

CHAPTER 2 Pretreatment

12.02.010 General Provisions

12.02.011 Purpose & Policy

This Pretreatment Ordinance sets forth uniform requirements for users of the Publicly Owned Treatment Works (POTW) for Payson City Corporation and enables Payson City to comply with all applicable State and Federal laws including the Clean Water Act (33 U.S.C. 1251 et seq.), the General Pretreatment Regulations found in the U.S. Code of Federal Regulations (CFR) 40 CFR Part 403, and the Utah Administrative Code R317-8-8. The objectives of this Pretreatment Ordinance are:

1. To prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW;
2. To prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated, into receiving waters or otherwise be incompatible with the POTW;
3. To ensure that the quality of the wastewater treatment plant sludge is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations found in 40 CFR Part 503;
4. To protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public;
5. To improve the opportunity to recycle and reclaim wastewater and sludge from the POTW;
6. To provide for fees for the equitable distribution of the cost of operation, maintenance and improvement of the POTW; and
7. To enable Payson City to comply with its Utah Pollution Discharge Elimination System Permit (USPES) conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

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

12.02.012 Administration

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

12.02.013 Definitions

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

1. Act or “the Act.” The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. section 1251 et seq. and any subsequent amendments thereto.
2. Approval Authority means the State of Utah, Department of Environmental Quality, Division of Water Quality (DWQ) or its successor agency.
3. Authorized Representative of the Industrial User or Authorized Representative shall mean:
 - a. If the Industrial User is a corporation, Authorized Representative shall mean:
 - i. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation.
 - ii. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has

- been assigned or delegated to the manager in accordance with corporate procedures.
- iii. If the Industrial User is a partnership, or sole proprietorship, an Authorized Representative shall mean a general partner or proprietor, respectively;
 - iv. If the Industrial User is a Federal, State or local governmental facility, an Authorized Representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his/her designee;
 - v. The individuals described in paragraphs 1-3 above may designate another authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to Payson City's Wastewater Superintendent.
4. Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20o centigrade expressed in terms of mass and concentration [milligrams per liter (mg/l)]. This test must be performed in accordance with approved procedures found in 40 CFR Part 136.
 5. Best Management Practices or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in this Ordinance [40 CFR 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
 6. Categorical Pretreatment Standard or Categorical Standard. (40 CFR 403.6 and 40 CFR Parts 405-471) Any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1317) which apply to a specific category of industrial users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
 7. Categorical Industrial User. An Industrial User subject to a categorical Pretreatment Standard or categorical Standard.
 8. Chain of Custody (COC). A record of each person involved in the possession of a sample from the person who collects the sample to the person who analyzes the sample in the laboratory.
 9. Chemical Oxygen Demand or COD. A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.
 10. Code of Federal Regulations (CFR). A codification of Federal rules published by the Office of the Federal Register National Archives and Records administration. Title 40 of the CFR contains the regulations for Protection of the Environment.
 11. Color. The optical density at the visual wave length of maximum absorption, relative to distilled water. One hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.
 12. Composite Sample. The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time, to minimize the effect or the variability of the individual samples. This sampling should be in accordance with 40 CFR Part 403 Appendix E Subpart I - Composite Method.
 13. Compliance Schedule. A schedule of remedial measures included in a permit or an enforcement order, including a sequence of interim requirements (for example, actions, operations, or milestone events) that lead to compliance with the CWA and regulations.
 14. Control Authority. The City of Payson. A POTW with an approved Pretreatment Program or the approval authority in the absence of a POTW Pretreatment Program.
 15. Daily Maximum. The arithmetic average of all effluent samples for a pollutant collected during a calendar day.
 16. Daily Maximum Limit. The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.
 17. Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the term may also be used as a

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- designation for the Management Division Director or other duly authorized official of said agency.
18. Existing Source. Any source of discharge, the construction or operation of which commenced prior to the publication of proposed categorical Pretreatment Standards which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.
 19. Grab Sample. A sample which is taken from a waste stream on a one-time basis, over 15 minutes or less, without regard to the flow in the waste stream and without consideration of time. This sampling should be in accordance with 40 CFR Part 403 Appendix E Subpart II - Grab Method.
 20. Hazardous Waste. Any pollutant listed and characterized under 40 CFR part 261, which can do significant damage to the POTW.
 21. Indirect Discharge or Discharge means the introduction of pollutants into a POTW from any non-domestic source regulated under section 307(b), (c) or (d) of the Act. An indirect discharge is the introduction of pollutants into the POTW from any nondomestic source.
 22. User or Industrial User. A source of indirect discharge.
 23. Instantaneous Limit. The maximum concentration (or loading) of a pollutant allowed to be discharged at any time, determined from the analysis of any grab or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
 24. Interference. A Discharge which, alone or in conjunction with a Discharge or Discharges from other sources both:
 - a. Inhibits or disrupts the POTW; and
 - b. Causes a violation of Payson City's UPDES permit or prevents sewage sludge use or disposal in compliance with any of the following statutory/state or local regulations): Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA), including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); 40 CFR Part 503 governing the use and disposal of sewage sludge; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.
 25. Legal Authority

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

 - a. Deny or condition new or increased contributions of pollutant to the POTW (403.8 (f)(1)(i).
 - b. Require compliance with applicable Pretreatment Standards and Requirements (4103.8 (f)(1)(ii).
 - c. Control users through permits, orders, or similar means to ensure compliance with applicable standards and requirements (403.8 (f)(1)(ii).
 - d. Require the development of a compliance schedule by users (403.8 F9)(iv)(A).
 - e. Require the submission of all notices and self-monitoring reports (403.8 (f)(1)(iv)(B).
 - f. Carry out all inspections, surveillance and monitoring procedures necessary to determine compliance or noncompliance by users (403.8 (f)(1)(v).
 - g. Obtain remedies for noncompliance by users including the authority to seek injunctive relief and seek or assess penalties of at a maximum of \$10000 per day per violation (403.8 (f)(1)(vi).
 26. Local Limit. Specific discharge limits developed to protect the POTW in accordance with 40 CFR 403.5 and enforced by Payson City upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in this Ordinance. The technical based local limits and development documents are kept in a separate file at the Wastewater Treatment Plant and can be reviewed if requested.
 27. Medical Waste. Isolation wastes, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.
 28. Monthly Average. The arithmetic average value of all samples taken in a calendar month for an individual pollutant parameter. The monthly average may be the average of all grab samples taken in a given calendar month, or the average of all composite samples taken in a given calendar month.
 29. Monthly Average Limit. The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month

- divided by the number of “daily discharges” measured during that month.
30. National Pollutant Discharge Elimination System (NPDES). The National Program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing discharge permits from point sources to waters of the United States, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318 and 405 of the CWA.
 31. Pretreatment Standards or Standards. Pretreatment Standards shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307 (b) and (c) of the Act, which applies to Industrial Users, which includes but is not limit to prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.
 32. New Source. (40 CFR 403.3(m))
 - a. Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
 - i. The building, structure, facility or installation is constructed at a site at which no other source is located; or
 - ii. The building, structure, facility of installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - iii. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
 - b. Construction on a site at which an Existing Source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
 - c. Construction of a new source as defined has commenced if the owner or operator has begun, or caused to begin as part of a continuous on site construction program:
 - i. Any placement, assembly, or installation of facilities or equipment; or
 - ii. 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
 - iii. Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.
 33. Non-Contact Cooling Water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
 34. Pass Through. A discharge which exits the POTW into waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of Payson City Wastewater Treatment Plant UPDES permit, including an increase in the magnitude or duration of a violation.
 35. Payson City. Payson City Corporation, a duly organized political subdivision of the State of Utah.
 36. Person. Any individual, partnership, co partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. This definition includes all Federal, State or local governmental entities.
 37. pH. A measure of the acidity or alkalinity of a substance, expressed in standard units.
 38. Pollutant. (40 CFR 122.2) Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, industrial wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt,

