A.

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

10.06.407 Individual Wastewater Discharge Permit Decisions. The Pretreatment Coordinator will evaluate the data furnished by the User and may require additional information. Within thirty (30) days of receipt of a complete permit application, the Manager will determine whether to issue an individual wastewater discharge permit. The Manager may approve, conditionally approve, or deny any application for an individual wastewater discharge permit.

Part 5

INDIVIDUAL WASTEWATER DISCHARGE PERMIT ISSUANCE

10.06.501 Individual Wastewater Discharge Permit Duration. An individual wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. An individual wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Manager. Each individual wastewater discharge permit will indicate a specific effective date and expiration date.

10.06.502 Individual Wastewater Discharge Permit Contents. An individual wastewater discharge permit shall include conditions deemed reasonably necessary by the Manager to prevent Pass Through or Interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

(1) Individual wastewater discharge permits must contain:

(a) A statement that indicates the wastewater discharge permit issuance date, effective date, and expiration date;

(b) A statement that the wastewater discharge permit is nontransferable without prior notification to, and approval from, the SGRWRF, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

(c) Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards in part 403 of the Code of Federal Regulations, categorical Pretreatment Standards, local limits, State and local law.

(d) Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type, based on Federal, State, and local law.

(e) A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, and local law.

(f) Requirements to control Slug Discharge, if determined by the Manager to be necessary.

(g) Requirements to report to the Manager any slug discharge.

(h) Requirements to notify the Manager of changes to the Industrial User's discharge 30 days prior to the change. The Manager shall approve, conditionally approve, or deny the change prior to the User making the change at the facility that may impact the discharge at the facility to the POTW.

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

(a) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

(b) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices designed to reduce, eliminate, or prevent the introduction of pollutants into the POTW;

(c) Requirements for the development and implementation of spill control plans, or other special conditions, including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;

(d) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

(e) The schedule of User charges and fees, for the management of the wastewater discharged to the POTW;

(f) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;

(g) A statement that compliance with the individual wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, and local standards, including those which become effective during the term of the individual wastewater discharge permit: and

(h) Other conditions as deemed appropriate by the Manager to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

10.06.503 Permit Appeals. An interested person or entity, including the Industrial User, may petition the SGRWRF to reconsider the terms of a wastewater discharge permit within 15 days of the issuance date.

(1) Failure to submit a timely petition for review is a waiver of the administrative appeal.

(2) In its petition, the appealing party must indicate the wastewater discharge provision objected to, the reason for the objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.

(3) The effectiveness of the wastewater discharge permit is not stayed pending the appeal.

(4) If the SGRWRF fails to act within 15 days of a petition for reconsideration, it is deemed denied. Denials and decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit, shall be considered final administrative action for purposes of judicial review.

(5) Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the Fifth Judicial District Court in and for Washington County, State of Utah.

10.06.504 Permit Modification. The Manager may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

(1) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;

(2) To address significant alterations or additions to the User's operation, processes, or wastewater volume or character, since the time of the individual wastewater discharge permit issuance;

(3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge; or

(4) Information indicating that the permitted discharge poses a threat to the POTW, related personnel, receiving waters, or sludge, as follows:

(5) Violation of any terms or conditions of the individual wastewater discharge permit;

(6) Misrepresentations or intentional or unintentional failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

(7) Revision of, or a grant of variance from, categorical Pretreatment Standards pursuant to 40 CFR 403.13;

(8) To correct typographical or other errors in the individual wastewater discharge permit; or

(9) To reflect a transfer of the facility ownership or operation to a new owner or operator.

10.06.505 Individual Wastewater Discharge Permit Transfer. Wastewater discharge permits may be transferred to a new owner and/or operator only if the permittee gives at least 30 days advanced notice to the Manager, and the Manager approves the wastewater discharge permit transfer. Failure to provide advance notice of such transfer to, and approval from, the Manager, renders the wastewater discharge permit void on the date of facility transfer. The notice to the Manager must include a written certification by the new owner and/or operator which:

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

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

(3) Acknowledges full responsibility for complying with the existing wastewater discharge permit; and

(4) Acknowledges the conditions of the permit will not change.

10.06.506 Individual Wastewater Discharge Permit Revocation.

(1) The Manager may revoke an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

(a) Failure to notify the Manager of significant changes to the wastewater prior to the changed discharge;

(b) Failure to provide prior notification to the Manager of changed conditions pursuant to Section 10.06.605 of this ordinance;

(c) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

(d) Falsifying self-monitoring reports;

(e) Falsifying certification statements;

(f) Tampering with monitoring equipment;

(g) Refusing to allow the Manager and/or his or her designee timely access to the facility premises and/or records;

(h) Failure to meet effluent limitations;

(i) Failure to pay fines;

(j) Failure to pay sewer charges;

(k) Failure to meet compliance schedules;

(l) Failure to complete a wastewater survey, or the wastewater discharge permit application or reapplication;

(m) Failure to provide advance notice of the transfer of business ownership of a permitted facility;

(n) Violation of any Pretreatment Standard or Requirement, or any terms of the wastewater discharge permit or this ordinance; or

(o) Upon request by the permittee due to a change in ownership, or the business is moving, or going out of business.

