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SECTION 30a-1 - GENERAL PROVISIONS

Purpose and Policy

30a-1.1

This ordinance sets forth uniform requirements for users of the Publicly Owned Treatment Works (POTW) for the Cedar City Regional Wastewater Treatment Facility (CCRWTF) of Cedar City Utah, and enables the CCRWTF 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 ordinance are:

- A. To prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW;
- B. To prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated, into receiving waters or otherwise be incompatible with the POTW;
- C. To ensure that the quality of the wastewater treatment plant sludge is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations found in 40 CFR Part 503;
- D. To protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public;
- E. To improve the opportunity to recycle and reclaim wastewater and sludge from the POTW;
- F. To provide for fees for the equitable distribution of the cost of operation, maintenance and improvement of the POTW; and
- G. To enable the CCRWTF to comply with its Utah Pollution Discharge Elimination System Permit (UPDES) conditions, sludge use and disposal permit conditions and any other Federal or State laws to which the POTW is subject.

This ordinance shall apply to all users of the POTW. This 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.

Administration

30a-1.2

Except as otherwise provided herein, the General Manager of the Cedar City Regional Wastewater Treatment Facility, (CCRWTF) shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the General Manager may be delegated by the General Manager to other CCRWTF personnel.

Definitions

30a-1.3

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

- A. Act. The Federal Water Pollution Control Act, also know as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.
- B. Approval Authority. The Executive Secretary of the Water Quality Board as the authorized agent for the State of Utah, which has an approved State Pretreatment Program, or his designee.
- C. Authorized Representative of the Industrial User or Authorized Representative.
 - 1. If the Industrial User is a corporation, Authorized Representative shall mean:
 - a. the president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - b. the manager of one or more manufacturing, production, or operation 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;

2. If the Industrial User is a partnership, or sole proprietorship, an Authorized Representative shall mean a general partner or proprietor, respectively;
3. 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;
4. 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 the CCRWTF.

- D. Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20 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.
- E. Categorical Pretreatment Standard or Categorical Standard. 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.
- F. 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.
- G. 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 Sub-part I - Composite Method.
- H. Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the term may also be used as a

designation for the Regional Water Management Division Director or other duly authorized official of said agency.

I. 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.

J. Food Establishment. Shall mean any location where a person or persons is/are primarily engaged in the activities of cooking, preparing, serving or otherwise making available for human consumption any form of food, and which uses one or more of the following cooking or preparation methods in connection with such activities: cooking or preparation by frying (all methods), baking (all methods), grilling, sautéing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, poaching, or any type of cooking or preparation that produces a hot non-potable product in or on a receptacle that requires washing, rinsing or other form of cleaning. Such establishments include, but are not limited to, restaurants, cafeterias, extended care facilities, juvenile, adult detention, and prisons, school cafeterias (public and private), and daycare facilities, (excluding private residential homes) where meals for more than (12) children are prepared, served or otherwise made available for human consumption on a daily basis.

K. Governing Authority (CCRWTF Board). The Cedar City Regional Wastewater Treatment Facility Board is comprised of seven members, one which shall be the Cedar City Engineer, one which shall be the regional wastewater treatment plant Director, five of which shall be representatives from each of the Communities as follows: one (1) elected official from Cedar City, two (2) (one shall be an elected official) from Enoch, two (2) from the County (one shall be an elected official).

L. Grab Sample. A sample which is taken from a waste stream on a one-time basis, not to exceed 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 Sub-part II - Grab Method.

M. Grease, Oil, and Sand Interceptor. “Grease Interceptor” shall mean a device for separating and retaining waterborne fats, oil, and greases before the wastewater, which contains such grease, exits the grease interceptor into the city’s wastewater collection system or POTW. The grease interceptor also collects settleable solids generated by or incidental to commercial, industrial and food preparation activities. The Grease Interceptor shall at a minimum be equipped with a two-cell construction and be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. The interceptor shall be of substantial construction, water tight and equipped

with easily removable covers which, when bolted in place, shall be gas and water tight.

- N. Oil /Water Separator. Shall mean an approved and industry standard system that is specifically designed for the removal of free oils (hydrocarbons and other petroleum products), and settleable oily coated solids from oil/water discharges associated with many types of industrial facilities. The source of the influent to the separator shall be gravity flow from storm water runoff, hydrocarbon spills, and/or cleaning/maintenance operations. The system shall allow the oil to be collected and removed on a regular basis as to prevent it from being discharged into the wastewater collection system. Only oil/water separators manufactured for that specific operation will be approved. Adequate support literature from the manufacturer will be required so as to allow a proper review by the CCRWTF.
- O. Grease Trap. Shall mean a device for separating and retaining waterborne fats, oil, and greases. It shall be installed under a sink as an accessory to an operating certified Grease Interceptor. The installation of grease traps on all new source commercial or industrial establishments, in lieu of the installation of a certified grease interceptor, will be strictly prohibited under any circumstances.
- P. Indirect Discharge (Discharge). The introduction of pollutants into the POTW from any non-domestic source. Regulated under section (a), (b), and (c) of the Act.
- Q. Industrial User (User). A source of Indirect Discharge.
- R. Instantaneous Maximum Allowable Discharge Limit. The maximum concentration (or loading) of a pollutant allowed to be discharged at any time, determined from the analysis of any grab or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.
- S. Interference. A Discharge which, alone or in conjunction with a Discharge or Discharges from other sources both:
- 1) inhibits or disrupts the POTW, treatment processes or operations, or its sludge processes, use or disposal and
 - 2) causes a violation of any of the CCRWTF's UPDES permit conditions 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.

T. Medical Waste. Isolation wastes, infectious agents, human blood and blood byproducts, pathological wastes, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

U. New Source.

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

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

b. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

c. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

2. Construction on a site at which an Existing Source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

3. Construction of a new source as defined under this section has commenced if the owner or operator has:

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

V. 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.

W. Non-Domestic Wastewater. Any wastewater that is not produced as sanitary wastewater from restroom facilities, showers, or kitchens.

X. 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 the CCRWTF's UPDES permit (including an increase in the magnitude or duration of a violation).

- Y. Person. Any individual, partnership, copartnership, 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.
- Z. pH. A measure of the acidity or alkalinity of a substance, expressed in standard units.
- AA. Pollutant. Any dredged spoil, solid waste, filter backwash, 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].
- BB. 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. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes, or any other means, except as prohibited by 403.6 (d). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 403.6 (e).
- CC. Pretreatment Requirements: Any substantive or procedural requirement related to Pretreatment imposed on an Industrial User, other than a National Pretreatment Standard.
- DD. Pretreatment Standards or Standards. Pretreatment Standards shall mean prohibited discharge standards, categorical Pretreatment Standards, and Local Limits established by the CCRWTF..
- EE. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances or wastewater characteristics; these prohibitions appear in Section 30a-2.1 of this ordinance.
- FF. Publicly Owned Treatment Works (POTW). A treatment works which is owned by the State, a municipality, or other political subdivision of the State.

