

June 24, 2011

Re: Legal Authority for the Salt Lake City Wastewater Pretreatment Program

To Whom it May Concern:

This office provides legal council to Salt Lake City Corporation (the "City"). I hereby submit the following statement pursuant to the requirements contained in Chapter R317-8-8.9(2)(a), Utah Administrative Code (U.A.C.) and 40 CFR Part 403.9(b)(1) regarding legal authority for the City to implement the amended portions of its municipal code that concerns the Salt Lake City Wastewater Pretreatment Program. Pursuant to this authority and its powers under Utah law, the City Council is in the process of adopting the Ordinance which sets forth the terms and conditions upon which industrial users may connect to the City's sewer system.

It is my opinion that the City has adequate authority to carry out the program described in the Clean Water Act (33 USC 1251 et seq), 40 CFR Part 403 and Rule R317-8-8.8, U.A.C., based upon authority granted to it under state law, and as more specifically set forth in the City municipal code Title 17, Chapters 32 through 69 (the "Ordinance").

The provisions of the legal authority under 40 CFR Section 403.8(f)(1) that provide the basis for each procedure under 40 CFR Section 403.8(f)(2) include the following Chapters under the City's municipal code: (A) Chapter 17.32, which provides general purpose statements and definitions for the POTW to regulate the collection of wastewater and treatment thereof; (B) Chapter 17.36, which establishes the terms and conditions for the POTW to implement its regulation of wastewater disposal; (C) Chapter 17.52 which provides for the issuing of permits to significant industrial users; (D) Chapter 17.68 which seeks injunctive relief and assesses civil and criminal penalties for noncompliance; and (E) Chapter 17.69 which includes provisions associated with upset and bypass conditions.

The following reference to the legal authority requirements of Rule R317-8-8.8(6)(a) are correlated with appropriate sections of the Ordinance which provides the required authority. Where the authority is not apparent from a reading of the Ordinance provision, an explanation is provided.

R317-8-8.8(6)(a)1 The City reserves the right to establish more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives of the Ordinance [Section 17.36.020].

R317-8-8.8(6)(a)2 The Ordinance requires compliance with general prohibitions [Section 17.36.060.A], specific prohibitions [Section 17.32.060.B], national categorical pretreatment standards [Section 17.36.070] and local limits [Section 17.32.090].

R317-8-8.8(6)(a)3 The Ordinance provides the City with the authority to issue individual wastewater discharge permits to significant industrial users [Section 17.52.010]. Zero Discharge Permits are addressed in Section 17.52.040 of the Ordinance. The procedure associated with application, processing, and issuance of permits is contained in Sections 17.52.20-130 of the Ordinance. All permits shall contain at a minimum a statement of duration, a statement of non-transferability, effluent limits, self-monitoring, sampling, reporting, notification, and record keeping requirements and a statement of applicable civil and criminal penalties for violations of pretreatment standards and requirements to control slug discharges. These requirements are contained in Section 17.52.080 of the Ordinance.

R317-8-8.8(6)(a)4 The City has the authority to require an industrial user to develop a compliance schedule for the installation of control technology required to meet applicable pretreatment standards and requirements as contained in Section 17.52.030.A.10 and 17.52.080.A.6 of the Ordinance.

R317-8-8.8(6)(a)5 The City shall require industrial users to submit all notices and periodic compliance reports required by regulations as are necessary to assess and assure compliance with pretreatment standards and requirements through authority granted in the permit requirements contained in Sections 17.52.080.A.4 and 17.52.160.D, E, and F. Maintenance and retention of records are also referred to in Sections 17.52.200 of the Ordinance.

R317-8-8.8(6)(a)6 The City shall obtain entrance to an industrial facility for the purpose of performing inspection, surveillance and monitoring procedures necessary to determine, independent of information supplied by industrial users, compliance or non-compliance with applicable pretreatment standards and requirements by industrial users under authority granted in Section 17.52.230 of the Ordinance.

R317-8-8.8(6)(a)7 The City shall seek remedies for noncompliance by any industrial user with pretreatment standards and requirements, pursuant to Chapter 17.68 of the Ordinance. Specifically, the City may seek injunctive relief for noncompliance under Section 17.68.090 of the Ordinance. Section 17.68.100.A also provides that violations of the Ordinance are punishable by a maximum civil penalty of \$10,000 per violation, per day. Additionally, civil penalties may be sought by the City for recovery of attorney's fees and costs associated with enforcement activities pursuant to Section 17.68.100.B of the Ordinance.

R317-8-8.8(6)(a)8 The City has the authority, under Section 17.52.120 of the Ordinance to revoke a permit for a variety of causes including violation of any requirement included in the permit. Termination of discharge is also authorized in Section 17.68.080 of the Ordinance. The authority pursuant to Section 17.68.070 of the Ordinance allows the City to initiate emergency wastewater discharge suspensions after prior notification to industrial users whenever such suspension or shutoff is necessary in order to stop an actual or threatened discharge which reasonably appears to present or cause a risk of an imminent or substantial: a) damage to the POTW, b) endangerment to the health or welfare of any residents of the POTW, c) interference with the operation of the POTW, d) endangerment to the environment, or e) where continued discharges would jeopardize the ability of the treatment system to meet water quality standards, or cause a nuisance or unsafe condition to occur.

Confidentiality requirements are provided for in Section 17.52.250 of the Ordinance.

As stated above, the City will implement the requirements of its pretreatment program and apply pretreatment standards to industrial users through use of a Wastewater Discharge Permit, or Zero Discharge Permit system, and by direct enforcement of its Pretreatment Ordinance. A description of the procedures to be used in implementing the pretreatment program is provided in Chapters 17.36, 52, 68, and 69 of the Ordinance.

The City intends to ensure compliance with pretreatment standards and requirements through inspection, sampling, and enforcement programs authorized under Chapters 17.52 and 17.68 of the Ordinance, which would allow for the determination of noncompliance with discharge limitations and requirements independent of information supplied by the industrial user. The inspection and sampling program is described in the Ordinance. Industrial users violating their permit limits and requirements will be subject to the escalating enforcement program described in the Ordinance and in the Enforcement Response Plan. Dischargers of dangerous or illegal wastewater shall be required to immediately halt discharge [Section 17.68.050, 17.68.070 and 17.68.080] and are subject to having service terminated and their permit revoked. The City is prepared to take court action where necessary to enforce compliance with its ordinance, permits or orders.

The City has provided public notice to declare that Salt Lake City is making changes to the *Salt Lake City Wastewater Control Ordinance* in accordance with the Clean Water Act and the recently amended Code of Federal Regulations, Title 40 Part 403, entitled "General Pretreatment Regulations for Existing and New Sources of Pollution." The proposed Ordinance amendments are in the process of being approved by the Salt Lake City Council and it has accepted public comments on the proposed amendments. A final vote by the City Council to approve the amendments will occur after state approval. Once the City Council approves the amendments, they will be effective approximately 30 days after state approval. It is our opinion that, in adopting the amendments, the City will have properly followed all state and local laws and procedures regarding public notice and review.

It is also our opinion that when the amended Ordinance becomes effective, the City will continue to have adequate legal authority to administer its pretreatment program consistent with 40 CFR Section 403.8. Additionally, it is our opinion that the amendments to the City's municipal code concerning the pretreatment program will not result in violations by the City of its state discharge permit.

Sincerely,

A handwritten signature in black ink, appearing to read "E. Russell Vetter". The signature is fluid and cursive, with a long horizontal stroke at the end.

E. Russell Vetter  
Senior City Attorney

Update Version – Redlined From  
3-17-11 Version. Does not show  
all changes from City’s existing  
Ordinance. 7-12-11

**Salt Lake City Ordinance**

**No. \_\_\_\_\_ of 2011**

(Amending Chapters 17.32, 17.36, 17.52, 17.68 and 17.69,  
relating to waste water pretreatment)

An ordinance amending certain provisions of *Chapters 17.32, 17.36, 17.52, 17.68 and 17.69*, Salt Lake City Code, relating to waste water pretreatment.

Be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Chapter 17.32 of Salt Lake City Code is hereby amended to read as follows:

**Article I. General Provisions**

**17.32.010: SHORT TITLE:**

This division shall be known as, and references in this division to "this chapter" shall be deemed to refer to, the *SALT LAKE CITY WASTEWATER CONTROL ORDINANCE*. The Chapters within the Salt Lake City Code that specifically refer to the Industrial Pretreatment Program are 17.32, 17.36, 17.52, 17.68 and 17.69. (Ord. 72-98 § 1, 1998: Ord. 36-93 § 2, 1993: prior code § 37-1-1)

**17.32.020: PURPOSE OF PROVISIONS:**

- A. It is necessary for the health, safety and welfare of the residents of the POTW to regulate the collection of wastewater and treatment thereof to provide for maximum public benefit. The provisions set forth in this division are uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the POTW, and enable the POTW to comply with all applicable local, state and federal laws.
- B. The objectives are:
  - 1. To prevent the introduction of pollutants into the POTW which will interfere with the operation of the POTW or contaminate the resulting sludge;
  - 2. To prevent the introduction of pollutants into the POTW which will Pass Through the POTW, inadequately treated, into receiving waters or the atmosphere, or otherwise be incompatible with the POTW;

3. To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
  4. To improve the opportunity to recycle and reclaim wastewaters and sludges from the POTW;
  5. To provide for equitable distribution among Users of the cost and operation of the POTW;
  6. To provide for and promote the general health, safety and welfare of the citizens residing within the POTW; and
  7. To enable the City to comply with its UPDES permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the POTW is subject.
- C. The provisions herein provide for the regulation of direct and indirect contributors to the POTW through the issuance of permits and through enforcement of general requirements for all Users, authorize monitoring and enforcement activities, require User reporting, assume that existing User's capability will not be preempted, and provide for the setting of fees for the equitable distribution of costs resulting from the program established herein.
- D. The provisions herein shall apply to the POTW and to persons outside the service area of the POTW who are, by contract or agreement with the POTW, Users of the POTW. The provisions herein shall provide for enforcement and penalties for violations. (Ord. 36-93 § 2, 1993: prior code § 37-1-2)

**17.32.030: RULES AND REGULATIONS:**

The Director may, from time to time, adopt such rules, regulations and policies as shall be reasonably necessary to implement the provisions of the Wastewater Control Ordinance and administer the wastewater treatment program of the City. (Ord. 72-98 § 2, 1998)

**17.32.035: Severability**

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

## Article II. Definitions

### 17.32.040: DEFINITIONS, GENERALLY:

Unless the context specifically indicates otherwise, the following terms and phrases, as used in the Wastewater Control Ordinance, shall have the meanings hereinafter designated in this article. (Ord. 36-93 § 2, 1993; prior code § 37-1-3)

### 17.32.050: ABBREVIATIONS:

The following abbreviations shall have the designated meanings:

BMP:	Best Management Practice
BOD:	Biochemical oxygen demand.
CFR:	Code of federal regulations.
CIU:	Categorical Industrial User
COD:	Chemical oxygen demand.
cP:	Centipoise = 0.01 poise = cgs unit of absolute viscosity, $\frac{\text{gm}}{\text{sec} \times \text{cm}}$
EPA:	The United States Environmental Protection Agency or its successors.
l:	Liter.
mg:	Milligrams.
mg/l:	Milligrams per liter.
POTW:	Publicly Owned Treatment Works.
SIC:	Standard industrial classification.
SIU:	Significant Industrial User
SNC	Significant Noncompliance
SWDA:	Solid waste disposal act, 42 USC 6901 et seq., or its successor.
TRC:	Technical review criteria.
TSS:	Total suspended solids.
UPDES:	Utah pollutant discharge elimination system.

USC: United States Code.

(Ord. 36-93 § 2, 1993: prior code § 37-1-4)

**17.32.060: ACT OR THE ACT:**

"Act" or "the act" means the Federal Water Pollution Control Act, PL 92-500, also known as the Clean Water Act, as amended, 33 USC section 1251 et seq. (Ord. 36-93 § 2, 1993: prior code § 37-1-3(1))

**17.32.070: APPROVAL AUTHORITY:**

"Approval Authority" means the State of Utah's Department of Environmental Quality, Division of Water Quality (DWQ) or its successor agencies. (Ord. 36-93 § 2, 1993: prior code § 37-1-3(2))

**17.32.080: AUTHORIZED OR DULY AUTHORIZED REPRESENTATIVE OF THE INDUSTRIAL USER:**

A. If the User is a corporation:

1. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
2. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions 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 wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

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

- C. If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- D. The individuals described in paragraphs A through C, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Director . (Ord. 36-93 § 2, 1993: prior code § 37-1-3(3))

**17.32.090: BEST MANAGEMENT PRACTICES:**

“Best management practices” or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in section 17.36.060.A and B. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. BMPs also include alternative means (i.e., management plans) of complying with, or in place of certain established categorical Pretreatment Standards and effluent limits.

**17.32.100: BIOCHEMICAL OXYGEN DEMAND (BOD):**

"Biochemical oxygen demand (BOD)" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at twenty degrees centigrade (20°C), usually expressed as concentration (e.g., mg/L). Laboratory determinations shall be made in accordance with methods set forth in 40 CFR 136 or its successor. (Ord. 36-93 § 2, 1993: prior code § 37-1-3(4))

**17.32.110: BUILDING OR SEWER LATERAL:**

"Building or sewer lateral" means a sewer conveying the wastewater of a User from a residence building or other structure to a POTW sewer, including direct connections to a POTW sewer where permitted by the POTW. A sewer lateral is a building sewer owned by the User. (Ord. 36-93 § 2, 1993: prior code § 37-1-3(5))

**17.32.120: BUSINESS CLASSIFICATION CODE (BCC):**

"Business classification code (BCC)" means a classification of dischargers based on the "1972

Standard Industrial Classification Manual", bureau of the budget of the United States of America or its successor. (Ord. 36-93 § 2, 1993: prior code § 37-1-3(6))

**17.32.130: CATEGORICAL PRETREATMENT STANDARDS OR CATEGORICAL STANDARDS:**

Categorical Pretreatment Standard or Categorical Standard means any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 USC section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471. (Ord. 36-93 § 2, 1993: prior code § 37-1-3(7))

**17.32.140: CATEGORICAL INDUSTRIAL USER (CIU):**

Categorical Industrial User means an Industrial User subject to a categorical Pretreatment Standard or categorical Standard.

**17.32.150: CHEMICAL OXYGEN DEMAND (COD):**

"Chemical oxygen demand (COD)" means a measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water. Laboratory determinations shall be made in accordance with methods set forth in 40 CFR 136 or its successor. (Ord. 36-93 § 2, 1993: prior code § 37-1-3(8))

**17.32.160: CHLORINE DEMAND:**

"Chlorine demand" means the amount of chlorine required to produce a free chlorine residual of 0.1 mg/l at the end of the contact period on a sample, in conformance with the procedures described in standard methods set forth in 40 CFR 136 or its successor. (Ord. 36-93 § 2, 1993: prior code § 37-1-3(9))

**17.32.170: CITY:**

"City" means the Salt Lake City Corporation, State of Utah.

