

WASTEWATER CONTROL RULES AND REGULATIONS



May 15, 2017

Central Weber Sewer Improvement District Board of Trustees

CENTRAL WEBER SEWER IMPROVEMENT DISTRICT
WASTEWATER CONTROL RULES AND REGULATIONS

RULES AND REGULATIONS GOVERNING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM IN THE SERVICE AREA OF THE CENTRAL WEBER SEWER IMPROVEMENT DISTRICT, LOCATED IN WEBER COUNTY, UTAH.

Chapter 1 General Provisions

Section 1.1 Short Title.

These Wastewater Control Rules and Regulations shall be known as the “CENTRAL WEBER SEWER IMPROVEMENT DISTRICT WASTEWATER CONTROL RULES AND REGULATIONS” and shall be referred to as the “Rules and Regulations”.

Section 1.2 Applicability.

The provisions of these Rules and Regulations shall apply to the District and to all persons throughout the District service area who are, by permit or agreement, Users of the Publicly-Owned Treatment Works (POTW).

Section 1.3 Purpose of Provisions.

It is necessary for the health, safety and welfare of the residents of the Central Weber Sewer Improvement District (the “District”) to regulate the collection of wastewater and treatment thereof to provide for maximum public benefit. These Rules and Regulations set forth uniform requirements for dischargers into the District’s Publicly-Owned Treatment Works (POTW) as defined in Section 1.4, and are intended to enable the District to comply with applicable local, state and federal laws and implementing regulations.

Section 1.4 Definitions.

(a) Definitions

Except as defined Section 2.4(a), the following terms and phrases, as used in these Rules and Regulations, shall have the meanings hereinafter designated:

- (1) “Building Drain” shall mean that part of the lowest horizontal piping of a drain system which receives from soil, waste, and other drainage pipes inside the wall

of the building and conveys it to the building sewer, beginning two feet outside the inner face of the building wall.

- (2) “Building Sewer” shall mean the extension from the building drain to the public sewer or other place of disposal.
- (3) “Business Park” refers to a parcel of real property designated for the activities of those engaged in the provision of services, the purchase or sale of commodities, or in related financial transactions. It may include the storage, warehousing, receiving, or distribution of commodities.
- (4) “Combined Sewer” shall mean a sewer receiving both surface runoff and sewage.
- (5) “Construction Standards” are the general construction requirements adopted by the District for installation of sewerage facilities.
- (6) “Customer Agency” shall refer to municipalities and other political subdivisions of the State of Utah that receive sewage treatment and disposal services from the District including, but not necessarily limited to, the following: Farr West City, Harrisville City, North Ogden City, Ogden City, Pleasant View City, Riverdale City, South Ogden City, Washington Terrace City, Weber County, West Haven Special Service District, South Weber City, Marriott-Slaterville City, Hooper City, Plain City, Roy City and the Uintah Highlands Improvement District.
- (7) “District” shall mean the Central Weber Sewer Improvement District, a political subdivision of the State of Utah.
- (8) “General Manager” or “Manager” shall mean the employee of the District designated and appointed to supervise on an executive level the complete operation of the District.
- (9) “Governing Authority” refers to the Board of Trustees of the District.
- (10) “House Sewer” shall mean a sewer conveying sewage from the plumbing fixtures of a single building to a common sewer or point of immediate disposal.
- (11) “Industrial Park” refers to a parcel of real property designated for activities that apply to the producing of commodities by manufacturing or processing (usually on a large scale). It may include the receiving, storage, warehousing, or distribution of commodities.
- (12) “Lateral Sewer” shall mean a sewer having no other common sewer discharging into it.
- (13) “Main Sewer” or “Trunk Sewer” shall mean a sewer receiving the discharge from one or more submain sewers and transporting it to an Outfall Sewer.

- (14) “Natural Outlet” shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.
- (15) “Outfall Sewer” shall mean a sewer receiving the discharge from the entire collecting system or major part thereof and conducting it to the treatment plant or point of final disposal.
- (16) “Person” shall mean any individual, firm, company, limited liability company, partnership, trust, estate, association, society, corporation, group, governmental entity or any other legal entity or their legal representatives, assigns or agents. The masculine gender shall include the feminine and the singular shall include the plural, and vice versa, where indicated by context.
- (17) “Plant Manager” shall mean the employee of the District designated and appointed to supervise the sewage collection system and sewage treatment plant.
- (18) “Public Health Department” shall mean the Public Health Department of the State of Utah and may, if appropriate, also refer to the Weber-Morgan Health Department.
- (19) “Public Sewer” shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
- (20) “Publicly Owned Treatment Works” (POTW) shall mean a treatment works as defined by Section 212 of the Act (33 U.S.C. § 1292) which is owned by the District. This definition includes the wastewater reclamation facilities, all lift stations, all equipment, machinery and appurtenances to the plant and the lift stations, and any wastewater lines and appurtenances used in the conveyance of wastewater to the reclamation facilities, except privately owned building or lateral sewer lines. For the purposes of these Rules and Regulations, POTW shall also include any wastewater lines that convey wastewater to the POTW from persons outside the POTW boundaries who are by contract or agreement with the POTW users of the POTW. The term POTW shall also refer to the collection system of a Customer Agency that collects and discharges wastewater to the District’s POTW.
- (21) “Rules and Regulations” shall mean the Central Weber Sewer Improvement District Wastewater Control Rules and Regulations as adopted and amended from time to time by the Governing Authority.
- (22) “Sanitary Sewer” shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted. This definition shall also include the terms “public sewer,” “sewer system,” “Customer Agency’s sewer” and “sewer.”

- (23) “Sanitary Wastewater” is any wastewater that originates from toilets, urinals, sinks, wash basins, showers, or bathtubs that are specifically used to maintain sanitary conditions for human habitation only.
- (24) “Sewage” shall mean a combination of the water carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface and storm waters as may be present. “Wastewater” and “sewage” are synonymous and, thus, interchangeable.
- (25) “Sewage Treatment Plant” shall mean any arrangement of devices and structures used for treating sewage to render it less dangerous or offensive.
- (26) “Sewage Works” shall mean all facilities for collecting and transporting the sewage to the sewage treatment plant of the District.
- (27) “Sewer” shall mean a pipe or conduit and appurtenances for carrying sewage.
- (28) “Shall” and “will” are mandatory; “may” is permissive.
- (29) “Shopping Mall” refers to a grouping of retail establishments in the same geographic area which are rented or leased from a common owner, using a common parking area.
- (30) “State” means the State of Utah.
- (31) “Storm Sewer” or “Storm Drain” shall mean every pipe, culvert, flume, ditch, gutter, storm sewer, cistern, tank, drain, lake, pond, stream, ravine, gully or other facility or natural feature, that contains, holds, transports, diverts, channels, impounds, or drains water, into which any naturally occurring stormwater runoff within the District may seep, percolate or flow; and every street, sidewalk, alley, gutter, roof, parking lot, yard, field, driveway, patio and other surface within the District across which any naturally occurring stormwater runoff may seep, percolate or flow.
- (32) “Storm Water” means any flow occurring during or following any form of natural precipitation and resulting therefrom.
- (33) “Subdivision” refers to the division of a tract, or lot, or parcel of land into two or more lots, plots, sites, or other divisions of land for the purpose, whether immediate or future, of sale or of building development or redevelopment, provided, however, that divisions of land for agricultural purposes or for commercial, manufacturing, or industrial purposes shall be exempt. Further, the above definition shall not apply to the sale or conveyance of any parcel of land which may be shown as one of the lots of a subdivision of which a plat has been recorded in the office of the county recorder. The word “subdivide” and any derivative thereof shall have reference to the term subdivision as herein defined.

- (34) “Submain Sewer” shall mean a sewer receiving the discharge from a number of lateral sewers.
- (35) “Uniform Plumbing Code” (UPC) is a publication of the International Association of Plumbing and Mechanical Officials which provides minimum requirements and standards for the protection of the public health, safety and welfare.
- (36) “User” means any person who contributes, causes, allows or permits the contribution of wastewater into the collection system, treatment works or any Customer Agency’s sewer.
- (37) “Utah Pollutant Discharge Elimination System Permit” (UPDES Permit) is a permit issued by the Water Pollution Control Committee of the State of Utah pursuant to Title 19, Chapter 5 of UTAH CODE ANN. 1953, as amended.
- (38) “Viscosity” is the property of a fluid that resists flow as a result of counteracting forces.
- (39) “Wastewater” means the liquid- and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any infiltrating groundwater, surface water, and storm water that may be present, whether treated or untreated, which enters the POTW.
- (40) “Wastewater System” or “System” means the District’s Sewage Works and Sewage Treatment Plant.
- (41) “Watercourse” shall mean a channel in which a flow of water occurs, either continuously or intermittently.
- (42) “Waters of the State” shall mean all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the State or any portion thereof.

Section 1.5 Use of Public Sewers.

- (a) Use of Public Sewers Required. No person shall place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the District, or in any area under the jurisdiction of the District, any human or animal excrement, garbage, or other objectionable waste. All sewage shall be discharged to public sewers except as provided in these Rules and Regulations.
- (b) Treatment Required. No person shall discharge to any public highway, stream, water course or public place, or into any drain, cesspool, storm or private sewer within the

District, or in any area under the jurisdiction of the District, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of these Rules and Regulations and all applicable local, State and federal laws and regulations.

- (c) **Septic Systems.** Except as hereinafter provided, no person shall construct or maintain any privy, privy vault, septic tank, or other facility intended or used for the disposal of sewage within the District.
- (d) **Connection Required.** The owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purpose, situated within the District and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer is hereby required, at the owner's expense, to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of these Rules and Regulations, within ninety (90) days after date of official notice to do so, provided that said public sewer is located within three hundred (300) feet of the property.
- (e) **Extraterritorial Service.** No person, either in person or through an agent, employee, or contractor, shall make, allow or cause to be made any sewer connection to the System to service, or for the purpose of servicing property outside the boundaries of the District, except upon recommendation of the General Manager and the express approval of the District's Governing Authority. Such connection to the System shall be made by a person who is either a bonded, state licensed sewer contractor (license classification A-8) or plumber (license classification C-18) who has obtained the necessary permits.
- (f) **Prohibited Discharge into Sanitary Sewer.** No person shall discharge or cause or make a connection which would allowed to be discharged any storm water, surface water, groundwater, roof water runoff or subsurface drainage to any sanitary sewer. No person shall cause any of the above-mentioned waters to be mixed with that person's sewage in order to dilute the sewage.
- (g) **Access Restrictions.** No person shall open any District sewer manhole without permission from the General Manager.
- (h) **Discharge into Storm Sewers.** Storm water, surface drainage, groundwater or roof water runoff shall be discharged to such sewers as are specifically designated as storm sewers which have adequate capacity for the accommodation of said waters, only after obtaining proper permission from the governmental entity regulating the storm sewers. No person shall connect to and/or use sanitary sewers for the above purposes.
- (i) **System Damage Prohibited.** No person shall maliciously, willfully, or negligently break, damage, destroy, injure, uncover, remove, deface or tamper with any structure, appurtenance, appliance or equipment which is part of the District's collection system or treatment works. Any person violating this provision shall be subject to prosecution as provided by law.

- (j) **Payment of Costs.** The User shall pay for the increased costs incurred when the User's discharge causes an obstruction or damage or when, because of the nature of the discharge, costs are increased as when toxic pollutants increase the costs for managing the effluent or the sludge of the District.
- (k) **Expenses of Litigation.** In addition to any other remedies provided in these Rules and Regulations, the District may recover reasonable attorney's fees, court costs, court reporters' fees, and other expenses of litigation by appropriate legal action against the User found to have violated any provision of these Rules and Regulations, or the orders, rules, regulations, and permits or contracts issued hereunder. The attorney for the District, upon request of the Governing Authority, shall petition the District Court to impose, assess, and recover such sums.

Section 1.6 Private Sewage Disposal.

- (a) **Public Sewer Availability.** Where a public sanitary sewer is not available under the provisions of Section 1.5(d), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Section except as hereinafter provided in these Rules and Regulations.
- (b) **Private Sewer Operation.** The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times in compliance with all federal, state and local laws, rules and regulations at the owner's sole cost and at no expense to the District.
- (c) **Private Sewer Abandonment.** At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 1.5(d), a direct connection shall be made to the public sewer in compliance with these Rules and Regulations, and any septic tanks, or similar private sewage disposal facilities shall be abandoned and filled with suitable material.
- (d) **Health Requirements.** No statement contained in this Section shall be construed to interfere with any additional requirement that may be imposed by any health officer.
- (e) **Local Ordinances.** No statement contained in this Section shall be construed to interfere with any present or future ordinance adopted by Weber County or the individual municipalities being served by the District. The General Manager of the District will notify the county or the municipality if the General Manager becomes aware that interference does exist, and District and the county or the municipality shall mutually agree on a course of action.

Section 1.7 Building Sewers and Connections.

- (a) **Approval Required.** No unauthorized person shall uncover, make connections with or opening into, use, or disturb any public sewer or appurtenance thereof without first

obtaining permission from the appropriate Customer Agency. If the person or customer is a Significant Industrial User (SIU) as defined in Section 2.4(a)(49) of these Rules and Regulations, the SIU shall obtain a Permit from the District as required in Chapter 2.

- (b) **Installation Costs.** All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall defend, indemnify and hold harmless the District from any loss or damage that may directly or indirectly be occasioned by installation of the building sewer.
- (c) **Separate Connections.** A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, in which case the building sewer from the front building may, with the General Manager's consent, be extended to the rear building and the whole considered as one building sewer.
- (d) **Old Sewer Use.** Old building sewers may be used in connection with new buildings only when they are found by the Customer Agency having jurisdiction (and possibly the District if the connection is a Significant Industrial User) to meet all requirements of these Rules and Regulations.
- (e) **Construction Standards.** The building sewer shall be cast iron soil pipe, ASTM specification (a74-42) or equal; vitrified clay sewer pipe, ASTM specification standard strength C13-54 or equal; or polyvinyl chloride pipe (PVC), ASTM D 3034; or other suitable material approved by the appropriate official of the Customer Agency having authority and by the General Manager on behalf of the District, as appropriate, and allowed by the plumbing code. Joints shall be tight and waterproof. Any part of the building sewer that is located within 10 feet of a water service shall be constructed of cast iron soil pipe with lead joints. Cast iron pipe with leaded joints may be required by the Customer Agency or the General Manager, as appropriate, where the building sewer is exposed to damage by tree roots. If installed in filled or unstable ground, the building sewer shall be of cast iron soil pipe, except that non-metallic material may be accepted if laid on a suitable concrete bed or cradle as approved by the Customer Agency and/or the General Manager.
- (f) **Size and Slope.** The size and slope of the building sewer shall be subject to the approval of the Customer Agency having jurisdiction, but in no event shall the diameter be less than four (4) inches and the slope of such 4-inch pipe shall be not less than one-eighth inch per foot.
- (g) **Elevation and Location.** Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within two (2) feet of any bearing wall which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade and in straight alignment insofar as

possible. Changes in direction shall be made only with properly curved pipe and fittings. Cleanout shall be installed at angle points and not more than 100 feet apart.