This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of municipal/domestic sewage or industrial wastes of a liquid nature discharged into the stated system. Also included are any conveyances, such as pipelines, conduits or channels which convey wastewater to a treatment plant. The term also means the municipal entity having jurisdiction over the Indirect Dischargers to such a system and the discharges from the treatment works.

- GG. Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- HH. Sewage. Human excrement and gray water (household showers, dish washing operations, etc).
- II. Significant Industrial User. Shall apply to: a) Industrial Users subject to Categorical Pretreatment Standards; and b) any other Industrial User that i) discharges an average of 25,000 gpd or more of process wastewater(excludes sanitary, Non-contact cooling and boiler blow-down wastewater, ii) contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the treatment Plant or, iii) is designated as significant by the CCRWTF on the basis that the Industrial User has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or requirement.
- JJ. Slug Load/Discharge. Any discharge at a flow rate or concentration which could cause a violation of the Prohibited Discharge Standards in Section 2 of this Ordinance. A slug discharge is any discharge of a non-routine, episodic nature, including but not limited to, an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, local limits or permit conditions.
- KK. Standard Industrial Classification (SIC) Code. A classification pursuant to the Standard Industrial Classification Manual issued by the U.S. Office of Management and Budget.
- LL. Storm Water. Any flow which occurs during, or following any form of natural precipitation, and results from such an event, including snow melt.
- MM. General Manager. The person designated by the CCRWTF to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this ordinance or his duly authorized representative.

- NN. Total Suspended Solids (TSS). 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.
- OO. Toxic Pollutant. One of 126 pollutants, or combination of those pollutants, listed as toxic in regulations promulgated by the EPA under the provision of Section 307 (33 U.S.C. 1317) of the Act.
- PP. Treatment plant effluent. Any discharge from the POTW into waters of the State of Utah.
- QQ. 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.
- RR. Wastewater Treatment Plant or Treatment Plant. That portion of the POTW designed to provide treatment including recycling and reclamation of sewage and industrial waste.

Shall is mandatory; may is permissive or discretionary. The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.

Abbreviations

30a-1.4

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.

- BMR Baseline Monitoring Report
- BOD Biochemical Oxygen Demand
- CIU Categorical Industrial User
- CFR Code of Federal Regulations
- COD Chemical Oxygen Demand
- CWA Clean Water Act (P.L. 95-217 as amended)
- EPA U.S. Environmental Protection Agency
- GPD Gallons Per Day
- L Liter
- MGD Million Gallons per day
- mg Milligrams
- mg/l Milligrams Per Liter
- NPDES National Pollutant Discharge Elimination System or the Utah Pollutant Discharge Elimination System

- O&M Operation and Maintenance
- OSHA Occupational Safety and Health Administration
- POTW Publicly Owned Treatment Works
- RCRA Resource Conservation and Recovery Act
- SIC Standard Industrial Classification
- SWDA Solid Waste Disposal Act (42 U.S.C. 6901, et seq.)
- TSS Total Suspended Solids
- UPC Unified Plumbing Code
- USC United States Code

SECTION 30a-2 - GENERAL POTW USE REQUIREMENTS

Prohibited Discharge Standards

30a-2.1

- A. General prohibitions. No industrial user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which has a reasonable potential to cause pass through or interference, or in any other way violate the POTW's regulations, local limits or Permit conditions. 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.
- B. Specific Prohibitions. No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
1. Pollutants which create a fire or explosive hazard in the POTW system, including, but not limited to waste streams with a closed-cup flash-point of less than 140 F (60 C) using the test methods specified in 40 CFR 261.21. At no time shall two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, be more than 16% nor any single reading over 16% of the lower explosive limit (LEL) of the meter.
 2. Any pollutants which will cause, but in no case discharges with a pH of less than 6.0 or more than 12.0, corrosive structural damage to the POTW or equipment, or endangering CCRWTF personnel.
 3. Solid or viscous substances which will or may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-quarter inch (1/4") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides,

fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, straw, shavings, grass clippings, rags, spent grains, spent hops waste, paper, wood, plastic, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, glass grinding, or polishing wastes.

4. Any pollutants, including oxygen demanding pollutants (BOD, etc.) released in a single extraordinary discharge episode of such volume or strength as to cause interference to the POTW.
5. Any wastewater having a temperature greater than 140 F (40 C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case heat in such quantity that it causes the temperature at the treatment plant to exceed 140 F (40 C).
6. Any petroleum oil, non-biodegradable cutting oil or products of mineral oil origin in amounts which causes interference or pass-through.
7. Any wastewater which causes a hazard to human life or creates a public nuisance in the opinion of the POTW. This includes any pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute or chronic worker health or safety problems.
8. Any trucked or hauled pollutants, except at discharge points designated by the CCRWTF in accordance with Section 30a-3.4 of this Ordinance.
9. Any noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are capable of creating a public nuisance or a hazard to life or are sufficient to prevent entry into the sewers for their maintenance and 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 the CCRWTF's 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 from the seasonably established norm for aquatic life.

11. Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the General Manager 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 General Manager.
13. Any sludges, screening, or other residues from the pretreatment of industrial wastes.
14. Any medical wastes, except as specifically authorized by General Manager in a wastewater discharge permit.
15. Any wastewater causing 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 wastes containing emulsifiers, enzymes, or bacteria for the specific purpose of eliminating solids and sludges from oil, grease, or sand separators.
18. 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 CCRWTF.

Categorical Pretreatment Standards

30a-2.2

The national categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated. When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the Control Authority or the Industrial User with the written concurrence of the Control Authority shall impose an alternate limit in accordance with 40 CFR 403.6(e).

State Pretreatment Requirements

30a-2.3

State of Utah Pretreatment Standards contained in the Utah Administrative Code R317-8-8 are hereby incorporated.

CCRWTF Local Limits

30a-2.4

The Superintendent, and/or General Manager is authorized to establish Local Limits pursuant to 40 CFR 403.5(c). The pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the limits as established and amended from time to time, and set forth in Section 4 of the Pretreatment Program.

Local limits apply at the point where the indirect discharge is introduced to the POTW before mixing with other wastewaters. All concentrations for metallic substances are for "total" metal unless indicated otherwise. In addition to, or in place of, concentration based limitations, the General Manager may impose mass limitations.