- agricultural and industrial wastes, and the characteristics of the wastewater [i.e., pH, temperature, TSS, turbidity, color, BOD, Chemical Oxygen Demand, toxicity, odor
39. Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard
 40. Pretreatment Coordinator. A person who under the Superintendents direction administers the Pretreatment Program.
 41. Pretreatment Inspector. A person(s) who under the Superintendents direction administers the Pretreatment Program, along with the Pretreatment Coordinator.
 42. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.
 43. Pretreatment Standards or Standards. Pretreatment Standards shall mean Categorical Pretreatment Standards, State Pretreatment requirements, and Local Limits established by the Payson City.
 44. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances or wastewater characteristics; these prohibitions appear in 12.02.021 of this Pretreatment Ordinance.
 45. Publicly Owned Treatment Works (POTW). A treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), which is owned by Payson City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant. It also includes sewers, pipes and other conveyances if they convey wastewater to a POTW Treatment Plant. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works.
 46. Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
 47. Sewage. Human excrement and gray water (household showers, dish washing operations, etc.)
 48. Significant Industrial User (SIU).
 49. Except as provided in paragraphs (c) and (d) of this Section, a Significant Industrial User is:
 - a. Industrial Users subject to Categorical Pretreatment Standards; or
 - b. Any other Industrial User that
 - i. Discharges an average of 25,000 gpd or more of process wastewater to the POTW (excludes sanitary, noncontact cooling and boiler blowdown wastewater),
 - ii. Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the treatment Plant or,
 - iii. Is designated as significant by Payson City on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.
 - c. Payson City may determine that an Industrial User subject to categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
 - i. The Industrial User, prior to Payson City's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
 - ii. The Industrial User annually submits the certification statement required in 12.02.069.5[see 40 CFR 403.12(q)], together with any additional information necessary to support the certification statement; and
 - iii. The Industrial User never discharges any untreated concentrated wastewater
 - d. Upon a finding that a User meeting the criteria in Subsection (2) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, Payson City may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should

- not be considered a Significant Industrial User.
50. Significant Non-Compliance (SNC) 40 CFR 403.8(f)(2)(viii). Industrial user violations meeting one or more of the following criteria:
- a. Chronic violations of wastewater discharge limits, defined here as those in which sixty six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in 12.02.013.W.
 - b. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6)-month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by 12.02.013.W. multiplied by the applicable TRC criteria (TRC=1.4 for BOD, TSS, fats, oils and grease, and TRC=1.2 for all other pollutants except pH);
 - c. Any other violation of a Pretreatment Standard or Requirement as defined by 12.02.02 (Daily Maximum, long term average, Instantaneous Limit, or narrative standard) that the Wastewater Superintendent determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;
 - d. Any other discharge violation that the Control Authority believes has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of Payson City personnel or the general public);
 - e. Any discharge of pollutants that have caused imminent endangerment to human health, welfare or to the environment or have resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;
 - f. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
 - g. Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
 - h. Failure to accurately report noncompliance;
 - i. Any other violation(s), which may include a violation of Best Management Practices, which the Wastewater Superintendent determines will adversely affect the operation or implementation of the local pretreatment program.
51. Slug Load or Slug Discharge. 40 CFR 403.8 (f)(2)(vi). Any discharge at a flow rate or concentration which could cause a violation of the Prohibited Discharge Standards in 12.02.021 of this Pretreatment Ordinance. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.
52. Standard Industrial Classification (SIC) Code. A classification pursuant to the Standard Industrial Classification Manual issued by the U.S. Office of Management and Budget.
53. Storm Water. Rain water, snow melt, and surface runoff and drainage.
54. Superintendent. The person designated by Payson City to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this Pretreatment Ordinance or Duly Authorized Representative of the Superintendent.
55. Total Suspended Solids (TSS) or Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.
56. Toxic Pollutant. Any pollutant listed as toxic under section 307 (a)(1) of the CWA, or in the case of sludge use or disposal practices, any pollutant identified in regulations implementing section 405(d) of the CWA.
57. Treatment Plant Effluent. Any discharge from the POTW into waters of the State of Utah.
58. Wastewater. Liquid and water-carried industrial wastes, and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
59. Wastewater Treatment Plant or Treatment Plant. That portion of the POTW designed to provide

treatment including recycling and reclamation of sewage and industrial waste.

60. 90-Day Final Compliance Report (40 CFR 403.12(d) A report submitted by categorical industrial users within 90 days following the date for final compliance with the standards. This report must contain flow measurement (of regulated process streams and other streams), measurement of pollutants, and a certification as to whether the categorical standards are being met.
61. Waters of the state means all streams, lakes, ponds, marshes, water-courses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through, or border upon this state or any portion thereof, except that bodies of water confined to and retained within the limits of private property, and which do not develop into or constitute a nuisance, or a public health hazard, or a menace to fish and wildlife, shall not be considered to be "waters of the state" under this definition (Section 19-5-102 of the Utah Code).

12.02.014 Abbreviations

The following abbreviations shall have the designated meanings. Some of the abbreviations are included in the definition section but are repeated here for the sake of clarity.

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

SWDA -Solid Waste Disposal Act (42U.S.C. 6901, et seq.)

TSS - Total Suspended Solids

USC - United States Code

12.02.020 General POTW Use Requirements

12.02.021 Prohibited Discharge Standards

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

- 1) Pollutants which create a fire or explosive hazard in the POTW system, including, but not limited to waste streams with a closed-cup flashpoint of less than 140o F (60 o C) using the test methods specified in 40 CFR 261.21.
- 2) Pollutants which will cause corrosive structural damage to the POTW, but in no case Discharges with pH lower than 5.0, unless the works is specifically designed to accommodate such Discharges;
- 3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference,
- 4) Any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW.
- 5) Heat in amounts which will inhibit biological activity in the POTW resulting in Interference, but in no case heat in such quantities that the temperature at the POTW Treatment Plant exceeds 40 °C (104 °F) unless the Approval Authority, upon request of the POTW, approves alternate temperature limits;
- 6) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.
- 7) Pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may case acute or chronic worker health and safety problems.

- 8) Any trucked or hauled pollutants, except at discharge points designed by the Superintendent in accordance with this Pretreatment Ordinance.
- 9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
- 10) Any wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent thereby violating Payson City's Wastewater Treatment Plants UPDES Permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than 10 percent (10%) from the seasonably established norm for aquatic life.
- 11) Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the Superintendent in compliance with applicable State or Federal regulations.
- 12) Storm water, surface water, ground water, artisan well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water, and unpolluted industrial wastewater, unless specifically authorized by the Superintendent.
- 13) Any sludge, screening, or other residues from the pretreatment of industrial wastes.
- 14) Any medical wastes, except as specifically authorized by the Superintendent in a wastewater discharge permit.
- 15) Any wastewater causing, alone or in conjunction with other sources, the treatment plant effluent to fail a toxicity test.
- 16) Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the POTW.
- 17) Any discharge of fats, oils, or greases of animal or vegetable origin is limited to 100 mg/L.

Pollutants prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW. All floor drains located in process or materials storage areas must discharge to the industrial user's pretreatment facility before connecting with the POTW. If the industrial user storing the specified pollutant does not have a pretreatment facility, the floor drain shall be either plugged with concrete or valved. The valve shall be locked closed at all times and opened only with permission from the Superintendent.

12.02.022 National Categorical Pretreatment Standards

- 1) National Categorical Pretreatment Standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged to a POTW by existing or new industrial users in specific industrial subcategories have been established by EPA in 40 CFR Chapter I, Subchapter N, Parts 405-471 and are hereby incorporated.
- 2) Users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471.
- 3) When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the Wastewater Superintendent shall impose an alternate limit in accordance with 40 CFR 403.6(e).
- 4) When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Wastewater Superintendent may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.
- 5) When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the Wastewater Superintendent shall impose an alternate limit in accordance with 40 CFR 403.6(e).
- 6) When a categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that Wastewater Superintendent convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Wastewater Superintendent. Wastewater Superintendent may establish equivalent mass limits only if the Industrial User meets all the conditions set forth below.

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

- 1) Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;

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- 2) Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;
- 3) Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;
- 4) Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and
- 5) Have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.