- (h) Pumping. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer at the sole cost and risk of the property owner.
- (i) Excavations. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Customer Agency having authority (and possibly by the District if a Significant Industrial User is involved). Pipe laying and backfill shall be performed in accordance with ASTM specification (C12-54) except that no backfill shall be placed until the work has been inspected.
- (j) Joints. All joints and connections shall be made gas tight and water tight.
 - (1) Cast Iron Pipe. Cast iron pipe joints shall be firmly packed with oakum or hemp and filled with molten lead, Federal Specification (QQ-L-156), not less than one (1) inch deep. Lead shall be run in one pouring and calked tight, no paint, varnish, or other coatings shall be permitted on the jointing material until after the joint has been tested and approved.
 - (2) Clay Pipe. All joints in vitrified clay pipe or between such pipe and metals shall be made with approved hot-poured jointing material or cement mortar as specified below.
 - (3) Material for Hot Poured Joints. Material for hot poured joints shall not soften sufficiently to destroy the effectiveness of the joint when subjected to a temperature of one hundred sixty (160) degrees Fahrenheit, nor be soluble in any wastes carried by the drainage system. The joint shall first be caulked tight with jute, hemp, or similar approved material.
 - (4) Cement Joints. Cement joints shall be made by packing a closely twisted jute or oakum gasket, of suitable size to fill partly the annular space between the pipes. The remaining space shall be filled and firmly compacted with mortar composed of 1 part Portland cement and 3 parts mortar sand. The material shall be mixed dry; only sufficient water shall be added to make the mixture workable. Mortar which has begun to set shall not be used or retempered. Lime putty or hydrated lime may be substituted to the extent of not more than 25% of the volume of Portland cement that may be added. Other jointing materials and methods may be used if approved in writing by the General Manager.
- (k) Sewer Connections. The connection of the building sewer into the public sewer shall be made at the "Y" branch, if such branch is available at a suitable location. If the public sewer is twelve (12) inches in diameter or less, and no properly located "Y" branch is available, the owner shall, at the owners expense, install a "Y" branch in the public sewer

at the location specified by the Customer Agency having jurisdiction or the General Manager, as appropriate. Where the public sewer is greater than twelve (12) inches in diameter, and no properly located “Y” branch is available, a neat hole may be cut into the public sewer to receive the building sewer, with entry in the downstream direction at an angle of about forty-five (45) degrees. A forty-five (45) degree ell may be used to make such connection, with the spigot end cut so as not to extend past the inner surface of the public sewer. The invert of the building sewer at the point of connection shall be at the same or at a higher elevation than the invert of the public sewer. A smooth, neat joint shall be made, and the connection made secure and water tight by encasement in concrete. Special fittings may be used for the connections only when approved by the Customer Agency having jurisdiction or the General Manager, as appropriate.

- (l) Supervision. The applicant for the building sewer approval shall notify the designated representative of the local Customer Agency when the building sewer is ready for inspection and connection to the public sewer and the Customer Agency will notify the General Manager if the applicant is expected to be a Significant Industrial User or if the District should be involved for any other reason. The connection shall be made under the supervision of the designated representative of the Customer Agency that will provide sewage collection service to the building and or, at the request of the Customer Agency or if the applicant will be a Significant Industrial User, the General Manager.
- (m) Building Manholes. When required by the General Manager, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the local Customer Agency or the General Manager, as appropriate. The manhole shall be installed by the owner at the owner’s expense, and shall be maintained by the owner so as to be safe and accessible at all times.
- (n) Safety. All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the local Customer Agency and, if appropriate, the District.

Section 1.8 Relationship of the District and Customer Agencies.

The provisions of these Rules and Regulations provide for the regulation of dischargers to the District’s POTW for all Users and Customer Agencies.

- (a) Customer Agencies. The District operates a wastewater transportation, treatment and disposal system but does not operate a “retail” sewage collection system. The Customer Agencies provide wastewater collection services to the Users within their respective service areas. The District, in turn, serves the Customer Agencies. With the exception of Significant Industrial Users who are subject to permitting and other direct regulatory action by the District, all fees and charges for wastewater service are assessed by the

Customer Agencies to the Users and the Customer Agencies generally deal directly with Users in their respective service areas. As a consequence, the District must rely upon the Customer Agencies to implement and enforce many of the requirements of these Rules and Regulations as they relate to and impact individual Users. Each Customer Agency may delegate to and authorize the District to act for the respective Customer Agency when implementing and enforcing these Rules and Regulations within the Customer Agency's service area.

- (b) **CMOM Program.** The District has been required to implement a Capacity, Management, Operations, and Maintenance (CMOM) Program which requires an annual audit of the District's wastewater collection system. The CMOM audit requirements extend to all collection lines within the area served by the District. Customer Agencies are required to perform an annual self-audit of the collection lines in conjunction with the District's annual CMOM Program self-audit, as requested by the District.
- (c) **Control of Sewers and Service Laterals.** Customer Agencies generally control the installation of sewer laterals and service lines and sewer mains (excluding main outfall lines owned and operated by the District) within the respective retail service areas of the Customer Agencies. As a condition to receiving the services provided by the District, Customer Agencies are required to ensure proper installation, testing and inspection of new and rehabilitated laterals, sewer service lines, and sewer mains within the Customer Agencies' respective service areas. All such laterals, service lines and sewer mains shall, at the time of installation or rehabilitation, meet or exceed the District's then current specifications and requirements.
- (d) **Industrial User Inventory.** Customer Agencies, particularly those with authority to issue building permits and business licenses, shall be required to notify the District of the establishment of businesses within their respective jurisdictions that meet the definition of a Significant Industrial User pursuant to Section 2.4(a)(49).
- (e) **Authorization Required to Discharge.** It shall be a violation of these Rules and Regulations to discharge pollutants or wastewater into the sewer system of a Customer Agency or the District without first obtaining authorization in accordance with these Rules and Regulations.
- (f) **Residential Users.** Residential Users properly authorized by the District or a Customer Agency to discharge domestic wastes into the Wastewater System may continue to do so upon compliance with the responsible Customer Agency's sewer regulations and ordinances.
- (g) **Industrial Users.** An Industrial User required by the General Manager to obtain a Wastewater Discharge Permit in accordance with the procedures set forth in Chapter 2 of these Rules and Regulations shall apply for such Wastewater Discharge Permit prior to discharge of non-domestic waste. It is the responsibility of an Industrial User to apply for a Wastewater Discharge Permit where required to do so as specified in Section 2.8 of these Rules and Regulations. Industrial Users not required by the General Manager to

obtain a Wastewater Discharge Permit are authorized to discharge to the District's POTW or Customer Agency collection system only when properly authorized to do so by the District or responsible Customer Agency.

Chapter 2 Industrial Pretreatment Program

Section 2.1 – Applicability, Objectives and Policy.

- (a) **Applicability:** These Rules and Regulations sets forth uniform requirements for all Industrial Users discharging to the POTW and enables the Central Weber Sewer Improvement District (District) to comply with all applicable State and federal laws including the Clean Water Act (33 United States Code (U.S.C.) Section 1251 et seq.) and the State of Utah Pretreatment Regulations (Rule 317-8-8). Any Industrial User, the discharge from which directly or indirectly enters the District's POTW from areas within or without the boundaries of the District, shall be bound by these Rules and Regulations as they now exist or may hereafter be amended. These Rules and Regulations authorize the issuance of individual wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires Industrial User reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein. These Rules and Regulations may be enforced against any Industrial User.

- (b) The objectives are:
 - (1) To prevent the introduction of pollutants into the Publicly-Owned Treatment Works (POTW) that will interfere with the operation of the system or contaminate the resulting sludge;
 - (2) To prevent the introduction of pollutants into the District's POTW which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the System;
 - (3) To improve the opportunity to recycle and reclaim wastewater and sludge from the system;
 - (4) To provide for and promote the general health, safety and welfare of the citizens residing within the District and connecting jurisdictions;
 - (5) To prevent adverse impacts to worker health and safety due to the discharge of pollutants from industrial users;
 - (6) To provide for fees for the equitable distribution of the cost of operation, maintenance and improvement of the POTW; and

- (7) To enable the District to comply with its Utah Pollutant Discharge Permit System (UPDES) permit conditions, sewage sludge use and disposal requirements, and any other applicable federal or state laws or regulations to which the POTW is subject.
- (c) Non-Domestic Industrial Users: It shall be unlawful for any Industrial User to discharge any domestic or non-domestic wastewater into any natural waterway, any surface drainage, or storm drain in any area within the service area of the District without approval from the appropriate governmental agency. No industrial wastewater shall be discharged to the POTW unless done so in compliance with the provisions of these Rules and Regulations.
- (d) Owner/Tenant Responsibility

Where an owner of property leases premises to a person as a tenant under any rental or lease agreement, if either the owner or the tenant is an Industrial User, either or both may be held responsible for compliance with the provisions of these Rules and Regulations. It is the responsibility of the owner of an industrial park, business park or other commercial business venture to comply with the requirements of these Rules and Regulations, including the installation of a grease interceptor, and any other applicable federal, state or local regulations if the owner leases, rents, sublets, etc. to any business, tenant or Industrial User that is a Significant Industrial User or would otherwise be subject to the imposition of surcharges.

Section 2.2 Responsibility and Authority of the District.

- (a) Except as otherwise provided herein, the General Manager shall administer, implement, and enforce the provisions of these Rules and Regulations. Any powers granted to or duties imposed upon the General Manager may be delegated by the General Manager to other District personnel.
- (b) The District shall attempt to notify in writing any Industrial User whom they have cause to believe is subject to a National Categorical Pretreatment Standard or Requirement, or other applicable requirements promulgated by the EPA under the provisions of Section 204(b) or 405 of the Act, or under the provisions of sections 3001, 3004, or 4004 of the Solid Waste Disposal Act. Failure of the District to so notify industrial users shall not relieve said industrial users from the responsibility of complying with applicable requirements. It is the responsibility of Significant Industrial Users to apply for and receive a permit prior to discharge, whether or not the Industrial User has been identified and formally requested to do so.
- (c) If wastewaters containing any pollutant, including excess flow, or as otherwise defined in these Rules and Regulations, are discharged or proposed to be discharged to the POTW, the District may take any action necessary to:
 - (1) Prohibit the discharge of such wastewater;

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

Section 2.3 Regulation of Industrial Users from Customer Agencies.

- (a) Customer Agencies and Intergovernmental Agreements (IGAs).
 - (1) In order for the District to effectively implement and enforce Pretreatment Standards and Requirements for all industrial users discharging to the POTW, the District shall enter into Intergovernmental Agreements (IGA) with Customer Agencies. Such agreements may be Pretreatment Program Only IGAs. Prior agreements addressing Pretreatment Program requirements shall be unaffected by these requirements until such time as the District determines that modifications are necessary.
 - (2) Where a Customer Agency implements and/enforces any part of the Pretreatment Program, the Customer Agency shall enact an ordinance, rule or resolution that is at least as stringent as Chapter 2 of these Rules and Regulations, after review and approval by the District.
 - (3) If a Customer Agency delegates all authority and responsibility to implement and enforce the Pretreatment Program, the Customer Agency shall adopt an ordinance, rule or resolution that indicates this delegation and shall incorporate the District's Pretreatment Program by reference. Alternatively, the Customer Agency may adopt parallel legal authority language identifying the District as the Control Authority for the Pretreatment Program.

- (4) Prior to entering into an IGA, the District shall be provided the following information from the contributing jurisdiction:
 - (i) A description of the quality and volume of wastewater discharged to the POTW by the contributing jurisdiction;
 - (ii) An inventory of all sources of Indirect Discharge located within the contributing jurisdiction that is discharging to the POTW;
 - (iii) A requirement that the Customer Agency submit an updated user inventory on at least an annual basis;
 - (iv) A requirement that the Customer Agency provide the District with access to all information that the contributing jurisdiction obtains regarding effluent quantity and quality from non-domestic users; and
 - (v) Other requirements as necessary for the District guarantee the effective administration and enforcement of the Pretreatment Program.

Section 2.4 Definitions and Abbreviations.

(a) Definitions.

Unless the context specifically indicates otherwise or are defined in Section 1.4, the following terms and phrases, these Rules and Regulations, shall have the meanings hereinafter designated:

- (1) “Act” or “the Act” shall mean the Federal Water Pollution Control Act also known as the Clean Water Act, 33 U.S.C. §1251 et seq., as amended.
- (2) “Amalgam” or “Dental Amalgam” means an alloy of elemental mercury and other metals that is used in the practice of dentistry.
- (3) “Amalgam Separators” means a type of wastewater treatment equipment that is designed to remove amalgam particles and other solids from the wastewater discharged by dental practices.
- (4) “Amalgam Waste” includes any waste containing mercury, including any waste generated or collected by chair-side traps, screens, filters, vacuum system filters, amalgam separators, elemental mercury, and amalgam capsules.
- (5) “Approval Authority” mean the Director of the Division of Water Quality of the Utah Department of Environmental Quality or its authorized representative.
- (6) “Authorized Representative” or “Duly Authorized Representative” of the Industrial User.

- (i) If the Industrial User is a corporation:
 - (A) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or
 - (B) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for Wastewater Discharge Permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - (ii) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
 - (iii) If the user is a federal, state, or local government facility: A District or district or highest official appointed or designated to oversee the operation and performance of the activities of the governmental facility, or their designee.
 - (iv) The individuals described in paragraphs (i) through (iii), above, may designate another authorized representative if the authorization is made in writing, the authorization specifies the individual or a position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the District.
- (7) “Best Management Practices (BMPs)” mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the General and Specific Prohibitions listed in Section 2.5 of these Rules and Regulations. BMPs may also include, but are not limited to, treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. BMPs shall be considered local limits and Pretreatment Standards for the purposes of these Rules and Regulations and Section 307(d) of the Act, R317-8-8.5(7) and 40 CFR Section 403.5(c)(4).

- (8) “Biochemical Oxygen Demand (BOD₅)” shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure approved in 40 CFR Part 136 conducted over a period of five days at 20 degrees (20°) Celsius and expressed in milligrams per liter (mg/L).
- (9) “Categorical Industrial User (CIU)” is an Industrial User subject to a Categorical Pretreatment Standard.
- (10) “Categorical Pretreatment Standard” or “Categorical Standard” refers to any regulation containing pollutant discharge limits promulgated by EPA in accordance with Section 307 (b) and (c) of the Act (33 U.S.C. §1317) as amended, which apply to a specific category of industrial users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
- (11) “Chemical Oxygen Demand (COD)” is the measure of the oxygen equivalent of that portion of organic and inorganic matter in a wastewater sample that is susceptible to oxidation by a strong chemical oxidant and expressed in milligrams per liter (mg/L).
- (12) “Composite sample” means a representative flow-proportioned sample generally collected within a twenty-four (24) hour period and combined according to flow. Time-proportional sampling may be approved or used by the District where time-proportional samples are believed representative of the discharge.
- (13) “Contact Amalgam” means scrap that has come into contact with patient or body fluids including such things as extracted teeth and scrap collected in chair-side traps and vacuum pump filters.
- (14) “Control Authority” shall mean the General Manager of the District as defined in R317-8-8.2(4).
- (15) “Cooling water” means:
- i. Contact: Water used for cooling purposes which comes in contact with any raw material, intermediate product, waste product or finished product.
 - ii. Noncontact: Water used for cooling purposes which does not come in contact with any raw material, intermediate product, waste product or finished product and the only pollutant added is heat.
- (16) “Daily Maximum Discharge Limit” is the maximum allowable concentration of a pollutant(s) that may be discharged during a twenty-four (24) hour period or as specified in an industrial user discharge permit. Where daily maximum limitations are expressed in units of mass, the discharge is the total mass discharged over the 24-hour sampling period. Where Daily Maximum Limits are expressed in terms of a concentration and more than one sample is taken as authorized by the industrial user’s discharge permit, the Daily Maximum Discharge Limit is the arithmetic average of the measurements taken that day.