Cedar City Corporation's Right of Revision

30a-2.5

Cedar City Corporation reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in Section 30a-1.1 of this ordinance or the general and specific prohibitions in Section 30a-2.1 of this ordinance.

Special Agreement

30a-2.6

The CCRWTF 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 establishing that particular Pretreatment Standard. An industrial user requesting a variance must comply with the procedural and substantive provisions in 40 CFR 403.13.

Dilution

30a-2.7

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 General Manager 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.

SECTION 30a-3 - PRETREATMENT OF WASTEWATER

Pretreatment Operations

30a-3.1

- A. Industrial users shall provide wastewater treatment as needed to comply with this ordinance, and shall achieve compliance with all the prohibitions stated in Section 30a within the time limitations specified by the EPA, the State, or according to compliance schedules as specified by the General Manager -- whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the industrial user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the CCRWTF for review, and shall be acceptable to the CCRWTF before construction of the facility. The review of such plans and operating procedures shall in no way relieve the industrial user from the responsibility of modifying the facility as necessary to produce an acceptable discharge to the CCRWTF under the provisions of this ordinance.
- B. The General Manager may require industrial users to restrict their discharge during peak flow periods, designate certain wastewater be discharged only into specific sewers, relocate 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 ordinance.
- C. Grease, oil and sand interceptors, and or oil/water separators such as described by the International Plumbing Code, shall be provided when, in the opinion of the General Manager, they are necessary for the proper handling of wastewater containing liquid waste, floatable grease and oil, sand, or any flammable wastes; except that such interceptors shall not be required for, private living quarters, or dwelling units. All interceptor units shall be of type and capacity approved by the General Manager and shall be located as to be readily accessible for cleaning and inspection. In maintaining the

interceptor, and/or oil/water separator the owner or any other person as a tenant under any rental or lease agreement set forth by the owner, shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal, which are subject to review by the General Manager. Either or both parties may be held responsible for compliance with the provisions of this ordinance. A currently licensed waste disposal firm must perform any removal, and hauling of the collected material. Such interceptors shall be inspected and cleaned regularly at the owner's expense.

- D. All grease, oil and sand interceptors, and/or oil/water separators 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, when bolted in place, shall be gas and water tight.
- E. The installation of grease traps on all new source commercial or industrial establishments, in lieu of the installation of a certified grease interceptor, will be strictly prohibited under any circumstances.
- F. All new source commercial structures, strip malls, multi-tenant planned-occupied, or planned-un-occupied buildings will be required to install independent 6-inch wastewater discharge lines stubbed out within each designated future food establishment unit.

If a new source commercial structure, strip mall, or multi-tenant building has planned occupancy by one or more businesses approved through the General Manager to not need a grease interceptor and the owner of such strip mall, or multi-tenant structure does not facilitate the installation of independent 6-inch wastewater discharge lines then no future food establishments shall be permitted.

Independent unit discharge lines will have designation to future grease interceptor location of which will be sized, and/or verified by the General Manager. The Grease Interceptor shall be sized depending on future tenant occupancy of the strip mall, and/or multi-tenant occupied building. Sizing of grease interceptor will be based on type of business, food establishment, etc.

- G. Regardless of the sizing method used, design shall comply with the effluent temperature range. The calculations for future grease interceptor capacity will be based on available tenant space, and/or flow through retention time. All related outsourced grease interceptor calculations are subject to review and approval by the General Manager, who will have the final decision on pumping frequency for all existing, and new source

grease, oil, and sand interceptors. All 6-inch lines will be placed according to the engineering calculations, which will be sized and/or verified by the General Manager.

- H. Where a new source strip mall, multi-tenant building is planned-un-occupied, and the owner of such strip mall, or multi-tenant structure does not facilitate the installation of independent 6-inch wastewater lines to be designated for future food establishments, then no future food establishments shall be permitted.
- I. For existing commercial kitchens without grease traps or interceptors, the General Manager may require the installation of a new grease, oil, and sand interceptor that fully complies with this ordinance, or to modify, replace, or repair any noncompliant plumbing or existing grease trap or interceptor upon notice to the food establishment, and (or) commercial kitchen facility that one (1) or more of the following conditions exist:
 - (1) The facility is found to be contributing fats, oils or grease in quantities sufficient to cause sewer line stoppages or to necessitate increased maintenance on the wastewater collection system; or
 - (2) Changes are made to the menu or kitchen equipment that, in the opinion of the General Manager, threatens to contribute fats, oils, or grease in quantities sufficient to cause line stoppages or necessitate increased maintenance on the wastewater collection system.
- J. Grease interceptors shall be required of all new source commercial or industrial establishments upon construction where deemed necessary. Any existing food establishment will be reviewed to determine if existing mechanical, building, plumbing and electrical systems will require upgrading. Any new kitchen, which shall meet the definition of a “food establishment”, shall meet all the mechanical, building, plumbing and electrical requirements for a commercial kitchen.
- K. All existing commercial or industrial establishments shall have one year upon notification from the CCRWTF to install a grease interceptor where required.
- L. Industrial users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.
- M. At no time shall two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, be more than 10%

nor any single reading over 20% of the lower explosive limit (LEL) of the meter.

Slug Load Control Plans

30a-3.2

The General Manager may require any industrial user to develop and implement a slug control plan. At least once every two years the General Manager shall evaluate whether each significant industrial user needs such a plan. Any industrial user required to develop and implement a slug control plan shall submit a plan which addresses, at a minimum, the following:

- A. Description of discharge practices, including non-routine batch discharges.
- B. Type and quantity of stored chemicals.
- C. Procedures for immediately notifying the POTW 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 30a-2 of this ordinance.
- D. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to,
 - Inspection and maintenance of storage areas,
 - Handling and transfer of materials, loading and unloading operations,
 - Control of plant site run-off,
 - Worker training,
 - Building of containment structures or equipment,
 - Measures for containing toxic organic pollutants (including solvents), and/or
 - Measures and equipment for emergency response.

Tenant Responsibility

30a-3.3

Where an owner of property leases premises to any other person as a tenant under any rental or lease agreement, if either the owner or the tenant is an industrial, and /or commercial user as determined by the General Manager, either or both may be held responsible for compliance with the provisions of this ordinance. It shall be the duty of every property owner, and/or person as a tenant under any rental or lease agreement whom contracts, and/or performs work for the installation or repair of building, structure, mechanical or plumbing systems, for which this ordinance is applicable, to comply with this ordinance and to ensure

all subcontracts under them also comply with this ordinance to include obtaining the required permits and ensuring the required inspections are completed.