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

(3) Non-compliant Industrial Users will be notified of the proposed termination of their wastewater permit and will be offered the opportunity to show cause under these standards why the proposed action should not be taken. However, notwithstanding this or any other provision of this Chapter, the Manager may in his or her sole discretion, immediately revoke any discharge permit where the discharge reasonably appears to present an imminent danger to the health or welfare of persons.

10.06.507 Individual Wastewater Discharge Permit Reissuance. A User with an expiring individual wastewater discharge permit shall apply for individual wastewater discharge permit

reissuance by submitting a complete permit application, in accordance with Section 10.06.405 of this ordinance, a minimum of sixty (60) days prior to the expiration of the User's existing individual wastewater discharge permit.

10.06.508 Regulation of Waste Received from Other Jurisdictions.

(1) If another municipality, or User located within another municipality, contributes wastewater to the POTW, the Manager shall enter into an intermunicipal agreement with the contributing municipality.

(2) Prior to entering into an agreement required by Subsection (1), above, the Manager shall request the following information from the contributing municipality:

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

(b) An inventory of all Users located within the contributing municipality that are discharging to the POTW; and

(c) Such other information as the Manager may deem necessary.

(3) An intermunicipal agreement, as required by paragraph A, above, shall contain the following terms and conditions:

(a) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this ordinance and Local Limits, including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in Section 10.06.204 of this ordinance. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the City's ordinance or Local Limits;

(b) A requirement for the contributing municipality to submit a revised User inventory on at least an annual basis;

(c) A provision specifying which pretreatment implementation activities, including individual wastewater discharge permit issuance, inspection, sampling, and enforcement, will be conducted by: a) the contributing municipality; b) the Manager; and c) jointly by the contributing municipality and the Manager;

(d) A requirement for the contributing municipality to provide the Manager with access to all information that the contributing municipality obtains as part of its pretreatment activities;

(e) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;

(f) Requirements for monitoring the contributing municipality's discharge;

(g) A provision ensuring the Manager or his or her designee access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Manager; and

(h) A provision specifying remedies available for breach of the terms of the intermunicipal agreement.

Part 6

REPORTING REQUIREMENTS

10.06.601 Baseline Monitoring Reports.

(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 403.6(a)(4), whichever is later, existing Categorical Industrial Users currently discharging to, or scheduled to discharge to, the POTW shall submit to the Pretreatment Coordinator a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall submit to the Pretreatment Coordinator a report which contains the information listed in Subsection (2), below. A New Source shall report the method of pretreatment it intends to use to meet applicable categorical Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

(2) Users described above shall submit the following information:

(a) All information required in Section 10.06.405.

(b) Measurement of pollutants.

(i) The User shall provide the information required in Section 10.06.405(1)(g) (i) through (v);

(ii) The User shall take a minimum of one representative sample to compile the data necessary to comply with the requirements of this paragraph;

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

(iv) Sampling and analysis shall be performed in accordance with Section 10.06.610 and 10.06.611;

(v) The Pretreatment Coordinator may allow the submission of a baseline report which utilizes only historical data if the data provides information sufficient to determine the need for industrial pretreatment measures; and

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

(c) Compliance Certification. A statement, reviewed by the User's Authorized Representative as defined in Section 10.06.104(3), and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operations and maintenance (O & M), and/or additional pretreatment, is required to meet the Pretreatment Standards and Requirements.

(d) Compliance Schedule. After it is determined that additional pretreatment and/or O & M will be required, User must submit a compliance schedule within thirty (30) days. The compliance schedule shall specify the shortest timeline for the User to 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. A compliance schedule pursuant to this Section must meet the requirements set out in Section 10.06.602 of this ordinance.

(e) Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 10.06.614(1) of this ordinance and signed by an Authorized Representative as defined in Section 10.06.104(3).

10.06.602 Compliance Schedule Progress Reports. The following conditions shall apply to the compliance schedule required by Section 10.06.601(2)(d) of this ordinance:

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

(2) The User shall submit a progress report to the Pretreatment Coordinator no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and

(3) In no event shall more than nine (9) months elapse between such progress reports to the Pretreatment Coordinator.

10.06.603 Reports on Compliance with Categorical Pretreatment Standard Deadline. Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards, or in the case of a New Source, following commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to the Pretreatment Coordinator a report containing the information described in Section 10.06.405(1) (g) and (g) and 10.06.601(2)(b) of this ordinance. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to categorical Pretreatment Standards, expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 10.06.614 of this ordinance. Sampling and analysis shall be performed in accordance with Section 10.06.610 and 10.06.611.

10.06.604 Periodic Compliance Reports.

(1) All Significant Industrial Users, at a frequency determined by the Pretreatment Coordinator, must submit reports, no less than twice per year (June and December), indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards, and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice

(BMP), or pollution prevention alternative, the User must submit documentation required by the Pretreatment Coordinator or the Pretreatment Standard necessary to determine the compliance status of the User.