- (17) “Dental Practice” means any dental facility that discharges wastewater into the District’s POTW from the placement or removal of amalgam containing mercury or other amalgam contaminated wastestreams.
- (18) “Discharger” is any Industrial User who discharges or causes the discharge of wastewater to the District or any of its Member Entities.
- (19) “Domestic sewage” means wastewater from residential sources including, but not limited to wastewater from kitchen, bath, and laundry facilities; or wastewater from the personal sanitary conveniences (toilets, showers, bathtubs, fountains, noncommercial sinks and similar structures) of commercial, industrial or institutional buildings, provided that the wastewater exhibits characteristics that are similar to those of wastewater from normal residential activities.
- (20) “Easement” means an acquired legal right held by the District or Customer Agency for the specific use of land owned by others.
- (21) “Environmental Protection Agency (EPA)” means the U.S. Environmental Protection Agency or, where, appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of said agency.
- (22) “Exempt Dental Practice” means any dental facility in which no amalgam is placed or removed nor is amalgam used at any time in the dental practice.
- (23) “Fats, Oil and Grease (FOG)” means a non-petroleum organic polar compounds derived from animal or plant sources such as fats, non-hydrocarbons, fatty acids, soaps, waxes, and oils that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical procedures established in 40 CFR Part 136.
- (24) “Garbage” shall mean solid wastes from the storage, preparation, cooking and dispensing of food, and from the handling, storage, and sale of produce.
- (25) “Grab Sample” refers to a sample which is taken from a waste stream on a one-time basis with no regard to the flow and over a period of time not to exceed fifteen (15) minutes.
- (26) “Grease Interceptor” is an in-ground tank containing at least one baffle in which solids, greases and oils are separated from wastewater, located outside the Industrial User’s building and made accessible by at least two manhole covers.
- (27) “Grease Trap” is a small device hooked directly to the outgoing drains of sinks located inside a commercial food preparation facility that allows for the separation of fats, oils and grease of a non- petroleum nature from wastewater prior to being discharged into the POTW

- (28) “Hazardous Waste” is any waste designated as hazardous under the provisions of 40 CFR Part 261.3 and the definition is hereby incorporated by reference.
- (29) “Holding Tank Waste” refers to any wastewater from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, sealed vaults, and vacuum-pump tank trucks.
- (30) “Indirect Discharge” shall mean the Discharge or introduction of non-domestic pollutants into the POTW from any source regulated under Section 307(b), (c) or (d) of the Act (33 U.S.C. § 1317), including holding tank waste discharged into the POTW.
- (31) “Industrial User” shall mean a source of Indirect Discharge.
- (32) “Industrial Wastes” shall mean the liquid and solid wastes from industrial manufacturing processes, trade or business activities producing non-domestic or non-residential sewage as distinct from domestic wastes.
- (33) “Instantaneous limit” is the maximum or minimum concentration or measurement of a pollutant property allowed to be discharged at any time for any length of time and is measured by a direct reading or a grab sample.
- (34) “Interference” refers to a Discharge, which alone or in conjunction with a discharge or discharges from other sources, both:
- (i) Inhibits or disrupts the POTW treatment processes or operations or its sludge processes, use or disposal; and
 - (ii) Therefore, is a cause of violation of any requirement of the District’s UPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued hereunder, or any more stringent state or local regulations: Section 405 of the Act; the Solid Waste Disposal Act (SWDA), including Title II commonly referred to as the Resources Conservation and Recovery Act (RCRA); any State regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the Solids Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.
- (35) “Local Limits” means any regulation containing pollution discharge limits promulgated by the District in accordance with R317-8-8.5(4) and (5), which are deemed to be Pretreatment Standards and contained in Section 2.5(c) of these Rules and Regulations.

(36) “New Source” means

- (i) Any building, structure, facility or installation from which there is or may be a Discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307 (c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:
 - (A) The building, structure, facility or installation is constructed at a site at which no other source is located; or
 - (B) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - (C) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.
- (ii) Construction on a site at which an existing source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs (i)(B) or (i)(C) of this definition but otherwise alters, replaces, or adds to existing process or production equipment.
- (iii) Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:
 - (A) Begun, or caused to begin as part of a continuous onsite construction program:
 - 1. Any placement, assembly, or installation of facilities or equipment; or
 - 2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - (B) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its

- operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.
- (37) “Non-Contact Amalgam” includes scrap or excess amalgam after a procedure is complete, as well as the remaining amalgam capsule.
- (38) “Normal Domestic Strength Wastewater” means a wastewater, when analyzed in accordance with procedures established by the EPA pursuant to 40 CFR Part 136, as amended, contains no more than two hundred (200) mg/L of BOD₅ and/or two hundred (200) mg/L of TSS and/or one-hundred (100) mg/L of other extractable matter.
- (39) “Pass Through” means a discharge which exits the POTW into the waters of the State of Utah in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the District's UPDES permit, including an increase in the magnitude or duration of a violation.
- (40) “pH” shall mean intensity of acid or base condition of the solution expressed as the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in moles per liter of solution and reported as Standard Units (SU).
- (41) “Pollution” or “Pollutant” means the man-made or man-induced alteration of the chemical, physical, biological, and radiological intensity of water, including, but not limited to, any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, explosives, munitions, medical waste, chemical wastes, corrosive substance, biological material, biological nutrient, toxic substance, radioactive materials, heat, malodorous substance, wrecked or discharged equipment, rock, sand, slurry, cellar dirt, untreatable waste, or industrial, domestic, or agricultural wastes and certain characteristics of wastewater (e.g. pH, temperature, TSS turbidity, color, BOD₅, COD, toxicity or odor) discharged into or with water.
- (42) “Pretreatment” or “Treatment” means the reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes by other means, except as prohibited by 40 CFR Section 403.6(d). Appropriate pretreatment technology includes, but not limited to, control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from

the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 40 CFR Section 403.6(e).

- (43) “Pretreatment Requirement” means any substantive or procedural requirement related to Pretreatment other than a National Pretreatment Standard imposed on an Industrial User.
- (44) “Pretreatment Standard”, “National Pretreatment Standard”, or “Standard” means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act, which applies to Industrial Users. The term includes Categorical Standards, prohibitive discharge limits, local limits, and Best Management Practices that are or may be established by the District.
- (45) “Properly Shredded Garbage” shall mean the wastes from the preparation, cooking, and dispensing of foods that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.
- (46) “Sector Control Program” is a program designed to control specific pollutants from industrial users with similar operations, waste generation or treatment through the implementation of Pretreatment Standards and Requirements, including Best Management Practices. These Sector Control Program requirements may be found at Section 2.7 of these Rules and Regulations.
- (47) “Shall” and “will” are mandatory; “may” is permissive.
- (48) “Standard Industrial Classification (SIC)” means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972, as amended.
- (49) “Significant Industrial User (SIU)” means:
 - (i) An Industrial User subject to Categorical Pretreatment Standards; or
 - (ii) An Industrial User that:
 - (A) Discharges an average of twenty-five thousand gallons per day (25,000 gpd) or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);
 - (B) Contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW reclamation facilities; or
 - (C) Is designated as such by the District on the basis that the Industrial User has a reasonable potential for adversely affecting the

POTW's operation or for violating any Pretreatment Standard or Requirement.

- (iii) Upon finding by the District that an Industrial User meeting the criteria in Section (ii) of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standards or Requirement, the District may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with R317-8-8.8(6)(b)12., determine that such Industrial User is not a Significant Industrial User.
- (50) "Slug Load" or "Slug Discharge" means any discharge at a flow rate or concentration, which could cause a violation of the General or Specific Prohibitions or a Wastewater Discharge Permit. A Slug Discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, or a discharge which exceeds the hydraulic or design of an Industrial Users treatment system or any part of the treatment unit including a discharge which has a reasonable potential to cause Interference or Pass Through or in any other way violate an applicable Pretreatment Standard or Requirement or a Wastewater Discharge Permit issued by the District.
- (51) "Standard Industrial Classification" (SIC) refers to a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972, as modified or amended (including any replacement Manual).
- (52) "Total Suspended Solids (TSS)" shall mean solids that either float on the surface or are suspended in the water, sewage or other liquids, and which are removable by laboratory filtering in accordance with procedures approved in 40 CFR Part 136, as amended.
- (53) "Toxic Pollutant" is any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under Section 307(a) of the Act or as otherwise listed at 40 CFR Part 122, Appendix D.
- (54) "Utah Permit Discharge Elimination System (UPDES)" is the State of Utah program for issuing, conditioning, and denying permits for the discharge of pollutants from point sources into waters of the State pursuant to Rule R317-8 and Section 402 of the Clean Water Act.
- (55) "Wastewater" means the liquid- and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any infiltrating groundwater, surface water, and storm water that

may be present, whether treated or untreated, which are discharged to or permitted to enter the POTW.

- (56) “Wastewater Discharge Permit” is a permit issued to an Industrial User by the District that allows, limits and/or prohibits the discharge of pollutants or flow to the POTW as set forth in Section 2.8 of these Rules and Regulations.

(b) Abbreviations

The following is a list of abbreviations used in the District’s Industrial Pretreatment Program and shall have the designated meanings.

BMP	Best Management Practices
BMR	Baseline Monitoring Report
BOD ₅	Biochemical Oxygen Demand
°C	degrees Celsius
CFR	Code of Federal Regulations
CIU	Categorical Industrial User
COD	Chemical Oxygen Demand
CWA	Clean Water Act
CWF	Combined Wastestream Formula
EPA	U.S. Environmental Protection Agency
FOG	Fats, Oil and Grease
FR	Federal Register
FWA	Flow Weighted Average
gpd	Gallons Per Day
ISO	International Organization for Standardization
IU	Industrial User
LEL	Lower Explosive Limit
mgd	million gallons per day
mg/L	milligrams Per Liter
ng/L	Nanograms Per Liter
O&M	Operation and Maintenance
POTW	Publicly Owned Treatment Works
PSES	Pretreatment Standards for Existing Sources
PSNS	Pretreatment Standards for New Sources
QA/QC	Quality Assurance/Quality Control
RCRA	Resource Conservation and Recovery Act
§	Section
SIC	Standard Industrial Classification
SIU	Significant Industrial User
SNC	Significant Non-Compliance
TOMP	Toxic Organic Management Plan
TSS	Total Suspended Solids
TTO	Total Toxic Organics
UPC	Uniform Plumbing Code

Section 2.5 Wastewater Discharge Prohibitions and Limitations.

(a) General Prohibitions

No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which will causes Pass Through or Interference. These General Prohibitions and the Specific Prohibitions in paragraph (b) of these Rules and Regulations apply to each Industrial User of the POTW, whether or not the Industrial User is subject to other Pretreatment Standards or Requirements.

(b) Specific Prohibitions

No Industrial User shall contribute the following pollutants into the POTW:

- (1) Heat in amounts which will inhibit biological activity in the POTW resulting in Interference, but in no case heat in such quantities that the temperature at the POTW Treatment Plant exceeds 40 °C (104 °F) unless the Approval Authority, upon request of the POTW, approves alternate temperature limits.
- (2) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Celsius using the test methods specified in R315-261-3. The General Manager may require industrial users with the potential to discharge flammable, combustible or explosive substances to install and maintain an approved combustible gas detection meter or explosion hazard meter. No two successive readings on an explosion hazard meter at the point of discharge shall be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit ("LEL") of the meter.
- (3) Any waters or wastes having a pH lower than 5.0 or greater than 11.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the POTW.
- (4) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health or safety problems or pollutants which singly or cumulatively or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent or interfere with entry into the sewers for their maintenance and repair.
- (5) Solid or viscous pollutants in amounts which will cause obstruction of the flow resulting in Interference. This prohibition includes, but is not limited to, grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal

guts or tissues, paunch manure, bones, hair, hides, or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes, petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin.

- (6) Pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW.
- (7) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause Pass Through or Interference.
- (8) Trucked or hauled pollutants, except at discharge points designated by the District.
- (9) Stormwater drainage from ground resulting in Infiltration and Inflow (I&I) through the Industrial User's service line(s) or surface, roof drains, catch basins, unroofed area drains (e.g. commercial car washing facilities) or any other source unless otherwise approved by the General Manager. Specifically prohibited is the connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to the District's wastewater collection system. No Industrial User shall connect or discharge water from underground drains, sump pump discharges, natural springs and seeps, water accumulated in excavation or grading or any other water associated with construction activities to the POTW.
- (10) Pollutants which may cause the POTW's effluent, sludge or residue to be unsuitable for reclamation and reuse or to interfere with the reclamation process.
- (11) Pollutants which will cause the POTW to violate its UPDES permit, other State issued permit or the receiving Water Quality Standards.
- (12) Wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- (13) A Slug Discharge as defined in Section 2.4(a)(50).
- (14) Any radioactive substance, the discharge of which does not comply with limits established by the District or other regulations set forth by the State of Utah or that violates any applicable federal standards.
- (15) Bulk, expired, outdated or concentrated prescription or non-prescription drugs.

- (16) The discharge from commercial establishments using mechanically operated grinders or disposers for producing ground garbage is prohibited where the waste is discharged to a grease trap or grease interceptor.
- (17) Wastewater or pollutants discharged directly into a manhole or other opening in the POTW unless specifically authorized by the District or as otherwise permitted under these Rules and Regulations. Prohibited is the opening of a manhole or discharging into any opening in violation of these Rules and Regulations.
- (18) No chemicals, materials, or substances, including but not limited to, paints, solvents, boiler or water treatment chemicals, sludges, chemicals, or wastes shall be stored in proximity to a floor drain or other sewer openings. Containers shall be clearly labeled and stored in a place where the chemicals, materials, substances or wastes, in case of leakage or rupture of the container, cannot enter the wastewater collection system. The storage of any chemicals, materials, substances or wastes that leak or have potential to leak or discharge into the wastewater collection system which may create an explosion hazard or in any way have a deleterious effect to the POTW or constitute a nuisance or a hazard to POTW personnel, the general public, the environment, or the receiving stream shall be prohibited.
- (19) Wastewater contaminated as a result of discharge from aboveground and/or underground gasoline, diesel fuels, fuel oil, kerosene, and jet fuel tanks, tank accessories, and/or pipelines without applying for and obtaining a permit prior to discharge.
- (20) Wastes containing detergents, surface-active agents, or other substances in concentrations which cause excessive foaming in the POTW or cause or contribute to Interference or Pass Through.
- (21) Wastewater which contains grease or oil or any other substances that will solidify or become discernibly viscous at temperatures between thirty-two degrees (32°) Fahrenheit (0° Celsius) and one hundred fifty degrees (150°) Fahrenheit (65.5° Celsius).
- (22) Wastewater containing free or floating oil and grease, or any discharge containing animal fat or grease by-product in excess of one hundred milligrams per liter (100 mg/L) except where a food service establishment has installed and is properly operating and maintaining a grease interceptor and implementing all required BMPs.
- (23) Reintroduce any portion of wastes pumped from grease interceptors, grease traps, sand-oil separators or other treatment units back into the POTW either directly or indirectly.

(c) Numeric Discharge Limitations and Requirements

- (1) No Significant Industrial User shall discharge or cause to be discharged wastewater that exceeds the following limits:

Pollutant	Daily Maximum Limit ^(a)	Units
Arsenic	0.10	mg/L
Cadmium	0.06	mg/L
Chromium	21.21	mg/L
Copper	1.85	mg/L
Lead	0.66	mg/L
Mercury	0.002	mg/L
Molybdenum	0.27	mg/L
Nickel	1.24	mg/L
Selenium	0.25	mg/L
Silver	2.89	mg/L
Zinc	5.16	mg/L
Biochemical Oxygen Demand (BOD ₅) ^(b)	25,423	lbs/day
Total Suspended Solid (TSS) ^(b)	39,925	lbs/day

^(a) All pollutants shown in the Table are total.

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

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

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

^(a) All pollutants shown in the Table are total.

- (b) BTEX shall be measured as the sum of Benzene, Ethylbenzene, Toluene and Xylenes.
 - (c) These limits are based upon installation of air stripping technology as described in the EPA document: “Model NPDES Permit for Discharges Resulting from the Cleanup of Gasoline Released from Underground Storage Tanks. June 1989.”
- (4) Dilution is prohibited as a substitute for treatment and shall be a violation of these Rules and Regulations. Except where expressly authorized to do so by an applicable Pretreatment Standard or Requirement, no Industrial User shall ever increase the use of process water, or in any other way attempt to dilute a Discharge as a partial or complete substitute for adequate treatment to achieve compliance with a Pretreatment Standard or Requirement. The District may impose mass limitations on industrial users which are using dilution to meet applicable Pretreatment Standards or Requirements or in other cases where the imposition of mass limitations is appropriate.
- (5) The District may establish more stringent pollutant limits, additional site-specific pollutant limits, Best Management Practices, or additional Pretreatment Requirements when, in the judgment of the District, such limitations are necessary to implement the provisions of these Rules and Regulations.
- (6) All industrial users subject to a Categorical Pretreatment Standard shall comply with all requirements of such Standard, and shall also comply with any limitations contained in these Rules and Regulations. Where the same pollutant is limited by more than one Pretreatment Standard, the limitations which are more stringent shall prevail. Compliance with Categorical Pretreatment Standards shall be the timeframe specified in the applicable Categorical Pretreatment Standard. Limitations shall be applied in accordance with 40 CFR Section 403.6(e) if combined with other Categorical Standard wastewaters.
- (7) State requirements and limitations on discharges shall apply in any case where they are more stringent than federal Pretreatment Standards and Requirements or those in these Rules and Regulations.
- (d) National Categorical Pretreatment Standards.

Industrial users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405–471.

- (1) Where a Categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the General Manager may impose equivalent concentration or mass limits in accordance with Section 2.5(d) paragraphs (5) and (6).