Hauled Wastewater

30a-3.4

- A. Septic tank waste may be accepted into the POTW at a designated receiving structure within the treatment plant area, and at such times as are established by the General Manager, provided such wastes do not violate Section 30a-2 of this ordinance or any other requirements established or adopted by the CCRWTF. Wastewater discharge permits for individual vehicles to use such facilities shall be issued by the General Manager.
- B. The discharge of hauled industrial wastes as "industrial septage" requires prior approval and a hauler wastewater discharge permit from the CCRWTF. The General Manager shall have authority to prohibit the disposal of such wastes, if such disposal would interfere with the treatment plant operation or violate Section 30a-2 of this ordinance. Waste haulers are subject to all other sections of this ordinance.
- C. Fees for dumping septage will be established as part of the industrial user fee system as authorized in Section 30a-15 of this ordinance.

Vandalism

30a-3.5

No person shall maliciously, wilfully or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or equipment, or other part of the POTW. Any person found in violation of this requirement shall be subject to the sanctions set out in Sections 30a-10 thru 30a-12 of this ordinance.

SECTION 30a-4 - WASTEWATER DISCHARGE PERMIT APPLICATION

Industrial Waste Survey

30a-4.1

When requested the by General Manager any or all industrial users must submit information on the nature and characteristics of their wastewater by completing a questionnaire and a baseline monitoring report prior to commencing discharge. The questionnaire and BMR will include the information as stated in section 4.2 and additional information as needed to determine compliance with this ordinance and any applicable Pretreatment Standards. The General Manager is authorized to prepare a form(s) (see Part 3A of Pretreatment Program) for this purpose and may periodically require industrial users to update the survey or baseline monitoring report. Failure to complete this application questionnaire and return to the

CCRWTF within (90) days of the request shall be reasonable grounds for IU permit revocation or terminating service to the industrial user and shall be considered a violation of the ordinance.

Application Questionnaire Contents

30a-4.2

The General Manager shall approve a form to be used as a permit application. In order to be considered for a wastewater discharge permit, all industrial users required to have a wastewater discharge permit must submit the following information:

- A. Identifying Information: The name and address of the facility including the name of the operator and owners.
- B. Hours of Operation: Number and type of employees, hours of operation, either proposed or actual hours.
- C. Permits: A list of any environmental control permits held by or for the facility.
- D. Description of Operations: A description of the activities, facilities and processes on the premises, average rate of production, and standard industrial Classifications of the operation(s) carried out by the industrial user. This description should include a schematic process diagram which indicates all points of discharge to the POTW from the regulated processes.
- E. Facility Plans: The 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.
- F. Raw Materials: Type and amount of raw materials processes (average and maximum per day) and chemicals used or stored at the facility.
- G. Products: Each product produced by type, amount, process or processes, and rate of production.
- H. Pretreatment Standards: Identify the categorical Pretreatment Standards applicable to each regulated process.
- I. Pollutants: Submit the results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the standard or by the CCRWTF) 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 Section 30a-6.

- J. Flow Measurement: Time, duration and quantity of discharge. In addition, measured average daily and maximum daily flow, in gallons per day, to the POTW from each waste stream, as necessary to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).
- K. 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 in accordance with section 30a-4.3 below. If not, state whether additional O & M and/or additional pretreatment is required to meet the Pretreatment Standards and requirements.
- L. Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards; the shortest schedule by which the industrial user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard.
- M. Additional Information: Any other information as may be deemed necessary by the General Manager to evaluate the wastewater discharge permit application.

Incomplete or inaccurate applications will not be processed and shall be returned to the industrial user for revision. Should any of the information requested or supplied be considered by the industrial user to be of a confidential nature, the industrial user should request confidential status in accordance with Section 30a-8 of this Ordinance.

Certification

30a-4.3

All wastewater discharge permit applications, user reports, and/or Non Permitted Industrial Users Reports shall contain the following certification statement and be signed by an authorized representative of the user.

"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."

General Manager Evaluation

30a-4.4

The General Manager will evaluate the data furnished by the industrial user and may require additional information. Within Thirty (30) days of receipt of a complete wastewater discharge permit application, the General Manager will determine whether or not to issue a wastewater discharge permit. The General Manager may deny for cause any application for a wastewater discharge permit. The basis for denial shall be provided to the industrial user.

SECTION 30a-5 - WASTEWATER DISCHARGE PERMIT

Wastewater Discharge Permit Requirement

30a-5.1

- A. It shall be unlawful for any significant industrial user to discharge wastewater into the CCRWTF's POTW without first obtaining a wastewater discharge permit from the General Manager. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in Sections 30a-10 thru 30a-12. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or requirements nor with any other requirements of Federal, State or local law.
- B. Within either 180 days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a categorical determination under 40 CFR 403.6(a)(4), whichever is later, existing significant industrial users subject to such categorical Pretreatment Standards, and currently discharging to or scheduled to discharge to the POTW, shall be required to obtain a wastewater discharge permit.
- C. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical or significant industrial users subsequent to the issuance of this Ordinance, shall be required to submit to the CCRWTF an application for a wastewater discharge permit. A new source shall also be required to report the method of pretreatment it intends to use to meet applicable Pretreatment Standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged.
- D. The General Manager may require other industrial users, including liquid waste haulers, to obtain wastewater discharge permits as necessary to carry out the purposes of this ordinance.

30a-5.2

Connections

- A. Existing: Any significant industrial user which has an indirect discharge into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within 60 days after said date, apply to the CCRWTF for a wastewater discharge permit in accordance with Sections 30a-4.2 and 30a-4.3, and shall not cause or allow discharges to the POTW to continue after 30 days of the effective date of this ordinance, except in accordance with a wastewater discharge permit issued by the General Manager.

- B. New: Any significant industrial user proposing to begin or recommence discharging industrial wastes into the POTW must obtain a wastewater discharge permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit must be filed at least 90 days prior to the date upon which any discharge will begin. The CCRWTF has the right to place conditions on new or increased contributions from existing users.

- C. Extra-jurisdictional
 - 1. Any existing significant industrial user located outside the CCRWTF boundaries shall submit a wastewater discharge permit application, in accordance with Sections 30a-4.2 and 30a-4.3, within 60 days of the effective date of this ordinance. New significant industrial users located beyond the CCRWTF limits shall submit such applications to the General Manager 90 days prior to any proposed discharge into the POTW.

 - 2. Alternately, the General Manager may enter into an agreement with the neighboring jurisdiction in which the significant industrial user is located to provide for the implementation and enforcement of pretreatment program requirements against said industrial user.

30a-5.3

Contents

Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the General Manager to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, protect ambient air quality, and protect against damage to the POTW.