(2) All periodic compliance reports must be signed and certified in accordance with Section 10.06.614(1) of this ordinance.

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

(4) If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Pretreatment Coordinator, using the procedures prescribed in Section 10.06.611 of this ordinance, the results of this monitoring shall be included in the report.

10.06.605 Reports of Changed Conditions.

(1) Each User must notify the Pretreatment Coordinator of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change, including changes that may affect slug discharges to the POTW. Significant changes shall be considered to be changes beyond the typical operating range of the User, or changes that would have significant impact on POTW operations.

(2) The Pretreatment Coordinator may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 10.06.405 of this ordinance.

(3) The Manager may issue an individual wastewater discharge permit under Section 10.06.507 of this ordinance or modify an existing wastewater discharge permit under Section 10.06.504 of this ordinance, in response to changed conditions or anticipated changed conditions.

(4) The Manager may approve, conditionally approve, or deny the change based on the effect the change may have on the POTW and/or the Pretreatment Program.

10.06.606 Reports of Potential Problems.

(1) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, a Slug Discharge, or Slug Load, that might cause potential problems for the POTW, the User shall immediately notify either in person or via a phone conversation with the Pretreatment Coordinator of the incident. A phone message does not satisfy this notification requirement. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.

(2) Within five (5) days following such discharge, the User shall, unless waived by the Manager, submit a detailed written report describing the cause(s) of the discharge, and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property. Such notification shall not relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this ordinance**.**

(3) A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees of the notification procedures in the event of a discharge described in Subsection (1) above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.

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

10.06.607 Reports from Unpermitted Users. All Users not required to obtain an individual wastewater discharge permit shall provide appropriate reports as required by the Pretreatment Coordinator.

10.06.608 Notice of Violation/Repeat Sampling and Reporting. If sampling performed by a User indicates a violation, the User shall notify the Pretreatment Coordinator within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis, and submit the results of the repeat analysis to the Pretreatment Coordinator within thirty (30) days after becoming aware of the violation. Resampling by the Industrial User is not required if: 1) SGRWRF performs scheduled sampling at the facility at least once a month; 2) if SGRWRF performs sampling at the facility, between the time when the initial sampling was conducted, and the time when the User receives the results of the initial sampling; or, 3) if SGRWRF has performed the sampling and analysis in lieu of the Industrial User, then SGRWRF will perform the repeat sampling and analysis, unless it notifies the User of the violation and requires the User to perform the repeat sampling and analysis.

10.06.609 Notification of the Discharge of Hazardous Waste.

(1) Any User who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the User discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information: 1) an identification of the hazardous constituents contained in the wastes; 2) an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month; and 3) an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 10.06.605 of this ordinance. The notification requirement in this Section does not apply to pollutants already reported by Users subject to categorical Pretreatment Standards under the self-monitoring requirements of Sections 10.06.601, 10.06.603, and 10.06.604 of this ordinance.

(2) Dischargers are exempt from the requirements of paragraph A, above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which

the User discharges more than such quantities of any hazardous waste do not require additional notification.

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

(4) In the case of any notification made under this Section, the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated.

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

10.06.610 Analytical Requirements.

(1) All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application, report, permit or other requirement by this ordinance, 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 approved by the Pretreatment Coordinator.

(2) All laboratory samples collected for this ordinance shall be analyzed by a laboratory that is either certified by the Utah Bureau of Laboratory Improvements or approved by the Manager.

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

(1) Except as indicated in Subsections (2) and (3) below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Pretreatment Coordinator. Where time-proportional composite sampling or grab sampling is authorized by SGRWRF, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: 1) for cyanide, total phenols, and sulfides, the samples may be composited in the laboratory or in the field; and 2) for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters, unaffected by the compositing procedures as documented in approved EPA methodologies, may be authorized by SGRWRF, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

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

(3) For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 10.06.601 and 10.06.603, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist. For facilities for which historical sampling data are available, the Pretreatment Coordinator may authorize a lower minimum. For the reports required by paragraphs Section 10.06.604, the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance with applicable Pretreatment Standards and Requirements.

10.06.612 Date of Receipt of Reports. Written reports are deemed submitted on the date postmarked. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date the report is received shall govern.

10.06.613 Recordkeeping. Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with BMPs established under Section 10.06.204(3). Records shall include: 1) the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; 2) the dates analyses were performed; 3) who performed the analyses; 4) the analytical techniques or methods used; and 5) the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or SGRWRF, or where the User has been specifically notified of a longer retention period by the Pretreatment Coordinator.