- (2) When the limits in a Categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the General Manager may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.
- (3) When wastewater subject to a Categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the General Manager shall impose an alternate limit in accordance with 40 CFR 403.6(e).
- (4) A Categorical Industrial User may obtain a net/gross adjustment to a Categorical Pretreatment Standard in accordance with the following paragraphs of this Section.
 - i. Categorical Pretreatment Standards may be adjusted to reflect the presence of pollutants in the Industrial User's intake water in accordance with this Section. Any Industrial User wishing to obtain credit for intake pollutants must make application to the City. Upon request of the Industrial User, the applicable Standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the requirements of paragraph (d)(4)(ii) of this Section are met.
 - ii. Criteria.
 - (A) Either 1) The applicable Categorical Pretreatment Standards contained in 40 CFR subchapter N specifically provide that they shall be applied on a net basis; or 2) The Industrial User demonstrates that the control system it proposes or uses to meet applicable Categorical Pretreatment Standards would, if properly installed and operated, meet the Standards in the absence of pollutants in the intake waters.
 - (B) Credit for generic pollutants such as Biochemical Oxygen Demand (BOD₅), Total Suspended Solids (TSS), and oil and grease should not be granted unless the Industrial User demonstrates that the constituents of the generic measure in the User's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.
 - (C) Credit shall be granted only to the extent necessary to meet the applicable categorical Pretreatment Standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with Standard(s) adjusted under this Section.

- (D) Credit shall be granted only if the User demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The City may waive this requirement if it finds that no environmental degradation will result.
- (5) When a Categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that the City convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the General Manager. The City may establish equivalent mass limits only if the Industrial User meets all the conditions set forth in subsections (d)(5)(i) paragraphs (A) through (E) below.
- i. To be eligible for equivalent mass limits, the Industrial User must:
 - (A) Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;
 - (B) Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;
 - (C) Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;
 - (D) Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and
 - (E) Have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.
 - ii. An Industrial User subject to equivalent mass limits must:
 - (A) Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
 - (B) Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;

- (C) Continue to record the facility's production rates and notify the General Manager whenever production rates are expected to vary by more than twenty (20) percent from its baseline production rates determined in subsection (d)(5)(i)(C). Upon notification of a revised production rate, the General Manager will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
 - (D) Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to subsection (d)(5)(i)(A). so long as it discharges under an equivalent mass limit.
- iii. When developing equivalent mass limits, the General Manager:
 - (A) Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based Daily Maximum and Monthly Average Standard for the applicable categorical Pretreatment Standard and the appropriate unit conversion factor;
 - (B) Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
 - (C) May retain the same equivalent mass limit in subsequent Wastewater Discharge Permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section 2.5(c)(4). The Industrial User must also be in compliance with Section 2.20(c) regarding the prohibition of bypass.
- (6) The General Manager may convert the mass limits of the Categorical Pretreatment Standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual Industrial Users. The conversion is at the discretion of the General Manager.
- (7) Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this Section 2.5 in lieu of the promulgated Categorical Pretreatment Standards from which the equivalent limitations were derived.
- (8) Many Categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum Monthly

Average, or 4-day average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.

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

Section 2.6 Pretreatment and Monitoring Facilities

(a) Treatment Required.

- (1) An Industrial User shall provide necessary wastewater treatment at the Industrial User's expense as required to comply with these Rules and Regulations and shall achieve compliance with all Pretreatment Standards and Requirements within the time limitations specified by the EPA, the State, or the District, whichever is more stringent. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the General Manager for review and shall be acceptable before construction of the facility. The review of such plans and operating procedures will in no way relieve the Industrial User from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the District under the provisions of these Rules and Regulations.

- (2) If a Significant Industrial User discharges wastewater to the POTW that exceeds the levels of certain pollutants defined as Normal Domestic Strength wastewater in Section 2.4(a)(38) or having an average daily flow greater than 2% of the average daily flow of the POTW, such discharge shall be subject to the review and approval of the General Manager. Where necessary in the opinion of the General Manager, the Industrial User shall provide, at the owner's expense, treatment as may be necessary to meet all applicable limits as specified in paragraph (a)(1) of this Section or may be surcharged for excess strength waste.

- (b) Monitoring Facilities. The District may require an Industrial User to install at the Industrial User's expense, suitable monitoring facilities or equipment that allows for the representative sampling and accurate observation of wastewater discharges. Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with the District's requirements and all applicable construction standards and specifications. Monitoring equipment and structures shall be maintained in proper working order, calibrated as required by manufacturer's recommendations and kept safe and accessible at all times to District personnel. The monitoring equipment shall be located and maintained on the Industrial User's premises outside of the building unless otherwise approved by the District. When such a location would be impractical, the

District may allow such facility to be constructed in the public street or easement area, with the approval of the agency having jurisdiction over such street or easement, and located so that it will not be obstructed by public utilities, landscaping or parked vehicles. No Industrial User shall cover any manhole, sewer cleanout, or other openings in the wastewater collection system with earth, paving, or otherwise render it inaccessible.

- (c) Wastewater Discharge Control. The District may require an Industrial User to restrict discharge during peak flow periods, designate that certain wastewater be discharged only into specified sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and demonstrate the Industrial User's compliance with the requirements of these Rules and Regulations.
- (d) Flow Equalization. The District may require any Industrial User discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An Industrial Discharge Permit may be issued solely for flow equalization.
- (e) Multitenant Buildings. When more than one Industrial User is able to discharge into a common service line, the District may require installation of separate monitoring equipment or structures for each Industrial User.
- (f) Flow, pH, LEL and other meters and equipment. If the District determines that an Industrial User needs to measure and report wastewater flow, discharge process wastewaters necessitating continuous pH measurement or discharge wastewater that may contain flammable substances or other pollutants or pollutant properties of concern, the District may require the Industrial User install and maintain, at the Industrial User's expense, approved meters and equipment.

Section 2.7 Sector Control Programs.

- (a) General Requirements. The following shall apply to all Sector Control Programs in Section 2.7.

- (1) Authority.

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

- (2) Facility Identification and Compliance.

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

more sector control program, the Industrial User shall be required to comply with the applicable sector control program requirements. For the purposes of Section 2.7, the term facility shall be synonymous with the term Industrial User as defined in Section 2.4(a)(31) and subject to a specific Sector Control Program.

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

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

- (4) The Industrial User shall inform the District prior to:

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

- (5) Inspections.

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

- (6) Closure.

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

- (7) Enforcement and Compliance.
 - (i) These requirements form a part of these Rules and Regulations. Enforcement of this regulation is governed by the express terms herein and the enforcement provisions of Section 2.19.
 - (ii) Any extraordinary costs incurred by the District due to Interference, damage, Pass Through, or maintenance necessary in the treatment and/or collection system shall be paid by the Industrial User to the District. The direct costs of all labor, equipment and materials incurred in rectifying the Interference or damage, including reasonable attorney's fees, shall be billed directly to the owner or the Industrial User by the District, and such costs shall become part of the total charges due and owing to the District.
 - (8) Industrial users are prohibited from discharging wastes that would violate a Prohibited Discharge established in Section 2.5, paragraphs (a) and (b) of these Rules and Regulations.
- (b) Best Management Practices for the Installation and Maintenance of Gravity Grease Interceptors.
- (1) These Best Management Practices (BMP's) establish requirements for any facility that has the potential to discharge Fats, Oil, and Grease (FOG). These pollutants can contribute to sewer blockages, causing sanitary sewer overflows and backups into homes and businesses. All facilities subject to these BMPs must comply with the requirements which include both the requirement for installation and proper operation and maintenance of an interceptor and other reporting requirements.
 - (2) Implementation: These FOG requirements may be implemented by letter, order or permit.
 - (3) Applicability: The requirements established in this BMP shall apply to industrial users where preparation, manufacturing, processing of food or washing/sanitizing of dishes or equipment occurs and includes, but are not limited to, restaurants, cafes, fast food outlets, pizza outlets, delicatessens, sandwich shops, coffee shops, schools, nursing homes and other facilities that prepare, service, or otherwise make foodstuff available for consumption. These users shall install and maintain a gravity grease interceptor as directed by the District.
 - (4) Variance
 - (i) A variance as to the requirements may be granted by the General Manager for good cause. The facility has the burden of proof of demonstrating through data and other information why a variance should be granted. In no case shall a variance result in violation of any Pretreatment Standard or

Requirement specified in these Rules and Regulations and applicable to the discharge. The granting of any variance shall be at the sole discretion of the District and may be revoked at the sole discretion of the District. The denial of a variance by the General Manager may be appealed in accordance with Chapter 4.

(ii) If a variance is granted, the facility shall institute Best Management Practices and other mitigation measures as specified by the District. These BMPs may include, but not be limited to:

- (A) Allow the installation of a grease trap or continue to allow the use of an existing grease trap in lieu of installing a grease interceptor where the grease trap is shown to be effective. If a grease trap is not shown to be effective, the District may require the industrial user to install a grease interceptor.
- (B) Provide quarterly cleaning of its private service line to prevent the buildup of oil, grease and solids or as otherwise specified in the wastewater discharge permit.
- (C) Submit records of the private service line cleaning as specified by the District.
- (D) Pay the costs incurred by the District or other jurisdiction for accelerated sewer line cleaning on the sewer line providing service to the POTW, costs to the District for treating the excess strength waste and any costs for sampling and analysis. The District believes that these costs will be comparable to costs incurred by a user that installs and maintains a grease interceptor.

(5) Program Requirements

(i) General Control Requirements.

- (A) A gravity interceptor shall be required for all new industrial users the proper handling of liquid wastes which may be harmful to, or cause obstruction in the wastewater collection system or cause or contribute to Interference or Pass Through.
- (B) It shall be the responsibility of the industrial user and owner of the property, business or industry or an Authorized Representative of the Industrial User to contact the District for the purpose of obtaining a plan review. The plan review shall determine the need, size, location, and other requirements of the interceptor required to control discharges into the POTW. Written approval from the District must be obtained prior to installation of the

interceptor. The review of such plans and operating procedures shall in no way relieve the industrial user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the District under the provisions of these Rules and Regulations.

- (C) The design and sizing of gravity interceptors shall be in accordance with requirements established by the District, Uniform Plumbing Code or as otherwise required by the connecting jurisdiction or the County. The gravity interceptor shall be designed, sized, installed, maintained and operated so as to accomplish their intended purpose of intercepting pollutants from the industrial user's wastewater and minimizing the discharge of such pollutants to the District's wastewater collection system.
- (D) Upon change of ownership of any existing facility which would be required to have an interceptor under this Section, the applicant for sanitary sewer service shall have the burden to demonstrate that a properly sized and functioning grease interceptor is installed.
- (E) Hydromechanical grease interceptors shall not be permitted in lieu of a gravity interceptor to comply with the requirements of these Rules and Regulations unless the General Manager has approved these under Section 2.7(b)(4).
- (F) Toilets, urinals and similar fixtures shall not waste through a gravity interceptor. Such fixtures shall be plumbed directly into the building sewer and waste system.
- (G) All sinks which are connected to a gravity interceptor shall be equipped with a fixed or removable mesh or screen which shall catch garbage and food debris and prevent it from entering the gravity interceptor.
- (H) The industrial user shall implement procedures that minimize the discharge of food solids to the POTW, a grease trap or interceptor. In no case shall food waste be discharged that exceeds one-half (1/2) inch in any dimension.
- (I) The industrial user must ensure interceptors are easily accessible for inspection, cleaning, and removal of FOG.
- (J) The industrial user must maintain interceptors at their expense and keep in efficient operating condition at all times by the regular removal of accumulated FOG.

- (ii) Required Maintenance.
- (A) Gravity interceptors shall be maintained by regularly scheduled cleaning so that they will properly operate as intended to efficiently intercept the fats, oil and grease from the facility's wastewater and prevent the discharge of said materials into the District's wastewater collection system. A gravity interceptor shall be serviced at a frequency that is specified in the industrial user's permit. Interceptors must be cleaned whenever the combined thickness of the floating greases and settled solids is greater than 25% of the hydraulic working capacity of the interceptor. The District recommends that the industrial user pump the interceptor at least once per three (3) months if the industrial user does not opt to measure the hydraulic working capacity of the interceptor on a continuing basis.
 - (B) The District may require more frequent cleaning than that prescribed in (5)(ii)(A) of this section. A variance from the requirement may be obtained if the industrial user can demonstrate less frequent cleaning is sufficient.
 - (C) Maintenance of grease interceptors shall be done in a workman-like manner only by a business/professional normally engaged in the servicing of such plumbing fixtures and holding licenses that may be required by the jurisdictions, including the City, County or State.
 - (D) In the event an interceptor is not properly maintained by the Industrial User, owner, lessee, or other Authorized Representative of the facility, the District may authorize such maintenance work be performed on behalf of the Industrial User. The costs of such maintenance shall be billed directly to the tenant/owner and shall become part of the charges due and owed to the District.
 - (E) Biological treatment or enzyme treatment shall not be a substitute for the servicing of gravity interceptors or grease traps at the frequency required by the District. Use of enzymes or any other chemical or biological treatment or product that emulsifies or acts to emulsify FOG is prohibited.
 - (F) The Industrial User must document each pump-out with a waste manifest or trip ticket which must be provided to the District within fourteen (14) days of pump-out and kept by the industrial user on site for at least three (3) years.

(G) The Industrial User must take reasonable steps to assure that all waste is properly disposed of at a facility in accordance with federal, state and local regulations (i.e. through a certification by the hauler included on the waste manifest or trip ticket for each load).

(c) Best Management Practices for the Installation and Maintenance of Sand-Oil Separators.

- (1) These Best Management Practices (BMP's) establish requirements for any facility that has the potential to discharge petroleum oil, mineral oil, cutting oils, non-food grease and solids. All facilities subject to these BMPs must comply with the requirements which include both the requirement for installation and proper operation and maintenance of a separator and other reporting requirements.
- (2) Implementation: These requirements may be implemented by letter, order or permit.
- (3) General Control Requirements.
 - (i) It shall be the responsibility of the industrial user and owner of the property, business or industry or the Authorized Representative of the Industrial User to contact the District for the purpose of obtaining a plan review. The plan review shall determine the need, size, location, and other requirements of the separator required to control discharges to the POTW. Written approval from the District must be obtained prior to installation of the separator. The review of such plans and operating procedures shall in no way relieve the industrial user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the District under the provisions of these Rules and Regulations.
 - (ii) The design and sizing of sand-oil separators shall be in accordance with requirements established by the District, Uniform Plumbing Code or as otherwise required by the connecting jurisdiction or the County. The sand-oil separator shall be designed, sized, installed, maintained and operated so as to accomplish their intended purpose of intercepting pollutants from the industrial user's wastewater and preventing the discharge of such pollutants to the District's wastewater collection system.
 - (iii) Upon change of ownership of any existing facility which would be required to have a separator under this Section, the applicant for sanitary sewer service shall have the burden to demonstrate that a properly sized and functioning sand-oil separator is installed.

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

(d) Best Management Practices for Dry Cleaners

- (1) No person shall discharge, dispose or place dry cleaning solvent, filters, lint etc. from dry cleaning machine cleanout, button trap cleanout, pre-filter cleanout, spent diatomaceous earth, sludge, condensate or separator water, vacuum press condensate, mop water, still bottoms or any other regulated waste material containing dry cleaning solvent into:
 - (i) Sanitary sewer or POTW;
 - (ii) Storm sewer;
 - (iii) Any underground structure (e.g. tank); or
 - (iv) On the ground or in any location other than in an appropriate waste storage container.
- (2) All invoices and/or manifests generated as a result of, but not limited to chemical and equipment purchases, equipment maintenance, disposal of dry-cleaning solvent and associated wastes shall be made available for review and copying upon request by the District. All documentation shall be kept onsite for a period of three years.
- (3) The District may require compliance with these Rules and Regulations by letter, order or permit.

(e) Best Management Practices for the Acceptance of Trucked and Hauled Waste

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

- (1) Hauled wastes may be introduced into the POTW only at locations designated by the General Manager, and at such times as are established by the General Manager.
- (2) The District shall have the right to refuse any hauled waste load. If such a load is refused, the waste hauler shall provide a copy of a manifest or other receipt that documents the disposal of the rejected waste within 5 days of the District's rejection of the waste.
- (3) Waste haulers are prohibited from discharging wastes that would violate a Prohibited Discharge established in Section 2.5, paragraphs (a) and (b) of these Rules and Regulations.
- (4) Waste haulers are prohibited from discharging hazardous wastes to the POTW or other wastes that are generated by a Categorical Industrial User as defined in Section 2.4(a)(9) of these Rules and Regulations.