- A. Wastewater discharge permits shall contain the following conditions:
1. A statement that indicates wastewater discharge permit duration, which in no event shall exceed 5 years.
 2. A statement that the wastewater discharge permit is nontransferable without prior notification to and approval from the CCRWTF, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit.
 3. Effluent limits, including Best Management Practices, based on applicable general Pretreatment Standards in part 403 of the Code of Federal Regulations, categorical Pretreatment Standards, local limits, and State and local law.
 4. Self monitoring, sampling, reporting criteria, notification of potential problems and noncompliance, and record keeping and retention requirements. These requirements shall include an identification of pollutants to be monitored, exact sampling location, sampling frequency, re-sampling conditions and sample type based on Federal, State, and local law.
 5. Statement of applicable civil, criminal, 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.
 6. A statement that the wastewater discharge permit may be revoked upon violation of the terms and conditions of the permit as stated in section 30a-5.7 of this ordinance.
 7. A statement that grants the General Manager the right of entry into all industrial user properties, facilities, buildings, etc. when wastewater is known or expected to be generated and/or discharged.
 8. A statement that compliance with the 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 wastewater discharge permit.
 9. Requirements to control Slug Discharge, if determined by the Control Authority or the Industrial User with the written concurrence of the Control Authority to be necessary

- B. Wastewater discharge permits may contain, but need not be limited to, the following:
1. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization.
 2. Limits on the instantaneous, daily and monthly average and/or maximum concentration, mass, or other measure of identified wastewater pollutants or properties.
 3. A compliance schedule for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.
 4. Development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine discharges.
 5. Development and implementation of waste minimization or pollution prevention plans to reduce the amount of pollutants discharged to the POTW.
 6. The unit charge or schedule of industrial user charges and fees for the management of the wastewater discharged to the POTW.
 7. Requirements for installation and maintenance of inspection and sampling facilities and equipment.
 8. Other conditions as deemed appropriate by the General Manager to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

Modification

30a-5.4

The General Manager may modify the wastewater discharge permit for good cause including, but not limited to, the following:

- A. To incorporate any new or revised Federal, State, or local Pretreatment Standards or requirement.

- B. To address significant alterations or additions to the industrial user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance.
- C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.
- D. Information indicating that the permitted discharge poses a threat to the CCRWTF's POTW, CCRWTF personnel, or the receiving waters.
- E. Violation of any terms or conditions of the wastewater discharge permit.
- F. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting.
- G. Revision of or a grant of variance from categorical Pretreatment Standards pursuant to 40 CFR 403.13.
- H. To correct typographical or other errors in the wastewater discharge permit.
- I. To reflect a transfer of the facility ownership and/or operation to a new owner/operator.

The filing of a request by the permittee for a wastewater discharge permit modification does not stay any wastewater discharge permit condition.

Duration

30a-5.5

- A. Expiration: Wastewater discharge permits shall be issued for a specified time period, not to exceed five (5) years. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the General Manager. Each wastewater discharge permit will indicate a specific date upon which it will expire.
- B. Reissuance: A significant industrial user shall apply for wastewater discharge permit reissuance by submitting a complete wastewater discharge permit application in accordance with Section 4 a minimum of 60 days prior to the expiration of the industrial user's existing wastewater discharge permit.
- C. Transfer: Wastewater discharge permits may be reassigned or transferred to a new owner and/or operator only if the permittee gives at least 30 days advance notice to the General Manager and the General Manager approves the wastewater discharge permit transfer. The notice to the General Manager must include a written certification by the new owner and/or operator which:

1. States that the new owner and/or operator has no immediate intent to change facility's operations and processes.
2. Identifies the specific date on which the transfer is to occur.
3. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit voidable on the date of facility transfer.

Wastewater Discharge Permit Appeals

30a-5.6

Any person, including the industrial user, may petition the CCRWTF to reconsider the terms of a wastewater discharge permit within 15 days of its issuance.

- A. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- B. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
- C. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
- D. If the CCRWTF fails to act within 15 days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit, shall be considered final administrative action for purposes of judicial review.
- E. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the 5th Judicial District Court in and for Iron County, State of Utah.

Revocation

30a-5.7

Wastewater discharge permits may be revoked for the following reasons:

- A. Failure to notify the CCRWTF of significant changes to the wastewater prior to the changed discharge.
- B. Failure to provide prior notification to the CCRWTF of changed condition pursuant to Section 30a-6.5 of this ordinance.
- C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application.
- D. Falsifying self-monitoring reports.
- E. Tampering with monitoring equipment.
- F. Refusing to allow the CCRWTF timely access to the facility premises and records.
- G. Failure to meet effluent limitations.
- H. Failure to pay fines.
- I. Failure to pay sewer charges.
- J. Failure to meet compliance schedules.
- K. Failure to complete a wastewater survey or the wastewater discharge permit application.
- L. Failure to provide advance notice of the transfer of a permitted facility.
- M. Violation of any Pretreatment Standard or requirement, or any terms of the wastewater discharge permit or the ordinance.

Wastewater discharge permits shall be voidable upon non-operation of permitted facility, cessation of operations, or transfer of business ownership.

SECTION 30a-6 - REPORTING REQUIREMENTS

All reports shall be accompanied by a certification statement, and be signed by an authorized representative of the industrial user as stated in 30a4.3

Baseline Monitoring Reports (BMR)

30a-6.1

- A. The General Manager may require the submission of additional, more current BMRs from time to time from an industrial user. Revised BMRs should use historical data where the data provides information sufficient to determine the need for additional industrial pretreatment measures.
- B. The BMR shall indicate the time, date, and location of all sampling provided, methods of analysis, and shall certify that the sampling and analysis is representative of the normal work cycles and expected pollutant discharges to the POTW. All baseline monitoring reports must be signed and certified in accordance with Section 30a-4.3.
- C. If the General Manager determines that a BMR is needed the information as stated in 4.2 must be submitted as well as any additional information required by the General Manager to determine compliance with this ordinance as well as the information provided below:
 - 1. Samples should be taken 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;
 - 2. Sampling and analysis shall be performed in accordance with section 30a7.2 of this ordinance.

Compliance Schedule Progress Report

30a-6.2

The following conditions shall apply to the compliance schedule required by the Wastewater Discharge Permit Application Section 30a-4.2(L). 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). No increment referred to above shall exceed nine (9) months. The industrial user shall submit a progress report to the General Manager no later than 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. In no event shall more than nine (9) months elapse between such progress reports to the General Manager.

Categorical Pretreatment Standard Compliance Report

30a-6.3

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 CCRWTF a report containing flow measurement, sampling, and analysis of pollutants regulated in the industrial users wastewater discharge permit. For categorical industrial users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the categorical industrial user's long term production rate. For all other industrial users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the industrial user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 30a-4.3.