**17.32 180: COMPATIBLE POLLUTANT:**

"Compatible pollutant" means biochemical oxygen demand, total suspended solids, pH and fecal coliform bacteria, plus any additional pollutants identified in the Publicly Owned Treatment Works' UPDES permit, where the Publicly Owned Treatment Works is designed to treat such

pollutants and, in fact, does treat such pollutants to the degree required by the POTW's UPDES permit. (Ord. 36-93 § 2, 1993: prior code § 37-1-3(10))

**17.32.190: CONTROL AUTHORITY:**

"Control Authority" means Salt Lake City Corporation (Ord. 36-93 § 2, 1993: prior code § 37-1-3(13))

**17.32.200: DAILY MAXIMUM:**

"Daily maximum" means the arithmetic average of all effluent samples for a pollutant collected during a calendar day

**17.32.210: DAILY MAXIMUM LIMIT:**

"Daily maximum limit" means the maximum allowable discharge limit of a pollutant during a calendar day. Where daily maximum limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

**17.32.220: DIRECTOR:**

"Director" means the Director of Salt Lake City Department of Public Utilities or his or her designated representative. (Ord. 36-93 § 2, 1993: prior code § 37-1-3(27))

**17.32.230: ENVIRONMENTAL PROTECTION AGENCY OR EPA:**

"Environmental Protection Agency" or "EPA" means the U.S. Environmental Protection Agency, or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency. (Ord. 36-93 § 2, 1993: prior code § 37-1-3(17))

**17.32.240: ENFORCEMENT RESPONSE PLAN; (ERP):**

"Enforcement Response Plan" means the policies and procedures developed by the Control Authority and accepted by the Approval Authority to track compliance and take enforcement

actions against noncompliance with the industrial pretreatment program requirements and limitations. (Ord. 36-93 § 2, 1993)

**17.32.250: EXISTING SOURCE:**

“Existing source” means any source of discharge that is not a “New Source.”

**17.32.260: FATS OILS AND GREASE:**

“Fats Oils and Grease” (“FOG”) shall mean any fats oils or grease of animal or plant origin having a potential to cause Interference with or obstruction to the POTW.

**17.32.270: FOOD PREPARATION AND PROCESSING ESTABLISHMENTS:**

"Food preparation and processing establishments" means establishments engaged in the preparation of food or drink to be consumed on the premises and/or to be delivered or picked up for resale and/or consumption. (Ord. 36-93 § 2, 1993: prior code § 37-1-3(18))

**17.32.280: GARBAGE:**

"Garbage" means solid wastes from the preparation, cooking and dispensing of food, and from handling, storage and sale of produce. (Ord. 36-93 § 2, 1993: prior code § 37-1-3(19))

**17.32.290: GRAB SAMPLE:**

"Grab sample" means a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes. (Ord. 36-93 § 2, 1993: prior code § 37-1-3(20))

**17.32.300: HAZARDOUS WASTE:**

“Hazardous waste” means any material having the characteristics identified under or listed pursuant to section 3001 of RCRA and listed in 40 CFR 261;

**17.32.310: INCOMPATIBLE POLLUTANT:**

"Incompatible pollutant" means all pollutants other than compatible pollutants as defined in section 17.32.180, or its successor. (Ord. 36-93 § 2, 1993: prior code § 37-1-3(22))

**17.32.320: INDIRECT DISCHARGE:**

"Indirect discharge" means the introduction of pollutants into a POTW from any non-domestic source which is regulated under section 307(b), (c) or (d) of the Act (including septic tank waste discharged into the POTW). (Ord. 36-93 § 2, 1993: prior code § 37-1-3(23))

**17.32.330: INDUSTRIAL USER OR USER:**

"Industrial User or User" means a source of indirect discharge. (Ord. 36-93 § 2, 1993: prior code § 37-1-3(24))

**17.32.340: INDUSTRIAL WASTE:**

"Industrial waste" means solid, liquid or gaseous wastes, including cooling water (except where exempted by UPDES permit), resulting from any industrial, manufacturing or business process, or from the development, recovery or processing of a natural resource. (Ord. 36-93 § 2, 1993: prior code § 37-1-3(25))

**17.32.350: INSTANTANEOUS LIMIT:**

"Instantaneous limit means the maximum or minimum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete, grab, or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

**17.32.360: INTERFERENCE:**

"Interference" means a discharge that, alone or in conjunction with a discharge or discharges from other sources, either inhibits or disrupts the POTW, its treatment processes or operations or its sludge process use or disposal and therefore is a cause of a violation of any requirement of the POTW's UPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory provisions and regulations or permits issued thereunder or more stringent state or local regulations; Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA), including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA); State regulations contained in any Utah State sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection Research and Sanctuaries Act. (Ord. 36-93 § 2, 1993: prior code § 37-1-3(26))

**17.32.370: LOCAL LIMIT:**

“Local Limit” means specific discharge limits referred to in section 17.36.090 and developed and enforced by the City upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in section 17.36.060 and 40 CFR 403.5(a)(1) and (b).

**17.32.380: MEDICAL WASTE:**

“Medical waste” means isolation wastes, infectious agents, human or animal blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

**17.32.390: MONTHLY AVERAGE:**

“Monthly average” means the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

**17.32.400: MONTHLY AVERAGE LIMIT:**

“Monthly average limit” means the highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

**17.32.410: NEW SOURCE:**

“New Source” means:

- A. Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act that will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
  - 1. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
  - 2. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

3. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
- B. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of section A 2 or 3 above but otherwise alters, replaces, or adds to existing process or production equipment.
- C. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
1. Begun, or caused to begin, as part of a continuous onsite construction program
    - a. Any placement, assembly, or installation of facilities or equipment; or
    - b. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
  2. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation. 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. (Ord. 36-93 § 2, 1993; prior code § 37-1-3(30))

**17.32.420: NONCONTACT COOLING WATER:**

"Noncontact cooling water" means water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product. (Ord. 36-93 § 2, 1993; prior code § 37-1-3(14))

**17.32.425: OIL AND GREASE:**

"Oil and Grease" means the total oil and grease measured in a wastewater sample by methods set forth in 40 CFR 136 or its successor. Oil and Grease is composed of a mixture of all those polar and non polar materials which are soluble in hexane at pH 2 or less, and remain after boiling off the solvent. If an environmental sample is composed of non-polar material (such as petroleum hydrocarbons), and polar materials (such as animal or vegetable oils and fats), EPA

Method 1664A will directly quantify all the materials as hexane extractable materials (HEM). The silica-gel-treated-hexane extractable material (SGT-HEM) procedure of the same EPA method will measure the non-polar material (petroleum hydrocarbons) after the polar material is removed. The difference between the two measurements will give the amount of polar material (animal and vegetable) present.

**17.32.430: PASS-THROUGH:**

"Pass-Through" means 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 POTW's UPDES permit, including an increase in the magnitude or duration of the violation. (Ord. 36-93 § 2, 1993)

**17.32.440: PERSON:**

"Person means 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, and local governmental entities. The masculine gender shall include the feminine, and the singular shall include the plural where indicated by context. (Ord. 36-93 § 2, 1993: prior code § 37-1-3(32))

**17.32.450: pH:**

"pH" means a measure of the acidity or basicity of an aqueous solution, expressed in standard units. Theoretically pH equals the negative logarithm (base 10) cH, where cH is the concentration of hydrogen ions in grams per liter. Scale ranges from 0 to 14, pH 7 being neutral, less than 7, acidic, more than 7, basic. (Ord. 36-93 § 2, 1993: prior code § 37-1-3(33))

**17.32.460: POLLUTION OR POLLUTANT:**

"Pollution" or "pollutant" means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal and agricultural wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor) including the manmade or man induced alteration of the chemical, physical, biological and radiological integrity of water. (Ord. 36-93 § 2, 1993: prior code § 37-1-3(34))

**17.32.470: PRETREATMENT:**

"Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, ~~or~~ process changes, or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard. (Ord. 36-93 § 2, 1993: prior code § 37-1-3(35))

**17.32.480: PRETREATMENT REQUIREMENTS:**

"Pretreatment requirements" means any substantive or procedural requirement related to pretreatment, other than a Pretreatment Standard imposed on a User. (Ord. 36-93 § 2, 1993: prior code § 37-1-3(36))

**17.32.490: PRETREATMENT STANDARDS OR STANDARDS:**

"Pretreatment Standard" or "Standard" means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307 (b) and (c) of the Act, which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to 40 CFR 403.5.

~~"Pretreatment Standards" or "standards" means prohibited discharge standards, categorical Pretreatment Standards, and local limits.~~

**17.32.500: PROHIBITED DISCHARGE STANDARDS OR PROHIBITED DISCHARGES:**

"Prohibited Discharge Standards" or "prohibited discharges" means absolute prohibitions against the discharge of certain substances; these prohibitions appear in section 17.36.060.

**17.32.510: PUBLIC SEWER:**

"Public sewer" shall mean any sewer dedicated to public use and which is controlled by a public corporation or governmental agency.

**17.32.520: PUBLICLY OWNED TREATMENT WORKS (POTW):**

"Publicly Owned Treatment Works (POTW)" means a treatment works, as defined by section 212 of the Act (33 USC 1292), or its successor, which is owned by Salt Lake City Corporation having statutory authority to collect and treat sewage. This definition includes any sewers, pumping stations and appurtenances used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant. Building and sewer lateral shall not be included in this definition. For the purposes of the Wastewater Control Ordinance, "POTW" shall also include any sewers that convey wastewater to the POTW by persons outside the POTW boundaries who are by contract or agreement with the POTW actually Users of the POTW. (Ord. 36-93 § 2, 1993: prior code § 37-1-3(37))

**17.32.530: SANITARY SEWER:**

"Sanitary sewer" means the pipe or conduit system, and appurtenances, for the collection, transportation, pumping and treatment of sewage. This definition shall also include the terms "public sewer", "sewer system", and "sewer". (Ord. 36-93 § 2, 1993: prior code § 37-1-3(41))

**17.32.540: SEPTIC TANK WASTE**

"Septic tank waste" means any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, airplane holding tanks and septic tanks.

**17.32.550: SEWAGE:**

"Sewage" means human excrement and gray water (household showers, dishwashing operations, etc.) and any of the wastewater of the community which has been contaminated by use such that treatment is required before it may be safely discharged to the environment or reused. (Ord. 36-93 § 2, 1993: prior code § 37-1-3(42))

**17.32.560: SHALL, WILL AND MAY:**

"Shall" and "will" are mandatory; "may" is permissive. (Ord. 36-93 § 2, 1993: prior code § 37-1-3(43))

**17.32.570: SIGNIFICANT INDUSTRIAL USER, (SIU):**

Except as provided in paragraphs C and D of this definition, a Significant Industrial User is:

A. An Industrial User subject to categorical Pretreatment Standards; or

B. An Industrial User that:

1. Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
2. Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
3. Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.

C. The City may determine that an Industrial User subject to categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

1. The Industrial User, prior to City's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
2. The Industrial User annually submits the certification statement required in section 17.52.210.B, together with any additional information necessary to support the certification statement; and
3. The Industrial User never discharges any untreated concentrated wastewater.

D. Upon a finding that a User meeting the criteria in Subsection B of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the City may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User. (Ord. 72-98 § 3, 1998; Ord. 21-95 § 1, 1995; Ord. 36-93 § 2, 1993; prior code § 37-1-3(44))

**17.32.580: SIGNIFICANT NONCOMPLIANCE (SNC):**

“Significant noncompliance” “(SNC)” shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs C, D or H of this section) and shall mean:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits as defined herein;
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for the same pollutant parameter during a six- (6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined herein, multiplied by the applicable TRC (TRC equals 1.4 for BOD, TSS, fats, oils and grease, and TRC equals 1.2 for all other pollutants except pH);
- C. Any other violation of a Pretreatment Standard or Requirement as defined herein (daily maximum, long-term average, instantaneous limit, or narrative standard) that the Director determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;
- D. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Director's exercise of emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance; or
- H. Any other violation(s), which may include a violation of best management practices, which the Director determines will adversely affect the operation or implementation of the local pretreatment program. (Ord. 36-93 § 2, 1993)

**17.32.590: SLUG LOAD OR SLUG DISCHARGE:**

“Slug load” or “slug discharge” shall mean any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in section 17.36.060. 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.

**17.32.600: STATE:**

"State" means the state of Utah. (Ord. 36-93 § 2, 1993: prior code § 37-1-3(47))

**17.32.610: STANDARD INDUSTRIAL CLASSIFICATION (SIC):**

"Standard Industrial Classification (SIC)" means a classification pursuant to the "Standard Industrial Classification Manual" issued by the executive office of the president, office of management and budget, 1972, or its successor. The North American Industry Classification System (NAICS) is similar to the SIC and means a classification pursuant to the Office of Management and Budget, official 2007 U.S. NAICS Manual, as amended. (Ord. 36-93 § 2, 1993: prior code § 37-1-3(48))

**17.32.620: STORM SEWER:**

"Storm sewer" means a sewer that carries only stormwater, surface water and ground water drainage. (Ord. 36-93 § 2, 1993: prior code § 37-1-3(49))

**17.32.630: STORMWATER:**

"Stormwater" means any flow occurring during or following any form of natural precipitation and resulting therefrom, including snowmelt. (Ord. 36-93 § 2, 1993: prior code § 37-1-3(50))

**17.32.640: SUBDIVISION:**

- A. "Subdivision" means the division of a tract, or lot, or parcel of land into three (3) or more lots, plots, sites or other divisions of land for the purpose, whether immediate or future, of sale or of building development or redevelopment; provided, however, that divisions of land for agricultural purposes or for commercial, manufacturing or industrial purposes shall be exempt. Further, the above definition shall not apply to the sale or conveyance of any parcel of land which may be shown as one of the lots of a subdivision of which a plat has theretofore been recorded in the office of the county recorder.
- B. The word "subdivide" and any derivative thereof shall have reference to the term "subdivision" as herein defined. (Ord. 36-93 § 2, 1993: prior code § 37-1-(51))

**17.32.650: TOTAL SUSPENDED SOLIDS OR SUSPENDED SOLIDS:**

"Total suspended solids" or "suspended solids" means the total suspended matter that floats on the surface of or is suspended in water, wastewater or other liquids, and which is removable by laboratory filtering in accordance with methods set forth in 40 CFR 136 or its successor. (Ord. 36-93 § 2, 1993: prior code § 37-1-3(52))

**17.32.660: TOXIC POLLUTANT:**

"Toxic pollutant" means any pollutant or combination of pollutants found to be toxic or stipulated as toxic in regulations promulgated by the administrator of the environmental protection agency under the act. (Ord. 72-98 § 4, 1998: Ord. 36-93 § 2, 1993: prior code § 37-1-3(53))

**17.32.670: UTAH POLLUTION DISCHARGE ELIMINATION SYSTEM (UPDES) PERMIT:**

"Utah pollution discharge elimination system (UPDES) permit" means a permit issued pursuant to section R317-8 of the Utah Administrative Code, or its successor. (Ord. 36-93 § 2, 1993: prior code § 37-1-3(31))

**17.32.680: VISCOSITY:**

"Viscosity" means the property of a fluid that resists internal flow by releasing counteracting forces. (Ord. 36-93 § 2, 1993: prior code § 37-1-3(58))

**17.32.690: WASTEWATER:**

"Wastewater" means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial and manufacturing facilities and institutions, together with any infiltrating ground water, surface water and stormwater that may be present, whether treated or untreated, which enters the POTW. (Ord. 36-93 § 2, 1993: prior code § 37-1-3(55))

**17.32.700: WASTEWATER DISCHARGE PERMIT OR PERMIT:**

"Wastewater discharge permit" or "permit" means a control document issued by the City which authorizes the discharge of industrial wastewater into the POTW by a SIU.