An Industrial User subject to equivalent mass limits must:

- 1) Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
- 2) Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
- 3) Continue to record the facility's production rates and notify the Wastewater Superintendent whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph 2.2.2F(1)(c) of this Section. Upon notification of a revised production rate, the Wastewater Superintendent will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
- 4) Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraphs 12.02.022.F.1.i of this Section as long as it discharges under an equivalent mass limit.

When developing equivalent mass limits, the Wastewater Superintendent:

- 1) Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based Daily Maximum and Monthly Average Standard for the applicable categorical Pretreatment Standard and the appropriate unit conversion factor;

- 2) Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
- 3) May retain the same equivalent mass limit in subsequent individual wastewater 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 this Ordinance. The Industrial User must also be in compliance with this Ordinance regarding the prohibition of bypass.

12.02.023 State Pretreatment Requirements

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

12.02.024 Payson City Wastewater Treatment Plant Local Limits

- 1) The Wastewater Superintendent is authorized to establish Local Limits pursuant to 40 CFR 403.5(c).
- 2) Local limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. The Wastewater Superintendent may impose mass limitations in addition to the concentration based limitations as stated in 12.02.024D. The development documents for local limits are kept at the Wastewater Treatment Plant office and can be reviewed if requested.
- 3) The Wastewater Superintendent may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits, to implement Local Limits and the requirements of 12.02.021.
- 4) D/ Pollutant local limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of these limits. Specific local limits are presented in the local limits development document and are hereby incorporated as part of this Ordinance.

12.02.025 Right of Revision

The Wastewater Superintendent reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharge to the POTW consistent with the purpose of this Pretreatment Ordinance. In addition, the Wastewater Superintendent is authorized to temporarily or permanently revoke or suspend issuance of any permit at any time in order to protect the POTW from Pass Through or Interference in order to maintain compliance with any UPDES permit requirement or pretreatment program requirement. The Wastewater Superintendent shall also have the right to deny new or increased contributions or to set additional conditions on such contributions to protect the POTW, including limits that may be more stringent than the approved Local Limits.

12.02.026 Special Agreement

The Wastewater Superintendent reserves the right to enter into special agreements with industrial users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a Pretreatment Standard or Requirement. However, the industrial user may request a net gross adjustment of a Categorical Standard in accordance with 40 CFR 403.15. They may also request, from EPA, a variance from the Categorical Pretreatment Standard. Such a request will be approved only if the industrial user can prove that factors relating to its discharge are fundamentally different from the factors considered by EPA when established that particular Pretreatment Standard. An industrial user requesting a variance must comply with procedural and substantive provision in 40 CFR 403.13.

12.02.027 Dilution

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

12.02.030 Pretreatment of Wastewater

12.02.031 Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in 12.02.011 of this ordinance within the time limitations specified by EPA, the State, or the Wastewater Superintendent, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Wastewater Superintendent for review, and shall be acceptable to the Wastewater Superintendent before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to Payson City under the provisions of this ordinance.

12.02.032 Additional Pretreatment Measures

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

such interceptors shall not be required for residential users. All interceptor and trap units shall be of type and capacity approved by the Wastewater Superintendent or Pretreatment Coordinator and shall be so located to be easily accessible for cleaning and inspection. Interceptors shall be inspected and cleaned at least quarterly unless otherwise stated by the Wastewater Superintendent or Pretreatment Coordinator by the owner at his/her expense. Traps must be cleaned at least weekly unless otherwise stated by the Wastewater Superintendent or Pretreatment Coordinator by the owner at his/her expense.

- 4) Industrial users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.
- 5) Sampling manholes shall be located in an area to allow for ease of cleaning, sampling and inspection by the User and the Pretreatment Department. No parking shall be allowed on the sampling manhole.

12.02.033 Accidental Discharge/Slug Discharge Control Plans

The Pretreatment Coordinator may require any industrial user to develop and implement a slug control plan. At least once every two (2) years the Pretreatment Coordinator shall evaluate whether each significant industrial user needs such a plan. The Pretreatment Coordinator may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. Any industrial user required to develop and implement a slug control plan shall submit a plan which addresses, at a minimum, the following:

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

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

12.02.034 Tenant Responsibility

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

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

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

12.02.035 Business/ Industrial Parks

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

12.02.036 Commercial & Institutional Pools

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

their pool(s) to the sanitary sewer system.

12.02.037 Recreational Vehicle (RV) Dump Stations

It shall be the responsibility of owner/operators of commercial recreational vehicle (RV) wastewater dump stations to obtain permission from the Wastewater Superintendent to connect an RV dump station to the WWTP Collection system. Owner/operators of commercial RV dump stations are responsible for compliance with all applicable federal, state, and local wastewater discharge standards, including those general and specific prohibitions listed in 12.02.021. It shall be the responsibility of owner/operators of commercial RV dump stations to post appropriate signage next to wastewater discharge points that prohibit the discharge of the following:

- 1) Flammable and/or explosive materials, materials having a flashpoint less than 140 degrees F
- 2) Solid or viscous materials
- 3) Toxic, hazardous, or corrosive materials
- 4) Noxious or malodorous materials.

The owner/operator of a commercial RV dump station is liable for damages and losses of WWTP if it is determined that a discharge of damaging and prohibited substances emanated from User's establishment. It shall be the User's sole responsibility to pay for all associated costs therewith, including but not limited to, investigation, sampling, analysis, damages, fines and penalties and any other costs that are the result of said discharges.

It is prohibited for any owner/operator of a commercial RV dump station to allow the discharge of any wastes other than RV generated wastes, including but not limited to, commercially hauled wastes, grease interceptor wastes, and car wash interceptor wastes, and any other wastes generated and/or hauled by a business.

12.02.038 Hauled Wastewater

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

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

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

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

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

12.02.039 Vandalism

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or equipment, or other part of the POTW. Any person found in violation of this requirement shall be subject to the sanctions set out in 12.02.100-12.02.120, below.

12.02.040 Individual & General Wastewater Discharge Permits (40 CFR 403.8(f)(1)(iii))

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

12.02.041 Wastewater Analysis

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

12.02.042 Individual Wastewater Discharge Permit & General Permit Requirement

No Significant Industrial User shall discharge wastewater into the POTW without first obtaining an individual or general wastewater discharge permit from the Wastewater Superintendent, except that a Significant Industrial User that has filed a timely application pursuant to 12.02.043 of this Pretreatment Ordinance may continue to discharge for the time period specified therein.

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

Any violation of the terms and conditions of an individual or a general wastewater discharge permit shall be deemed a violation of this Pretreatment Ordinance and subjects the wastewater discharge permittee to the sanctions set out in 12.02.110 through 12.02.130 of this Pretreatment Ordinance. Obtaining an individual or a general wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

12.02.043 Individual & General Wastewater Discharge Permitting: Existing Connections

Any User required to obtain an individual or a general wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this Pretreatment Ordinance and who wishes to continue such discharges in the future, shall, within ninety (90) days after said date, apply to the Pretreatment Coordinator for an individual or a general permit wastewater discharge permit in accordance with 12.02.045 of this Pretreatment

Ordinance, and shall not cause or allow discharges to the POTW to continue after one-hundred eighty (180) days of the effective date of this Pretreatment Ordinance except in accordance with an individual or a general permit wastewater discharge permit issued by the Wastewater Superintendent.

12.02.044 Individual & General Wastewater Discharge Permitting: New Connections

Any User required obtaining an individual or a general wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this individual or general permit wastewater discharge permit, in accordance with 12.02.045 of this Pretreatment Ordinance, must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence. The Wastewater Superintendent or Pretreatment Coordinator has the right to place conditions on new or increased contributions from existing users.