Periodic Compliance Report

30a-6.4

- A. Any significant industrial user subject to a Pretreatment Standard shall, at a frequency determined by the General Manager but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by such Pretreatment Standards, the measured or estimated average, and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified accordance with Section 30a-4.3. In cases where the Pretreatment Standard requires compliance with Best Management Practice (BMP) or pollution prevention alternative, the user must submit documentation required by the General Manager or the Pretreatment Standard necessary to determine the compliance status of the user.
- B. All wastewater samples must be representative of the industrial user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. Failure of an industrial user to keep its monitoring facility in good working order shall not be grounds for the industrial user to claim that sample results are not representative of its discharge.

- C. If an industrial user, subject to the reporting requirement in and of this Section, monitors any pollutant more frequently than required by the POTW, using the procedures prescribed in Section 30a-7.2 of this ordinance, the monitoring results shall be included in the report.

Changed Conditions Report

30a-6.5

Each industrial user is required to notify the General Manager of any planned changes to the industrial user's operations or system which might alter the nature, quality or volume of its wastewater at least 30 days before the change.

- A. The General Manager may require the industrial user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 30a-4.
- B. The General Manager may issue a wastewater discharge permit under Section 30a-4.4 or modify an existing wastewater discharge permit under Section 30a-5.4.
- C. No industrial user shall implement the planned changed condition(s) until and unless the General Manager has approved the industrial user's change.
- D. For purposes of this requirement, flow increases of ten percent (10%) or greater, and the discharge of any previously unreported pollutants, shall require a changed condition report.

Report of Potential Problem

30a-6.6

- A. 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, or a slug load which may cause potential problems for the POTW (including a violation of the prohibited discharge standards in Section 30a-2.1 of this ordinance), it is the responsibility of the industrial user to immediately telephone and notify the General Manager, or his designee of the incident. This notification shall include the location of discharge, type of waste, concentration and volume, if known, and corrective actions taken by the industrial user.
- B. Within five (5) days following such discharge, the industrial user shall, unless waived by the General Manager, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the industrial user to prevent similar future occurrences. Such notification shall not relieve

the industrial user 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; nor shall such notification relieve the industrial user of any fines, civil penalties, or other liability which may be imposed by this ordinance.

- C. Failure to notify the CCRWTF of potential problem discharges shall be deemed a separate violation of this ordinance.
- D. A notice shall be permanently posted on the industrial user's bulletin board or other prominent place advising employees whom 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.
- E. Significant Industrial Users are required to notify the Superintendent, and/or General Manager immediately of any changes at its facility affecting the potential for a Slug Discharge.

Non Permitted Industrial Users Reports

30a-6.7

All industrial users not subject to categorical Pretreatment Standards, not classified as a CIU or SIU, and not required to obtain a wastewater discharge permit shall provide appropriate reports to the CCRWTF as the General Manager may require.

Repeat Sampling Report

30a-6.8

If sampling performed by an industrial user indicates a violation, the industrial user must notify the CCRWTF within 24 hours of becoming aware of the violation. The industrial user shall also repeat the sampling and analysis within 30 days after becoming aware of the violation and submit the results of the repeat analysis to the CCRWTF. The industrial user is not required to re-sample if the POTW performs monitoring at the industrial user's at least once a month, or if the POTW performs sampling between the industrial user's initial sampling and when the industrial user receives the results of this sampling. Upon the POTW conducting a sample of the industrial users, and analytical results of the POTW's sample indicates a violation of the industrial users permit, the POTW can require the industrial user to conduct a resample.

30a-6.9

Hazardous Waste Discharge Notification

- A. 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 10 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 30 days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under Section 30a-6.5, above. The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of sections 30a-6.1, 6.3, and 6.4, above.
- B. Dischargers are exempt from the requirements of paragraph (1) of this section during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification.
- C. In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the POTW, the EPA Regional Waste Management Waste Division Director, and State Department of Environmental Quality, Division of Solid and Hazardous Waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.
- D. In the case of any notification made under this section, the industrial user shall certify that it has a program in place to reduce the volume and toxicity

of hazardous wastes generated to the degree it has determined to be economically practical.

Timing

30a-6.10

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the U.S. Postal Service, the date of receipt of the report shall govern.

Record Keeping

30a-6.11

Industrial users shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with Best Management Practices. These 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 three (3) years. This period shall be automatically extended for the duration of any enforcement action concerning compliance with this ordinance, or where the industrial user has been specifically notified of a longer retention period by the General Manager.

SECTION 30a-7 - COMPLIANCE MONITORING

Inspection

30a-7.1

- A. Right to Enter: The CCRWTF shall have the right to enter the facilities of any industrial user to ascertain whether the purpose of this ordinance, and any permit or order issued hereunder, is being met and whether the industrial user is complying with all requirements thereof. Industrial users shall allow the General Manager or his representatives 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 an industrial user has security measures in force which require proper identification and clearance before entry into its premises, the industrial user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, personnel from the CCRWTF, state,

and EPA will be permitted to enter without delay, for the purposes of performing their specific responsibilities.

- B. Search Warrants: If the General Manager has been refused access to a building, structure or property or any part thereof, and if the General Manager has demonstrated probable cause to believe that there may be a violation of this ordinance or that there is a need to inspect as part of a routine inspection program designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then upon application by the CCRWTF Attorney, the District Court Judge of Iron County shall issue a search and/or seizure warrant describing therein the specific location subject to the warrant. The warrant shall specify what, if anything, may be searched and/or seized on the property described. Such warrant shall be served at reasonable hours by the General Manager in the company of a uniformed officer of Cedar City or Iron County. In the event of an emergency affecting public health and safety, inspections shall be made without the issuance of a warrant.

Monitoring

30a-7.2

- A. Sample Collection: Samples for oil and grease, temperature, pH, cyanide, phenols, toxicity, sulfides, and volatile organic chemicals must be obtained using grab collection techniques. All other wastewater samples shall be collected using 24-hour flow proportional composite sampling procedures. In the event flow proportional sampling is infeasible, the General Manager may authorize the use of time proportional sampling, or 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 does not exist; for facilities for which historical sampling data are available, the General Manager may authorize a lower minimum. 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. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
- B. Monitoring Equipment: The CCRWTF, State, and EPA shall have the right to set up on the industrial user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

The CCRWTF may require the industrial 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 industrial user at its own expense. All devices used to measure

wastewater flow and quality shall be calibrated weekly to ensure their accuracy.

- C: Analytical Requirements: All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or for any of the reports required in Section 6 shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, 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, sampling and analyses must be performed in accordance with procedures approved by the EPA. Multiple grab samples collected during a 24-hour period may be composited prior to the analyses as follows: for cyanide, total phenols, and sulfides, the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composited samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the General Manager as appropriate. =
- D. Determination of Noncompliance: The General Manager may use a grab sample(s) to determine noncompliance with Pretreatment Standards. The decision to use this method is at the discretion of the General Manager and would not be announced in advance to the industrial user.