10.06.614 Certification Statements. Certification of Permit Applications, User Reports and Initial Monitoring Waiver. The following certification statement, signed by an Authorized Representative as defined in Section 10.06.104(3), shall be submitted by Users submitting permit applications under Section 10.06.406: 1) Users submitting baseline monitoring reports under Section 10.06.601(2)(e); 2) Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section 10.06.603; and 3) Users submitting periodic compliance reports required by Section 10.06.604.(1) through (4):

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

Part 7

COMPLIANCE MONITORING

10.06.701 Right of Entry: Inspection and Sampling. The Manager or his or her designee shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this ordinance, and any individual wastewater discharge permit or order issued hereunder. Users shall allow the Manager or his or her designee ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying,

and/or the performance of any additional duties. Inspections and monitoring shall be conducted as frequently as determined by the SGRWRF and may be announced or unannounced**.**

(1) Where a User has security measures in force that require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards, so, upon presentation of suitable identification, the Manager shall be permitted to enter without delay for the purpose of performing his or her duties.

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

(3) The Manager may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated at least annually, or as required per the manufacturer's recommendations and specifications to ensure their accuracy.

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

(5) Unreasonable delays in allowing the Manager or his or her designee access to the User's premises shall be a violation of this ordinance.

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

(7) All Significant Industrial Users will be inspected at least annually including review of facilities and reports.

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

10.06.702 Search Warrants. If the Manager or his or her designee has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of SGRWRF designed to verify compliance with this ordinance 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 a court of competent jurisdiction.

Part 8

CONFIDENTIAL INFORMATION

10.06.801 Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge permits, and monitoring programs, and

from the Manager inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the Manager, that the release of specific information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that specific information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall be redacted and not made available for inspection by the public. Regardless of any such assertion of confidentiality, all information, unredacted, shall be made available immediately upon request to governmental agencies for uses related to the UPDES program or pretreatment program, and in enforcement proceedings involving the person or entity furnishing the report. Wastewater constituents and characteristics, and other effluent data, as defined at 40 CFR 2.302, shall not be recognized as confidential information and shall be available to the public without restriction.

Part 9

PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

10.06.901 The Manager shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by POTW, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (3), (4) or (8) of this Section) and shall mean:

(1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Part 2 of this ordinance;

(2) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for the same pollutant parameter during a six (6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Part 2 multiplied by the applicable TRC criteria (TRC=1.4 for BOD, TSS, fats, oils and grease, and TRC=1.2 for all other pollutants except pH);

(3) Any other violation of a Pretreatment Standard or Requirement as defined by Part 2 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Manager determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;

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

(5) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(6) Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(7) Failure to accurately report noncompliance; or

(8) Any other violation(s), which may include a violation of Best Management Practices, which the Manager determines will adversely affect the operation or implementation of the local Pretreatment Program.

Part 10

ADMINISTRATIVE ENFORCEMENT REMEDIES

10.06.1001 Notification of Violation. When the Manager finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Manager may serve upon that User a written Notice of Violation, personally or by registered or certified mail (return receipt requested). Within fifteen (15) days of receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, including specific required actions, shall be submitted by the User to the Manager. Submission of such a plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the Manager to take any action, including emergency actions or any other enforcement action, before or without issuing a Notice of Violation.

10.06.1002 Consent Orders. The Manager may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 10.06.1004 and 10.06.1005 of this ordinance and shall be judicially enforceable**.**

10.06.1003 Show Cause Hearing. The Manager may order a User which has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the Manager and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the show cause hearing, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least fifteen (15) days prior to the hearing. Such notice may be served on any Authorized Representative of the User as defined in Section 10.06.104(3). A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

10.06.1004 Compliance Orders. When the Manager finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Manager may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time

provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

10.06.1005 Cease and Desist Orders. When the Manager finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past 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 User to:

(1) Immediately comply with all requirements; and

(2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

10.06.1006 Administrative Fines

(1) When the Manager finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Manager may fine such User an amount not to exceed $5,000. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.

(2) Unpaid charges, fines, and penalties shall, after sixty (60) calendar days, be assessed an additional penalty of ten percent (10%) of the unpaid balance, and interest shall accrue thereafter at a rate of one point five percent (1.5%) per month. A lien against the User's real and/or personal property shall be sought for unpaid charges, fines, and penalties.

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

(4) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

10.06.1007 Emergency Suspensions. The Manager may immediately suspend a User's discharge whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present, or cause, an imminent or substantial endangerment to the health or welfare of persons. The Manager may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment. Nothing in this Section shall be

interpreted as requiring a hearing prior to any Emergency Suspension of a permit and/or discharge to the POTW.

(1) Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Manager may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to persons or the environment. The Manager may allow the User to recommence its discharge when the User has demonstrated, to the satisfaction of the Manager, that the period of endangerment has passed, unless the termination proceedings in Section 10.06.1008 of this ordinance are initiated against the User.

(2) A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution, and the measures taken to prevent any future occurrence. The written statement shall be submitted to the Manager prior to the date of any show cause or termination hearing under Sections 10.06.1003 or 10.06.1008 of this ordinance.