- (5) The waste hauler shall comply with specific pollutant limitations established by the District specific for the hauled waste to be discharged.
- (6) The District shall require compliance with these Rules and Regulations by letter, order or permit. Waste haulers must be licensed by the Weber-Morgan County Health Department and shall comply with all federal, state and local regulations, including, but not limited to, those of the Utah Department of Transportation, Division of Motor Vehicles, Weber-Morgan County Health Department, EPA and District.
- (7) The waste hauler shall apply for and obtain a permit from the District for each vehicle that the waste hauler will use to discharge wastewater at the District dump station. Such permit shall be renewable on an annual basis and be subject to the payment of fees assessed by the District. The District may reject any load if the delivery vehicle does not possess the required permit.
- (8) Each waste hauler shall be required to pay fees to the District for two compliance sampling events and the analytical costs annually. The District may take additional samples and analyze the hauled wastes at the waste hauler's expense to verify that hauled wastes comply with applicable Pretreatment Standards and/or Requirements.
- (9) The District may sample and analyze the hauled wastes or require the hauler to perform such sampling and analysis at the location where the waste is generated.
- (10) The District may require the industrial waste hauler to receive prior approval or consent before discharging.
- (11) The waste hauler must notify the District of any new commercial or industrial customers or changes in the nature of hauled waste originating from existing customers. Customer lists shall be considered Confidential Business Information if so designated by the waste hauler.
- (12) The District may restrict the maximum number of loads that a waste hauler may discharge during a specific period of time, and the discharge rate of each load.
- (13) Waste haulers must provide a manifest form or similar document for every load prior to discharge. The manifest form shall include, at a minimum:
 - (i) The name, address and phone number for each customer or source of waste;
 - (ii) Time and date the waste was picked up from each customer;
 - (iii) Permit number;
 - (iv) Truck identification;
 - (v) Volume of wastewater from each source;

- (vi) Type of waste picked up from each customer;
 - (vii) Known or suspected pollutants present in load(s); and
 - (viii) Certification that the hauled waste is not hazardous.
- (14) The waste hauler shall use a manifest form supplied or approved by the District.
- (15) The waste hauler shall pay all required fees and charges established from time to time by the District and shall be responsible for all costs, expenses and damages incurred by the District as a consequence of waste and sewage received from the waste hauler including, but not limited to, sampling, analysis, investigations, inspections, damage to facility, plant upset and any fines assessed due to or arising out of any load or materials discharged to the POTW.
- (16) The waste hauler shall:
- (i) Maintain tanks, pumps, valves, hoses, racks, cylinders, diaphragms, pipes, connections, and other appurtenances on a vehicle in good repair and free from leaks;
 - (ii) Provide a safety plug or cap for each tank;
 - (iii) Ensure that the vehicle exterior is clean at the beginning of each work day (prior to entry to the POTW);
 - (iv) Clean the inside of tanks to ensure that non-permitted residual wastes are not left in the tank and allowed to mix with permitted wastes;
 - (v) Ensure that tanks are an integral part of a vehicle to transport liquid waste. Portable tanks or other containers temporarily installed in vehicles are prohibited (unless prior approval is obtained from the District, e.g. portable toilets);
 - (vi) Piping, valves, and connectors (excluding the discharge hose) shall be permanently attached to tank and/or vehicle;
 - (vii) Tanks must be liquid tight and tanks constructed so that every interior and exterior portion can be easily cleaned;
 - (viii) Opening of tank to be constructed so that collected waste will not spill during filling, transfer, transport or disposal;
 - (ix) Outlet connections to be constructed so that no liquid waste will leak, run, or spill out from the vehicle;
 - (x) Outlets to be of a design and type suitable for the liquid waste handled and capable of controlling flow or discharge without spillage and undue spray on or flooding of immediate surroundings while in use; and
 - (xi) Pumps, valves, cylinders, diaphragms, and other appurtenances to be of a design and type suitable for the type of waste handled, capable of operation without spillage, spray, or leakage, and capable of being easily disassembled for cleaning.
- (17) Authorized Disposal Site. The only authorized location for dumping wastes in the District service area is at the District dump station as identified in the

permit. Disposal of trucked and hauled wastes at sites other than those allowed by permit is prohibited and a violation of these Rules and Regulations.

- (18) Sanitation and Safety Standards. Each hauler who discharges wastes to the system shall be responsible for the cleanliness and safety practices at the points of disposal. It shall be the responsibility of the industrial user to discharge wastes in such a manner as to keep the area clean and free from spills or other debris. Any spills shall be promptly cleaned up. The permittee is also responsible for keeping their vehicle and related facilities clean and in good repair while being used for disposal to the POTW. These sanitary and safety practices shall be carried out in a manner acceptable to the District. Failure to comply with these sanitation and safety standards shall be grounds for suspension of the authorization to discharge.
- (19) Quality of Wastes. Wastes approved for discharge to the POTW shall be representative of what the waste hauler disclosed in the manifest. The waste hauler consents to the District's right to sample and analyze the contents of any vehicle utilizing the POTW for the discharge of wastes and charge the user for such sampling and analytical costs. The purpose of such sampling and analysis will be to determine conformance with these Rules and Regulations. It shall be the responsibility of the industrial user to assist in sample collection as directed by the District.
- (20) Performance Bond. All trucked and hauled waste haulers may be required to obtain bonding in an amount as specified by the District and indemnifying the District against damages sustained by any reason; any spill, dumping or discharge of any liquid waste, hazardous waste, or incompatible waste within the jurisdictional limits of the District. Proof of bonding shall be provided to the District prior to authorization to discharge. In addition, the District may decline to authorize discharge to any user who has failed to comply with any provision of these Rules and Regulations unless such industrial user first files a satisfactory bond, payable to the District, in a sum not to exceed a value determined by the District to be necessary to achieve consistent compliance.
- (21) Suspension of Discharge. The District, at its discretion, may revoke the authorization to discharge and take other enforcement actions as specified in Section 2.19 of these Rules and Regulations. Violations that may result in a suspension of authorization to discharge include:
 - (i) Failure to submit accurate reports;
 - (ii) Failure to submit timely reports;
 - (iii) Failure to pay proper charges;
 - (iv) Failure to maintain the vehicle as required;
 - (v) Failure to discharge at an authorized disposal site;
 - (vi) Failure to meet sanitation standards;
 - (vii) Discharging of industrial sludges or other unacceptable wastes into the system;

- (viii) Suspension is necessary to protect the POTW;
- (ix) Failure to maintain valid and current registrations, permits, and licenses as required by any local, State or federal regulation or requirement; or
- (x) Other violations of these Rules and Regulations.

(f) Best Management Practices for the Acceptance of Dental Amalgam

- (1) Dental Practices. All dental practices that discharge wastewater generated from the placement or removal of amalgam to the District's POTW are required to install an amalgam separator and implement specific reporting and certification requirements.
- (2) Exempt Dental Practice. Waivers will be granted to dental practices in which no dentist places or removes amalgams containing mercury and/or teeth containing mercury amalgams or otherwise discharges amalgam waste. A written request for a waiver shall be delivered to the District before the dental practice opens for business but in no case later than thirty (30) days from date the dental practice opens for business.
- (3) Amalgam Separators. Amalgam separators shall be installed in all dental practices, except exempt dental practices. All amalgam separators shall meet the following criteria:
 - (i) The amalgam separator shall be ISO11143 certified and shall be designed and approved for a flow rate capable of handling the maximum volume discharged from the dental practice it serves.
 - (ii) If ISO increases the acceptable standard, the dental practice shall purchase a new compliant amalgam separator within five (5) years.
 - (iii) The amalgam separator shall be installed so that all amalgam-contaminated wastewater will pass through the unit before being discharged to the POTW.
 - (iv) Each dental practice shall be responsible for inspecting the amalgam separator at least once per week and recording whether or not the level of solids is approaching the level where maintenance is required. The amalgam separator shall be serviced, at a minimum, in accordance with manufacturer's instructions or more frequently if visual inspections indicated maintenance is needed.
 - (v) Waste removed from the amalgam separator shall be collected and handled in accordance with the manufacturer's instructions and as described below.
- (4) Best Management Practices. BMPs shall be implemented by dental practices (other than exempt dental practices) immediately upon opening for

business. BMPs shall be certified by such dental practices within sixty (60) days of opening for business, and be recertified by the dental practice by February 15th of each calendar year thereafter. Each dental practice shall comply with the following BMPs:

- (i) The dental practice shall ensure that all dental chairs are equipped with chair-side traps and that all vacuum pumps are equipped with traps and filters. All equipment shall be cleaned, disposed of, and maintained in accordance with the manufacturer's instructions.
 - (ii) Each dental practice shall use disinfectants and line cleaners that are pH neutral, non-chlorine, and non-oxidizing. When cleaning filters or collecting scrap amalgam, the dental practice shall not rinse filters or traps over sinks or drains that do not discharge through the amalgam separator. All water containing amalgam waste must be washed through amalgam separator lines.
 - (iii) The dental practice shall recycle all bulk mercury and all amalgam waste.
 - (iv) All contact and non-contact scrap amalgam should be salvaged and stored in structurally sound, tightly closed and appropriately labeled containers.
 - (v) The dental practice shall never dispose of amalgam waste, infectious waste or biohazard containers in the garbage. All amalgam waste shall be transferred to an offsite recycling facility for recycling of mercury on at least an annual basis.
 - (vi) The dental practice shall use only pre-capsulated, single-use amalgam and shall stock a variety of sizes in order to minimize waste.
- (5) Record Keeping. All records shall be kept on site for a minimum of three years and shall be made available to the District on request as required by Section 2.13 of these Rules and Regulations. Each non-exempt dental practice shall maintain records of:
- (i) Amalgam Disposal. Records shall include the date, the name and address of the facility to which any waste amalgam is shipped, and the amount shipped.
 - (ii) Weekly Visual Inspections: Records shall include the date of the visual inspection, time of inspection, name and initials of person conducting the inspection and whether or not the level of solids is such that the unit needs to have maintenance.
 - (iii) Amalgam Waste: Records of all maintenance and service completed on the amalgam separator during the calendar year.

- (6) Reporting. The Dental Practice shall submit a certification by February 15 of each year, a report that includes:
- (i) The manufacturer and model of each amalgam separator installed;
 - (ii) The date of installation;
 - (iii) The name of the installer(s); and
 - (iv) Copies of the records in (f)(5)(i)-(iii)

Reports shall be submitted to:

Pretreatment Specialist
Central Weber Sewer Improvement District
2618 West Pioneer Road
Marriott-Slaterville, Utah 84404

- (7) Administrative - Recovery and/or Remedies. Dental practices that handle amalgam and do not implement BMPs, report as required and/or install an amalgam separator may be subject to enforcement, including the imposition of penalties, termination of discharge and fines and/or imprisonment for willful, negligent or intentional criminal violations. Names and offices of violating dental practices may be published in a newspaper displayed as “NOTICE OF NONCOMPLIANCE”. The remedies provided for in this Section are not exclusive. The District may take any and all or any combination of actions against a noncompliant dental practice and may take other action against any dental practice when the circumstances warrant pursuant to Section 2.19 these Rules and Regulations. Taking one enforcement action does not preclude the District from taking another enforcement action.

Section 2.8 Wastewater Discharge Permits.

- (a) Permits Required.

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

- (b) New Industrial Users: Applying for a Wastewater Discharge Permit.

Any Industrial User required to obtain a Wastewater Discharge Permit who proposes to begin or recommence discharging into the POTW must apply for and obtain such permit prior to the beginning or recommencing of such discharge. The Industrial User shall file a permit application on forms provided by the District containing the information specified in Section 2.8(f) below. Incomplete applications be returned to the Industrial

User for completion and may delay the issuance of a Wastewater Discharge Permit. The completed application for the Wastewater Discharge Permit must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

(c) Existing Industrial Users: Applying for a Wastewater Discharge Permit Re-issuance.

An Industrial User with an expiring Wastewater Discharge Permit shall apply for a new permit by submitting a complete permit application at least one hundred and eighty (180) days prior to the expiration of the Industrial User's existing discharge permit. The Industrial User shall file a permit application on forms provided by the District containing the information specified in Section 2.8(f) below. Incomplete applications will be returned to the Industrial User for completion and may delay the issuance of a Wastewater Discharge Permit. An Industrial User with an existing permit that has filed a complete and timely application may continue to discharge as approved in writing by the District through an administrative extension of the existing permit if the delay in permit issuance is not due to any act or failure to act on the Industrial User's part.

(d) Other Industrial Users.

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

(e) Enforceability.

Any violation of the terms and conditions of a Wastewater Discharge Permit, failure to apply for a permit as required, or discharging without a required permit shall be deemed a violation of these Rules and Regulations and subjects the Industrial User to enforcement as provided for in Section 2.19. Obtaining a Wastewater Discharge Permit does not relieve a permittee of its obligation to comply with all State and federal Pretreatment Standards or Requirements.

(f) Permit Application Contents.

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

- (1) Name of business, address of the facility, location of the discharge if different from facility address, and contact information for the owner, operator and Authorized Representative of the Industrial User.
- (2) Environmental Permits. A list of any environmental control permits held by or for the facility.

- (3) Description of Operations.
 - (i) A brief description of the nature, average and maximum rate of production (including each product produced by type, amount, processes, and rate of production);
 - (ii) The Standard Industrial Classification(s) of the operation(s) carried out by such Industrial User;
 - (iii) A schematic process diagram, which indicates all process tanks, process lines, treatment systems, drains, and points of discharge to the POTW from the regulated process(es);
 - (iv) A listing of all non-domestic process streams and the type(s) of wastes generated from each process;
 - (v) 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;
 - (vi) Number of employees; and
 - (vii) Hours of operation, and proposed or actual hours of operation.
- (4) Time and duration of discharges including the date the industrial user first began discharge or plans to discharge to the POTW.
- (5) The location for sampling the wastewater discharges from the Industrial User.
- (6) Flow measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR Section 403.6(e). For New Sources and new permittees not currently discharging, an estimate of flows may be used for meeting the requirements of the Baseline Monitoring Report required in Section 2.17(b) where justified by cost or feasibility considerations.
- (7) Measurement of Pollutants.
 - (i) The Pretreatment Standards applicable to each regulated process;
 - (ii) The results of sampling and analysis identifying the nature and concentration (or mass where required by the Pretreatment Standard or the District) of regulated pollutants in the discharge from each regulated process;

- (iii) Instantaneous, daily maximum and average concentrations, or mass, where required, shall be reported;
 - (iv) The sample shall be representative of daily operations and shall be collected in accordance with procedures set out in Section 2.15. Where the Standard requires compliance with a BMP or pollution prevention alternative, the Industrial User shall submit documentation as required by the District or the applicable Standards to determine compliance with the Standard; and
 - (v) Analyses must be performed in accordance with procedures set out in Section 2.15(c).
 - (vi) In cases where the Standard requires compliance with a Best Management Practice or pollution prevention alternative, the Industrial User shall submit documentation as required by the District or the applicable Standard to determine compliance with the Standard
- (8) A list of hazardous waste(s) generated and a description of the storage area and procedures for the wastes.
- (9) Slug Discharge Control Plan for Significant Industrial Users as described in Section 2.17(e) shall be submitted as required by the District. Other industrial users shall be required to submit a Slug Discharge Control Plan on a case-by-case basis.
- (10) Compliance Schedule. If additional pretreatment and/or Operation and Maintenance (O&M) will be required to meet the Pretreatment Standards, the shortest schedule by which the Industrial User will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. The following conditions shall apply to this schedule:
- (i) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the Industrial User to meet the applicable Pretreatment Standards (e.g. hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.). No such increment shall exceed nine (9) months.
 - (ii) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the Industrial User shall submit a progress report to the General Manager including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not,

the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the Industrial User to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the General Manager.