**17.32.710: WASTEWATER STRENGTH:**

"Wastewater strength" means the quality of process wastewater discharged, as measured by its elements, including its constituents and characteristics. (Ord. 21-95 § 2, 1995: Ord. 36-93 § 2, 1993: prior code § 37-1-3(59))

**17.32.720: WASTEWATER TREATMENT PLANT OR TREATMENT PLANT:**

"Wastewater treatment plant" or "treatment plant" means that portion of the publicly owned treatment works designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste. (Ord. 36-93 § 2, 1993: prior code § 37-1-3(39))

**17.32.730: WATERS OF THE STATE:**

"Waters of the State" means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the State or any portion thereof. (Ord. 36-93 § 2, 1993: prior code § 37-1-3(56))

**17.32.740: ZERO DISCHARGE INDUSTRIAL FACILITY:**

"Zero discharge industrial facility" means an industry which may be identified by the Director as a Significant Industrial User, as defined herein, which has voluntarily elected or is required by the categorical pretreatment standard not to discharge any of its process wastewater to the POTW, but to dispose of it by other legal means. For the purposes of inspection, sampling and enforcement, a zero discharge industrial facility shall be considered an Industrial User.

SECTION 2. Chapter 17.36 of Salt Lake City Code is hereby amended to read as follows:

**Chapter 17.36  
GENERAL REQUIREMENTS**

**17.36.010: SUPERVISION OF POTW:**

The POTW shall be supervised and directed by the Director. (Ord. 36-93 § 3, 1993: prior code § 37-2-1)

**17.36.020: MORE STRINGENT LIMITATIONS; POTW RIGHTS:**

The POTW reserves the right to establish more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in section 17.32.020, or its successor. (Ord. 36-93 § 3, 1993: prior code § 37-2-8)

**17.36.030: GENERAL DISCHARGE REGULATIONS:**

- A. Discharge into POTW: All sewage shall be discharged to public sewers except as provided hereinafter.
- B. Discharge of Sewage: No person shall discharge any sewage from any premises within the POTW service area into and upon any public highway, stream, watercourse or public place, or into any drain, cesspool, storm or private sewer, except as provided for hereafter. (Ord. 36-93 § 3, 1993: prior code § 37-2-2(1), (2))

**17.36.040: NONPOLLUTED WATERS DISCHARGED TO STORM SEWERS:**

Nonpolluted stormwater, surface drainage, subsurface drainage, ground water, roof runoff, noncontact cooling water or other nonpolluted water may be admitted to specifically designated storm sewers which have adequate capacity for the accommodations of such waters. No person shall connect to and/or use sanitary sewers for the above purposes without having first obtained the written consent of the Director. (Ord. 21-95 § 3, 1995: Ord. 36-93 § 3, 1993: prior code § 37-2-2(4))

**17.36.050: DISCHARGING SURFACE WATERS INTO SANITARY SEWERS:**

No person shall cause to be discharged or make a connection which would allow any stormwater, surface drainage, ground water, roof runoff, or noncontact cooling water to be admitted into any sanitary sewer, unless otherwise permitted in writing by the Director. No person shall cause any of the above mentioned waters to be mixed with that person's industrial waste in order to dilute such industrial waste. (Ord. 21-95 § 4, 1995: Ord. 36-93 § 3, 1993: prior code § 37-2-2(3))

**17.36.060: PROHIBITED DISCHARGE STANDARDS;**

- A. General Prohibitions: No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.
- B. Specific Prohibitions: No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
1. Explosives: Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosive hazard or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two (2) successive readings on any explosion hazard meter, at the point of discharge to the POTW (or at any point in the system) be more than five percent (5%), nor any single reading over ten percent (10%) of the lower explosive limit (LEL) of the meter.
  2. Fire Explosion: Pollutants which create a fire or explosion hazard in the POTW including, but not limited to, wastestreams with a closed cup flashpoint of less than one hundred forty degrees Fahrenheit (140°F) (60 ° C) using test methods specified in 40 CFR 261.21 or its successor;
  3. Solids:
    - a. Solid or viscous substances in amounts which will cause obstruction to the flow in the POTW resulting in Interference.
    - b. Solid or viscous pollutants in amounts which will interfere with the operation of the wastewater treatment facilities such as, but not limited to fats oils and grease, garbage with particles greater than one-fourth inch (1/4") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinder, sand, spent lime, stone or marble dust, metal, glass, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes;
  4. Low pH Limit: Any wastewater which will cause corrosive structural damage to the POTW, but in no case discharges with pH of less than 5.0, unless the POTW is specifically designed to accommodate such discharges.

5. High pH Limit: Any wastewater with a pH greater than 11.0 or otherwise causing corrosive structural damage to the POTW or equipment;
6. Toxic Pollutants:
  - a. Any pollutants including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the POTW.
  - b. Toxic Pollutants: Any pollutants released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with wastewater treatment or sludge handling process, constitute a hazard to humans or animals, create an acute toxic effect in the receiving waters of the POTW, contaminate the sludge of the POTW systems, or exceed the limitations set forth in a categorical or local Pretreatment Standard or Requirement;
7. Noxious Substances: Any waste containing noxious or malodorous liquids, in such quantities that, alone or in combination with other waste substances are sufficient to create a hazard for humans, animals or the environment, interfere detrimentally with sewage treatment processes, Pass Through treatment facilities in concentrations exceeding discharge limitations, prevent entry into the sewers for their maintenance and repair, cause a public nuisance, or cause any hazardous condition to occur in the POTW;
8. Gaseous Substances: Any pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
9. Untreatable Substances: Any substance which may cause the POTW's effluent or any other product of the POTW, such as residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under section 405 of the act, or its successor; any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the solid waste disposal act, the clean air act, the toxic substances control act, or state criteria applicable to the sludge management method being used;
10. UPDES Permit Violation: Any substances which will cause the POTW to violate its UPDES and/or state disposal system permit or the receiving water quality standards;

11. Objectionable Color: Any wastewater with objectionable color not removed in the POTW 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 POTW's UPDES permit;
12. Heat: Any wastewater with heat in amounts which will inhibit biological activity in the POTW resulting in Interference, but in no case heat in such quantities that the temperature at the POTW Treatment Plant exceeds 40 °C (104°F);
13. Radioactive Wastes: Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Director in compliance with applicable State or Federal regulations;
14. Oil and Grease: Any wastewater containing petroleum oil, non-biodegradable cutting oil, products of mineral oil origin or petroleum based grease, in amounts that will cause Interference or Pass Through. (Ord. 72-98 § 6, 1998: Ord. 63-95 § 1, 1995: Ord. 36-93 § 3, 1993: prior code § 37-2-2(5))
15. Trucked wastes: Trucked or hauled pollutants, except at discharge points designated by the POTW;
16. Storm Water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the Director in a wastewater discharge permit;
17. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
18. Medical Wastes in amounts or concentrations that would cause a violation of any one of the objectives included in Section 17.32.020.B of this ordinance,~~except as specifically authorized by the Director in wastewater discharge permit;~~
19. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail any toxicity test;
20. Detergents, surface-active agents, or other substances ~~which~~ that might cause excessive foaming in the POTW;
21. Saltwater or brine from commercial or industrial establishments in concentrations that will interfere with wastewater collection, treatment or treated wastewater reuse including

but not limited to commercial or industrial backwashes or similar wastestreams resulting from the direct addition of salt.

22. Any discharges containing compounds that are labeled for the control of pest species of any type, such as, but not limited to, acaricides, bactericides, fungicides, herbicides, insecticides, molluscicides, nematicides and rodenticides in concentrations that would cause Interference or Pass-Through at the POTW or otherwise cause the POTW to violate its UPDES permit.

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

#### **17.36.070: NATIONAL CATEGORICAL PRETREATMENT STANDARDS:**

Upon the promulgation of the Federal National Categorical Pretreatment Standard for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed in this chapter for sources in that subcategory, shall immediately supersede the limitations imposed herein. Categorical Industrial Users must comply with the National Categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405–471.

- A. Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Director may impose equivalent concentration or mass limits in accordance with paragraphs D and E of this section.
- B. When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Director may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.
- C. When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the Director shall impose an alternate limit in accordance with 40 CFR 403.6(e).
- D. When a categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that the City convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Director. The City may establish equivalent mass limits only if the Industrial User meets all the conditions set forth in sub-sections 1 a, through e, below.
  - I. To be eligible for equivalent mass limits, the Industrial User must:

- a. Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its wastewater discharge permit;
  - b. Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;
  - c. Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;
  - d. Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the discharge; and
  - e. Have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.
2. An Industrial User subject to equivalent mass limits must:
- a. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
  - b. Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
  - c. Continue to record the facility's production rates and notify the Director whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph 17.36.070.D.1.c of this section. Upon notification of a revised production rate, the Director will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
  - d. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraph 17.36.070. D.1 a of this section so long as it discharges under an equivalent mass limit.

3. When developing equivalent mass limits, the Director:
  - a. Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based daily maximum and monthly average standard for the applicable categorical Pretreatment Standard and the appropriate unit conversion factor;
  - b. Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
  - c. May retain the same equivalent mass limit in subsequent wastewater discharger permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to section 17.36.110. The Industrial User must also be in compliance with section 17.69.030 regarding the prohibition of bypass.
- E. The Director may convert the mass limits of the categorical Pretreatment Standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual Industrial Users. The conversion is at the discretion of the Director.
- F. Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this section in lieu of the promulgated categorical Pretreatment Standards from which the equivalent limitations were derived.
- G. Many categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average, or 4-day average, limitations. Where such standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.
- H. Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based standard shall notify the Director within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the Director of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate.

**17.36.080: STATE PRETREATMENT STANDARDS:**

State requirements and limitations on discharges shall apply when they are more stringent than federal requirements and limitations or those in this chapter.

**17.36.090: LOCAL LIMITS:**

- A. The Director is authorized to establish Local Limits pursuant to 40 CFR 403.5(c). The Director may impose mass limitations in addition to concentration-based limitations for local limits.
- B. Local limits established by the Director and approved by the State are listed in a separate document entitled "City of Salt Lake City Corporation Local Limits". This document is incorporated in this chapter by reference.
- C. Local limits shall apply at the designated sampling point for users holding a valid wastewater discharge permit, otherwise, the local limits apply at the end of the User's sewer lateral pipeline at the point where the industrial wastewater is discharged to the POTW.
- D. Local limits are established to prevent Pass Through and Interference and shall be reviewed as needed. Any revision to the Control Authority's local limits shall be submitted for approval to the State. Upon State approval, the revised local limits shall be enforceable under the conditions of the Wastewater Control Ordinance. Copies of the most recently State approved local limits shall be made available upon request through the Office of the Director.
- E. The Director may develop best management practices (BMPs), by ordinance or in wastewater discharge permits, to implement local limits and the requirements of the Wastewater Control Ordinance.

**17.36.100: CITY'S RIGHT OF REVISION:**

The City reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW consistent with the purpose of the Wastewater Control Ordinance.

**17.36.110: DILUTION OF DISCHARGES PROHIBITED:**

No User shall ever increase the use of process water, or in any way attempt to dilute a discharge as a partial or complete substitute for adequate pretreatment to achieve compliance with a

discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. The Director may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases when the imposition of mass limitations is appropriate pursuant to 40 CFR 403.6(c)(1). (Ord. 36-93 § 3, 1993: prior code § 37-2-9))

**17.36.120: PRETREATMENT REQUIREMENTS:**

Users shall provide wastewater treatment as necessary to comply with the Wastewater Control Ordinance and shall achieve compliance with all categorical Pretreatment Standards, local limits, and the prohibitions set out in 17.36.060 within the time limitations specified by EPA, the State, or the Director, whichever is more stringent. Any facilities or equipment (e.g. continuous pH meters, ORP meters) necessary for ensuring consistent compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities, equipment and operating procedures shall be submitted to the Director for review, and shall be acceptable to the Director before such facilities are constructed and equipment installed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities or equipment as necessary to produce a discharge acceptable to the City under the provisions of the Wastewater Control Ordinance. Following completion of construction the Director may request the User to provide copies of as-built drawings to be retained by the Director. Subsequent alterations or additions to such pretreatment or flow control facilities shall not be made without prior notice to the Director. New sources shall install and operate all pollution control equipment required to meet applicable Pretreatment Standards prior to discharging to the POTW;

**17.36.130: ADDITIONAL PRETREATMENT MEASURES:**

- A. Whenever deemed necessary, the Director may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of the Wastewater Control Ordinance.
- B. The Director may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.

- C. The Director may require any User with the potential to discharge flammable substances to install and maintain an approved combustible gas detection meter.