12.02.045 Individual & General Wastewater Discharge Permit Application Contents

All Users required to obtain an individual or a general wastewater discharge permit must submit a permit application. Users that are eligible may request a general permit under 12.02.045. All permittees that will be continuing to discharge are required to complete an application ninety (90) days prior to the permit expiring. The Pretreatment Coordinator shall approve a form to be used as a permit application. The Pretreatment Coordinator may require Users to submit all or some of the following information as part of a permit application:

- 1) Identifying Information.
 - a) The name and address of the facility, including the name of the operator and owner.
 - b) Hours of Operation: Number and type of employees, hours of operation, either proposed or actual hours.
 - c) Contact information, description of activities, facilities, and plant production processes on the premises;
 - d) The description of activities, facilities, and plant production processes and the premises;
- 2) Environmental Permits. A list of any environmental control permits held by or for the facility.

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- 3) Description of Operations.
 - a) A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
 - b) Identify the Categorical Pretreatment Standards applicable to each regulated process.
 - c) Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
 - d) Number and type of employees, hours of operation, and proposed or actual hours of operation;
 - e) Type and amount of raw materials processed (average and maximum per day);
 - f) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
 - g) Pollutants: Submit the results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the standard or by Payson City) of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and long term average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall be sampled and analyzed in accordance with procedures set out in this Pretreatment Ordinance.
- 4) Time and duration of discharges;
- 5) The location for monitoring all wastes covered by the permit;
- 6) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 12.02.02 (40 CFR 403.6(e)).
- 7) Certification: A statement reviewed by the industrial user's authorized representative and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis. If not, state whether additional O&M and/or additional pretreatment is required to meet the Pretreatment Standards and requirements.
- 8) Measurement of Pollutants.
 - a) The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
 - b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the Pretreatment Coordinator of regulated pollutants in the discharge from each regulated process.
 - c) Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.
 - d) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in 12.02.069.1 of this Pretreatment Ordinance. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Pretreatment Coordinator the applicable Standards to determine compliance with the Standard.
 - e) Sampling must be performed in accordance with procedures set out in 12.02.069.2 of this Pretreatment Ordinance.
- 9) Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on 12.02.064 [40 CFR 403.12(e)(2)].
- 10) Any request to be covered by a general permit based on 12.02.045.
- 11) Any other information as may be deemed necessary by the Pretreatment Coordinator to evaluate the permit application.
 - a) Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.
 - b) Based on information provided by the permittee as required in 12.02.045, the Pretreatment Coordinator will review within sixty (60) days to determine if:
 - i) Additional information is needed; or
 - ii) A permit is not necessary; or
 - iii) If a permit will be required before the IU is allowed to discharge to the POTW.

12) Should any of the information requested or supplied be considered by the User to be confidential, the User shall indicate in writing which information is deemed confidential in accordance with 12.02.090 of this Pretreatment Ordinance. Information regarding sampling and analysis of the discharge cannot be considered confidential information.

12.02.046 Application Signatories & Certifications

All individual and general wastewater discharge permit applications, User reports and certification statements must be signed by an Authorized Representative, see 12.02.013, of the User and contain the certification statement in 12.02.069.

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

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

A facility determined to be a Non-Significant Categorical Industrial User by the Wastewater Superintendent pursuant to 12.02.013.VV.3 must annually submit the signed certification statement in 12.02.069.5.

12.02.047 Individual & General Wastewater Discharge Permit Decisions

The Pretreatment Coordinator will evaluate the data furnished by the User and may require additional information. Within sixty (60) days of receipt of a complete permit application, the Wastewater Superintendent will determine whether to issue an

individual or general wastewater discharge permit. The Wastewater Superintendent may deny or conditionally approve any application for an individual or general wastewater discharge permit.

12.02.048 Wastewater Discharge Permitting: General Permits 40 CFR 403.8(f)(1)(iii)(A)

The Wastewater Superintendent may use at his/her discretion the use of general permits to control SIU discharges to the POTW if the following conditions are met. All facilities to be covered by a general permit must:

- 1) Involve the same or substantially similar types of operations;
- 2) Discharge the same types of wastes;
- 3) Require the same effluent limitations;
- 4) Require the same or similar monitoring; and
- 5) In the opinion of the Wastewater Superintendent, are more appropriately controlled under a general permit than under an individual wastewater discharge permits.

To be covered by the general permit, the SIU must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general permit, any requests in accordance with 12.02.064 for a monitoring waiver for a pollutant neither present nor expected to be present in the Discharge, and any other information the POTW deems appropriate. A monitoring waiver for a pollutant neither present nor expected to be present in the discharge is not effective in the general permit until after the Wastewater Superintendent has provided written notice to the SIU that such a waiver request has been granted in accordance with 12.02.064.

The Wastewater Superintendent will retain a copy of the general permit, documentation to support the POTW's determination that a specific SIU meets the criteria in 12.02.040 and applicable State regulations, and a copy of the User's written request for coverage for three (3) years after the expiration of the general permit. 40 CFR 403.8(f)(1)(iii)(A)(1) through (5)

The Wastewater Superintendent may not control an SIU through a general permit where the facility is subject to production based categorical Pretreatment Standards or categorical Pretreatment Standards expressed as mass of pollutant discharged per day or for IUs whose limits are based on the Combined Wastestream Formula or Net/Gross calculations. 40 CFR 403.6(e) and 40 CFR 403.15

12.02.050 Individual & General Wastewater Discharge Permit Issuance

12.02.051 Individual & General Wastewater Discharge Permit Duration

An individual or general wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. An individual or general wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of Wastewater Superintendent. Each individual or general wastewater discharge permit will indicate a specific date upon which it will expire.

12.02.052 Individual & General Wastewater Discharge Permit Contents

An individual or a general wastewater discharge permit shall include such conditions as are deemed necessary by the Wastewater Superintendent to prevent Pass Through or Interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

Individual and general wastewater discharge permits must contain:

- 1) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years.
- 2) A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Wastewater Superintendent or Pretreatment Coordinator. Each wastewater discharge permit will indicate a specific date upon which it will expire.
- 3) A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;
- 4) A statement that the individual or general wastewater discharge permit is nontransferable without prior notification to the Wastewater Superintendent in accordance with 12.02.054 of this Pretreatment Ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
- 5) Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;

- 6) Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.
- 7) The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the Discharge in accordance with 12.02.064 (40 CFR 403.12(e)(2))
- 8) A statement of applicable civil, criminal penalties and administrative penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
- 9) Requirements to control Slug Discharge, if determined by the Wastewater Superintendent or Pretreatment Coordinator to be necessary.
- 10) Any grant of the monitoring waiver by the Wastewater Superintendent must be included as a condition in the User's permit or other control mechanism. (See 12.02.064 for additional requirements).
- 11) Requirement that the permittee notify the Wastewater Superintendent of changes to the industrial user discharge ninety (90) days prior to the change. The Wastewater Superintendent may deny or conditionally approve the change prior to the User making the change at the facility that may impact the discharge at the facility to the POTW.
- 12) A statement that the wastewater discharge permit may be revoked upon violation of the terms and conditions of the permit as stated this Pretreatment Ordinance.
- 13) A statement that grants the Wastewater Superintendent, Pretreatment Coordinator and Pretreatment Inspector(s) the right of entry into all industrial user properties, facilities, buildings, etc. when wastewater is known or expected to be generated and/or discharged.
- 14) Individual or general wastewater discharge permits may contain, but need not be limited to, the following conditions:
 - a) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
 - b) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or

- prevent the introduction of pollutants into the POTW
- c) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
 - d) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
 - e) The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;
 - f) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
 - g) A statement that compliance with the individual or general wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the individual or general wastewater discharge permit; and
 - h) Other conditions as deemed appropriate by the Wastewater Superintendent to ensure compliance with this Pretreatment Ordinance, and State and Federal laws, rules, and regulations.
 - i) Any and all pretreatment equipment must be properly operated and maintained. A record of any maintenance must be kept and maintained for five (5) years from the permit expiration date. This record must be submitted to the Pretreatment Coordinator annually.
 - j) The Chain of Custody documents and analysis records must be submitted with monitoring reports and retained with the records.

12.02.053 Permit Modification

The Wastewater Superintendent may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- 1) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
- 2) To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;

- 3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- 4) Information indicating that the permitted discharge poses a threat to the POTW, related personnel, or the receiving waters;
- 5) Violation of any terms or conditions of the individual wastewater discharge permit;
- 6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- 7) Revision of or a grant of variance from categorical Pretreatment Standards pursuant to 40 CFR 403.13;
- 8) To correct typographical or other errors in the individual wastewater discharge permit; or
- 9) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with 12.02.054.