- (11) Certification. A statement, reviewed by an Authorized Representative of the Industrial User and certified to by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional Pretreatment is required for the Industrial User to meet the Pretreatment Standards and Requirements.
 - (12) Signatory Certification. All Wastewater Discharge Permit applications and certification statements must be signed by an Authorized Representative of the Industrial User and contain the applicable certification statement(s) in Section 2.17(h).
 - (13) Payment of fees shall be provided with the application. The fees are in the Schedule of Fees, Section 2.18 and Chapter 3.
 - (14) Any other information as may be deemed by the General Manager to be necessary to evaluate the permit application.
- (g) Wastewater Discharge Permit Issuance.
- (1) Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period of less than five (5) years at the District's discretion or may be stated to expire on a specific date.
 - (2) Where the District is establishing enforceable permit specific Pretreatment Standards or Requirements, the permit shall be noticed for public comment for thirty (30) days in a newspaper of general circulation that provides meaningful public notice. The District shall consider all comments that are received prior to issuing the permit.
 - (3) The District shall issue a Wastewater Discharge Permit to the applicant if the District finds that all of the following conditions are met:
 - a. The applicant has provided a timely and complete permit application to the District;
 - b. The proposed discharge by the applicant is in compliance with the limitations established in these Rules and Regulations;

- c. The proposed operation and discharge of the applicant would permit the normal and efficient operation of the POTW; and
 - d. The proposed discharge by the applicant would not result in a violation by the District of the terms and conditions of its UPDES Permit or cause Pass Through or Interference.
- (4) If the District finds that the condition set out in Subsection (3)(b) of this Section is not met, the District may, at its discretion, issue a Wastewater Discharge Permit to the applicant if the conditions set out in subsections (3)(a), (3)(c) and (3)(d) of this Section have been met and if the applicant submits, and the District approves, a compliance schedule setting out the measures to be taken by the applicant and the dates that such measures will be implemented to insure compliance with applicable Pretreatment Standards. At no time shall a discharge be allowed to cause a violation of any General or Specific Prohibition established in Section 2.5, nor shall the final compliance date for a Categorical Pretreatment Standard be extended.
- (5) In the event the District denies an Industrial User's request for a permit to discharge, the General Manager shall notify the applicant in writing of such denial. Such notification shall state the grounds for such denial with that degree of specificity which will inform the applicant of the measures or actions which must be taken by the applicant prior to issuance of a permit. The decision by the District is a final administrative action
- (6) Any person, including the Industrial User, may petition the District through the General Manager to reconsider the terms of a Wastewater Discharge Permit within ten (10) days of permit issuance. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal. In its petition, the appealing party must indicate the permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit. The effectiveness of the Wastewater Discharge Permit shall not be stayed pending the appeal. Decisions not to reconsider, not to issue a Wastewater Discharge Permit or not to modify a permit, may be appealed to the Governing Authority pursuant to the procedures and processes established in Chapter 4 of these Rules and Regulations. Decisions by the Governing Authority shall be considered final administrative action for purposes of judicial review.
- (h) **Transferability.** Wastewater Discharge Permits are issued to a specific Industrial User for a specific operation. A Wastewater Discharge Permit shall not be reassigned or transferred or sold to a new owner, new Industrial User, different premises, or a new or changed operation without the prior written approval of the District. Any succeeding owner shall comply with the terms and conditions of the existing permit until a new permit is issued. The Permittee shall notify the District at least fourteen (14) days prior to any change of ownership.

Section 2.9 Wastewater Discharge Permit Conditions.

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

- (a) Permits shall contain the following:
 - (1) A statement that indicates the permit's issuance date, expiration date and effective date.
 - (2) A statement on permit transferability (Section 2.8(h)).
 - (3) Limits on the average and/or maximum wastewater constituents and characteristics including, but not limited to, effluent limits, including Best Management Practices, based upon applicable Pretreatment Standards.
 - (4) Self-monitoring, sampling, reporting, notification and record-keeping requirements including, but not limited to, identification of the pollutants or BMPs to be monitored, sampling location, sampling frequency and sample type, based on federal, state and local law.
 - (5) Statements of applicable administrative, civil and/or criminal penalties for the violation of Pretreatment Standards and Requirements, the permit, these Rules and Regulations, and any applicable compliance schedule as specified in Section 2.19.
 - (6) Requirements to control and report any slug discharges and notify the District immediately of any changes at its facility affecting potential for a Spill or Slug Discharge and to notify the POTW immediately in the event of a Slug Discharge, spill or accidental discharge to the POTW.
 - (7) Best Management Practices (BMPs) to control specific pollutants as necessary to meet the objectives of these Rules and Regulations.
 - (8) Compliance Schedules.
 - (9) Requirements to reapply for a new permit prior to expiration of the existing permit;
- (b) Permits may also include, as appropriate:

- (1) The unit charge or schedule of user charges and fees for the wastewater to be discharged into a public sewer.
- (2) Limits on average and/or maximum rate and/or time of discharge or other requirements for flow.
- (3) Requirements for installation and maintenance of inspection and sampling facilities and equipment.
- (4) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.
- (5) Closure requirements for permitted facilities undergoing partial or complete closure activities to ensure closure activities are completed and wastes have been properly disposed and remaining access to sanitary and storm sewers are protected.
- (6) Other conditions as deemed appropriate by the District or the General Manager to ensure compliance with the District's Rules and Regulations.

Section 2.10 Wastewater Discharge Permit Modification.

The notification of a Wastewater Discharge Permit Modification does not stay any wastewater discharge permit condition. The District may modify a Wastewater Discharge Permit for good cause, including, but not limited to, the following reasons:

- (a) To incorporate any new or revised federal, state, or local Pretreatment Standards or Requirements;
- (b) To address significant alterations or additions to the Industrial User's operation, processes, or wastewater volume or character since the time of the Industrial Discharge Permit issuance;
- (c) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (d) Information indicating that the permitted discharge poses a threat to the POTW, District personnel, sludge or the receiving waters;
- (e) Violation of any terms or conditions of the Industrial Discharge Permit;
- (f) Misrepresentations or failure to fully disclose all relevant facts in the Industrial Discharge Permit application or in any required reporting;

- (g) To reflect a transfer of the facility ownership and/or operation to a new owner/operator;
- (h) To correct typographical or other errors in the Industrial Discharge Permit; or
- (i) Upon request of the Permittee, provided such request does not result in a violation of any applicable Pretreatment Standards or Requirements, or these Rules and Regulations. The filing of a request by the Permittee for a permit modification does not stay any permit condition.

Section 2.11 Wastewater Discharge Permit Revocation.

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

- (a) Failure of an Industrial User to accurately disclose or report the wastewater constituents and characteristics of any discharge;
- (b) Failure of the Industrial User to report significant changes in operations or wastewater constituents and characteristics as required;
- (c) Refusal of access to the Industrial User's premises for the purpose of inspection or monitoring;
- (d) Falsification of records, reports or monitoring results;
- (e) Tampering with monitoring equipment;
- (f) Misrepresentation or failure to fully disclose all relevant facts in the Wastewater Discharge Permit application;
- (g) Failure to pay fines or penalties;
- (h) Failure to pay sewer charges, surcharges, or pretreatment program fees;
- (i) Failure to meet compliance schedules;
- (j) Failure to provide advance notice of the transfer of business ownership of a permitted facility;
- (k) Failure to provide required reports, including but not limited to, a wastewater survey, baseline monitoring report, 90-day compliance report, permit application, self-monitoring report or other permit required reports or notifications within the timeframe required by the District; or

- (l) Violation of any Pretreatment Standard or Requirement, or any terms of the Wastewater Discharge Permit or these Rules and Regulations.

Section 2.12 Special agreements and contracts.

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

- (a) Any adverse effect to the POTW;
- (b) A violation of the POTW UPDES permit;
- (c) A violation of a General or Specific Prohibition;
- (d) A Maximum Allowable Industrial Load (MAIL) to be exceeded;
- (e) A violation of State or federal law or regulation; or
- (f) Provide any waiver to applicable Categorical Standards.

Section 2.13 Recordkeeping

- (a) All Industrial Users shall retain, and make available for inspection and copying, all records, reports, monitoring or other data, applications, permits and all other information and documentation required by these Rules and Regulations including documentation associated with Best Management Practices.
- (b) Industrial users shall retain such records and shall keep such records available for inspection for at least three (3) years. This recordkeeping period shall be extended automatically for the duration of any litigation concerning the Industrial User's compliance with any provision of these Rules and Regulations, or when the Industrial User has been specifically and expressly notified of a longer records retention period by the General Manager.
- (c) Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the U.S. Postal Service, the date of receipt of the report shall govern.

Section 2.14 Confidential Information - Disclosure of Information and Availability to the Public.

- (a) All records, reports, data or other information supplied by any person or Industrial User as a result of any disclosure required by these Rules and Regulations or information and data from inspections shall be available for public inspection except as otherwise

provided in this Section, R317-8-8-12, 40 CFR Section 403.14 and the Utah Government Records Access and Management Act (Title 63G, Chapter 2, et. seq.).

- (b) These provisions shall not be applicable to any information designated as a trade secret by the person supplying such information. Materials designated as a trade secret may include, but shall not be limited to, processes, operations, style of work or apparatus or confidential commercial or statistical data. Any information and data submitted by the Industrial User which is desired to be considered a trade secret shall have the words, "Confidential Business Information," stamped on each page containing such information. The Industrial User must demonstrate to the satisfaction of the District that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the Industrial User.

Information designated as a trade secret pursuant to this Section shall remain confidential and shall not be subject to public inspection. Such information shall be available only to officers, employees or authorized representatives of the District charged with implementing and enforcing the provisions of these Rules and Regulations and properly identified representatives of the U.S. Environmental Protection Agency and the Utah Department of Environmental Quality. Any such claim of confidentiality must be asserted at the time of submission. If no claim is made at the time of submission, the District may make the information available to the public without further notice.

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

Section 2.15 Sampling and Analytical Methods.

- (a) Sample Collection.

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

- (b) Sample Type.

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

- (1) Except as indicated in subparagraphs (2) and (3) below, the Industrial User must collect representative wastewater samples using twenty-four (24) hour flow proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is required by the District. Where time-proportional composite sampling or grab sampling is authorized by the District, the samples must be representative of the permitted discharge.
- (2) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a twenty-four (24) hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composited samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the District, as appropriate. In addition, grab samples may be required to show compliance with instantaneous local limits, including pH.
- (3) For sampling required in support of Baseline Monitoring and 90-day Compliance reports required in Section 2.17, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds for facilities for which historical representative sampling data do not exist. Where historical data are available, the District may authorize a lower minimum. For the reports required by Section 2.17(a), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance with applicable Pretreatment Standards and Requirements.

(c) Analytical Requirements.

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

(d) Records shall include for all samples:

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

Section 2.16 Right of Entry.

- (a) Whenever it shall be necessary for the purposes of these Rules and Regulations, the District may enter upon any Industrial User's facility, property, or premises subject to these Rules and Regulations for the purposes of:
 - (1) Performing all inspection, surveillance and monitoring procedures necessary to determine, independent of information supplied by industrial users, compliance or noncompliance with applicable Pretreatment Standards and Requirements by an Industrial User. Monitoring and inspections shall be conducted at a frequency as determined by the District and may be announced or unannounced;
 - (2) Examining and copying any records required to be kept under the provisions of these Rules and Regulations or of any other local, state or federal regulation;
 - (3) The District may use a camera to photograph any areas of the facility as deemed necessary for carrying out the duties of the industrial pretreatment program including, but not limited to, documentation of the industrial user's compliance status, operations and for verification of the data and other information submitted by the Industrial User. The industrial user shall be allowed to review copies of photographs for confidentiality claims.
 - (4) Inspecting any monitoring equipment or method, pretreatment system equipment and/or operation;
 - (5) Sampling any discharge of wastewater into POTW; and/or
 - (6) Inspecting any production, manufacturing, fabricating or storage area where pollutants, regulated under these Rules and Regulations, could originate, be stored, or be discharged to the POTW.
- (b) The occupant of such property or premises shall render all proper assistance in such activities. Where an Industrial User has security measures in place which require proper identification and clearance before entry into its premises, the Industrial User shall make

necessary arrangements with its security personnel so that authorized representatives of the District will be permitted to enter without delay to perform their specified functions.

- (c) The General Manager and other duly authorized agents and employees of the District are entitled to enter all private properties through which the District or any connecting jurisdiction holds an easement.
- (d) Failure to allow entry or unreasonable delays: In the event the District or other duly authorized representative of the District is refused admission or unreasonably delayed is a violation and may result in enforcement action as allowed for under these Rules and Regulations including revocation of the Wastewater Discharge Permit.
- (e) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the Industrial User at the written or verbal request of the General Manager and shall not be replaced. The costs of clearing such access shall be borne by the User.
- (f) If the General Manager has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of these Rules and Regulations, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the District designed to verify compliance with these Rules and Regulations or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the General Manager may seek issuance of a search warrant from the State District Court.
- (g) The General Manager or duly authorized employees of the District shall observe all safety rules applicable to the premises established by the Industrial User, and the Industrial User shall be held harmless for injury or death to the District employees, and the District shall indemnify the company against loss or damage to its property by District employees and against liability claims and demands for the personal injury or property damage asserted against the Industrial User growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the Industrial User to maintain safe conditions.
- (h) The General Manager, or any employee of the District responsible for the implementation and enforcement of these Rules and Regulations, while acting for the District, shall not be rendered liable personally, and is hereby relieved from all personal liability for any damages accruing to persons or property as a result of any act required or permitted in the discharge of official duties required under these Rules and Regulations. The General Manager or any employee of the District shall not be liable for costs in any action, suit or proceedings that is instituted in pursuance of the provisions of these Rules and Regulations, and the General Manager or any employee of the District acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

Section 2.17 Reporting and Notification Requirements.

(a) Periodic Compliance Reports – All Significant Industrial Users.

- (1) Any Significant Industrial User or other Industrial User required by the District, subject to a federal, state, or District Pretreatment Standard or Requirement must submit reports, at a frequency determined by the District but no less than once per six (6) months, indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practices (BMPs) or pollution prevention alternatives, the Industrial User must submit documentation required by the District or the Pretreatment Standard necessary to determine compliance status of the Industrial User. All periodic compliance reports must be signed and certified in accordance with Section 2.17(h).
- (2) All wastewater samples must be representative of the Industrial User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of an Industrial User to keep its monitoring facility in good working order shall not be grounds for the Industrial User to claim that the sample results are unrepresentative of its discharge.
- (3) If an Industrial User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the District, using the methods and procedures prescribed in Section 2.15, the results of this monitoring shall be included in the report.
- (4) The sampling and analyses required for the reporting outlined above may be performed by the District in lieu of the permittee. Where the District itself makes arrangements with the Industrial User to collect all the information required for the report, the Industrial User will not be required to submit the report.

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

- (1) Within either one hundred eighty (180) days after the effective date of a Categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR Section 403.6(a)(4), whichever is later, existing industrial users currently discharging to or scheduled to discharge to the POTW shall submit to the District a report which contains the information listed in paragraph 2 below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable Categorical Pretreatment Standard, shall submit to the District a report which contains the information listed in paragraph (2) below. A New Source shall report the method of pretreatment it intends to use to meet applicable Pretreatment Standards. A New

Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged from regulated process streams and other non-process streams.

- (2) Industrial users described above shall submit the information set forth below.
 - (i) All information required in Section 2.8(f).
 - (ii) Measurement of pollutants.
 - (A) The Industrial User shall take a minimum of one (1) representative sample to compile the data necessary to comply with the requirements of this paragraph.
 - (B) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment, the Industrial User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 Section CFR 403.6(e) in order to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR Section 403.6(e) this adjusted limit along with supporting data shall be submitted to the District.
 - (C) Sampling and analysis shall be performed in accordance with Section 2.15.
 - (D) The District may allow the submission of a BMR which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.
 - (E) The BMR shall indicate the time, date, and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.
 - (F) Signature and Report Certification. All baseline monitoring reports must be signed in accordance with Section 2.17(h) and signed by an Authorized Representative as defined in Section 2.4(a)(6).
- (c) 90-Day Compliance Reports – Categorical Industrial Users.

- (1) New Sources: All New Sources subject to existing Categorical Pretreatment Standards shall submit a report to the District within ninety (90) days from the date of first discharge to the POTW demonstrating actual and continuing compliance with those Standards.
- (2) Existing Sources: All Existing Sources required to comply with newly promulgated Categorical Pretreatment Standards shall submit a report to the District within ninety (90) days of the date on which compliance is required with those Standards demonstrating that actual and continuing compliance with such Standards has been achieved.
- (3) For Industrial Users subject to equivalent mass or concentration limits established by the District in accordance with the procedures in 40 CFR Section 403.6(c) and as required in Section 2.5(d) of these Rules and Regulations, this 90-Day Compliance Report shall contain a reasonable measure of the Industrial User's long term production rate.
- (4) Such 90-day Compliance Report shall contain at a minimum the information required in Section 2.8(f), paragraphs (6), (7), (10), (11), (12), (13) and (14).