10.06.1008 Termination of Discharge.

(1) Violations Subject to Discharge Termination. In addition to the provisions in Section 10.06.506 of this ordinance, any User who violates the following conditions is subject to discharge termination:

(a) Violation of individual wastewater discharge permit conditions;

(b) Failure to accurately report the wastewater constituents and characteristics of its discharge;

(c) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;

(d) Refusal of access to the User's premises for the purpose of inspection, monitoring, or sampling; or

(e) Violation of the Pretreatment Standards in Part 2 of this ordinance.

(2) Notice of Discharge Termination. User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 10.06.1003 of this ordinance why the proposed action should not be taken. Exercise of this option by the Manager shall not be a bar to, or a prerequisite for, taking any other action against the User.

Part 11
JUDICIAL ENFORCEMENT REMEDIES

10.06.1101 Injunctive Relief. When the Manager finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Manager may petition the Washington County Fifth District Court through the City Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual wastewater discharge permit, order, or other requirement, imposed by this ordinance on activities of the User. The Manager may also seek such other and further relief in law or equity, including a requirement for the User to conduct environmental

remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against the User.

10.06.1102 Civil Penalties.

(1) A User who has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, shall be liable to the City for a maximum civil penalty of $10,000 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

(2) The SGRWRF may recover reasonable attorneys' fees, court costs, interest, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any other actual damages incurred by SGRWRF or the City.

(3) In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained by the User from the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.

(4) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against the User.

10.06.1103 Criminal Prosecution. The SGRWRF will refer to the State of Utah criminal violations of any Pretreatment Standards or permit conditions. The Attorney General's office for Utah will offer the City, wherein the violation occurred, the option to prosecute the violator. Should the local entity decline, the State or EPA, at their discretion, may initiate appropriate criminal action. The SGRWRF will assist the Attorney General's office or EPA any way it can with appropriate support for the action. The penalties set forth herein are in addition to any other cause of action for personal injury or property damage available under State or Federal law.

(1) A User who willfully or negligently violates any provision of this Ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, upon conviction, shall be guilty of a Class A misdemeanor, punishable by a fine of not more than $25,000 per violation, per day, or imprisonment for not more than one (1) year, or both.

(2) A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage, upon conviction, shall be guilty of a Class A misdemeanor and be subject to a penalty of not more than $25,000, per violation, per day, or imprisonment for not more than one (1) year, or both.

(3) A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this Ordinance, individual wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance, upon conviction, shall guilty of a third degree felony, and be subject to a penalty of not more than $50,000, per violation, per day, or imprisonment for not more than five (5) years, or both.

(4) In the event of a second or subsequent conviction, a User shall be punished by a fine of not more than $50,000 per violation, per day, or imprisonment for not more than five years, or both.

10.06.1104 Remedies Nonexclusive. The remedies provided for in this ordinance are not exclusive. The SGRWRF may take any, all, or any combination of these actions, against a noncompliant User, simultaneously or otherwise. Enforcement of pretreatment violations generally will be in accordance with the SGRWRF's enforcement response plan. However, SGRWRF may take other action against a User when the circumstances warrant. Further, SGRWRF is empowered to take more than one enforcement action against a noncompliant User.

Part 12

SUPPLEMENTAL ENFORCEMENT ACTION

10.06.1201 Performance Bonds. The Manager may decline to issue or reissue an individual wastewater discharge permit to any User who has failed to comply with any provision of this ordinance, a previous individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, unless such User first files a satisfactory bond, payable to the City, in a sum not to exceed a value determined by the Manager to be necessary to achieve consistent compliance.

10.06.1202 Liability Insurance. The Manager may decline to issue or reissue an individual wastewater discharge permit to any User who has failed to comply with any provision of this ordinance, a previous individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, unless the User first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge, including, but not limited to, liability insurance.

10.06.1203 Water Supply Severance. Whenever a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, water service to the User may be severed. Service will recommence, at the User's expense, only after the User has satisfactorily demonstrated its ability to comply.

10.06.1204 Public Nuisances. Whenever a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, it hereby is declared a public nuisance and shall be corrected or abated as directed by the Manager. Any person or entity creating a public nuisance shall be subject to the provisions of the Ivins City Ordinance (Title 7 Chapter 6) governing such nuisances, including, but not limited to, reimbursing the City for any costs incurred in removing, abating, or remedying said nuisance.

Part 13

AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

10.06.1301 Upset.

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

(2) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical Pretreatment Standards, if the requirements of paragraph (3), below, are met.

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

(a) An upset occurred and the User can identify the cause(s) of the upset;

(b) The facility at the time was being operated in a prudent and workman-like manner, and in compliance with applicable operation and maintenance procedures; and

(c) The User has submitted the following information to the Manager within twenty-four (24) hours of becoming aware of the upset, and, if this information is provided orally, a written submission must be provided within five (5) days:

(i) A description of the indirect discharge and cause of noncompliance;

(ii) The period of noncompliance, including exact dates and times, or, if not corrected, the anticipated time the noncompliance is expected to continue; and

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

(4) In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.

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

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

10.06.1302 Bypass.

(1) For the purposes of this Section:

(a) Bypass means the intentional diversion of wastestreams from any portion of a 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) A User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (3) and (4) of this Section.