**17.36.140: GREASE, OIL AND SAND TRAPS OR INTERCEPTORS:**

A. Requirements

1. From and after the effective date hereof, grease, oil and sand interceptors, as described by the Utah plumbing code, hereinafter interceptors, shall be required, both for any new or old business where its building is newly constructed, added to or refurbished to the extent that a building permit is required under the law, for any food processing or preparation establishments, or any other User when, in the opinion of the Director, they are necessary for the proper handling of liquid wastes containing grease, or any flammable wastes, sand and other harmful ingredients, except that such interceptors shall not be required for domestic dwellings.
  2. An interceptor shall be of a type and capacity which meets all applicable standards set forth in the Utah plumbing code, and all standards adopted by the Director, and shall be located as to be readily accessible for cleaning by User and inspection by POTW employees.
- B. Any existing floor drain, such as those from interior auto maintenance shops, garages or machine shop facilities, that discharges into a storm drain system shall be plugged, or require the installation and maintenance of a interceptor, sample box and sanitary sewer connection. All new facilities will be required to meet these regulations.
- C. All interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.
- D. Where installed, interceptors must be inspected and approved by the City, and shall be maintained in continuous efficient operation at all times by the User at the User's sole expense.
- E. In the event a food processing or preparation establishment installs or has installed an interceptor pursuant to this section, the installation shall not in and of itself, relieve the User from complying with section 17.52.220. (Ord. 72-98 § 8, 1998: Ord. 36-93 § 3, 1993: prior code § 37-2-14)

**17.36.150: ACCIDENTAL DISCHARGE/SLUG DISCHARGE CONTROL PLANS:**

- A. The Director shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control slug discharges within one year after the industrial User has been designated an SIU. The Director shall re-evaluate each SIU every two (2) years after the initial evaluation. The Director may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control slug discharges. Alternatively, the Director may develop such a plan for any User. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:
1. Description of discharge practices, including nonroutine batch discharges;
  2. Description of stored chemicals;
  3. Procedures for immediately notifying the Director of any accidental or slug discharge, as required by section 17.52.160 F; and
  4. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response

**17.36.160: HAULED WASTEWATER:**

- A. Septic tank waste, from domestic sources only, may be introduced into the POTW only at locations designated by the Director, and at such times as are established by the Director. Such waste shall not violate section 17.36.060 through 090 or any other requirements established by the City. The Director may require septic tank waste haulers to obtain wastewater discharge permits.
- B. Septic tank waste haulers may discharge loads only at locations designated by the Director. No load may be discharged without prior consent of the Director. The Director may collect samples of each hauled load to ensure compliance with applicable standards. The Director may require the septic tank waste hauler to provide a waste analysis of any load prior to discharge.

- C. Septic tank waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the septic tank waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall certify that the wastes to be discharged are domestic in origin only and contain no industrial wastes or any wastes that are RCRA hazardous wastes.
- D. Wastewater from recreational vehicles and boats shall only be discharged at dump sites designated for such use. The City reserves the right to inspect records of individual wastewater dumps from the authorized operators of each designated dump site. Detailed plans describing such facilities and operating procedures shall be submitted to the Director for review, and shall be acceptable to the Director before such facilities are constructed.

**17.36.170: REPAIR OR REPLACEMENT OF SEWERS; SEWER CONTRACTOR REQUIREMENTS:**

No User not licensed as a plumber or licensed and bonded contractor, pursuant to the requirements hereof, shall engage in the business of repair or replacement of a building drain or building sewer, without first obtaining a permit from the POTW and filing a corporate surety bond with the POTW in an amount to be specified by the POTW, such that the principal and surety shall hold POTW harmless from any and all injuries to persons or damage to property, and particularly to the sewer mains, caused by or through the cleaning or removal of any stoppage in any drain or sewer, and further conditioned that the principal will faithfully observe all ordinances, rules and regulations of said POTW pertaining to plumbing and sewers. (Ord. 36-93 § 3, 1993; prior code § 37-2-16)

**17.36.180: PRIVATE FACILITIES; MANDATORY CONNECTION TO SEWERS:**

- A. Connection Required When: The owner or the owner's agent of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the Salt Lake City sewer service area and abutting on any street, alley or right of way in which there is now located or may in the future be located a city sewer line, shall, when notified and required in writing by the City, at owner's expense, install suitable toilet facilities therein, and connect such facilities directly with the City sewer system in accordance with the provisions herein within ninety (90) days after date of official notice to do so, provided that the City sewer line is within three hundred feet (300') of the owner's property line.
- B. Discontinuance of Privy Vaults, Cesspools and Septic Tanks:

1. After date of official notice in subsection A of this section, no User, or his/her agent, or other person having charge of or occupying any property within three hundred feet (300') of a city sewer shall maintain or use or cause or permit to exist any privy vault, septic tank or cesspool upon such property without the City's written consent.
  2. In no case shall any plumbing in any house or building not complying with subsection A of this section and official notice remain unconnected to any public sewer for more than ninety (90) days after written notice from the City.
- C. Outhouses Prohibited: No User shall erect or maintain any outhouse or privy within the City sewer service area, except as licensed by the City. (Ord. 36-93 § 3, 1993; Ord. 59-87 § 1, 1987; prior code § 37-2-12)

**17.36.190: PRIVATE SEWAGE DISPOSAL; LIMITATIONS:**

A. Private Disposal Prohibited When:

1. No User shall construct, use or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage within the boundaries of POTW where POTW service is available within three hundred feet (300') of the property line of any property upon which any building, privy, privy vault, septic tank, cesspool or other facility as described above exists, except as provided in subsection B.1 of this section.
2. No User shall construct, use or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the purpose of disposal of sewage from any subdivision located within the boundaries of POTW.
3. Within ninety (90) days from the date POTW service becomes available within three hundred feet (300') of the property line of any buildings served by any private sewage disposal system, a direct connection shall be made to the POTW sewer by the owner at owner's expense in compliance with the provisions herein contained, and any septic tank, cesspool, privy or similar private sewage disposal facilities shall be immediately emptied and filled with suitable material.

B. Private Disposal Authorized When:

1. Where POTW service is not available within the limits provided in subsection A of this section, the building's sewer shall be connected to a private sewage disposal system complying with the provisions of the Salt Lake Valley Health Department.

2. Prior to commencement of construction of a private sewage disposal system, the User or his/her agent shall first obtain written permission from the Director for submission to the Salt Lake Valley Health Department.
3. The User or his/her agent shall operate and maintain the private sewage disposal facilities at User's sole expense and in compliance with all applicable federal, state, and local laws, rules and regulations.
4. No statement contained in this section shall be construed to interfere with any additional requirements which may be imposed by the Salt Lake Valley Health Department, the Utah Water Quality Board or the Utah State Department of Environmental Quality. (Ord. 1-06 § 30, 2005; Ord. 36-93 § 3, 1993; prior code § 37-2-17)

**17.36.200: PROHIBITED CONNECTIONS TO POTW:**

No person, either in person or through an agent, employee or contractor, shall make, allow or cause to be made any sewer connection to the POTW for service, or for the purpose of servicing property outside the boundaries of the POTW, except upon the written approval of the Director. Such connection to the POTW shall be made by a person who is either a bonded, state licensed sewer contractor or plumber who has obtained necessary sewer and street permits. (Ord. 36-93 § 3, 1993; prior code § 37-2-15)

**17.36.210: DISCONTINUANCE OF SERVICE:**

Any User desiring to discontinue service shall notify the POTW in writing of such fact at least thirty (30) days before the date when such service shall be discontinued. Upon giving such written notice, the User shall not be responsible for bills incurred after the termination date specified in the notice. Any unused credit balance in favor of the customer as a result of an advance payment of bills or deposit will be promptly refunded upon discontinuance of service. (Ord. 36-93 § 3, 1993; prior code § 37-2-18)

**17.36.220: MANHOLE COVERS:**

No User or other person shall open any POTW sewer manhole without permission from the Director. (Ord. 36-93 § 3, 1993; prior code § 37-2-11)

**17.36.230: DAMAGING SEWER SYSTEM PROHIBITED:**

No person shall damage, break or remove any part or portion of any POTW sewer or system, or

any sewer appliance or appurtenance, without the POTW's prior written consent. (Ord. 72-98 § 9, 1998; Ord. 36-93 § 3, 1993; prior code § 37-2-10)

SECTION 3. Chapter 17.52 of Salt Lake City Code is hereby amended to read as follows:

**Chapter 17.52**

**WASTEWATER DISCHARGE PERMITS**

**17.52.010: WASTEWATER DISCHARGE PERMIT REQUIREMENT:**

- A. No SIU shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Director, except that a SIU that has filed a timely application pursuant to section 17.52.020.B may continue to discharge for the time period specified therein.
- B. The Director may require other Users to obtain wastewater discharge permits as necessary to carry out the purposes of the Wastewater Control Ordinance.
- C. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of the Wastewater Control Ordinance and subjects the wastewater discharge permittee to the sanctions set out in sections 17.68.010 through 17.68.170. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law. (Ord. 36-93 § 7, 1993; prior code § 37-5-1)

**17.52.020: WASTEWATER DISCHARGE PERMIT; PERMITTING PROCEDURES:**

- A. **Wastewater Analysis:** When requested by the Director, any new or existing User must submit information on the nature and characteristics of its wastewater, including production and disposal procedures, within thirty (30) days of the request by completing a wastewater survey questionnaire. The Control Authority may prepare a form for this purpose and may periodically require Users to update the survey. Failure to complete this survey shall be a violation of the Wastewater Control Ordinance.
- B. **Existing Connections:** Any User required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within ninety (90) days after said date, apply to the Director for a wastewater discharge permit in accordance with section 17.52.030, and shall not cause or allow discharges to the POTW to continue after ninety (90) days of the

effective date of this ordinance except in accordance with a wastewater discharge permit issued by the Director.

- C. New Connections: Any User required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with section 17.52.030, must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

**17.52.030: WASTEWATER DISCHARGE PERMIT; APPLICATION  
CONTENTS:**

- A. Users required to obtain a wastewater discharge permit shall complete and file with the POTW an application in the form prescribed by the POTW, accompanied by a fee as set forth in Section 17.52.270. In support of the application, the User shall submit, in units and terms appropriate for evaluation, some or all of the following information:
  - 1. Identifying information:
    - a. Name, address, telephone number and location, (if different from the address) of applicant and owner of the premises (if different from the tenant when property is leased) from which industrial wastes are intended to be discharged,
    - b. The name of an authorized representative duly authorized to act on behalf of the facility
    - c. Description of activities, facilities, and plant production processes on the premises;
  - 2. SIC number and/or NAICS number.
  - 3. Environmental Permits: A list of any environmental control permits held by or for the facility.
  - 4. Description of Operations:
    - a. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should

- include a schematic process diagram, which indicates all points of discharge to the POTW from the regulated and unregulated processes and from dilute flows such as the domestic waste, boiler blowdown and noncontact cooling water, if any.
- b. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW. Material safety data sheets (MSDSs) of all chemicals shall be included.
  - c. Number and type of employees, hours of operation, and proposed or actual hours of operation;
  - d. Type and amount of raw materials processed (average and maximum per day);
  - e. 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. If deemed necessary by the POTW, such plans shall provide for separate systems for handling sanitary and industrial wastewater;
5. Time and duration of discharges;
  6. The location for monitoring all wastes covered by the permit;
  7. Flow Measurement: Information showing the measured average daily and maximum daily flow, in gallons per day, and peak wastewater flow rates, including daily, monthly and seasonal variations, if any, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e) to determine alternate limits as described in 17.36.070.C;
  8. Measurement of Pollutants.
    - a. The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for existing sources.
    - b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the Director, of regulated pollutants in the discharge from each regulated process. Sampling and analysis of unregulated flows and dilute flows may also be required by the Director for all pollutants suspected to be present in the flows.
    - c. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported.

- d. Each required sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in section 17.52.170 and 40 CFR Part 136 as amended. Where the standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Director or the applicable Standards to determine compliance with the Standard.
  - e. Sampling must be performed in accordance with procedures set out in section 17.52.180.
- 9. Any requests for a monitoring waiver or a renewal of an approved monitoring waiver for a pollutant neither present nor expected to be present in the discharge based on section 17.52.160.D.2.
  - 10. If additional O&M and/or additional pretreatment will be required for the User to meet the Pretreatment Standard, then the application shall contain the shortest compliance schedule by which the SIU will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. The schedule shall be arranged and reported to the Control Authority as set out in section 17.52.160 B.
  - 11. Any other information as may be deemed necessary by the Director to evaluate the permit application.
  - 12. A statement signed by an authorized representative of the industrial User as follows:  
“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations”.
- B. Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.

**17.52.040: ZERO PROCESS WASTEWATER DISCHARGE PERMIT:**

Zero discharge industrial facilities as defined in 17.32.740 must apply for and obtain a zero process wastewater discharge permit. The Director may require the completion of a wastewater analysis as described in 17.52.020.A. The application contents for a zero process wastewater discharge permit shall be the same as that for an industrial wastewater discharge permit as described in 17.52.030. The zero process wastewater discharge permit shall require the permittee, to submit in December and June of each year, a written certification signed by an authorized representative that the facility has not discharged any process wastewater to the sanitary sewer in the last six month period and does not intend to discharge process wastewater in the coming six month period. Failure to submit this certification shall be deemed a violation of this ordinance. Any detected discharge of process wastewater to the City's sanitary sewer system by a zero process discharge industrial facility at any time shall immediately subject the user to the enforcement remedies included in section 17.68. The zero process wastewater discharge permit may contain other limitations and requirements as deemed necessary by the Director and this ordinance. The duration of zero process wastewater discharge permits shall be the same as wastewater discharge permits as defined in 17.52.070.

**17.52.050: APPLICATION SIGNATORIES AND CERTIFICATIONS:**

- A. All wastewater discharge permit applications, User reports and certification statements must be signed by an authorized representative of the User and contain the certification statement in sections 17.52.210 A and 17.52.030 A 12.
- B. If the designation of an authorized representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this section must be submitted to the Director prior to or together with any reports to be signed by an authorized representative.
- C. A facility determined to be a Non-Significant Categorical Industrial User by the Director pursuant to 17.32.570 C must annually submit the signed certification statement in section 17.52.210 B.

**17.52.060: WASTEWATER DISCHARGE PERMIT; DECISIONS:**

- A. Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.
- B. The Director will evaluate the data furnished by the SIU and may require additional information. Within one hundred and twenty (120) days of receipt of a complete permit application, the Director will determine whether to issue an l wastewater discharge permit.

The Director may conditionally approve or deny any application for a wastewater discharge permit.