Obstructions and Delays

30a-7.3

- A. Any temporary or permanent obstruction to safe and easy access to the industrial facility to be inspected and/or sampled shall be promptly removed by the industrial user at the written or verbal request of the General Manager and shall not be replaced. The costs of clearing such access shall be born by the industrial user.
- B. Delays in allowing CCRWTF personnel access to the industrial user's premises shall be a violation of this ordinance.

SECTION 30a-8 - CONFIDENTIAL INFORMATION

Information and data on an industrial user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from CCRWTF inspection and sampling activities, shall be available to the public without restriction unless the industrial user specifically requests, and is able to demonstrate to the satisfaction of the CCRWTF, that the release of such information would divulge information,

processes or methods of production entitled to protection as trade secrets under applicable State law. When requested and demonstrated by the industrial 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 to 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. The CCRWTF will provide a secure facility to maintain documentation considered confidential.

SECTION 30a-9 - ANNUAL PUBLICATION

Requirement to Publish

30a-9.1

The CCRWTF shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the industrial users which, during the previous 12 months, were in significant noncompliance with applicable Pretreatment Standards and requirements.

Significant Noncompliance

30a-9.2

The term significant noncompliance shall mean:

- A. Chronic Violations: Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken during a 6-month period exceed a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined in 30a-1.3 DD., for the same pollutant parameter by any amount;
- B. TRC Violations: Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all the measurements taken for the same pollutant parameter during a 6-month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined in 30a-1.3 DD. multiplied by the applicable criteria [1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH];
- C. Discharge Violations: Any other violation of a Pretreatment Standard or Requirement as defined in 30a-1.3 DD. (daily maximum, long-term average, instantaneous limit or narrative Standard) that the CCRWTF determines has

caused, alone or in combination with other discharges, interference or pass through (including endangering the health of CCRWTF personnel or the general public);

- D. Endangerment: Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the CCRWTF's exercise of its emergency authority to halt or prevent such a discharge;
- E. Failure to Comply: Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to Report: Failure to provide within 30 days after the due date, any required reports, including baseline monitoring reports, 90 day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance;
- H. Other Violations: Any other violation or group of violations, which may include a violation of Best Management Practices, which the CCRWTF determines will adversely affect the operation or implementation of the local pretreatment program.

SECTION 30a-10 - ADMINISTRATIVE ENFORCEMENT REMEDIES

Notification of Violation

30a-10.1

Whenever the General Manager finds that any user has violated or is violating this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment requirement, the General Manager or his agent may serve upon said user a written Notice of Violation. Such written notice shall be served in person or by certified mail where a receipt is obtained. Within thirty (30) days of the receipt of this 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 General Manager. Submission of this 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 CCRWTF to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

Consent Orders

30a-10.2

The General Manager is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such orders will include specific action to be taken by the order. Consent Orders shall have the same force and effect as administrative orders issued pursuant to Sections 30a-10.4 and 30a-10.5 below and shall be judicially enforceable.

Show Cause Hearing

30a-10.3

The General Manager may order any user which causes or contributes to violation(s) of this ordinance, wastewater discharge permits, or orders issued hereunder, or any other Pretreatment Standard or requirement, to appear before the General Manager and show cause why a 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 this proposed enforcement action should not be taken. Such written notice shall be served in person or by certified mail where a receipt is obtained. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least seven (7) days prior to the hearing. Such notice may be served on any authorized representative of the user. Whether or not the user appears as ordered, immediate enforcement action may be pursued following the hearing date. A show cause hearing shall not be a prerequisite for taking any other actions against the user.

Compliance Orders

30a-10.4

When the General Manager finds that a user has violated or continues to violate the ordinance, wastewater discharge permits, or orders issued hereunder, or any other Pretreatment Standard or requirement, he may issue an order to the user responsible for the discharge directing that the user come into compliance within thirty (30) days. If the user does not come into compliance within thirty (30) days, sewer service may be discontinued. Compliance orders may also 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, and/or schedule can be initiated by the control authority for the installation of technology required to meet applicable Pretreatment Standards and Requirements; a compliance order may not extend the deadline for compliance established for a Federal Pretreatment Standard or requirement, nor does a compliance order release the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a prerequisite to taking any other action against the user.

Cease and Desist Orders

30a-10.5

When the General Manager finds that a user is violating this ordinance, the user's wastewater discharge permit, any order issued hereunder, or any other Pretreatment Standard or requirement, or that the user's past violations are likely to recur, the General Manager may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- A. Immediately comply with all requirements.
- B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a prerequisite to taking any other action against the user.

Administrative Fines

30a-10.6

- A. Notwithstanding any other section of this ordinance, any user found to have violated any provision of this ordinance, its wastewater discharge permit, and orders issued hereunder, or any other Pretreatment Standard or requirement may be fined in an amount not to exceed \$1,000. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation. The CCRWTF may add the costs of preparing administrative enforcement actions such as notices and orders to the fine.
- B. Assessments may be added to the user's next scheduled sewer service charge and the General Manager shall have such other collection remedies as may be available for other service charges and fees.
- C. Unpaid charges, fines, and penalties shall, after sixty (60) calendar days, be assessed an additional penalty of ten (10) percent of the unpaid balance and interest shall accrue thereafter at a rate of 1% per month. A lien against the individual user's property will be sought for unpaid charges, fines, and penalties.
- D. Users desiring to dispute such fines must file a written request for the General Manager to reconsider the fine along with full payment of the fine amount within thirty (30) days of being notified of the fine. Where a request has merit, the General Manager shall convene a hearing on the matter within fourteen (14) days of receiving the request from the industrial user. In the

event the user's appeal is successful, the payment together with any interest accruing thereto shall be returned to the industrial user.

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

Emergency Suspensions

30a-10.7

The General Manager may immediately suspend a user's discharge (after informal notice to the user) whenever such suspension is necessary in order 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 any people. The General Manager may also 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.

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 General Manager shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, contamination of sludge, or endangerment to any individuals. The General Manager shall allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the CCRWTF that the period of endangerment has passed, unless the termination proceedings set forth in Section 30a-10.8 is initiated against the user.

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 General Manager, prior to the date of any show cause or termination of discharge hearing under Sections 30a-10.3 and 30a-10.8.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

Termination of Discharge

30a-10.8

In concert with the wastewater discharge permit revocation provisions in Section 30a-5.7 of this ordinance, any user that violates any of the following conditions of this ordinance, wastewater discharge permits, or orders issued hereunder, is subject to discharge termination.