The Wastewater Superintendent may modify a general permit for good cause, including, but not limited to, the following reasons:

- 1) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
- 2) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- 3) To correct typographical or other errors in the individual wastewater discharge permit; or
- 4) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with 12.02.054.

12.02.054 Individual & General Wastewater Discharge Permit Transfer

Individual or coverage under general wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least one-hundred eighty (180) days advance notice to the Wastewater Superintendent and the Wastewater Superintendent approves the individual or coverage under the general wastewater discharge permit transfer. The notice to the Wastewater Superintendent must include a written certification by the new owner or operator which:

- 1) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- 2) Identifies the specific date on which the transfer is to occur; and

- 3) Acknowledges full responsibility for complying with the existing individual or general wastewater discharge permit.

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

12.02.055 Individual & General Wastewater Discharge Permit Revocation

1. The Wastewater Superintendent may revoke an individual or coverage under a general wastewater discharge permit for good cause, including, but not limited to, the following reasons:
 - a. Failure to notify the Wastewater Superintendent of significant changes to the wastewater prior to the changed discharge;
 - b. Failure to provide prior notification to the Wastewater Superintendent of changed conditions pursuant to 12.02.065 of this Pretreatment Ordinance;
 - c. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
 - d. Falsifying self-monitoring reports;
 - e. Falsifying certification statements;
 - f. Tampering with monitoring equipment;
 - g. Refusing to allow the Wastewater Superintendent, Pretreatment Coordinator, Pretreatment Inspector or any other Pretreatment Program Administer timely access to the facility premises and records;
 - h. Failure to meet effluent limitations;
 - i. Failure to pay fines;
 - j. Failure to pay sewer charges;
 - k. Failure to meet compliance schedules;
 - l. Failure to complete an industrial wastewater survey or the individual or general wastewater discharge permit application or reapplication;
 - m. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
 - n. Violation of any Pretreatment Standard or Requirement, or any terms of the individual or general wastewater discharge permit or this Pretreatment Ordinance.
2. Non-compliant industrial users will be notified of the proposed termination of their wastewater permit and will be offered an opportunity to show cause under these standards why the proposed action should not be taken. However,

notwithstanding any other provisions of this Section, the Wastewater Superintendent may in his or her sole discretion immediately revoke any discharge permit where the discharge reasonably appears to present an imminent endangerment to the health or welfare of persons.

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

12.02.056 Individual & General Wastewater Discharge Permit Reissuance

A User with an expiring individual or general wastewater discharge permit shall apply for individual or general wastewater discharge permit reissuance by submitting a complete permit application, in accordance with 12.02.045 of this Pretreatment Ordinance, a minimum of ninety (90) days prior to the expiration of the User's existing individual or general wastewater discharge permit.

12.02.057 Regulation of Waste Received from Other Jurisdictions

1. If another municipality, or User located within another municipality, contributes wastewater to the POTW, the Wastewater Superintendent shall enter into an interlocal agreement with the contributing municipality.
2. Prior to entering into an agreement required by paragraph A, above, the Wastewater Superintendent shall request the following information from the contributing municipality:
 - a. A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
 - b. An inventory of all Users located within the contributing municipality that are discharging to the POTW; and
 - c. Such other information as the Wastewater Superintendent may deem necessary.
3. An interlocal agreement, as required by paragraph A, above, shall contain the following conditions:
 - d. A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this Pretreatment Ordinance and Local Limits, including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in 12.02.061 of this Pretreatment Ordinance. The requirement shall specify that such ordinance and limits

must be revised as necessary to reflect changes made to Payson City's ordinance or Local Limits;

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

12.02.060 Reporting Requirements

12.02.061 Baseline Monitoring Reports (BMR)

Within either one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the Wastewater Superintendent or Pretreatment Coordinator a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall submit to the Wastewater Superintendent or Pretreatment Coordinator a report which contains the information listed in paragraph B, below. A New Source shall report the method of pretreatment it intends to use to meet applicable categorical Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

Users described in A. and B. above shall submit the information set forth below.

1. All information required in 12.02.045 (40 CFR 403.12(b)(1)-(7))
2. Measurement of pollutants.
 - a. The User shall provide the information required in 12.02.045.
 - b. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
 - c. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;
 - d. Sampling and analysis shall be performed in accordance with 12.02.069.2-3;

- e. The Pretreatment Coordinator may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures; and
 - f. The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.
- 3. Compliance Certification. A statement, reviewed by the User's Authorized Representative as defined in 12.02.013 and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.
 - 4. Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set out in 12.02.062 of this Pretreatment Ordinance.
 - 5. Signature and Report Certification. All baseline monitoring reports must be certified in accordance with 12.02.069.5 A of this Pretreatment Ordinance and signed by an Authorized Representative as defined in 12.02.013.C.

12.02.062 Compliance Schedule Progress Report

The following conditions shall apply to the compliance schedule required by 12.02.061 of this Pretreatment Ordinance:

- 1. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable Pretreatment Standards (such events include hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and

- completing construction, beginning and conducting routine operation).
- 2. No increment referred to above shall exceed nine (9) months.
- 3. The User shall submit a progress report to the Pretreatment Coordinator no later than fourteen (14) days following each date in the schedule, and the final date of compliance, including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the industrial user to return to the established schedule, and
- 4. In no event shall more than nine (9) months elapse between such progress reports to the Pretreatment Coordinator.

12.02.063 Compliance Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable Categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any categorical industrial user subject to such Pretreatment Standards and Requirements shall submit to the Pretreatment Coordinator a report containing the information required by this Pretreatment Ordinance including but not limited to flow measurement, sampling, chain of custody and analysis of pollutants. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a determined measure of the User's long term production rate. For all other industrial users subject to Categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the industrial user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with 12.02.069.5 of this Pretreatment Ordinance. All sampling will be done in conformance with 12.02.069.2.

12.02.064 Periodic Compliance Report

All Significant Industrial User must, at a frequency determined by the Pretreatment Coordinator submit no less than twice per year (June and December) reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards, and the measured or estimated average, and maximum daily flows for the

reporting period. In case where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Pretreatment Coordinator or the Pretreatment Standard necessary to determine the compliance status of the User.

The Wastewater Superintendent may authorize an Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. (40 CFR 403.12(e)(2)) This authorization is subject to the following conditions:

1. The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical Standard and otherwise includes no process wastewater.
2. The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than 5 years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit. See 12.02.045.A.8.
3. In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.
4. The request for a monitoring waiver must be signed in accordance with 12.02.013.C, and include the certification statement in 12.02.069.5.A (40 CFR 403.6(a)(2)(ii)).
5. Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.
6. Any grant of the monitoring waiver by the Wastewater Superintendent must be included as a condition in the User's permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the Wastewater

Superintendent for three (3) years after expiration of the waiver.

7. Upon approval of the monitoring waiver and revision of the User's permit by the Wastewater Superintendent, the Industrial User must certify on each report with the statement in 12.02.064, that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User.
8. In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the User's operations, the User must immediately: Comply with the monitoring requirements of 12.02.064, or other more frequent monitoring requirements imposed by the Wastewater Superintendent, and notify the Wastewater Superintendent.
9. This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard.

All periodic compliance reports must be signed and certified in accordance with 12.02.072 of this Pretreatment Ordinance.

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

If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Pretreatment Coordinator, using the procedures prescribed in 12.02.072 of this Pretreatment Ordinance, the results of this monitoring shall be included in the report. (40 CFR 403.12(g)(6))

12,02.065 Reports of Changed Conditions

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

1. The Pretreatment Coordinator may require the industrial user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of individual or general wastewater discharge permit application under 12.02.045 of this Pretreatment Ordinance.
2. The Wastewater Superintendent may issue an individual or general wastewater discharge permit or modify an existing Wastewater Discharge Permit under 12.02.053 of this Pretreatment Ordinance in response to changed conditions or anticipated changed conditions.