**17.52.070: WASTEWATER DISCHARGE PERMIT; DURATION:**

- A. A wastewater discharge permit shall remain in effect until terminated by the POTW.
- B. All wastewater discharge permits shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A permit may be issued for a period less than five (5) years, or may be stated to expire on a specified date, at the discretion of the Director. Each wastewater discharge permit shall indicate a specific date upon which it will expire. Any permit may be canceled or terminated for failure to comply with the requirements of this ordinance. (Ord. 63-95 § 2, 1995; Ord. 36-93 § 7, 1993; prior code § 37-5-2(5))

**17.52.080: WASTEWATER DISCHARGE PERMIT; CONTENTS:**

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

- A. Wastewater discharge permits shall contain:
  - 1. A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date; (see section 17.52.070.)
  - 2. A statement that the wastewater discharge permit is nontransferable without prior notification to the City in accordance with section 17.52.110, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
  - 3. Effluent limits, including BMPs, based on applicable Pretreatment Standards;
  - 4. Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or BMP) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law;

5. The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the discharge in accordance with section 17.52.160.D.2;
  6. A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law;
  7. Requirements to control slug discharge, if determined by the Director to be necessary; and
  8. Any grant of the monitoring waiver by the Director (section 17.52.160.D.2) shall be included as a condition in the User's permit.
- B. Wastewater discharge permits may contain, but need not be limited to, the following conditions:
1. Requirements for the payment of the then current unit charge or schedule of User charges and fees for the wastewater to be discharged to the POTW;
  2. Limits on the average and/or maximum rate and time of discharge and/or requirements for flow regulation and equalization;
  3. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
  4. Requirements for the development and implementation of spill control plans in accordance with 17.36.150 or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges; Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the industrial User's own cost and expense. Review and approval of such plans and operating procedures shall not relieve the industrial User from the responsibility to modify the industrial User's facility as necessary to meet the requirements hereof. In the case of an accidental discharge, the industrial User shall implement the requirements set out in section 17.52.160 F 1 through 4
  5. Requirements for installation and maintenance of inspection and sampling facilities including flow measurement devices as contained in section 17.52.220

6. Requirements for the Director to implement the judicially enforceable remedies outlined in sections 17.68.010 through 17.68.170 according to the City's Enforcement Response Plan.
7. Requirements for submission of technical reports or discharge reports;
8. Requirements for maintaining and retaining records relating to wastewater discharge, as specified by the POTW, and affording POTW access thereto;
9. Requirements for development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
10. Requirements for notification of the POTW of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system. The City reserves the ability to accept or deny any proposed changes to the wastewater discharges at the facility;
11. Requirements for separate systems to handle sanitary and industrial wastewater, such that in the event that the User's industrial wastewater is or could cause an Interference or a potential Interference with the POTW, that the industrial wastewater could be severed, preventing discharge into the POTW and still allowing the User's sanitary wastewater to discharge into the POTW;
12. 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 ;
13. Production rates where mass discharge limits are required; and
14. Other conditions as deemed appropriate by the Director to ensure compliance with this chapter, and State and Federal laws, rules, and regulations. (Ord. 36-93 § 7, 1993: prior code § 37-5-2(4))

**17.52.090: WASTEWATER DISCHARGE PERMIT; ISSUANCE APPEAL PROCESS:**

Upon issuance of the wastewater discharge permit, any person including the applicant shall have 45 days to file in writing objections to any term or condition of the permit and:

- A. If no objections are received by the City within this time, the permit is deemed to be accepted.
- B. In its objection, the appealing party must indicate the individual wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the individual wastewater discharge permit sections.
- C. If a timely objection is filed and agreement cannot be reached with the POTW, the POTW may submit to the Director the proposed permit conditions and the written objections thereto.
- D. The effectiveness of the individual wastewater discharge permit shall not be stayed pending the appeal.
- E. The Director shall establish such special permit conditions as he or she deems advisable to ensure the applicant's compliance with the Wastewater Control Ordinance or applicable law or regulation, and direct the POTW to issue a wastewater discharge permit accordingly. The Director's decisions shall be considered final administrative actions for purposes of judicial review.
- F. Decisions by the Director not to reconsider an individual wastewater discharge permit, not to issue an individual wastewater discharge permit, or not to modify an individual wastewater discharge permit shall also be considered final administrative actions for purposes of judicial review; if a decision is not made by the Director within ninety (90) days of receipt of a written request, such request will be deemed denied.
- G. Aggrieved parties seeking judicial review of the final administrative individual wastewater discharge permit decision must do so by filing a complaint with the State of Utah Third District Court within thirty (30) days of the date of final action.

**17.52.100: WASTEWATER DISCHARGE PERMIT; MODIFICATIONS AND REVISIONS:**

- A. The Director may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:
  - 1. To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;

2. To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the wastewater discharge permit issuance;
3. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
4. Information indicating that the permitted discharge poses a threat to the POTW personnel, beneficial sludge use or the receiving waters;
5. Violation of any terms or conditions of the wastewater discharge permit;
6. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
7. Revision of or a grant of variance from categorical Pretreatment Standards pursuant to 40 CFR 403.13;
8. To correct typographical or other errors in the wastewater discharge permit; or
9. To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with section 17.52.110. (Ord. 36-93 § 7, 1993: prior code § 37-5-2(3))

**17.52.110: WASTEWATER DISCHARGE PERMIT; TRANSFER:**

- A. Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least sixty (60) days advance notice to the Director and the Director approves the Wastewater discharge permit transfer. The notice to the Director must include a written certification by the new owner or operator which:
  1. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
  2. Identifies the specific date on which the transfer is to occur;
  3. Acknowledges full responsibility for complying with the existing wastewater discharge permit; and
  4. The conditions of the permit will not change.

- B. Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer. (Ord. 36-93 § 7, 1993: prior code § 37-5-2(6))

**17.52.120: WASTEWATER DISCHARGE PERMIT; SUSPENSION AND REVOCATION**

The Director may revoke a wastewater permit for good cause, including, but not limited to, the following reasons:

- A. Failure to notify the Director of significant changes to the wastewater prior to the changed discharge;
- B. Failure to provide prior notification to the Director of changed conditions pursuant to section 17.52.160.E;
- C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- D. Falsifying self-monitoring reports or certification statements;
- E. Tampering with monitoring equipment;
- F. Refusing to allow the Director timely access to the facility premises or 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 business ownership of a permitted facility; or
- M. Violation of any Pretreatment Standard or Requirement, or any terms of the wastewater discharge permit or this ordinance.

Wastewater discharge permits shall be voidable upon non operation of a permitted facility, cessation of operations or un-reported transfer of business ownership. All existing wastewater discharge permits issued to a User are void upon the reissuance of a new wastewater discharge permit to that User. (Ord. 72-98 § 11, 1998)

**17.52.130: WASTEWATER DISCHARGE PERMIT; REISSUANCE:**

A User with an expiring wastewater discharge permit shall apply for a wastewater discharge permit reissuance by submitting a complete permit application, in accordance with section 17.52.030, a minimum of ninety (90) days prior to the expiration of the User's existing wastewater discharge permit.

**17.52.140: SPECIAL AGREEMENTS AND CONTRACTS:**

- A. Special User agreement: No statement contained in this section shall be construed as prohibiting special written agreements between the POTW and any other User allowing industrial waste or wastewater of unusual strength or character to be admitted to the POTW, provided the User compensates the POTW for any additional costs of treatment. The POTW shall determine the wastewater criteria, and volume characteristics used to calculate any additional cost of treatment. In no case will a special agreement waive compliance with a Pretreatment Standard or Requirement. However, the Industrial User may request a variance from the categorical Pretreatment Standard from the EPA. 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 Pretreatment Standard. An Industrial User requesting a fundamentally different factor variance must comply with the procedural and substantive provisions in 40 CFR 403.13 and Rule R317-8-8.17 U.A.C.;
- B. Contracts With Other POTWs: Whenever there is excess POTW sewage treatment capacity, the POTW may contract with any other organized and established sewage treatment plant or with any other governmental agency or private enterprise for the discharge into the POTW from any part or parts thereof, or person living outside the boundaries of the POTW, upon such terms and conditions and for such periods of time as may be deemed reasonable. (Ord. 36-93 § 3, 1993; prior code § 37-2-13)

**17.52.150: REGULATION OF WASTE RECEIVED FROM OTHER JURISDICTIONS:**

- A. If another municipality, special district, government entity, or other jurisdiction authority connects to or contributes wastewater to the POTW, the Director shall enter into an inter-agency agreement with that entity.
- B. Prior to entering into an agreement required by paragraph A, above, the Director shall request the following information from the contributing municipality:
  - 1. A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
  - 2. An inventory of all Users located within the contributing municipality that are discharging to the POTW; and
  - 3. Such other information as the Director may deem necessary.
- C. An intermunicipal agreement, as required by paragraph A, above shall contain the following conditions:
  - 1. A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this ordinance and Local Limits, including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in section 17.36.090.E. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the City's ordinance or Local Limits;
  - 2. A requirement for the contributing municipality to submit a revised User inventory on at least an annual basis;
  - 3. A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the City and which of these activities will be conducted jointly by the contributing municipality and the City;
  - 4. A requirement for the contributing municipality to provide the City with access to all information that the contributing municipality obtains as part of its pretreatment activities;

5. Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
6. Requirements for monitoring the contributing municipality's discharge;
7. A provision ensuring the City access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the City; and
8. A provision specifying remedies available for breach of the terms of the intermunicipal agreement.

**17.52.160: REPORTING REQUIREMENTS:**

- A. Baseline Monitoring Reports: Within either one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing CIUs currently discharging to or scheduled to discharge to the POTW shall submit to the Director a report which contains the information listed in paragraphs (1) through (5), below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become CIUs subsequent to the promulgation of an applicable Categorical Standard, shall submit to the Director a report which contains the information listed in paragraphs (1) through (5), below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical Standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

Users described above shall submit the information set forth below.

1. All information required in section 17.52.030.A.1.a, section 17.52.030.A.3, section 17.52.030.A.4.a, and section 17.52.030.A.7.
2. Measurement of pollutants.
  - a. The User shall provide the information required in section 17.52.030.A.8.a, through d;
  - b. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph;
  - c. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists.

If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;

- d. Sampling and analysis shall be performed in accordance with sections 17.52.170 and 17.52.180;
  - e. The Director may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures; and
  - f. The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.
3. Compliance certification: A statement, reviewed by the User's authorized representative as defined in section 17.32.080 and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.
  4. Compliance schedule: If additional pretreatment and/or O&M will be required for the user to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this section must meet the requirements set out in section 17.52.160 B.
  5. Signature and Report Certification: All baseline monitoring reports must be certified in accordance with section 17.52.210 A and signed by an authorized representative as defined in section 17.32.080.
- B. Compliance schedule progress reports: The following conditions shall apply to the compliance schedules required by sections 17.52.030.A.10 and 17.52.160.A.4:
1. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment

Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

2. No increment referred to above shall exceed nine (9) months nor shall the total compliance period exceed eighteen (18) months;
3. The User shall submit a progress report to the Director no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and
4. In no event shall more than nine (9) months elapse between such progress reports to the Director.

C. Reports on compliance with categorical Pretreatment Standard deadline.

1. Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to the Director a report containing the information described in section 17.52.030 A 7 and 8 and 17.52.160.A.2. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in section 17.36.070, this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with section 17.52.210.A. All sampling will be done in conformance with section 17.52.180.

D. Periodic compliance reports.

1. Except as specified in paragraph 3 below, all SIUs must, at a frequency determined by the Director submit no less than twice per year (June and December or on dates specified) reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a BMP or pollution prevention alternative, the User must submit documentation required by the Director or the Pretreatment Standard necessary to determine the compliance status of the User.
2. The City may authorize an Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. This authorization is subject to the following conditions:
  - a. The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical Standard and otherwise includes no process wastewater;
  - b. The monitoring waiver is valid only for the duration of the effective period of the wastewater discharge permit, but in no case longer than 5 years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent wastewater discharge permit; (see section 17.52.030.A.9.)
  - c. In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes;
  - d. The request for a monitoring waiver must be signed in accordance with section 17.32.080, and include the certification statement in section 17.52.210.A;
  - e. Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis;

- f. Any grant of the monitoring waiver by the Director must be included as a condition in the User's permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the Director for 5 years after expiration of the waiver;
  - g. Upon approval of the monitoring waiver and revision of the User's permit by the Director, the industrial User must certify on each report with the statement in section 17.52.210.C, that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User;
  - h. In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the User's operations, the User must immediately: Comply with the monitoring requirements of section 17.52.160.D.1 above, or other more frequent monitoring requirements imposed by the Director, and notify the Director; and
  - i. This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard.
3. The City may reduce the requirement for periodic compliance reports (see section 17.52.160 D 1 above) to a requirement to report no less frequently than once a year, unless required more frequently in the Pretreatment Standard or by the EPA/State, where the Industrial User's total categorical wastewater flow does not exceed any of the following:
- a. 0.01 percent of the POTW's design dry-weather *hydraulic capacity*, or five thousand (5,000) gallons per day, whichever is smaller, as measured by a continuous effluent flow monitoring device unless the Industrial User discharges in batches.
  - b. 0.01 percent of the POTW's design dry-weather *organic treatment capacity*; and
  - c. 0.01 percent of the POTW's maximum allowable headworks loading for any pollutant regulated by the applicable categorical Pretreatment Standard for which approved local limits were developed in accordance with section 17.36.090.
- Reduced reporting is not available to Industrial Users that have in the last two (2) years been in Significant Noncompliance, as defined in section 17.32.580. In addition, reduced reporting is not available to an Industrial User with daily flow rates, production levels, or pollutant levels that vary so significantly that, in the opinion of the Director, decreasing

the reporting requirement for this Industrial User would result in data that are not representative of conditions occurring during the reporting period.

4. All periodic compliance reports must be signed and certified in accordance with section 17.52.210.A.
5. All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.
6. If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Director, using the procedures prescribed in section 17.52.180, the results of this monitoring shall be included in the report.

#### E. Reports of changed conditions

Each User must notify the Director of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change.

1. The Director may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under section 17.52.030.
2. The Director may issue a wastewater discharge permit under section 17.52.130 or modify an existing wastewater discharge permit under section 17.52.100 in response to changed conditions or anticipated changed conditions.

F. Reports of potential problems.

1. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a slug discharge or slug load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the Director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.
2. Within five (5) days following such discharge, the User shall, unless waived by the Director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to the Wastewater Control Ordinance.
3. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph 1, above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.
4. SIUs are required to notify the Director immediately of any changes at its facility affecting the potential for a slug discharge.

G. Reports from unpermitted Users.

All Users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Director as the Director may require.

H. Notice of violation/repeat sampling and reporting.

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

analysis in lieu of the Industrial User and a violation occurs, the City will perform the repeat sampling and analysis unless it notifies the User of the violation and requires the User to perform the repeat sampling and analysis.

I. Notification of the discharge of hazardous waste.

1. Any User who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the User discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under section 17.52.160.E. The notification requirement in this section does not apply to pollutants already reported by Users subject to categorical Pretreatment Standards under the self-monitoring requirements of sections 17.52.160.A, C, and D.
2. Dischargers are exempt from the requirements of paragraph 1, above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the User discharges more than such quantities of any hazardous waste do not require additional notification.
3. In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify the Director, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

4. In the case of any notification made under this section, the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
5. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable Federal or State law.