(3) Bypass Notifications:

(a) If a User knows in advance of the need for a bypass, it shall submit prior notice to the Manager, at least ten (10) days before the date of the bypass.

(b) A User shall submit oral notice to the Manager of an unanticipated bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the bypass. The written submission shall contain: a) a description of the bypass; b) its cause; c) the duration of the bypass, including exact dates and times; d) if the bypass has not been corrected, the anticipated time it is expected to continue; and e) steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Manager, in his or her sole discretion, may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours, and the facts merit the waiver.

(4) Bypass

(a) Bypass is prohibited, and the Manager may take an enforcement action against a User, unless

(i) Bypass was unavoidable in order to prevent loss of life, personal injury, or severe property damage;

(ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(iii) The 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 conditions listed in paragraph (4)(a) of this Section.

(c) Bypass shall constitute an affirmative defense to an action brought for noncompliance with categorical Pretreatment Standards, if the requirements of this paragraph (4) are met.

Part 14

FATS, OILS, GREASE, AND SOIL (FOGS) CONTROL

10.06.1401 General. The following Section is applicable to Commercial and Industrial Users that have the potential to discharge deleterious wastewaters containing elevated levels of fat, oils, grease and/or soil to the POTW.

10.06.1402 Definitions. The following definitions are supplemental to the St. George Pretreatment Ordinance and applicable to this Section:

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

(2) Common Interceptor – One or more interceptors receiving deleterious wastewater from more than one establishment.

(3) FOG – Fats, oil and grease of vegetable and animal origin.

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

(5) Food Service Establishment (FSE) – means any building, vehicle, place, or structure, or any room or division in a building, vehicle, place, or structure, where: 1) food is prepared, served, or sold for immediate consumption on or in the vicinity of the premises; 2) called for or taken out by customers; or 3) prepared prior to being delivered to another location for consumption.

(6) Grease Interceptor – A structure or device designed for the purpose of removing and preventing fats, oils, and grease from entering the sanitary sewer collection system. These devices are below-ground units in outside areas with a minimum capacity of 1000 gallons.

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

10.06.1403 Interceptor and Trap Installation Specifications

(1) Grease and Sand/Oil Interceptors, as described by the International Plumbing Code (IPC), shall be required of any Commercial User when the SGRWRF determines they are necessary for the proper handling of wastewater containing FOGS in excessive amounts, except such interceptors shall not be required for residential dwelling units.

(2) Any Commercial User utilizing a three compartment sink shall be required to have either a grease interceptor or grease trap installed at its own expense and shall be required to comply with maintaining the device as outlined in the St. George City Pretreatment Operating Plan.

(3) All construction plans for interceptors shall be submitted to SGRWRF for review and approval prior to installation. All interceptors shall be of a type, construction, and capacity approved by SGRWRF.

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

(5) All newly constructed commercial structures, strip malls, multi-tenant planned-occupied buildings, or planned-un-occupied buildings, shall install independent six inch wastewater discharge lines stubbed out within each designated future food establishment unit. If a new source commercial structure, strip mall, or multi-tenant building has planned occupancy by one or more businesses that do not generate FOG, and therefore do not need a grease interceptor, and the owner of the structure does not facilitate the installation of independent six inch wastewater discharge line and install a common interceptor, then no future food establishments shall be permitted, unless facilities are retrofitted for independent lines.

(6) All newly constructed "stand alone" commercial structures, strip malls, multi-tenant planned-occupied buildings, where a three compartment sink will be utilized, will be required to install a grease interceptor.

(7) All existing commercial or industrial businesses shall have one year to install an interceptor upon notification by SGRWRF, where required by SGRWRF standards.

(8) Interceptors for businesses that have closed shall be dewatered and cleaned by the owner of said establishment. A representative of SGRWRF may inspect and verify this process has been completed to the satisfaction of SGRWRF.

(9) Grease Traps are only allowed in place of grease interceptors when in the opinion of the Manager it is physically impossible to install a grease interceptor outside of the building or business. As such, a variance request from the owner or lessee of the property must be made to SGRWRF with a certification letter from a duly licensed Utah plumber or engineer.

10.06.1404 General FOGS Waste Discharge Limits and Requirements. It shall be unlawful to discharge within SGRWRF jurisdiction, any sanitary wastewater, commercial and industrial waste, or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this Pretreatment Ordinance. The following are general requirements and prohibitions applicable to this Section:

(1) The discharge of any substance into the sewer system that exceeds or violates general or specific prohibitions listed in Section 10.06.201 is prohibited.

(2) The discharge into the sewer system of FOGs that may accumulate and/or cause or contribute to blockages in the sewer system, or at the sewer system lateral, except as provided herein, is prohibited.

(3) Installation and use of food grinders in new and/or remodeled FSEs is not recommended.

(4) Emulsifiers, enzymes, or degreasers shall not be added as sewer aids to any plumbing that leads to any interceptor directly or indirectly.