The Wastewater Superintendent may approve, deny or conditionally approve the change based on the effects the change may have on the POTW and/or the Pretreatment Program.

12.02.066 Reports of Potential Problems

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

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

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

Failure to notify the Wastewater Superintendent or Pretreatment Coordinator of potential problem

discharge shall be deemed a separate violation of this Pretreatment Ordinance.

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

12.02.067 Reports from Unpermitted Users

All User not required to obtain an individual or general wastewater discharge permit shall provide appropriate reports as required by the Pretreatment Coordinator.

12.02.068 Notice of Violation/Repeat Sampling & Reporting

If sampling performed by a User indicates a violation, the User must notify the Pretreatment Coordinator within twenty-four (24) hours and of becoming aware of the violation and in writing within five (5) days of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Pretreatment Coordinator within thirty (30) days after becoming aware of the violation. Resampling by the Industrial User is not required if the POTW performs sampling at the User's facility at least once a month, or if the POTW performs sampling at the User between the time when the initial sampling was conducted and the time when the User or POTW receives the results of this sampling, or if the POTW has performed the sampling and analysis in lieu of the Industrial User. If the POTW sample indicates a violation the POTW may require the User to resample within thirty (30) days. The User is required to submit a five (5) day report to explain the violation.

12.02.069 Notification of the Discharge of Hazardous Waste

Any industrial user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and the State Department of Environmental Quality, Division of Solid and Hazardous Waste Authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than one-hundred (100) kilograms of

such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user: an identification of the hazardous constituents contained in the wastes, and estimation of the mass and concentration of such constituents in the waste stream discharged during the calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months. All notifications must take place no later than thirty (30) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under 12.02.065, of this Pretreatment Ordinance. The notification requirement in this section does not apply to pollutants already reported under the Self-monitoring Requirements of 12.02.061, 12.02.063, and 12.02.064, of this Pretreatment Ordinance.

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

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

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

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

issued there under, or any applicable Federal or State law.

12.02.069.1 Analytical Requirements

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

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

12.02.069.2 Sample Collection

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

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

methodologies may be authorized by the Pretreatment Coordinator, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits. (40 CFR 403.12(g)(3))

2. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
3. For sampling required in support of baseline monitoring and 90-day compliance reports required in 12.02.061 and 12.02.063 [40 CFR 403.12(b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Pretreatment Coordinator may authorize a lower minimum. For the reports required by paragraphs 12.02.064 (40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements. (40 CFR 403.12(g)(4))

12.02.069.3 Date of Receipt of Reports

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, or report with no postmark affixed, the date of receipt of the report by the POTW shall govern.

12.02.069.4 Record Keeping

Users subject to the reporting requirements of this Pretreatment Ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Pretreatment Ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under 12.02.024.C. Any record, books, documents, memoranda, reports, correspondence, enforcement, special orders or litigation activities and any and all summaries thereof, relating to monitoring, sampling and chemical analyses made by or on behalf of the Users in connection with its discharge. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who

performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least five (5) years following the expiration of the permit. This period shall be automatically extended for the duration of any litigation concerning the User or Payson City, or where the User has been specifically notified of a longer retention period by the Pretreatment Coordinator. Records shall be maintained in a central location in either a hard copy or electronic format.

12.02.069.5 Certification Statements

1. Certification of Permit Applications, User Reports and Initial Monitoring Waiver—The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with 12.02.046; Users submitting baseline monitoring reports under 12.02.061.B; Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under 12.02.063; Users submitting periodic compliance reports required by 12.02.064.A-D, and Users submitting an initial request to forego sampling of a pollutant on the basis of 12.02.064.B. The following certification statement must be signed by an Authorized Representative:

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

2. Annual Certification for Non-Significant Categorical Industrial Users—A facility determined to be a Non-Significant Categorical Industrial User by the Wastewater Superintendent pursuant to 12.02.013.VV.3 and 12.02.046.

Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR ____, I certify that, to the best of my knowledge and belief that during the period

from _____, _____ to _____,
_____ [months, days, year]:

The _____ facility described as
_____ [facility name] met the
definition of a Non-Significant Categorical
Industrial User as described in 2.1.3 VV(3)

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

This compliance certification is based on the
following information.

3. C. Certification of Pollutants Not Present

Users that have an approved monitoring waiver
based on 12.02.064.B must certify on each report
with the following statement that there has been
no increase in the pollutant in its waste stream
due to activities of the User. (40 CFR
403.12(e)(2)(v))

Based on my inquiry of the person or persons
directly responsible for managing compliance
with the Pretreatment Standard for 40 CFR
_____ [specify applicable National
Pretreatment Standard part(s)], I certify that, to
the best of my knowledge and belief, there has
been no increase in the level of _____ [list
pollutant(s)] in the wastewaters due to the
activities at the facility since filing of the last
periodic report under 12.02.064.A.

12.02.070 Compliance Monitoring

**12.02.071 Right of Entry: Inspection &
Sampling**

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

Where a User has security measures in force which
require proper identification and clearance before

entry into its premises, the User shall make necessary
arrangements with its security guards so that, upon
presentation of suitable identification, the
Wastewater Superintendent or Pretreatment
Coordinator shall be permitted to enter without delay
for the purposes of performing specific
responsibilities.

The Wastewater Superintendent or Pretreatment
Coordinator shall have the right to set up on the
User's property, or require installation of, such
devices as are necessary to conduct sampling and/or
metering of the User's operations.

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

Any temporary or permanent obstruction to safe and
easy access to the facility to be inspected and/or
sampled shall be promptly removed by the User at
the written or verbal request of the Wastewater
Superintendent or Pretreatment Coordinator and shall
not be replaced. The costs of clearing such access
shall be borne by the User.

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

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

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

monitoring activities.

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

12.02.072 Search Warrants

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

12.02.080 Fats, Oils, Grease, & Sands (FOGS) Control

12.02.081 General

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

12.02.082 Definitions

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

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

2. Common Interceptor – One or more interceptors receiving deleterious wastewater from more than one establishment.
3. Dwelling Unit – Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, for not more than one (1) family, or a congregate residence for ten (10) or fewer persons. For purposes of this Section, dwelling unit includes hotel rooms, dormitory rooms, apartments, condominiums, sleeping rooms in nursing homes, and similar living units.
4. FOG – Fats, oil and grease of vegetable and animal origin.
5. FOGS – Fats, oil, grease (of vegetable and animal origin), petroleum oils (or crude oil origin), and soil (sand, dirt, etc.).
6. Food Service Establishment (FSE) – means any building, vehicle, place, or structure, or any room or division in a building, vehicle, place, or structure where food is prepared, served, or sold for immediate consumption on or in the vicinity of the premises; called for or taken out by customers; or prepared prior to being delivered to another location for consumption.
7. Grease Interceptor – A structure or device designed for the purpose of removing and preventing fats, oils, and grease from entering the sanitary sewer collection system. These devices are below-ground units in outside areas with a minimum capacity of 800 gallons.
8. Grease Trap – A device designed for the purpose of removing and preventing fats, oils, and grease from entering the sanitary sewer collection system. These devices are typically compact under-the-sink units located near food preparation areas.
 - a. Petroleum Oil – hydrocarbon fuels, oils, greases, and like products, derived from crude oil.
9. Sand/Oil Interceptor – A structure or device designed for the purpose of separating sand, dirt, and petroleum oils and preventing them from entering the sanitary sewer collection system. These devices are below-ground units in outside areas with a minimum capacity of 800 gallons.
10. Surchargeable Business – A Commercial or Industrial User whose wastewater strength may exceed parameters established by the POWT, and is subject to surcharges (fees) based on wastewater strength and volume as outlined in the Payson City Fee Schedule.