**17.52.170: ANALYTICAL REQUIREMENTS:**

- A. All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 "Guidelines Establishing Test Procedures for the Analysis of Pollutants, and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Director or other parties approved by EPA.
- B. All laboratory samples collected for this ordinance shall be analyzed by a laboratory that is either certified by the Utah Bureau of Laboratory Improvements or approved by the Director. (Ord. 36-93 § 7, 1993: prior code § 37-5-7)

**17.52.180: SAMPLE COLLECTION:**

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

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

documented in approved EPA methodologies may be authorized by the City, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.

- B. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- C. For sampling required in support of baseline monitoring and 90-day compliance reports required in section 17.52.160.A and C a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Director may authorize a lower minimum. For the reports required by section 17.52.160.D, 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.

**17.52.190: DATE OF RECEIPT OF REPORTS:**

For written reports that are mailed through a mail facility serviced by the United State Postal Service, such reports will be deemed to have been submitted on the date postmarked. For written reports that are shipped using other common reliable carriers, the carrier's pickup or ship date will be deemed the submittal date. If a postmark or pickup/ship date is not available, the date of receipt of the report shall govern.

**17.52.200: RECORDKEEPING:**

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying by the Director, 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 BMPs established under section 17.36.090.E. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least five (5) years. This period shall be automatically extended for the duration of any litigation concerning the User or the City, or where the User has been specifically notified of a longer retention period by the Director.

**17.52.210: CERTIFICATION STATEMENTS:**

- A. Certification of permit applications, User reports and initial monitoring waiver—The

following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with section 17.52.020; Users submitting baseline monitoring reports under section 17.52.160.A.5; Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under section 17.52.160.C; Users submitting periodic compliance reports required by section 17.52.160.D.1-4, and Users submitting an initial request to forego sampling of a pollutant on the basis of section 17.52.160.D.2 d. The following certification statement must be signed by an authorized representative as defined in section 17.32.080:

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

- B. Annual certification for Non-Significant Categorical Industrial Users—A facility determined to be a Non-Significant Categorical Industrial User by the Director pursuant to sections 17.32.570.C and 17.52.050.C, must annually submit the following certification statement signed in accordance with the signatory requirements in section 17.32.080. This certification must accompany an alternative report required by the Director:

Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR \_\_\_\_, I certify that, to the best of my knowledge and belief that during the period from \_\_\_\_\_, \_\_\_\_\_ to \_\_\_\_\_, \_\_\_\_\_ [months, days, year]:

- (a) The facility described as \_\_\_\_\_ [facility name] met the definition of a Non-Significant Categorical Industrial User as described in section 17.32.570 C;
- (b) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and
- (c) The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information.

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C. Certification of Pollutants Not Present

Users that have an approved monitoring waiver based on section 17.52.160.D.2 must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the User.

Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR \_\_\_\_\_ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of \_\_\_\_\_ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under section 17.52.160.D.

**17.52.220: MONITORING FACILITIES FOR INDUSTRIAL USERS:**

- A. The Director may require the Industrial User to provide and operate, a control manhole or sample box or other monitoring equipment at the owner's expense approved by the Director, at a point to be determined by the POTW where representative samples of all regulated discharges from the industry can be collected and flow measurements accurately made as necessary. The monitoring facilities shall be situated on the User's premises or such other location as allowed by the POTW. The POTW will be allowed to use these monitoring facilities to sample at any time and without notice in accordance with Section 17.52.230.
- B. There shall be ample room in or near such monitoring manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the User. All devices used to measure wastewater flow and quality shall be periodically calibrated as specified by the Director to ensure their accuracy, but at a minimum, the calibration shall occur per the manufacture's requirements.
- C. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the Director and shall not be replaced. The costs of clearing such access shall be borne by the User.

- D. An industrial User may be required to provide at their expense a city approved instantaneous and totalizing approved flow meter on their industrial discharges if deemed necessary by the Director.
- E. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the POTW's requirements and all applicable local construction standards and specifications. The construction schedule shall be submitted to the POTW for prior approval, and construction shall be completed within a time specified by written notification from the POTW.

**17.52.230: RIGHT OF ENTRY; INSPECTION AND SAMPLING:**

The Director or the Duly Authorized Representatives shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this ordinance and any wastewater discharge permit or order issued hereunder. All Users shall allow the Director or the Duly Authorized Representatives ready access to all parts of the premises for the purpose of inspection, sampling, records examination and copying, and/or in the performance of any of its duties.

- A. Identification shall be provided by the Director for all inspectors or other authorized personnel and these personnel shall identify themselves when entering any property for inspection purposes or when inspecting the work of any contractor.
- B. The POTW or other authorized regulatory agencies shall have the right to set upon the User's property or any other representative location such devices as are deemed necessary to conduct sampling inspection, compliance monitoring and/or metering of the User's operations.
- C. Where a User has security measures in force prior arrangements will be made with their security guards so that upon presentation of suitable identification, personnel from the POTW, city, county, state and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.
- D. Unreasonable delays in allowing the Director access to the User's premises shall be a violation of this ordinance. (Ord. 36-93 § 7, 1993: prior code § 37-5-4)

**17.52.240: SEARCH WARRANT:**

If the Director or duly authorized officer or agent of the POTW has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to

believe that there may be a violation of the Wastewater Control Ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with the Wastewater Control Ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the Director may seek issuance of a search warrant from the Third District Court of the State of Utah. (Ord. 36-93 § 7, 1993: prior code § 37-5-6)

**17.52.250: CONFIDENTIAL INFORMATION AND TRADE SECRETS:**

Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the Director's inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the Director, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under the provisions of the Utah Government Records Access and Management Act (GRAMA) or other applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the UPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction. (Ord. 36-93 § 7, 1993: prior code § 37-5-9)

**17.52.260: PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE:**

- A. The POTW shall, publish annually, providing public notification in the largest daily newspaper published in Salt Lake City, of all Industrial Users which were in significant noncompliance with applicable Pretreatment Standards and Requirements at any time during the previous twelve (12) month reporting period. All records relating to compliance with Pretreatment Standards shall be made available to officials of the EPA or Approval Authority and to the public pursuant to city policy and the Utah government records access and management act.
- B. The term Significant Noncompliance as defined in section 17.32.580 shall be applicable to all SIUs (or any other Industrial User that violates paragraph C, D or H of 17.32.580).

(Ord. 72-98 § 10, 1998: Ord. 36-93 § 7, 1993: prior code § 37-5-8)

**17.52.270: FEES:**

- A. The fees provided for in this section are separate and distinct from all other fees chargeable by the City. All fees shall become immediately due and owing to the City upon receipt of invoice for rendition of services or expenditure by the City and shall become delinquent if not fully paid within 45 days after receipt.
- B. Permit Fees: Each wastewater discharge permit application filed pursuant to the Wastewater Control Ordinance shall be accompanied by an application fee. The fees for these services are listed in a separate document entitled "Salt Lake City Corporation Pretreatment Fees". This document is incorporated in this chapter by reference.
- C. Fees for City sampling and laboratory analyses of wastewater. When the City performs sampling and contracts with a certified laboratory for the analysis of an Industrial User's wastewater discharge, the fees for these services are listed in a separate document entitled "Salt Lake City Corporation Pretreatment Fees". This document is incorporated in this chapter by reference.
- D. Fees for demand monitoring, inspections and surveillance: Costs incurred by the City for demand monitoring, inspection and surveillance procedures necessary as a result of a violation shall be chargeable and billed to the User whose conduct has necessitated such activity. The fees for these services are listed in a separate document entitled "Salt Lake City Corporation Pretreatment Fees". This document is incorporated in this chapter by reference.
- E. Administrative fees: Fees for administrative efforts such as, but not limited to conciliation and show cause meetings not otherwise specifically covered in this section, and the result of an administrative effort brought about as a result of a violation shall be chargeable to the User whose conduct has necessitated such activity. The fees for these services are listed in a separate document entitled "City of Salt Lake City Corporation Pretreatment Fees". This document is incorporated in this chapter by reference.

SECTION 4. Chapter 17.68 of Salt Lake City Code is hereby amended to read as follows:

**Chapter 17.68  
ENFORCEMENT REMEDIES**

**17.68.010: NOTIFICATION OF VIOLATION:**

Whenever the Director finds that any User has violated or is violating any provision of the Wastewater Control Ordinance, or any wastewater discharge permit, order, rule or regulation issued or promulgated hereunder, or any other Pretreatment Standard or Requirement, the Director may serve upon said User a written notice of violation. Such written notice shall be served in person or by certified mail, return receipt requested. Within ~~five (5)~~ ten (10) calendar days after the receipt of such notice, an explanation for the violation and a plan for the satisfactory correction and prevention thereof, which shall include specific required actions, shall be submitted by the User to the Director. 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 Director to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation. (Ord. 72-98 § 16, 1998)

**17.68.020: CONSENT ORDERS:**

The Director is hereby empowered to enter into consent orders, assurances of 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 User to correct the noncompliance within a time period specified by the order. Consent orders shall be judicially enforceable. (Ord. 72-98 § 16, 1998)

**17.68.030: SHOW CAUSE HEARING:**

The Director may order any User which causes or contributes to violation(s) of any provisions of the Wastewater Control Ordinance, or any wastewater discharge permit or order, rule or regulation issued or promulgated hereunder, or any other Pretreatment Standard or Requirement, to appear before the Director and show cause why a proposed enforcement action should not be taken. Notice shall be served on the User, which notice shall specify 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 on any Authorized Representative of the User, or by certified mail, return receipt requested, at least seven (7) days prior to the hearing. 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. (Ord. 72-98 § 16, 1998)

**17.68.040: COMPLIANCE ORDERS:**

When the Director finds that a User has violated or continues to violate any provision of the

Wastewater Control Ordinance, or any wastewater discharge permit, order, rule or regulation issued or promulgated hereunder, or any other Pretreatment Standard or Requirement, the Director may issue an order to the User responsible for the violation directing that the User come into compliance within ~~thirty (30) days~~ a specified time. If the User does not come into compliance within ~~thirty (30) days~~ the time provided, sewer service may be discontinued. Compliance orders may also contain other requirements to address noncompliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the POTW. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order 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. (Ord. 72-98 § 16, 1998)

#### **17.68.050: CEASE AND DESIST ORDERS:**

When the Director finds that a User has violated or continues to violate any provision of Wastewater Control Ordinance, any wastewater discharge permit, rule, order, or regulation issued or promulgated hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the Director 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; and
- B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against or a prerequisite to taking any other action against the User. (Ord. 72-98 § 16, 1998)

#### **17.68.060: ADMINISTRATIVE FINES:**

- A. Notwithstanding any other section of the Wastewater Control Ordinance, any User found to have violated, or continues to violate any provision of the Wastewater Control Ordinance, or any wastewater discharge permit, or order, rule or regulation issued or promulgated hereunder, or any other Pretreatment Standard or Requirement, may be fined in an amount not greater than ten thousand dollars (\$10,000.00) per day, as determined by the Director in his reasonable discretion. Such fines shall be assessed on a per day, per violation 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. In determining the amount of civil liability, the director shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any

economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.

- B. The POTW may charge a User for the costs of preparing administrative enforcement actions, such as notices and orders, which charge may be assessed whether or not a fine under subsection A of this section is also imposed. The POTW may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred.
- C. Assessments for fines and/or administrative costs may be added to the User's next scheduled sewer service charge, and the Director shall have such other collection remedies as may be available for other service charges and fees.
- D. Unpaid charges, fines, assessments and penalties shall, after sixty (60) calendar days, be assessed an additional penalty of ten percent (10%) of the unpaid balance. Thereafter, interest on any unpaid balances, including penalties, shall accrue at a rate of one percent (1%) per month. A lien against the individual User's property will be sought for unpaid charges, fines, and penalties.
- E. Users desiring to dispute such fines or assessments must file a written request for the Director to reconsider the fine or assessment, along with full payment thereof within thirty (30) days of being notified of the fine or assessment. The Director may convene a hearing on the matter within fourteen (14) days of receiving the request from the User. In the event the User's appeal is successful, any amounts paid by the User to the POTW shall be returned to the User, without interest.
- F. The imposition of an administrative fine, assessment or other charge shall not be a prerequisite for or bar against taking any other action against the User. (Ord. 72-98 § 16, 1998)

**17.68.070: EMERGENCY SUSPENSIONS:**

The Director may order the immediate suspension or shutoff of a User's discharge (after informal notice to the User), whenever such suspension or shutoff is necessary in order to stop an actual or threatened discharge which reasonably appears to present or cause a risk of an imminent or substantial: a) damage to the POTW, b) endangerment to the health or welfare of any residents of the POTW, c) Interference with the operation of the POTW, or d) 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 Director shall take such steps as deemed necessary, including

immediate severance of the sewer connection, to enforce such order. The Director may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Director that the period of endangerment has passed, unless the termination proceedings set forth in section 17.68.080 are initiated against the User. A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment, shall submit to the Director a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, prior to the date of any show cause or termination of discharge hearing under sections 17.68.030 and 17.68.080. Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section. (Ord. 72-98 § 16, 1998)

**17.68.080: TERMINATION OF DISCHARGE:**

In concert with the wastewater discharge permit revocation provisions in section 17.52.120, any User committing any of the following acts or omissions is subject to termination of discharge:

- A. Violation of any provisions of the Wastewater Control Ordinance or any wastewater discharge permit, or order, rule or regulation or any pretreatment standard or requirement, issued or promulgated hereunder;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;<sup>3</sup>
- C. Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge;
- D. In the event a duly authorized officer or agent of the POTW is refused admission to a User for any reason, the Director may cause sewer service to the premises in question to be discontinued until the POTW agents have been afforded reasonable access to the premises and pretreatment system to accomplish the inspection and/or sampling;
- E. Failure to attain compliance within thirty (30) days of issuance of a compliance order under section 17.68.040;
- F. In the event of actual or threatened discharges as described in section 17.68.070 above;
- G. Violation of the Pretreatment Standards in section 17.36.020 through 110.

The User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under section 17.68.030 why the proposed action should not be taken.

Exercise of this option by the Director shall not be a bar to, or a prerequisite for, taking any other action against the User. (Ord. 72-98 § 16, 1998)

**17.68.090: INJUNCTIVE RELIEF:**

Whenever a User has violated a pretreatment standard or requirement or continues to violate any provisions of the Wastewater Control Ordinance, or any wastewater discharge permit, or order, rule or regulation issued or promulgated hereunder, or any other Pretreatment Standard or Requirement, the Director may petition the Third District Court of the State of Utah for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, or order, rule, regulation or other requirement imposed by the Wastewater Control Ordinance on activities of the User. In addition, the City may recover reasonable attorney fees, court costs, and other expenses of litigation by appropriate legal action against the User found to have violated any provision hereof, or of any wastewater discharge permit, or order, or any other rule or regulation issued or promulgated hereunder. Such other action as appropriate for legal and/or equitable relief may also be sought by the Director including a requirement for the User to conduct environmental remediation. A petition for injunctive relief need not be filed as a prerequisite to or a bar against taking any other action against a User. (Ord. 72-98 § 16, 1998)

**17.68.100: CIVIL PENALTY PASS-THROUGH RECOVERY:**

In the event that a User discharges such pollutants which cause the POTW to violate any conditions of its UPDES permit and the POTW is fined by the EPA, the State of Utah or Salt Lake County for such violations, then such User shall be fully liable for the total amount of the fines and civil penalties assessed against the POTW by the EPA or the State of Utah or Salt Lake County and administrative costs incurred.