(5) The disposal of cooking oil (yellow grease) into the sewer system is prohibited. All waste cooking oils shall be collected, stored, and labeled properly in receptacles such as barrels or drums for recycling or other acceptable methods of disposal.

(6) The discharge of wastewater with temperatures in excess of 140°F to any FOGS control device, including interceptors and traps, is prohibited.

(7) The discharge of waste from toilets, urinals, washbasins, and other fixtures containing fecal materials into sewer lines intended for interceptor service, is prohibited.

(8) The discharge to the sewer system of any waste including FOGS and solid materials, that were otherwise removed from an interceptor or other FOGS control device, is prohibited. Wastes removed from interceptors must be hauled off and properly disposed of periodically in compliance with operation and maintenance requirements.

(9) Operation of an interceptor with FOGS and solids (floating + settled) accumulation, exceeding twenty-five percent (25%) of the design hydraulic depth of the interceptor, is prohibited.

(10) Commercial Users, during regular business hours, shall provide to the Pretreatment Coordinator or his or her designee immediate and safe access to the Users premises, FOGS handling facilities, and BMP facilities.

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

10.06.1405 Kitchen Best Management Practices (BMP) Requirements. All Food Service Establishments (FSEs) shall be required, at a minimum, to implement and comply with the following Kitchen BMPs, whenever applicable:

(1) Drain screens (strainers) shall be installed on all drainage pipes in food preparation areas.

(2) All waste cooking oil shall be collected and stored properly in recycling receptacles such as barrels or drums. Such recycling receptacles shall be maintained properly to ensure they do not leak.

(3) All garbage and food waste shall be disposed of directly into trash bins or containers, and not in sinks, drainage pipes, or the sewer system. Food waste should be disposed of in lined trash bins.

(4) Employee Training: Employees of FSEs shall be trained twice each calendar year in the following areas:

(a) How to "dry wipe/scrape" pots, pans, dishware, and work areas before washing to remove FOG.

(b) How to properly dispose of garbage, food waste, and solids in lined plastic bags prior to disposal in trash bins or containers, to prevent leaking and odors.

(c) The location and use of absorbent products to clean under fryer baskets and other locations where FOG may be spilled or accumulated.

(d) How to properly dispose of cooking oil from fry equipment into a FOG receptacle such as a barrel or drum without spilling.

(e) Training shall be documented, and employee signatures recorded, indicating each employee's attendance and understanding of the practices reviewed. Training records shall be available for review at any reasonable time by the Pretreatment Coordinator, or designee.

(5) Exhaust filters shall be maintained in good operating condition utilizing frequent cleaning practices. Wastewater generated from cleaning exhaust filters shall be disposed properly.

(6) Kitchen BMP and "NO GREASE" signs, posters, or similar information, in appropriate language(s), shall be prominently displayed in the food preparation and dishwashing areas at all times.

(7) Absorbent materials shall be placed under fryers and other areas where FOG typically or frequently drips or spills.

(8) Covered devices shall be used in transporting FOG to prevent spills.

(9) FOG containers shall be emptied before they are full to avoid accidental or incidental spills.

(10) "Spill Kits" (e.g., absorbent materials) shall be provided and readily available in the event of a spill.

10.06.1406 Interceptor Operation and Maintenance Requirements. All existing and newly constructed interceptors shall be operated in accordance with the manufacturer's specifications. The maintenance frequency for all Commercial Users with interceptors shall be determined by the following:

(1) Where installed, an interceptor shall be fully maintained by the User, at its sole expense, in a continuous and efficient manner, and at all times subject to SGRWRF inspection and approval.

(2) Interceptors shall be maintained in efficient operating condition by the periodic removal of the full contents of the interceptor. Interceptors shall be fully emptied and cleaned at a frequency such that the combined floating and settled FOGS accumulation does not exceed twenty-five percent (25%) of the design hydraulic depth of the Interceptor. This is to ensure

that the minimum hydraulic retention time, and required available volume, is maintained to effectively intercept and retain FOGS.

(3) If an interceptor at any time is observed by the Pretreatment Coordinator or his or her designee to contain floating and settled FOGS accumulation in excess of twenty-five percent (25%), the User shall be required to have the interceptor serviced as soon as possible, but no later than 10 days from the date the notice of violation was given, such that all FOGS, sludge, and other materials, are completely removed from the interceptor.

(4) The owner of the property on which a Common Interceptor, and/or the facilities discharging to a Common Interceptor, are located shall be primarily responsible for the maintenance, upkeep, and repair of the interceptor.

(5) No Commercial User shall increase the use of water or in any other manner attempt to dilute a discharge as a way of achieving compliance with the St. George City Pretreatment Ordinance.

10.06.1407 Grease Trap Operation and Maintenance Requirements.

(1) Where installed, a grease trap shall be fully maintained by the User, at its sole expense, in a continuous and efficient manner, and at all times subject to SGRWRF inspection and approval.