12.02.083 Interceptor & Trap Installation Specifications

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

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

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

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

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

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

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

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

12.02.084 General FOGS Waste Discharge Limits & Requirements

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

1. The discharge of any substance into the sewer system that exceeds or violates general or specific prohibitions listed in Section 2.2.1 is prohibited.
2. The discharge into the sewer system of FOGS that may accumulate and/or cause or contribute to blockages in the sewer system or at the sewer system lateral except as provided herein is prohibited.
3. Installation and use of food grinders in new and/or remodeled FSE's is not recommended.
4. Emulsifiers, enzymes or degreasers shall not be added as sewer aids to any plumbing that leads to, directly or indirectly to any interceptor.
5. The disposal of cooking oil (yellow grease) into the sewer system is prohibited. All waste cooking oils shall be collected, stored and labeled properly in receptacles such as barrels or drums for recycling or other acceptable methods of disposal.
6. The discharge of wastewater with temperatures in excess of one-hundred forty degrees (140°) F to any FOGS control device including interceptors and traps is prohibited.
7. The discharge of waste from toilets, urinals, washbasins, and other fixtures containing fecal materials into sewer lines intended for interceptor service is prohibited.
8. The discharge to the sewer system of any waste including FOGS and solid materials that were otherwise removed from an interceptor or other FOGS control device is prohibited. Wastes removed from interceptors must be hauled off and properly disposed of periodically in compliance with operation and maintenance requirements.
9. Operation of an interceptor with FOGS and solids (floating + settled) accumulation exceeding twenty-five percent (25%) of the design hydraulic depth of the interceptor is prohibited.
10. Commercial Users shall during regular business hours, provide immediate and safe access to the Wastewater Superintendent or Pretreatment Coordinator or his or her designee to the Users premises and FOGS handling BMP facilities.

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

12.02.085 Kitchen Best Management Practices (BMP Requirements)

All Food Service Establishments (FSE) shall be required, at a minimum, to implement and comply with the following Kitchen BMPs, whenever applicable:

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

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

12.02.086 Interceptor Operation & Maintenance Requirements

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

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

12.02.087 Grease Trap Operation & Maintenance Requirements

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

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

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

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

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

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

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

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

12.02.088 Notification Requirements

A Commercial and Industrial User shall comply with the following notification requirements:

1. Notification of Spills and/or Sanitary Sewer Overflows (SSO)
 - a. In the event a User is unable to comply with the FOGS Pretreatment Ordinances due to a

breakdown of equipment, accidents, or human error or the User has reasonable belief that its discharge will violate the FOGS Pretreatment Ordinances, the User or its representative shall immediately notify the Pretreatment Coordinator by telephone at: (801) 465-5277.

- b. If the material discharged has the potential to cause or results in sewer blockage or SSO, the User shall immediately notify the POTW and the Pretreatment Coordinator by telephone at: (801) 465-5277.
- c. Confirmation of this notification shall be made in writing to the Pretreatment Coordinator no later than five (5) working days from the date of the incident to the following address:

Pretreatment Coordinator
Payson City WWTP
439 West Utah Avenue
Payson, Utah 84651.
2. The written notification shall state:
 - a. The date of the incident,
 - b. The reasons for the discharge or spill
 - c. What steps were taken to immediately correct the problem and
 - d. What steps are being taken to prevent a recurrence.
3. Such notification shall not relieve the user of any expense, loss, damage or other liability that may be incurred as a result of damage or otherwise arising out of a violation of this Pretreatment Ordinance, or other applicable law.
4. Commercial Users shall notify the Pretreatment Coordinator in writing at least sixty (60) days prior to any facility expansion and/or remodeling or process modifications that may result in new or substantially increased FOGS discharges or a change in the nature of the discharge. The User shall submit any information requested by the Pretreatment Coordinator for evaluation of the effect of such expansion and/or remodeling or process modifications on the users FOGS discharge to the sewer system. The written notification shall state:
 - a. The FSE name,
 - b. Name the title of the users contact person or person most knowledgeable concerning the facility expansion and/or
 - c. Remodeling or process modifications,
 - d. Address of the user
 - e. Telephone number of the user,
 - f. Date of the proposed facility expansion and/or
 - g. Remodeling or process modifications and
 - h. The reasons for the same.

12.02.089 Record Keeping Requirements

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

1. A record or logbook of interceptor or trap cleaning and maintenance practices and activities. The record or logbook shall include:
 - a. Dates inspected;
 - b. Name of inspector;
 - c. Inspector's observations concerning the effectiveness of the interceptor or trap in controlling FOGS;
 - d. Dates cleaned; and
 - e. Dates and nature of maintenance.
2. A record or logbook of FSE Kitchen BMPs being implemented including employee training. The record or logbook shall include:
 - a. Date of training;
 - b. Time and length of training;
 - c. Names of employees in training;
 - d. Training topic;
 - e. Training instructor.
3. Any other information deemed appropriate by the Pretreatment Coordinator to ensure compliance with this Pretreatment Ordinance.
4. Copies of records and manifests of waste hauling of interceptor contents, which will include:
 - a. Name of hauling company and disposal site
 - b. Name and signature of operator performing the pump out
 - c. Documentation of volume of water and FOGS removed
 - d. Documentation if repairs to the interceptor are required.
 - e. Records of any spills and/or cleaning of the lateral or sewer system.

12.02.089.1 Inspections & Sampling

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

1. To verify if Users are complying with Pretreatment Ordinances.
2. To collect and analyze samples and compare results to established discharge limitations.
3. To provide evidence in support of enforcement actions.
4. To verify correction of problems.
5. To maintain records of User discharge constituents.
6. To provide data in order to calculate surcharge fees.

12.02.089.2 Commercial Wastewater Discharge Permit

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

12.02.089.3 Fees

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

1. Wastewater strength (BOD, TSS, oil and grease, etc.) (A flat fee is charged to Users that cannot be sampled).
2. Inspection and sampling costs
3. Permit issuance and renewal
4. Construction inspection and plan review

12.02.090 Confidential Information

Information and data on an industrial user obtained from reports, surveys, individual or general wastewater discharge permit applications, individual or general wastewater discharge permits, and monitoring programs, and from Payson City Pretreatment Program inspections and sampling activities, shall be available to the public without restriction unless the User specifically requests, and is able to demonstrate the satisfaction of the Wastewater Superintendent, that the release of such information would divulge information, processes or methods of productions entitled to protection as trade secrets under applicable State Law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall immediately be made available, upon request, to governmental agencies for uses related the UPDES program or pretreatment program, and in enforcement proceedings involving the person

furnishing the report. Wastewater constituents and characteristics and other “effluent data” as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

12.02.100 Publication of Users in Significant Non-Compliance

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

- a. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Title 12.02; (40 CFR 403.3(1))
- b. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Title 12.02 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH); (40 CFR 403.3(1))
- c. Any other violation of a Pretreatment Standard or Requirement as defined by Title 12.02 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Wastewater Superintendent or Pretreatment Program Administrator(s) determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public; (40 CFR 403.3(1))
- d. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Wastewater Superintendent’s or Pretreatment Coordinator

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

12.02.110 Administrative Enforcement Remedies

12.02.111 Notification of Violation

When the Wastewater Superintendent finds that a User has violated, or continues to violate, any provision of this Pretreatment Ordinance, an individual or general wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Wastewater Superintendent may serve upon that User a written Notice of Violation. Within thirty (30) days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the Wastewater Superintendent. Submission of such a plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the Wastewater Superintendent to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

12.02.112 Administrative Fees

Notwithstanding any other section of this Pretreatment Ordinance, any user found to have violated any provision of this Pretreatment Ordinance, its wastewater discharge permit, and orders issued hereunder, or any other Pretreatment

Standard or Requirement may be fined in an amount no to exceed \$10,000 per day per violation. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, fines shall be assessed for each day during the period of violation. Payson City may add the costs of preparing administrative enforcement actions such as notices and orders to the fine.

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

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

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

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

12.02.113 Consent Orders

The Wastewater Superintendent may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to 12.02.115 and 12.02.116 of this Pretreatment Ordinance and shall be judicially enforceable.