- A. Violation of wastewater discharge permit conditions.

- B. Failure to accurately report the wastewater constituents and characteristics of its discharge.
- C. Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge.
- D. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling.
- E. Violation of the standards in Section 30a-2 of this ordinance.

The Industrial user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 30a-10.3 of this ordinance why the proposed action should not be taken.

SECTION 30a-11 - JUDICIAL ENFORCEMENT REMEDIES

Injunctive Relief

30a-11.1

Whenever a user has violated a Pretreatment Standard or requirement or continues to violate the provisions of this ordinance, wastewater discharge permits or orders issued hereunder, or any other pretreatment requirement, the General Manager may petition the 5th Judicial District Court in and for Iron County, State of Utah through the CCRWTF's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the industrial user. In addition, the CCRWTF may recover reasonable attorney's fees, court costs, and other expenses of litigation by appropriate legal action against the user found to have violated any provision herein, or any other rules, regulations, permits, or agreements issued herein. Such other action as appropriate for legal and/or equitable relief may also be sought by the CCRWTF. A petition for injunctive relief need not be filed as a prerequisite to taking any other action against a user.

Civil Fine Pass Through Recovery

30a-11.2

In the event that an industrial user discharges such pollutants which cause the CCRWTF to violate any conditions of its UPDES Permit and the CCRWTF 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 the CCRWTF by EPA or the State of Utah and administrative costs incurred.

Referral to State of Utah for Action

30a-11.3

The CCRWTF will refer to the State of Utah criminal violations of any Pretreatment Standards or permit conditions. The Attorney General's office for Utah will offer the city wherein the violation occurred the option to prosecute the violator. Should the local entity decline, the State, at its discretion, may initiate appropriate criminal action. The CCRWTF will assist the Attorney General's office any way it can with appropriate support for the action taken.

Nonexclusive Remedies

30a-11.4

The provisions in Sections 30a-9-12 are not exclusive remedies. The CCRWTF reserves the right to take any, all, or any combination of these actions against a non-compliant user. Enforcement of pretreatment violations will generally be in accordance with the CCRWTF's enforcement response plan. However, the CCRWTF reserves the right to take other action against any user when the circumstances warrant. Further, the CCRWTF is empowered to take more than one enforcement action against any non-compliant user. These actions may be taken concurrently.

SECTION 30a-12 - SUPPLEMENTAL ENFORCEMENT ACTION

Performance Bonds

30a-12.1

The General Manager may decline to reissue a wastewater discharge permit to any user which has failed to comply with the provisions of this ordinance, any orders, or a previous wastewater discharge permit issued hereunder, unless such user first files a satisfactory bond, payable to the CCRWTF, in a sum not to exceed a value determined by the General Manager to be necessary to achieve consistent compliance.

Liability Insurance

30a-12.2

The General Manager may decline to reissue a wastewater discharge permit to any user which has failed to comply with the provisions of this 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.

Water Supply Severance

30a-12.3

Whenever a user has violated or continues to violate the provisions of this ordinance, orders, or wastewater discharge permits 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.

Public Nuisances

30a-12.4

Any violation of this ordinance, wastewater discharge permits, or orders issued hereunder, is hereby declared a public nuisance and shall be corrected or abated as directed by the General Manager or his designee. Any person(s) creating a public nuisance shall be subject to the provisions of the Cedar City Ordinance, Chapter 25 governing such nuisances, including reimbursing the City for any costs incurred in removing, abating or remedying said nuisance.

SECTION 30a-13 - AFFIRMATIVE DEFENSES

Upset

30a-13.1

- A. For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the industrial 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.
- B. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical Pretreatment Standards if the requirements of paragraph (30a-13.1C) are met.
- C. An industrial user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 1. An upset occurred and the industrial 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 compliance with applicable operation and maintenance procedures;
 3. The industrial user has submitted the following information to the POTW and treatment plant operator within 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.
- D. In any enforcement proceeding, the industrial user seeking to establish the occurrence of an upset shall have the burden of proof.
- E. Industrial users will have the opportunity for a judicial determination on any claim of upset in an enforcement action brought for noncompliance with categorical Pretreatment Standards.
- F. The industrial 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.

General/Specific Prohibitions

30a-13.2

An industrial user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general and specific prohibitions in Section 30a-2.1 of this ordinance if it can prove that it did not know or have reason to know that its discharge, along or in conjunction with discharges from other sources, would cause pass through or interference and that either: (a) a local limit exists for each pollutant discharged and the industrial user was in compliance with each limit directly prior to, and during, the pass through or interference, or (b) no local limit exists, but the prior discharge when the CCRWTF was regularly in compliance with its UPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

30a-13.3

Bypass

- A. (1) "Bypass" means the intentional diversion of waste streams from any
- (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- B. An industrial user may allow any bypass to occur which does not cause Pretreatment Standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (C) and (D) of this section.
- C. (1) If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the POTW, at least ten days before the date of the bypass if possible.
- (2) An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable Pretreatment Standards to the POTW within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within 5 days of the time that the industrial 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 POTW may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
- D. (1) Bypass is prohibited, and the POTW may take enforcement action against an industrial user for a bypass, unless;
 - (i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal

periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

- (iii) The industrial user submitted notices as required under paragraph (C) of this section.
- (2) The POTW may approve an anticipated bypass, after considering its adverse effects, if the POTW determines that it will meet the three conditions listed in paragraph (D)(1) of this section.

SECTION 30a-14 - USER FEES

User fees should be assessed whenever there is a need to recover the cost of treating wastewater. These fee calculations are found in Addendum A of this Ordinance.

SECTION 30a-15 - MISCELLANEOUS PROVISIONS

Pretreatment Fees

30a-15.1

The CCRWTF may impose fees that may include, but not limited to, the following:

- (A) Fees for all costs, including maintenance and operation;
- (B) Fees for reimbursement of costs of setting up and operating the Pretreatment Program;
- (C) Fees for monitoring, inspections, and surveillance procedures to include, but not limited to, laboratory analysis;
- (D) Fees for reviewing accidental discharge procedures and construction;
- (E) Fees for permit applications;
- (F) Fees for filing appeals;
- (G) Fees for consistent removal (by the POTW) of pollutants otherwise subject to Federal Pretreatment Standards;

- (H) Fees for connection;
 - (I) Fees for repairs and disconnection;
 - (J) Fees for inspections and surveys;
 - (K) Fees for development and expansion;
- Other fees as the CCRWTF may deem necessary.

30a-15.2 **Severability**

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

30a-15.3 **Conflicts**

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

SECTION 30a-16 - EFFECTIVE DATE

This ordinance shall be in full force and effect immediately following its passage, approval and publication, as provided by law.