- A. A User who has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement may be liable to the City for a maximum civil penalty of \$10,000 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- B. The Director may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.

- C. In determining the amount of civil liability, the Court may take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.
- D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.(Ord. 72-98 § 16, 1998)

**17.68.110: REFERRAL TO STATE OF UTAH FOR ACTION; CRIMINAL PROSECUTION:**

Violations of any Pretreatment Standards, Requirements, or permit conditions may constitute an offence subject to criminal prosecution. Violations shall be classified no less than a class B misdemeanor.

- A. A User who willfully or negligently violates any provision of the Wastewater Control Ordinance, a wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than twenty five thousand dollars, (\$25,000), per violation, per day, or imprisonment for not more than six (6) months, or both.
- B. A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of no less than a class B misdemeanor and be subject to a penalty of at least twenty five thousand dollars (\$25,000), or be subject to imprisonment for not more than six (6) months, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.
- C. A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to the Wastewater Control Ordinance, wastewater discharge permit or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be punished by a fine of not more than fifty thousand dollars (\$50,000), per violation, per day, or imprisonment for not more than six, (6) months, or both.
- D. In the event of a second conviction, a User shall be punished by a fine of not more than fifty thousand dollars (\$50,000), per violation, per day, or imprisonment for not more than six, (6) months, or both.

The POTW may refer to the state criminal violations of any pretreatment standards or permit conditions. The Utah attorney general's office will offer Salt Lake County the option to prosecute the violator. Should Salt Lake County decline, the State, at its discretion, may initiate appropriate criminal action. The POTW shall assist the Utah attorney general's office or Salt Lake County any way it can with appropriate support for the action taken. (Ord. 72-98 § 16, 1998)

**17.68.120: PERFORMANCE BONDS:**

The Director may decline to reissue a wastewater discharge permit to any User which has failed to comply with the provisions of this ordinance, or of any previous wastewater discharge permit, order, rule or regulation issued or promulgated hereunder, unless such User first files a satisfactory bond, payable to the POTW, in a sum not to exceed a value determined by the Director to be necessary to achieve consistent compliance. (Ord. 72-98 § 16, 1998)

**17.68.130: LIABILITY INSURANCE:**

The Director may decline to reissue a wastewater discharge permit to any User which has failed to comply with the provisions of the Wastewater Control Ordinance, or of any previous wastewater discharge permit or order, rule or regulation issued or promulgated hereunder, or any other Pretreatment Standard or Requirement, unless the User first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge. (Ord. 72-98 § 16, 1998)

**17.68.140: WATER SUPPLY SEVERANCE:**

Whenever a User has violated or continues to violate the provisions of the Wastewater Control Ordinance, or of any wastewater discharge permit, or order, rule or regulation issued or promulgated hereunder, or any other Pretreatment Standard or Requirement, water service to the User may be discontinued. Service will only recommence, at the User's expense, after it has satisfactorily demonstrated its ability to comply. (Ord. 72-98 § 16, 1998)

**17.68.150: PUBLIC NUISANCES:**

Any violation of the provisions of the Wastewater Control Ordinance, or of any individual wastewater discharge permit, or order, rule or regulation issued or promulgated hereunder, or any other Pretreatment Standard or Requirement, is hereby declared a public nuisance and shall be corrected or abated as directed by the Director. Any person(s) creating a public nuisance shall be

subject to the provisions of this code governing nuisances, including reimbursing the City for any costs incurred in removing, abating or remedying said nuisance. (Ord. 72-98 § 16, 1998)

**17.68.160: CONTRACTOR LISTING:**

Users which are found to be in significant noncompliance with any provisions of the Wastewater Control Ordinance, or of any wastewater discharge permit, or order, rule or regulation issued or promulgated hereunder, or any other Pretreatment Standard or Requirement, are not eligible to receive a contractual award for the sale of goods or services to the POTW. Existing contracts for the sale of goods or services to the POTW held by a User found to be in significant noncompliance with any provisions of the Wastewater Control Ordinance, or of any wastewater discharge permit or order, rule or regulation issued or promulgated hereunder, or any other Pretreatment Standard or Requirement, may be terminated at the discretion of the POTW. (Ord. 72-98 § 16, 1998)

**17.68.170: REMEDIES NONEXCLUSIVE:**

The remedies provided are not exclusive remedies. The Director reserves the right to take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the City's Enforcement Response Plan. However, the Director reserves the right to take other action against any User when the circumstances warrant. Further, the Director is empowered to take more than one enforcement action against any noncompliant User. These actions may be taken concurrently. (Ord. 72-98 § 16, 1998)

SECTION 5. Chapter 17.69 of Salt Lake City Code is hereby amended to read as follows:

**Chapter 17.69  
AFFIRMATIVE DEFENSES**

**17.69.010: UPSET:**

- 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 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 subsection C of this section are met.
- C. A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - 1. An upset occurred and the User can identify the cause(s) of the upset;
  - 2. The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures;
  - 3. The User has submitted the following information to the Director and treatment plant operator within twenty four (24) hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within 5 days):
    - a. A description of the indirect discharge and cause of noncompliance;
    - b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
    - c. Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.
- D. In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.
- E. Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical Pretreatment Standards.
- F. The 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. (Ord. 72-98 § 17, 1998)

**17.69.020: PROHIBITED DISCHARGE STANDARDS:**

A User shall have an affirmative defense to an enforcement action brought against it for

noncompliance with the general and specific prohibitions in section 17.36.060, with the exception of the fire or explosion hazards or low pH, listed in section 17.36.60.B.2 and B.5, if it can prove that it did not know or have reason to know that its discharge, alone or in conjunction with discharges from other sources, would cause Pass Through or Interference and that either:

- A. A local limit exists for each pollutant discharged and the 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 discharge did not change substantially in nature or constituents from the User's prior discharge when the POTW was regularly in compliance with its UPDES permit, and in the case of Interference, was in compliance with applicable sludge use or disposal requirements. (Ord. 72-98 § 17, 1998)

**17.69.030: BYPASS:**

- A. For the purposes of this section:

BYPASS means the intentional diversion of waste streams from any portion of a User's treatment facility.

SEVERE PROPERTY DAMAGE means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can 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. Conditions To Allow Bypass: A User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of subsections C and D of this section.
- C. Bypass Notification:
  - 1. If a User knows in advance of the need for a bypass, it shall submit prior notice to the Director, at least ten (10) days before the date of the bypass if possible.
  - 2. A User shall submit oral notice of an unanticipated bypass that exceeds applicable Pretreatment Standards to the Director within twenty four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the bypass. The written submission shall

contain a 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. The User shall also set forth in writing the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Director may waive the written report on a case by case basis if the oral report has been received within twenty four (24) hours.

D. Bypass Prohibition; Exception:

1. Bypass is prohibited, and the Director may take enforcement action against a User for a bypass, unless:
  - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup 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
  - c. The User submitted notices as required under subsection C of this section.
2. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three (3) conditions listed in subsection D.1 of this section. (Ord. 72-98 § 17, 1998)

SECTION 6. This ordinance shall take effect immediately upon the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
CHAIRPERSON

ATTEST:

\_\_\_\_\_  
CITY RECORDER

Transmitted to Mayor on \_\_\_\_\_.

Mayor's Action: \_\_\_\_\_ Approved. \_\_\_\_\_ Vetoed.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY RECORDER

(SEAL)

Bill No. \_\_\_\_\_ of ~~2010~~2011

.Published: \_\_\_\_\_.

HB\_ATTYY-#18239-v1-Pretreatment\_Ordinance\_(redlined\_from\_3-17-11\_version)

**Salt Lake City Ordinance**

**No. \_\_\_\_ of 2011**

(Amending Chapters 17.32, 17.36, 17.52, 17.68 and 17.69,  
relating to waste water pretreatment)

An ordinance amending certain provisions of *Chapters 17.32, 17.36, 17.52, 17.68 and 17.69*, Salt Lake City Code, relating to waste water pretreatment.

Be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Chapter 17.32 of Salt Lake City Code is hereby amended to read as follows:

**Article I. General Provisions**

**17.32.010: SHORT TITLE:**

This division shall be known as, and references in this division to "this chapter" shall be deemed to refer to, the *SALT LAKE CITY WASTEWATER CONTROL ORDINANCE*. The Chapters within the Salt Lake City Code that specifically refer to the Industrial Pretreatment Program are 17.32, 17.36, 17.52, 17.68 and 17.69. (Ord. 72-98 § 1, 1998; Ord. 36-93 § 2, 1993; prior code § 37-1-1)

**17.32.020: PURPOSE OF PROVISIONS:**

- A. It is necessary for the health, safety and welfare of the residents of the POTW to regulate the collection of wastewater and treatment thereof to provide for maximum public benefit. The provisions set forth in this division are uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the POTW, and enable the POTW to comply with all applicable local, state and federal laws.
- B. The objectives are:
  - 1. To prevent the introduction of pollutants into the POTW which will interfere with the operation of the POTW or contaminate the resulting sludge;
  - 2. To prevent the introduction of pollutants into the POTW which will Pass Through the POTW, inadequately treated, into receiving waters or the atmosphere, or otherwise be incompatible with the POTW;

3. To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
  4. To improve the opportunity to recycle and reclaim wastewaters and sludges from the POTW;
  5. To provide for equitable distribution among Users of the cost and operation of the POTW;
  6. To provide for and promote the general health, safety and welfare of the citizens residing within the POTW; and
  7. To enable the City to comply with its UPDES permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the POTW is subject.
- C. The provisions herein provide for the regulation of direct and indirect contributors to the POTW through the issuance of permits and through enforcement of general requirements for all Users, authorize monitoring and enforcement activities, require User reporting, assume that existing User's capability will not be preempted, and provide for the setting of fees for the equitable distribution of costs resulting from the program established herein.
- D. The provisions herein shall apply to the POTW and to persons outside the service area of the POTW who are, by contract or agreement with the POTW, Users of the POTW. The provisions herein shall provide for enforcement and penalties for violations. (Ord. 36-93 § 2, 1993: prior code § 37-1-2)

**17.32.030: RULES AND REGULATIONS:**

The Director may, from time to time, adopt such rules, regulations and policies as shall be reasonably necessary to implement the provisions of the Wastewater Control Ordinance and administer the wastewater treatment program of the City. (Ord. 72-98 § 2, 1998)

**17.32.035: Severability**

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

**Article II. Definitions**

**17.32.040: DEFINITIONS, GENERALLY:**

Unless the context specifically indicates otherwise, the following terms and phrases, as used in the Wastewater Control Ordinance, shall have the meanings hereinafter designated in this article. (Ord. 36-93 § 2, 1993: prior code § 37-1-3)

**17.32.050: ABBREVIATIONS:**

The following abbreviations shall have the designated meanings:

- BMP: Best Management Practice
- BOD: Biochemical oxygen demand.
- CFR: Code of federal regulations.
- CIU: Categorical Industrial User
- COD: Chemical oxygen demand.
- cP: Centipoise = 0.01 poise = cgs unit of absolute viscosity,  $\frac{\text{gm}}{\text{sec} \times \text{cm}}$
- EPA: The United States Environmental Protection Agency or its successors.
  
- l: Liter.
- mg: Milligrams.
- mg/l: Milligrams per liter.
- POTW: Publicly Owned Treatment Works.
- SIC: Standard industrial classification.
- SIU: Significant Industrial User
- SNC Significant Noncompliance
- SWDA: Solid waste disposal act, 42 USC 6901 et seq., or its successor.
- TRC: Technical review criteria.
- TSS: Total suspended solids.
- UPDES: Utah pollutant discharge elimination system.

USC: United States Code.

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(Ord. 36-93 § 2, 1993: prior code § 37-1-4)

**17.32.060: ACT OR THE ACT:**

"Act" or "the act" means the Federal Water Pollution Control Act, PL 92-500, also known as the Clean Water Act, as amended, 33 USC section 1251 et seq. (Ord. 36-93 § 2, 1993: prior code § 37-1-3(1))

**17.32.070: APPROVAL AUTHORITY:**

"Approval Authority" means the State of Utah's Department of Environmental Quality, Division of Water Quality (DWQ) or its successor agencies. (Ord. 36-93 § 2, 1993: prior code § 37-1-3(2))

**17.32.080: AUTHORIZED OR DULY AUTHORIZED REPRESENTATIVE OF THE INDUSTRIAL USER:**

A. If the User is a corporation:

1. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
2. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions 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 wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

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

- C. If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- D. The individuals described in paragraphs A through C, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Director . (Ord. 36-93 § 2, 1993: prior code § 37-1-3(3))

**17.32.090: BEST MANAGEMENT PRACTICES:**

“Best management practices” or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in section 17.36.060.A and B. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. BMPs also include alternative means (i.e., management plans) of complying with, or in place of certain established categorical Pretreatment Standards and effluent limits.

**17.32.100: BIOCHEMICAL OXYGEN DEMAND (BOD):**

"Biochemical oxygen demand (BOD)" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at twenty degrees centigrade (20°C), usually expressed as concentration (e.g., mg/L). Laboratory determinations shall be made in accordance with methods set forth in 40 CFR 136 or its successor. (Ord. 36-93 § 2, 1993: prior code § 37-1-3(4))

**17.32.110: BUILDING OR SEWER LATERAL:**

"Building or sewer lateral" means a sewer conveying the wastewater of a User from a residence building or other structure to a POTW sewer, including direct connections to a POTW sewer where permitted by the POTW. A sewer lateral is a building sewer owned by the User. (Ord. 36-93 § 2, 1993: prior code § 37-1-3(5))

**17.32.120: BUSINESS CLASSIFICATION CODE (BCC):**

"Business classification code (BCC)" means a classification of dischargers based on the "1972

Standard Industrial Classification Manual", bureau of the budget of the United States of America or its successor. (Ord. 36-93 § 2, 1993: prior code § 37-1-3(6))

**17.32.130: CATEGORICAL PRETREATMENT STANDARDS OR CATEGORICAL STANDARDS:**

Categorical Pretreatment Standard or Categorical Standard means any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 USC section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471. (Ord. 36-93 § 2, 1993: prior code § 37-1-3(7))

**17.32.140: CATEGORICAL INDUSTRIAL USER (CIU):**

Categorical Industrial User means an Industrial User subject to a categorical Pretreatment Standard or categorical Standard.