12.02.114 Show Cause Hearing

The Wastewater Superintendent may order a User

which has violated, or continues to violate, any provision of Pretreatment Ordinances, an individual or general wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the Wastewater Superintendent and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail at least fifteen (15) days prior to the hearing. Such notice may be served on any Authorized Representative of the User. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

12.02.115 Compliance Orders

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

12.02.116 Cease & Desist Orders

When the Wastewater Superintendent finds that a User has violated, or continues to violate, any provision of this Pretreatment Ordinance, an individual or general wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the Wastewater

Superintendent may issue an order to the User directing it to cease and desist all such violations and directing the User to:

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

12.02.117 Emergency Suspensions

The Wastewater Superintendent may immediately suspend a User's discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The Wastewater Superintendent may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

1. Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Wastewater Superintendent may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Wastewater Superintendent may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Wastewater Superintendent that the period of endangerment has passed, unless the termination proceedings in 12.02.118 of Pretreatment Ordinances are initiated against the User.
2. A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Wastewater Superintendent prior to the date of any show cause or termination hearing under 12.02.114 or 12.02.118 of Pretreatment Ordinances.

Nothing in this Section shall be interpreted as requiring a hearing prior to any Emergency Suspension of a permit and/or discharge to the POTW.

12.02.118 Termination of Discharge

In addition to the provisions in 12.02.054 of this Pretreatment Ordinance, any User who violates the following conditions is subject to discharge termination:

1. Violation of individual or general wastewater discharge permit conditions;
2. Failure to accurately report the wastewater constituents and characteristics of its discharge;
3. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
4. Refusal of access to the User's premises for the purpose of inspection, monitoring, or sampling; or
5. Violation of the Pretreatment Standards in Section 2 of this Pretreatment Ordinance.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under 12.02.114 of this Pretreatment Ordinance why the proposed action should not be taken. Exercise of this option by the Wastewater Superintendent shall not be a bar to, or a prerequisite for, taking any other action against the User.

12.02.120 Judicial Enforcement Remedies

12.02.121 Injunctive Relief

When the Wastewater Superintendent finds a User has violated, or continues to violate, any provision of this Pretreatment Ordinance, Pretreatment Standard or Requirement, individual or general wastewater discharge permit or orders issued hereunder, or any other pretreatment standard or requirement, the Wastewater Superintendent may petition a court of competent jurisdiction through Payson City Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual or general wastewater discharge permit, order, or other requirement imposed by this Pretreatment Ordinance on activities of the User. The Wastewater Superintendent may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not

be a bar against, or a prerequisite for, taking any other action against a User.

12.02.122 Civil Penalties

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

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

The Wastewater Superintendent may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by Payson City.

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

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

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

12.02.123 Criminal Prosecution

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

action taken.

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

A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of not more than \$25,000 per violation per day or be subject to imprisonment for not more than one (1) year, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this Pretreatment Ordinance, individual or general wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Pretreatment Ordinance shall, upon conviction, be punished by a fine of not more than \$25,000 per violation, per day, or imprisonment for not more than six (6) months, or both.

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

12.02.124 Remedies Nonexclusive

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

12.02.125 Falsification & Tampering with Pretreatment Equipment

40 CFR 403.8(f)(1)(i) Deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by Industrial Users where such contributions do not meet applicable Pretreatment Standards and Requirements or where such contributions would cause the POTW to violate its UPDES permit

12.02.130 Supplemental Enforcement Action

12.02.131 Penalties for Late Reports

A penalty of \$100 shall be assessed to any User for each day that a report required by this Pretreatment Ordinance, a permit or order issued hereunder is late, beginning five (5) days after the date the report is due, higher penalties may also be assessed where reports are more than thirty to forty (30-45) days late. Actions taken by the Wastewater Superintendent to collect late reporting penalties shall not limit the Wastewater Superintendent's authority to initiate other enforcement actions that may include penalties for late reporting violations.

12.02.132 Liability Insurance

The Wastewater Superintendent may decline to reissue an individual or general wastewater discharge permit to any user which failed to comply with the provisions of this Pretreatment Ordinance, any order, or a previous Wastewater Discharge Permit issued hereunder, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

12.02.133 Payment of Outstanding Fees & Penalties

The Wastewater Superintendent may decline to issue or reissue an individual or general wastewater discharge permit to any User who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of this Pretreatment Ordinance, a previous individual wastewater discharge permit, or order issued hereunder.

12.02.134 Water Supply Severance

Whenever a user has violated or continues to violate the provisions of this Pretreatment Ordinance, orders, or an individual or general wastewater discharge permit issued hereunder, water service to the user

may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

12.02.135 Public Nuisance

A violation of any provision of this Pretreatment Ordinance, an individual or general wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the Wastewater Superintendent. Any person(s) creating a public nuisance shall be subject to the provisions of Payson City Code 12.01 governing such nuisances, including reimbursing to Payson City for any costs incurred in removing, abating, or remedying said nuisance.

12.02.136 Referral for State Action

The Wastewater Superintendent may refer to the State's Division of Water Quality and to the office of the State Attorney General violations under the provisions of the Utah Water Quality Act, Title 19, Chapter 5, U.C.A. (1953, as amended) and/or any other applicable law.

12.02.140 Affirmative Defenses To Discharge Violations

12.02.141 Upset

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

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

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

1. An upset occurred and the User can identify the cause(s) of the upset.
2. The facility was at the time being operated in a prudent and workmanlike manner and in

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compliance with applicable operation and maintenance procedures.

3. The User has submitted the following information to the Wastewater Superintendent within twenty-four (24) hours of becoming aware of the upset if this information is provided orally, a written submission must be provided within five (5) days:
 - i. A description of the indirect discharge and cause of noncompliance.
 - ii. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue.
 - iii. Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.

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

Users will have the opportunity for a judicial determination on any claim of upset in an enforcement action brought for non-compliance with Categorical Pretreatment Standards.

User shall control production of all discharges to the extent necessary to maintain compliance with Categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or has failed.

12.02.142 Bypass

For the Purpose of this Section:

“Bypass” - means the intentional diversion of waste streams from any portion of any Industrial User’s Treatment Facility.

“Severe property damage” - means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

An Industrial User may allow any bypass to occur which does not cause Pretreatment Standards or Requirement to be violated, but only if it also is for

essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (C) and (D) of this section.

Bypass Notification

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

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

Bypass

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

1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage.
2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
3. The Industrial User submitted notices as required under paragraph (C) of this section.

The Wastewater Superintendent may approve an anticipated bypass, after considering its adverse effects, if the POTW determines that it will meet the three (3) conditions listed in paragraph (D)(1) of this section.

12.02.150 Appeals

12.02.151 Initial Appeal Hearing

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

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

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

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

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

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

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

12.02.152 Final Appeal Hearing

Any decision by the Wastewater Superintendent made as a result of the petition and any hearing held under 12.02.151 may be appealed to the City Council upon filing a written demand within ten (10) calendar days of receipt of notice of the Wastewater Superintendent's decision.

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

The City Council may hold a hearing and shall make a final decision on the appeal within sixty (60)

calendar days of the date of the appeal was filed and shall transmit to the appellant a written copy of the decision by registered or certified mail.

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

12.02.160 Miscellaneous Provisions

12.02.161 Wastewater Treatment Rates User Fees

User fees should be assessed whenever there is a need to recover the cost of treating wastewater.

12.02.162 Pretreatment Charges & Fees

Payson City may adopt charges and fees for reimbursement of cost of setting up and operating Payson City's Pretreatment Program, which may include:

1. Fees for wastewater discharge permit applications, including the cost of processing such applications.
2. Fees for monitoring, inspection, and surveillance procedures including the cost of collecting and analyzing an Industrial User's discharge, and reviewing monitoring reports submitted by Industrial Users.
3. Fees for reviewing and responding to accidental discharge procedures and construction.
4. Fees for filing appeals.
5. Fees to recover administrative and legal costs (not included in 12.02.162 of this Section) associated with the enforcement activity taken by the Wastewater Superintendent to address IU noncompliance, and
6. Other fees as Payson City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this Pretreatment Ordinance and are separate from all other fees, fines, and penalties chargeable by Payson City.

12.02.163 Severability

If any provision of this Pretreatment Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be effected and shall continue in full force and effect.

12.02.164 Conflicts

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