(2) A FSE may use, or be required to install, grease traps, in lieu of installation of a grease interceptor, when, in the opinion of the Manager: 1) installation of an interceptor cannot physically be accomplished; 2) there is not adequate slope for gravity flow between kitchen plumbing fixtures and a proposed grease interceptor and/or between the grease interceptor and the private collection lines or the public sewer; or 3) no alternative pretreatment can be installed. Sizing of grease traps shall be performed by a professional engineer or plumber registered in the State of Utah, but shall conform to SGRWRF Design Standards and Construction Specifications as a minimum.

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

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

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

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

(7) Automatic dishwashers and/or food grinder units shall not be connected to, or discharged to, any grease trap.

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

10.06.1408 Notification Requirements. A Commercial and Industrial User shall comply with the following notification requirements:

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

(a) In the event a User is unable to comply with the FOGS Control requirements due to a breakdown of equipment, accidents, or human error, or the User has reasonable belief that its discharge will violate this Ordinance, the User or its representative shall immediately notify the Pretreatment Coordinator by telephone.

(b) If the material discharged has the potential to cause, or results in, sewer blockage or SSO, the User shall immediately notify the SGRWRF and the Pretreatment Coordinator by telephone at: (435) 634-5849.

(c) Confirmation of this notification shall be made in writing to the Pretreatment Coordinator no later than five (5) workings days from the date of the incident, to the following address: Pretreatment Coordinator, SGRWRF – 3780 S. 1550 W., St. George, Utah 84790. The written notification shall state the date of the incident, the reasons for the discharge or spill, what steps were taken to immediately correct the problem, and what steps are being taken to prevent a recurrence.

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

(2) Commercial Users shall notify the Pretreatment Coordinator in writing at least sixty (60) days prior to any facility expansion, and/or remodeling or process modifications that may result in new or substantially increased FOGS discharges, or a change in the nature of the discharge. The User shall submit any information requested by the Pretreatment Coordinator for evaluation of the effect of such expansion and/or remodeling or process modifications on the User's FOGS discharge to the sewer system. The written notification shall state the FSE name, name the title of the User's contact person or person most knowledgeable concerning the facility expansion and/or remodeling or process modifications, address and telephone number of the User, date of the proposed facility expansion and/or remodeling or process modifications, and the reasons for the same.

10.06.1409 Record-Keeping Requirements. The following records shall be maintained for no less than three (3) years, and the Commercial User shall make them available to Pretreatment Coordinator, or designee:

(1) A record or logbook of interceptor or trap cleaning and maintenance practices and activities. The record or logbook shall include:

(a) Dates cleaned;

(b) Name of wastehauler;

(c) Any observations concerning the effectiveness of the interceptor or trap in controlling FOGS; and

(d) Any other maintenance performed on the trap or interceptor;

(2) A record or logbook of FSE Kitchen BMPs being implemented including employee training;

(3) Any other information deemed appropriate by the Pretreatment Coordinator to ensure compliance with the St. George City Pretreatment Ordinance; and

(4) Records of any spills and/or cleaning of the lateral or sewer system.

10.06.1410 Inspections and Sampling. Commercial Users are inspected on a regular basis by SGRWRF to determine if the businesses are in compliance with the St. George City Pretreatment Ordinance. The purpose of inspections is as follows:

(1) To verify if Users are complying with this Pretreatment Ordinance;

(2) To collect and analyze samples and compare results to established discharge limitations;

(3) To provide evidence in support of enforcement actions;

(4) To verify correction of problems; and

(5) To maintain records of User discharge constituents.

Part 15

MISCELLANEOUS PROVISIONS

10.06.1501 Pretreatment Charges and Fees. The SGRWRF may adopt reasonable fees for reimbursement of costs of setting up and operating SGRWRF's Pretreatment Program, which may include:

(1) Fees for wastewater discharge permit applications including the cost of processing such applications;

(2) Fees for monitoring, inspection, and surveillance procedures, including the cost of collection and analyzing a User's discharge, and reviewing monitoring reports and certification statements submitted by Users;

(3) Fees for reviewing and responding to accidental discharge procedures and construction;

(4) Fees for filing appeals;

(5) Fees to recover administrative and legal costs not included in Subsection 10.06.1501(2) associated with any enforcement activity taken by the Manager to address IU noncompliance; and

(6) Other fees as SGRWRF may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines, and penalties chargeable by the SGRWRF.

(7) SGRWRF shall not adopt any fee or charge to Ivins users that is not charged also to similarly categorized users in the City of St. George.

Effective Date: This Ordinance shall become effective immediately upon passage and publication.

PASSED AND ADOPTED BY THE IVINS CITY COUNCIL, STATE OF UTAH, ON THIS _____ DAY OF DECEMBER, 2018 BY THE FOLLOWING VOTE:

	AYE	NAY	ABSTAIN	ABSENT
Dennis Mehr	_____	_____	_____	_____
Cheyne McDonald	_____	_____	_____	_____
Jenny Johnson	_____	_____	_____	_____
Miriah Elliott	_____	_____	_____	_____
Ron Densley	_____	_____	_____	_____

Chris Hart, Mayor

ATTEST:

Kari Jimenez, City Recorder