(d) 24 Hour Notice and 30 Day Re-sampling.

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

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

(e) Slug Discharge Control Plan.

- (1) Each Industrial User shall provide protection from accidental and slug discharges of pollutants regulated under these Rules and Regulations. Facilities to prevent the discharge of spills or slug loads shall be provided and maintained at the Industrial User's expense.

- (2) The District shall evaluate whether each Significant Industrial User needs a Slug Discharge Control Plan or other action to control spills and slug discharges. The District may require an Industrial User to develop, submit for approval, and implement a Slug Discharge Control Plan or take such other action that may be necessary to control spills and slug discharges.
 - (3) A Slug Discharge Control Plan shall address, at a minimum, the following:
 - (i) Detailed plans (schematics) showing facility layout and plumbing representative of operating procedures;
 - (ii) Description of contents and volumes of any process tanks;
 - (iii) Description of discharge practices, including non-routine batch discharges;
 - (iv) Listing of stored chemicals, including location and volumes;
 - (v) Procedures for immediately notifying the District of any spill or Slug Discharge. It is the responsibility of the Industrial User to comply with the reporting requirements in Section 2.17(f);
 - (vi) Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response; and
 - (vii) Any other information as required by the District.
 - (4) Notice to employees. A notice shall be permanently posted on the Industrial User's bulletin board or other prominent place advising employees who to call in the event of an accidental or slug discharge. Employers shall ensure that all employees who work in any area where an accidental or slug discharge may occur or originate are advised of the emergency notification procedures.
- (f) Reports of Potential Problems – Slug and Spills.
- (1) The Significant Industrial User shall immediately notify the District of any changes affecting potential for a Slug Discharge as defined in Section 2.4(a)(50).
 - (2) In the case of any discharge, including, but not limited to, spills, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a discharge that may cause potential problems for the POTW, the

Industrial User shall immediately telephone and notify the District of the incident. This notification shall include:

- (i) Name of the facility
- (ii) Location of the facility
- (iii) Name of the caller
- (iv) Date and time of discharge
- (v) Date and time discharge was halted
- (vi) Location of the discharge
- (vii) Type of waste and estimated volume of discharge
- (viii) Estimated concentration of pollutants in discharge
- (ix) Corrective actions taken to halt the discharge
- (x) Method of disposal if applicable

- (3) Within five (5) working days following such discharge, the Industrial User shall, unless waived by the District, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the Industrial User to prevent similar future occurrences. Such notification shall not relieve the Industrial User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the Industrial User of any fines, penalties, or other liability which may be imposed pursuant to these Rules and Regulations.

- (g) Reports for Non-Significant Industrial Users.

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

- (h) Signatory Certification.

All reports and other submittals required to be submitted to the District shall include the following statement and signatory requirements.

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

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

information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of a fine and imprisonment for knowing violations."

- (2) If the designated Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of this Section and meeting the definition in Section 2.4(a)(6) must be submitted to the District prior to or together with any reports to be signed by an Authorized Representative.

(i) Compliance Schedules.

Should any schedule of compliance be established in accordance with the requirements of these Rules and Regulations, the compliance schedule shall be consistent with Section 2.8(f)(10).

(j) Change in Discharge or Operations.

- (1) Every permitted Industrial User shall file a notification with the District a minimum of fourteen (14) days prior to any planned significant change in operations or wastewater characteristics. A significant change shall be a change equal to or greater than twenty percent (20%) in the mass of a pollutant or volume of flow discharged to the POTW. In addition, this notification shall include changes to:

- (i) Adding or removing processing, manufacturing or other production operations.
- (ii) New pollutants used which may be discharged.
- (iii) Changes in the listed or characteristic hazardous waste for which the Industrial User has submitted or is required to submit information to the District under these Rules and Regulations and R317-8-8.11(14)(d).

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

(k) Notification of the Discharge of Hazardous Waste

- (1) The Industrial User shall notify the District, 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).

- (2) If the Industrial User discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the Industrial User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve months.
- (3) All notifications must take place within one-hundred and eighty (180) days of the effective date of this rule. Industrial users who commence discharging after the effective date of this rule shall provide the notification no later than one-hundred and eighty (180) days after the discharge of the listed or characteristic hazardous waste. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under Section 2.17(j). The notification requirement in this Section does not apply to pollutants already reported under the self-monitoring requirements of Section 2.17 paragraphs (a), (b), and (c).
- (4) Dischargers are exempt from the requirements of paragraphs (1), (2) and (3) of this Section during a calendar month in which they discharge no more than fifteen kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR sections 261.30(d) and 261.33(e). Discharge of more than fifteen kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR sections 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the Industrial User discharges more than such quantities of any hazardous waste do not require additional notification.
- (5) 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 Industrial User must notify the POTW, 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.
- (6) In the case of any notification made under this Section, the Industrial User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(7) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by these Rules and Regulation, a Wastewater Discharge Permit or any applicable Federal or State law.

(1) Requests for Information

(1) A permittee shall furnish to the District, within the timeframe set by the General Manager, any information which the District may request to determine whether cause exists for modifying, revoking, and reissuing, or terminating an industrial wastewater discharge permit, or to determine compliance with the industrial wastewater discharge permit or these Rules and Regulations. A permittee shall also, upon request, provide to the District, within the timeframe required by the General Manager, copies of any records that are required by the industrial wastewater discharge permit or these Rules and Regulations.

(2) When requested by the District, any Industrial User shall submit information to the General Manager regarding industrial processes, nature and characteristics of wastes and wastewaters generated at the industrial facility, method of disposal of wastes, or other information required by the General Manager to meet the responsibilities under these Rules and Regulations, R317-8-8, and 40 CFR Part 403. Failure to provide information within the timeframe specified shall be a violation of these Rules and Regulations.

Section 2.18 Pretreatment Program Cost Recovery.

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

- (1) Fees for monitoring, inspection and surveillance activities;
- (2) Fees for reviewing accidental discharge procedures and construction;
- (3) Fees for permit applications;
- (4) Fees for filing appeals and other legal expenses;
- (5) Such other fees as the District may deem necessary to administer and enforce the requirements contained herein.

(b) The following fees shall be required for the implementation and enforcement of the District's Industrial Pretreatment Program:

Permit Fee (once every three years)	\$ 250.00
Site Inspection (once each year)	\$ 150.00
Sampling Fee (per setup)	\$ 50.00

Lab Analyses	
COD (Chemical Oxygen Demand)	\$ 25.00
BOD (Biochemical Oxygen Demand)	\$ 30.00
TSS (Total Suspended Solids)	\$ 10.00
Metals ICP	\$ 75.00
Oil and Grease	\$ 60.00
Volatile Organics	\$ 225.00
TTO (Total Toxic Organics)	\$ 225.00
Selenium	\$ 10.00
Barium	\$ 10.00
Cyanide	\$ 30.00
Mercury	\$ 30.00

(c) Fee Imposition.

Where the strength of any waters or waste exceeds the Normal Domestic Strength Wastewater defined at Section 2.4(a)(38), a surcharge may be charged for each one hundred (100) pounds of such excess strength waste, or fractional part thereof, in the amount fixed by the District from time to time by resolution of its Governing Authority. The fee will be billed monthly and continued until such time as the Industrial User's wastewater meets the Normal Domestic Strength Wastewater.

(d) When an Industrial User's discharge causes Pass Through or Interference, resulting in increased costs to the District, the Industrial User may be required to pay the increased costs.

Section 2.19 Compliance and Enforcement.

(a) Enforcement Response Plan.

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

(b) Publication of Industrial Users in Significant Noncompliance.

The District shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the Significant Industrial Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. In addition, any Industrial User found to be in Significant Noncompliance with paragraphs (3), (4), or (8) shall also be published in the newspaper. The following criteria shall be used to define Significant Noncompliance:

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

- (1) Field Notice

When in the field, the Pretreatment Sampler (“PS”), Pretreatment Inspector (“PI”) and Pretreatment Coordinator (“PC”) may issue preliminary notices of violation. Such Field Notices are an immediate notification of a suspected violation of the Wastewater Discharge Permit, a Sector Control Program or the District’s Rules and Regulations. Field notices will be followed up with a written

Notice of Violation or other appropriate action. Nothing in this paragraph shall limit the authority of the District to take any action, including emergency actions or any other enforcement action, without first issuing a Field Notice.

(2) Notice of Violation (NOV).

When the District finds that an Industrial User has violated, or continues to violate, any provision of these Rules and Regulations, a Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the District may serve upon the Industrial User a written Notice of Violation. Within ten (10) working days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction of prevention thereof, to include specific required actions, shall be submitted by the Industrial User to the District. Submission of such a plan in no way relieves the Industrial User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the District to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

(3) Administrative Compliance Order.

When the District finds that an Industrial User has violated, or continues to violate, any provision of these Rules and Regulations, an Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the District may issue an order to the Industrial User responsible for the discharge directing that the Industrial User come into compliance within a specific time. If the Industrial User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the POTW. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the Industrial User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the Industrial User.

(4) Consent Order.

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

environmental projects, or other conditions and requirements as agreed to by the District and the Industrial User.

(5) Show Cause Hearing

- (i) The District may order any Industrial User who has violated or continues to violate a Wastewater Discharge Permit, a Pretreatment Standard or Requirement or these Rules and Regulations to show cause before the General Manager or Governing Authority designated as the Hearing Officer, why the proposed enforcement action should not be taken. A notice shall be served on the Industrial User specifying the time and place of a hearing regarding the violation, the reasons why the proposed action is to be taken, and directing the Industrial User to show cause before the Hearing Officer why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or be sent by registered or certified mail (return receipt requested) to the Authorized Representative of the Industrial User and other appropriate officials at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.
- (ii) The General Manager or the Governing Authority may conduct the hearing and take the evidence, or may designate any of the members of the Governing Authority or any officer or employee of the District, or contract with others to:
 - (A) Issue in the name of the District notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings; and
 - (B) Take the evidence.
 - (C) At any hearing held pursuant thereto, testimony may be recorded.
 - (D) Prepare a report of the evidence and hearing, including transcripts where requested in advance of the hearing, to be paid for by the requesting party, and other evidence, together with recommendations for action thereon.
- (ii) After the Hearing Officer has reviewed the evidence, an order may be issued directing specific actions be taken or no action be taken as necessary and appropriate. An Order by the Hearing Officer shall be final for purposes of administrative review.

(6) Cease and Desist Order

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

(7) Administrative Fines.

- (i) When the District finds that an Industrial User has violated, or continues to violate, any provision of these Rules and Regulations, a Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the District may fine such Industrial User in an amount not to exceed one thousand dollar (\$1,000) per day per violation. Such fines shall be assessed on a per-violation, per day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.
- (ii) A lien against the Industrial User's property shall be sought for unpaid charges, fines, and penalties.
- (iii) Industrial users desiring to appeal such fines must file a written request for the District to reconsider the fine along with full payment of the fine amount within ten (10) days of being notified of the fine. Such notice or appeal shall set forth the nature of the order or determination being appealed, the date of such order or determination, the reason for the appeal, and request a hearing pursuant to procedures outlined in Chapter 4.
- (iv) Issuance of an administrative fine shall not be a bar against, or prerequisite for, taking any other action against the Industrial User.

(8) Suspension of Service.

- (i) Endangerment to Health or Welfare of the Community: The District, through other than a formal notice to the affected Industrial User, may

immediately and effectively halt or prevent any discharge of pollutants by any means available, including physical disconnection from the wastewater system, whenever it reasonably appears that such discharge presents an imminent endangerment to the health or welfare of the community.

- (ii) Endangerment to Environment or Treatment Works: The District, after written notice to the discharger may halt or prevent the discharge of pollutants by any means available, including physical disconnection from the wastewater system, whenever such discharge presents or may present an endangerment to the environment or threatens to interfere with the operation of the POTW.
- (iii) Any person notified of a suspension of the wastewater treatment service and/or the Wastewater Discharge Permit shall immediately stop or eliminate the contribution and respond as required in paragraph (8)(iv) of this Section. In the event of a failure of the person to comply voluntarily with the suspension order, the District shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to individuals or the environment. The District may reinstate the Wastewater Discharge Permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge.
- (iv) A detailed written statement submitted by the Industrial User describing the causes of the harmful contribution and the measure taken to prevent any future occurrence shall be provided to the District within five (5) days of the date of occurrence. Suspension of Service shall not be a bar against, or a prerequisite for, taking any other action against the Industrial User.

(9) Administrative Appeals

- (i) An Industrial User may appeal an enforcement action issued under paragraph (c), subsections (3), (4), (6) and (7) of this Section if the Industrial User makes a written request appeal for reconsideration within ten (10) days of such action to the General Manager. Chapter 4 specifies the timeframe(s) and procedures for Appeals. The enforcement action shall not be stayed while an appeal is pending and the Industrial User is liable for any and all continuing violations.
- (ii) Request for Reconsideration. A decision by the General Manager or other delegated persons identified in paragraph (9)(i) above, may be reviewed by the Governing Authority. The Industrial User may file a written appeal to the Governing Authority within ten (10) days after receipt of the decision in paragraph (9)(i) above. Chapter 4 specifies the timeframe(s) and procedures for Appeals. The enforcement action and the General

Manager's decision shall not be stayed while an appeal is pending and the Industrial User is liable for any and all continuing violations. Decisions not to reconsider or not to modify an enforcement action shall be considered final administrative action for purposes of judicial review.

(d) Judicial Enforcement Remedies.

(1) Injunctive Relief.

When the District finds that an Industrial User has violated, or continues to violate, any provision of these Rules and Regulations, an Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the District may petition the Weber County District Court for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the Wastewater Discharge Permit, order, or other requirement imposed by these Rules and Regulations on activities of an Industrial User. The District may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the Industrial User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against an Industrial User.

(2) Civil Penalties.

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

- (iv) Actions for civil penalties shall be civil actions brought in the name of the District. The District must prove alleged violations by a preponderance of the evidence.
- (v) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against an Industrial User.

(3) Civil/Administrative Fine Pass Through.

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

(4) Criminal Penalties

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

(e) Remedies Nonexclusive.

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

Section 2.20 Affirmative Defenses to Discharge Violations.

(a) Upset.

- (1) For the purpose of this Section 2.20, "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with Categorical Pretreatment Standards because of factors beyond the reasonable control of the Industrial User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

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

(b) Prohibited Discharge Standards.

An Industrial User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the specific prohibitions in any action brought against it alleging a violation of the Specific Prohibitions in Section 2.5(a) and 2.5(b) paragraphs (1), (4), (5), (6), or (7) where the user demonstrates that:

- (1) It did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause Pass Through or Interference; and
- (2) The Industrial User had accurately disclosed the concentration of the pollutant(s) causing the Pass Through or Interference in applications, reports, or other required documents as required; and either:
 - (i) A local limit designed to prevent Pass Through and/or Interference, as the case may be was developed for each pollutant in the Industrial User's discharge that caused Pass Through or Interference, and the Industrial User was in compliance with each such local limit directly prior to and during the Pass Through or Interference; or
 - (ii) If a local limit designed to prevent Pass Through and/or Interference, as the case may be, has not been developed for the pollutant(s) that caused the Pass Through or Interference, the Industrial User's discharge directly prior to and during the Pass Through or Interference did not change substantially in nature or constituents from the User's prior discharge activity when the POTW was regularly in compliance with the POTW's UPDES permit requirements and, in the case of Interference, applicable requirements for sewage sludge use or disposal.

(c) Bypass

- (1) For purposes of this Subsection:
 - (i) Bypass means the intentional diversion of wastestreams from any portion of an Industrial User's treatment facility.
 - (ii) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- (2) Bypass not violating applicable Pretreatment Standards or Requirements. An Industrial User may allow any bypass to occur which does not cause Pretreatment

Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (c)(3) and (c)(4) of this Section but are reportable under Section 2.17 paragraphs (a), (d), (f), (j) and (k), as appropriate.

(3) Notice.

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

(4) Prohibition of Bypass.

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

Chapter 3 Fees and Charges

Section 3.1 Purpose

Each User, directly or through the Customer Agencies, shall pay all fees and charges required by the District. Appropriate surcharges will be imposed. It is the purpose of this Chapter to provide for the payment of all of the District's maintenance and operation costs. As stated in Section 1.8, wastewater collection services are provided by the Customer Agencies to Users of all types (industrial, residential, etc.), and charges for wastewater collection and treatment generally are billed and collected by the Customer Agencies. The District, in turn, prepares an annual budget and assesses each Customer Agency. Even though the District generally does not bill and collect from Users, some fees and other charges may be collected directly from the User by the District, particularly with respect to Industrial Users who are subject to Pretreatment Standards and Requirements as shown in Section 2.18 and other fees established in Sector Control Programs specified in Section 2.7. Fees for all Users are structured to recover the total annual cost of operation and maintenance of the District shall include, but need not be limited to, labor, repairs, equipment replacement, maintenance, necessary modifications, power, sampling, laboratory tests, pollutant removal and a reasonable contingency fund. Charges to Industrial Users may be based upon the quality and quantity of the User's wastewater, and also upon the capital and operating costs to intercept, treat and dispose of the wastewater. The rates and charges may be adjusted from time to time by the District to accurately apportion the above-mentioned costs, including energy costs, among the Users of the District through the Customer Agencies.

Section 3.2 Fees and Charges

Some District fees and charges are specified in Section 2.18 and may be amended from time to time by the Governing Authority. Excluding fees and charges that are assessed directly by the District against the User, each Customer Agency shall establish its own schedule of rates and charges to be assessed its customers and each Customer Agency may, in accordance with applicable law, determine how the charges assessed by the District against the Customer Agency will be passed on to Users within the jurisdiction of that Customer Agency provided that the Customer Agency shall have available funds sufficient to pay that portion of the District's annual costs which are attributable or chargeable to the Customer Agency.

Section 3.3 Classification of Users.

The Users of the Wastewater System and of Customer Agency sewers may be divided into various classifications including, but not limited to: single dwelling units, duplexes, multiple dwelling units and non-residential. Further classifications may be established by the District and/or Customer Agencies for each non-residential User class.

Section 3.4 Surcharges.

As specified in Section 2.18, industrial users may be subject to surcharges which may be adopted from time to time by the Governing Authority and/or the local Customer Agency for excessive BOD₅, TSS, and other organic matter. Surcharges shall be paid in the time and manner specified

by the District and/or the local Customer Agency and may be billed and collected by the Customer Agencies.

Section 3.5 Review of Wastewater Service Charges.

- (a) The District shall annually review the total cost of operation and maintenance, as well as each Customer Agency's discharge, and will revise charges to the Customer Agencies as necessary to assure equity and sufficient funds to adequately operate and maintain the District. If a Significant Industrial User has completed in-plant modifications which would change that User's discharge, the user may present such factual information to the Customer Agency having authority, and the Customer Agency, after conferring with the District, may determine if the User's wastewater service charge is to be changed.
- (b) Notification. Each Customer Agency will be notified, at least annually, of the charges assessed to that Customer Agency which are attributable to wastewater treatment services.

Chapter 4 Administrative Hearings

Section 4.1 Notice

- (a) The General Manager may grant an administrative hearing for the following District actions:
 - (1) Show Cause Hearing under Section 2.19(c)(5);
 - (2) Appeal of the issuance of an enforcement action under Section 2.19(c)(9);
 - (3) Appeal if a permit action under Section 2.8(g)(5); and
 - (4) Appeal of a District decision for violations of Chapter 1 of these Rules and Regulations.
- (b) When such hearing is granted, the General Manager shall schedule a hearing and serve on all parties written Notice of Hearing at least fifteen (15) days before the hearing that includes the following information:
 - (1) The name(s) and mailing address(es) of person to whom the notice is being given including the Authorized Representative of an Industrial User and the name, title and mailing address of any attorney or employee who has been designated to appear for the District;
 - (2) The name of the adjudicative proceeding;
 - (3) A statement of whether the hearing is to be "formal" or "informal";
 - (4) If the adjudicative proceeding is to be formal, a statement that each respondent must file a written response at least five (5) days before the hearing;

- (5) A statement of the date, time and location of the hearing, a statement of the purpose for which the hearing is to be held, and a statement that a party who fails to attend or participate in the hearing may be held in default; and
 - (6) A statement of the purpose of the proceeding and, to the extent known by the General Manager, the questions to be decided.
- (c) Two-Step Hearing Procedure
- (1) Appeals and hearings shall be made through the General Manager. If a hearing is granted, whether informal or formal, the hearing shall be held before the General Manager, who will issue a decision within twenty (20) days after completion of the hearing. If the General Manager does not issue a decision within twenty (20) days the appeal shall be deemed denied.
 - (2) The decision of the General Manager may be appealed to the Governing Authority by filing a written notice of appeal with the General Manager within ten (10) days after the General Manager's decision or within ten (10) days after the twenty (20) days decision period ends if no decision is issued.
- (c) Governing Authority Decisions. All decisions of appeals to the Governing Authority shall be rendered by a majority vote of the Governing Authority and issued in writing under signature of the presiding officer within ten (10) days after the hearing. If the Governing Authority does not act on such appeal within ten (10) days, a request for reconsideration shall be deemed to be denied. Decisions by the Governing Authority shall be considered the final administrative action for purposes of judicial review.

Section 4.2 Hearings - Informal

- (a) Pleadings. If a hearing is designated as informal, no answer or other pleading responsive to the allegations contained in the notice of hearing need be filed.
- (b) Presentations. In any informal hearing the named parties shall be permitted to testify, present evidence, and comment on the issues. Informal hearings shall be open to all parties.
- (c) Time of Notice. Hearings will be held after written notice to all parties is completed at least fifteen (15) days prior to the hearing date unless a shorter time is agreed to by all parties involved or the General Manager determines that a shorter notice is warranted by the circumstances, in which event the notice must be given at least five (5) days before the hearing.
- (d) Discovery. Formal discovery is not required, but the General Manager may issue subpoenas or other orders to compel production of necessary evidence.

- (e) Access to Public Information. All parties shall have access to any relevant public information in the possession of the District and to all materials and information gathered in any investigation, by the District, to the extent permitted by law.
- (f) Intervention. Intervention is prohibited, except where a federal statute otherwise requires.
- (g) Issuance of Decision. Within the time specified in this Chapter, the General Manager or presiding officer of the Governing Authority, as appropriate, shall issue a signed order in writing that states the following:
 - (1) The decision and, if it is a decision of the Governing Authority, the vote;
 - (2) The reasons for the decision;
 - (3) A notice of any right of administrative or judicial review available to the parties; and
 - (4) The time limits for filing an appeal or requesting a review.
- (h) Basis of Decision. The decision shall be based on the facts presented in evidence at any hearing.
- (i) Mailing of Decision. A copy of the decision shall be promptly mailed to each of the parties.
- (j) Record of Proceedings. Any party may request that a hearing be recorded stenographically or electronically.
- (k) Transcript. Any party, at the party's own expense, may have a certified shorthand reporter prepare a transcript from the record of the hearing if one was made.

Section 4.3 Hearings - Formal

- (a) Pleadings. In all formal hearing procedures, the alleged violator or other affected party shall serve on the General Manager by personal service or by registered mail a written response to the Notice of Hearing issued in Section 4.1(b) signed by the alleged violator or the Authorized Representative of the Industrial User (respondents) within fifteen (15) days after receiving the Notice of Hearing. The response shall include:
 - (1) The name of the adjudicative proceeding;
 - (2) A statement of the facts that the respondent contends are relevant and material;
 - (3) A statement of the relief that the respondent seeks; and

- (4) A statement summarizing the reasons why the relief requested should be granted.
- (b) Service. The response shall be served by registered mail or hand delivery to the General Manager and one copy shall be sent by certified mail to a member of the Governing Authority representing the area served by the Customer Agency having jurisdiction over the alleged violator or other party.
- (c) Discovery. In formal hearing proceedings, the parties may conduct discovery either informally or according to the Utah Rules of Civil Procedure, to the extent allowed.
- (d) Subpoenas. Subpoenas and the orders to secure the attendance of witnesses or the production of evidence in formal hearing proceedings shall be issued by the General Manager or presiding officer of the Governing Authority when requested by any party, or may be issued by the General Manager or the presiding officer on his or her own motion.
- (e) Hearing. When all pleadings and other papers required to be filed have been filed and all discovery is complete, the General Manager shall schedule a hearing and notify all parties of the time and place set therefor.
- (f) Conduct of Hearing. All formal hearing proceedings shall be conducted as follows:
 - (1) The General Manager or the presiding officer of the Governing Authority, as appropriate, shall regulate the course of the hearing to obtain full disclosure of relevant facts and to afford all the parties reasonable opportunity to present their positions.
 - (2) On his or her own motion or upon objection by a party, the General Manager or the presiding officer:
 - (i) May exclude evidence that is irrelevant, immaterial, or unduly repetitious;
 - (ii) Shall exclude evidence privileged in the State courts;
 - (iii) May receive documentary evidence in the form of a copy or excerpt if the copy or excerpt contains all pertinent portions of the original document; and
 - (iv) May take official notice of any facts that could be judicially noticed under the Utah Rules of Evidence, of the record of other proceedings before the State or the District, and of technical or scientific facts within the specialized knowledge of the District.
 - (3) The General Manager or the presiding officer may not exclude evidence solely because it is hearsay.

- (4) The General Manager or the presiding officer shall afford to all parties the opportunity to present evidence, argue, respond, conduct cross-examination, and submit rebuttal evidence.
 - (5) The General Manager or the presiding officer may give persons not a party to the proceeding the opportunity to present written statements at the hearing.
 - (6) All testimony presented at the hearing, if offered as evidence to be considered in reaching a decision on the merits, shall be given under oath.
 - (7) The hearing shall be recorded at the District's expense either electronically or by a certified shorthand reporter.
 - (8) Any party, at the party's own expense, may have a certified shorthand reporter prepare a transcript of the hearing, subject to the restrictions that the District is permitted by statute, rule or regulation to impose to protect confidential information disclosed at the hearing.
 - (9) Formal hearings shall be open to all parties and to the public.
 - (10) This section does not preclude the General Manager or the presiding officer from taking appropriate measures necessary to preserve the integrity of the hearing.
 - (11) The General Manager or the Governing Authority, as appropriate, may seek advice of legal counsel during the course of the hearing.
 - (12) The General Manager and the members of the Governing Authority may use their experience, technical competence, and specialized knowledge to evaluate the evidence.
- (g) Decision. Within the time specified in Section 4.1(c), or after the filing of any post-hearing papers permitted or required by the General Manager or the presiding officer, as appropriate, the General Manager or the presiding officer shall sign and issue an order that includes:
- (1) A statement of the reasons for the decision;
 - (2) A statement of any relief ordered;
 - (3) A notice of any right to apply for reconsideration;
 - (4) A notice of any right to administrative or judicial review of the order available to aggrieved parties; and
 - (5) Known time limits applicable to any request for reconsideration or judicial review.

- (h) Interim Orders. The General Manager or the presiding officer of the Governing Authority may issue interim orders to:
 - (1) Notify the parties of further hearings;
 - (2) Notify the parties of a provisional ruling on a portion of the issues presented; and
 - (3) Otherwise provide for the fair and efficient conduct of the proceeding.

Section 4.4 Default Orders

- (a) The presiding officer or the General Manager may enter an order of default against a party if:
 - (1) A party in an informal hearing proceeding fails to appear or participate in the proceeding;
 - (2) A party to a formal hearing proceeding fails to appear or participate in a scheduled hearing after receiving notice; or
 - (3) An alleged violator or other party in a formal hearing proceeding fails to file a required response.
- (b) An order of default shall include a statement of the grounds for default and shall be mailed to all parties.
- (c) Setting Aside an Order of Default. A defaulted party may seek to set aside the default order of the presiding officer or General Manager by filing a motion to set aside the default with the General Manager within ten (10) days after the order of default was mailed to the party seeking to set aside the default.

Section 4.5 Governing Authority Review - Procedure

- (a) Request for Review. An aggrieved party may file a written request with the General Manager for Governing Authority review of any order issued following an informal or formal hearing before the General Manager within 20 days after the issuance of the order. The request shall:
 - (1) Be signed by the party seeking the review;
 - (2) State the grounds for review and the relief requested;
 - (3) State the date upon which the request was mailed; and

- (4) Be sent by certified mail, return receipt requested, to the General Manager and to each party.
- (b) Responsive Pleadings. Within fifteen (15) days of the mailing date of the request for review (but, in any event, at least 10 days before the hearing date), any party may file a response with the General Manager. One copy of the response shall be sent by mail to each of the parties.
- (c) Briefs. To assist in its review, the Governing Authority, through its Chairman, may order the parties to file briefs or other papers, or to conduct oral argument.
- (d) Notice of Hearing. A notice of hearings on review shall be mailed to all parties.
- (e) Order on Review. The Governing Authority shall issue a written order on review which shall be signed by the presiding officer and shall contain the following:
 - (1) A statement of the issues reviewed;
 - (2) The reasons for the disposition;
 - (3) Whether the decision of the General Manager is affirmed, reversed or modified, and whether all or any portion of the proceeding is to be remanded;
 - (4) A notice of any right of further administrative reconsideration or judicial review available to aggrieved parties; and
 - (5) The time limits applicable to any appeal or review.

Section 4.6 Judicial Review of Final Order

Review of any final order issued by the presiding officer of the Governing Authority may be subject to judicial review in accordance with applicable law.

Section 4.6 Failure to Exhaust Administrative Relief

Any party who, as a result of having defaulted as provided in Section 4.4 or of having failed to appeal the decision of the General Manager to the Governing Authority as provided in Section 4.5(a) shall, to the extent permitted by law, be precluded from seeking judicial review of the administrative proceedings as a consequence of the failure of the party to exhaust administrative procedures available under this Chapter.

Section 4.7 Finality of Order

For purposes of this Chapter, any order issued by the General Manager shall be deemed final 20 days after issuance if an aggrieved party has not submitted a request for review by the Governing Authority. Any order on review issued by the presiding officer of the Governing Authority shall

be deemed final upon issuance unless the matter is remanded to the General Manager for further proceedings.

Chapter 5 **Miscellaneous**

Section 5.1 Conflicts - Repealer

All policies, rules and regulations or parts thereof inconsistent or in conflict with these Rules and Regulations are hereby repealed except the individual policies, rules and regulations regarding sewer service charges, sewer maintenance, sewer construction, and sewer connections of the various Customer Agencies where they own, maintain and operate their own sewer lines. The individual Customer Agencies shall be responsible for the collection of charges, maintenance and operation, for their lines in conjunction with the provisions of these Rules and Regulations. The Customer Agencies have the right to establish and collect sewer service charges from customers under their jurisdiction except as noted in Section 2.18 and shall remit payments to the District quarterly or at such other frequency as may be prescribed by the Governing Authority as prescribed by the adopted budget of the District for that year.

Section 5.2 Severability

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

Section 5.3 Proration of Costs

The Governing Authority shall annually review the total cost of operation and maintenance and determine its annual budget and prorate the cost to the Customer Agencies. Generally, one-half of the budget shall be prorated to the Customer Agencies based on population and one-half of the budget shall be prorated based on assessed property valuation. Pretreatment charges arising from Industrial Users may, however, be prorated with a thirty percent (30%) allocation based upon population and assessed valuation and seventy percent (70%) based upon the water usage of Industrial Users within the service area of each Customer Agency. The debt service cost for outstanding revenue bonds, even though the bond proceeds were used for capital projects, will be included as part of the O&M budget. Capital project costs will generally be prorated the same as O&M. The budget and charges to the Customer Agencies will be established as necessary to assure equity and sufficient funds to adequately operate and maintain the Wastewater System.

Section 5.4 Service Expansion

All persons within the District's boundaries desiring sewer service who are not served by a Customer Agency shall, upon written notice, inform the Governing Authority of their desire to obtain such service. If none of the Customer Agencies are able or willing to provide the desired service, a political entity may be formed to construct, establish, maintain and operate a sewer system and collect charges for same. The political entity may then be served by the District in

accordance with these Rules and Regulations and other rules, regulations, criteria and requirements established by the District.

5.5 Satisfaction of Requirements

All persons not within the boundaries of the District and desiring the sewer services offered by the District shall make provision for same through the Weber County Commissioners or other appropriate political entity upon satisfying all applicable requirements and the payment of required sums and, upon receiving service, shall comply with all provisions of these Rules and Regulations.

Section 5.6 Amendment Process

The provisions of these Rules and Regulations may be revised from time to time by the Governing Authority