**17.32.150: CHEMICAL OXYGEN DEMAND (COD):**

"Chemical oxygen demand (COD)" means a measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water. Laboratory determinations shall be made in accordance with methods set forth in 40 CFR 136 or its successor. (Ord. 36-93 § 2, 1993: prior code § 37-1-3(8))

**17.32.160: CHLORINE DEMAND:**

"Chlorine demand" means the amount of chlorine required to produce a free chlorine residual of 0.1 mg/l at the end of the contact period on a sample, in conformance with the procedures described in standard methods set forth in 40 CFR 136 or its successor. (Ord. 36-93 § 2, 1993: prior code § 37-1-3(9))

**17.32.170: CITY:**

"City" means the Salt Lake City Corporation, State of Utah.

**17.32 180: COMPATIBLE POLLUTANT:**

"Compatible pollutant" means biochemical oxygen demand, total suspended solids, pH and fecal coliform bacteria, plus any additional pollutants identified in the Publicly Owned Treatment Works' UPDES permit, where the Publicly Owned Treatment Works is designed to treat such

pollutants and, in fact, does treat such pollutants to the degree required by the POTW's UPDES permit. (Ord. 36-93 § 2, 1993: prior code § 37-1-3(10))

**17.32.190: CONTROL AUTHORITY:**

"Control Authority" means Salt Lake City Corporation (Ord. 36-93 § 2, 1993: prior code § 37-1-3(13))

**17.32.200: DAILY MAXIMUM:**

"Daily maximum" means the arithmetic average of all effluent samples for a pollutant collected during a calendar day

**17.32.210: DAILY MAXIMUM LIMIT:**

"Daily maximum limit" means the maximum allowable discharge limit of a pollutant during a calendar day. Where daily maximum limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

**17.32.220: DIRECTOR:**

"Director" means the Director of Salt Lake City Department of Public Utilities or his or her designated representative. (Ord. 36-93 § 2, 1993: prior code § 37-1-3(27))

**17.32.230: ENVIRONMENTAL PROTECTION AGENCY OR EPA:**

"Environmental Protection Agency" or "EPA" means the U.S. Environmental Protection Agency, or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency. (Ord. 36-93 § 2, 1993: prior code § 37-1-3(17))

**17.32.240: ENFORCEMENT RESPONSE PLAN; (ERP):**

"Enforcement Response Plan" means the policies and procedures developed by the Control Authority and accepted by the Approval Authority to track compliance and take enforcement

actions against noncompliance with the industrial pretreatment program requirements and limitations. (Ord. 36-93 § 2, 1993)

**17.32.250: EXISTING SOURCE:**

“Existing source” means any source of discharge that is not a “New Source.”

**17.32.260: FATS OILS AND GREASE:**

“Fats Oils and Grease” (“FOG”) shall mean any fats oils or grease of animal or plant origin having a potential to cause Interference with or obstruction to the POTW.

**17.32.270: FOOD PREPARATION AND PROCESSING ESTABLISHMENTS:**

"Food preparation and processing establishments" means establishments engaged in the preparation of food or drink to be consumed on the premises and/or to be delivered or picked up for resale and/or consumption. (Ord. 36-93 § 2, 1993: prior code § 37-1-3(18))

**17.32.280: GARBAGE:**

"Garbage" means solid wastes from the preparation, cooking and dispensing of food, and from handling, storage and sale of produce. (Ord. 36-93 § 2, 1993: prior code § 37-1-3(19))

**17.32.290: GRAB SAMPLE:**

"Grab sample" means a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes. (Ord. 36-93 § 2, 1993: prior code § 37-1-3(20))

**17.32.300: HAZARDOUS WASTE:**

“Hazardous waste” means any material having the characteristics identified under or listed pursuant to section 3001 of RCRA and listed in 40 CFR 261;

**17.32.310: INCOMPATIBLE POLLUTANT:**

"Incompatible pollutant" means all pollutants other than compatible pollutants as defined in section 17.32.180, or its successor. (Ord. 36-93 § 2, 1993: prior code § 37-1-3(22))

**17.32.320: INDIRECT DISCHARGE:**

"Indirect discharge" means the introduction of pollutants into a POTW from any non-domestic source which is regulated under section 307(b), (c) or (d) of the Act (including septic tank waste discharged into the POTW). (Ord. 36-93 § 2, 1993: prior code § 37-1-3(23))

**17.32.330: INDUSTRIAL USER OR USER:**

"Industrial User or User" means a source of indirect discharge. (Ord. 36-93 § 2, 1993: prior code § 37-1-3(24))

**17.32.340: INDUSTRIAL WASTE:**

"Industrial waste" means solid, liquid or gaseous wastes, including cooling water (except where exempted by UPDES permit), resulting from any industrial, manufacturing or business process, or from the development, recovery or processing of a natural resource. (Ord. 36-93 § 2, 1993: prior code § 37-1-3(25))

**17.32.350: INSTANTANEOUS LIMIT:**

"Instantaneous limit means the maximum or minimum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete, grab, or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

**17.32.360: INTERFERENCE:**

"Interference" means a discharge that, alone or in conjunction with a discharge or discharges from other sources, either inhibits or disrupts the POTW, its treatment processes or operations or its sludge process use or disposal and therefore is a cause of a violation of any requirement of the POTW's UPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory provisions and regulations or permits issued thereunder or more stringent state or local regulations; Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA), including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA); State regulations contained in any Utah State sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection Research and Sanctuaries Act. (Ord. 36-93 § 2, 1993: prior code § 37-1-3(26))

**17.32.370: LOCAL LIMIT:**

“Local Limit” means specific discharge limits referred to in section 17.36.090 and developed and enforced by the City upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in section 17.36.060 and 40 CFR 403.5(a)(1) and (b).

**17.32.380: MEDICAL WASTE:**

“Medical waste” means isolation wastes, infectious agents, human or animal blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

**17.32.390: MONTHLY AVERAGE:**

“Monthly average” means the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

**17.32.400: MONTHLY AVERAGE LIMIT:**

“Monthly average limit” means the highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

**17.32.410: NEW SOURCE:**

“New Source” means:

- A. Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act that will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
  - 1. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
  - 2. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

3. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
- B. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of section A 2 or 3 above but otherwise alters, replaces, or adds to existing process or production equipment.
- C. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
1. Begun, or caused to begin, as part of a continuous onsite construction program
    - a. Any placement, assembly, or installation of facilities or equipment; or
    - b. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
  2. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation. 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. (Ord. 36-93 § 2, 1993: prior code § 37-1-3(30))

**17.32.420: NONCONTACT COOLING WATER:**

"Noncontact cooling water" means water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product. (Ord. 36-93 § 2, 1993: prior code § 37-1-3(14))

**17.32.425: OIL AND GREASE:**

"Oil and Grease" means the total oil and grease measured in a wastewater sample by methods set forth in 40 CFR 136 or its successor. Oil and Grease is composed of a mixture of all those polar and non polar materials which are soluble in hexane at pH 2 or less, and remain after boiling off the solvent. If an environmental sample is composed of non-polar material (such as petroleum hydrocarbons), and polar materials (such as animal or vegetable oils and fats), EPA

Method 1664A will directly quantify all the materials as hexane extractable materials (HEM). The silica-gel-treated-hexane extractable material (SGT-HEM) procedure of the same EPA method will measure the non-polar material (petroleum hydrocarbons) after the polar material is removed. The difference between the two measurements will give the amount of polar material (animal and vegetable) present.

**17.32.430: PASS-THROUGH:**

"Pass-Through" means 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 POTW's UPDES permit, including an increase in the magnitude or duration of the violation. (Ord. 36-93 § 2, 1993)

**17.32.440: PERSON:**

"Person means 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, and local governmental entities. The masculine gender shall include the feminine, and the singular shall include the plural where indicated by context. (Ord. 36-93 § 2, 1993: prior code § 37-1-3(32))

**17.32.450: pH:**

"pH" means a measure of the acidity or basicity of an aqueous solution, expressed in standard units. Theoretically pH equals the negative logarithm (base 10) cH, where cH is the concentration of hydrogen ions in grams per liter. Scale ranges from 0 to 14, pH 7 being neutral, less than 7, acidic, more than 7, basic. (Ord. 36-93 § 2, 1993: prior code § 37-1-3(33))

**17.32.460: POLLUTION OR POLLUTANT:**

"Pollution" or "pollutant" means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal and agricultural wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor) including the manmade or man induced alteration of the chemical, physical, biological and radiological integrity of water. (Ord. 36-93 § 2, 1993: prior code § 37-1-3(34))

**17.32.470: PRETREATMENT:**

"Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes, or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard. (Ord. 36-93 § 2, 1993: prior code § 37-1-3(35))

**17.32.480: PRETREATMENT REQUIREMENTS:**

"Pretreatment requirements" means any substantive or procedural requirement related to pretreatment, other than a Pretreatment Standard imposed on a User. (Ord. 36-93 § 2, 1993: prior code § 37-1-3(36))

**17.32.490: PRETREATMENT STANDARDS OR STANDARDS:**

"Pretreatment Standard" or "Standard" means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307 (b) and (c) of the Act, which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to 40 CFR 403.5.

**17.32.500: PROHIBITED DISCHARGE STANDARDS OR PROHIBITED DISCHARGES:**

"Prohibited Discharge Standards" or "prohibited discharges" means absolute prohibitions against the discharge of certain substances; these prohibitions appear in section 17.36.060.

**17.32.510: PUBLIC SEWER:**

"Public sewer" shall mean any sewer dedicated to public use and which is controlled by a public corporation or governmental agency.

**17.32.520: PUBLICLY OWNED TREATMENT WORKS (POTW):**

"Publicly Owned Treatment Works (POTW)" means a treatment works, as defined by section 212 of the Act (33 USC 1292), or its successor, which is owned by Salt Lake City Corporation having statutory authority to collect and treat sewage. This definition includes any sewers, pumping stations and appurtenances used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant. Building and sewer lateral shall not be included in this definition. For the purposes of the Wastewater Control Ordinance, "POTW" shall also include any sewers that convey wastewater to the POTW by persons outside the POTW boundaries who are by contract or agreement with the POTW actually Users of the POTW. (Ord. 36-93 § 2, 1993: prior code § 37-1-3(37))

**17.32.530: SANITARY SEWER:**

"Sanitary sewer" means the pipe or conduit system, and appurtenances, for the collection, transportation, pumping and treatment of sewage. This definition shall also include the terms "public sewer", "sewer system", and "sewer". (Ord. 36-93 § 2, 1993: prior code § 37-1-3(41))

**17.32.540: SEPTIC TANK WASTE**

"Septic tank waste" means any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, airplane holding tanks and septic tanks.

**17.32.550: SEWAGE:**

"Sewage" means human excrement and gray water (household showers, dishwashing operations, etc.) and any of the wastewater of the community which has been contaminated by use such that treatment is required before it may be safely discharged to the environment or reused. (Ord. 36-93 § 2, 1993: prior code § 37-1-3(42))

**17.32.560: SHALL, WILL AND MAY:**

"Shall" and "will" are mandatory; "may" is permissive. (Ord. 36-93 § 2, 1993: prior code § 37-1-3(43))

**17.32.570: SIGNIFICANT INDUSTRIAL USER, (SIU):**

Except as provided in paragraphs C and D of this definition, a Significant Industrial User is:

- A. An Industrial User subject to categorical Pretreatment Standards; or

B. An Industrial User that:

1. Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
2. Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
3. Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.

C. The City may determine that an Industrial User subject to categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

1. The Industrial User, prior to City's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
2. The Industrial User annually submits the certification statement required in section 17.52.210.B, together with any additional information necessary to support the certification statement; and
3. The Industrial User never discharges any untreated concentrated wastewater.

D. Upon a finding that a User meeting the criteria in Subsection B of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the City may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User. (Ord. 72-98 § 3, 1998; Ord. 21-95 § 1, 1995; Ord. 36-93 § 2, 1993; prior code § 37-1-3(44))

**17.32.580: SIGNIFICANT NONCOMPLIANCE (SNC):**

“Significant noncompliance” “(SNC)” shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs C, D or H of this section) and shall mean:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits as defined herein;
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for the same pollutant parameter during a six- (6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined herein, multiplied by the applicable TRC (TRC equals 1.4 for BOD, TSS, fats, oils and grease, and TRC equals 1.2 for all other pollutants except pH);
- C. Any other violation of a Pretreatment Standard or Requirement as defined herein (daily maximum, long-term average, instantaneous limit, or narrative standard) that the Director determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;
- D. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Director's exercise of emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance; or
- H. Any other violation(s), which may include a violation of best management practices, which the Director determines will adversely affect the operation or implementation of the local pretreatment program. (Ord. 36-93 § 2, 1993)

**17.32.590: SLUG LOAD OR SLUG DISCHARGE:**

“Slug load” or “slug discharge” shall mean any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in section 17.36.060. 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.

**17.32.600: STATE:**

"State" means the state of Utah. (Ord. 36-93 § 2, 1993: prior code § 37-1-3(47))

**17.32.610: STANDARD INDUSTRIAL CLASSIFICATION (SIC):**

"Standard Industrial Classification (SIC)" means a classification pursuant to the "Standard Industrial Classification Manual" issued by the executive office of the president, office of management and budget, 1972, or its successor. The North American Industry Classification System (NAICS) is similar to the SIC and means a classification pursuant to the Office of Management and Budget, official 2007 U.S. NAICS Manual, as amended. (Ord. 36-93 § 2, 1993: prior code § 37-1-3(48))

**17.32.620: STORM SEWER:**

"Storm sewer" means a sewer that carries only stormwater, surface water and ground water drainage. (Ord. 36-93 § 2, 1993: prior code § 37-1-3(49))

**17.32.630: STORMWATER:**

"Stormwater" means any flow occurring during or following any form of natural precipitation and resulting therefrom, including snowmelt. (Ord. 36-93 § 2, 1993: prior code § 37-1-3(50))

**17.32.640: SUBDIVISION:**

- A. "Subdivision" means the division of a tract, or lot, or parcel of land into three (3) or more lots, plots, sites or other divisions of land for the purpose, whether immediate or future, of sale or of building development or redevelopment; provided, however, that divisions of land for agricultural purposes or for commercial, manufacturing or industrial purposes shall be exempt. Further, the above definition shall not apply to the sale or conveyance of any parcel of land which may be shown as one of the lots of a subdivision of which a plat has theretofore been recorded in the office of the county recorder.
- B. The word "subdivide" and any derivative thereof shall have reference to the term "subdivision" as herein defined. (Ord. 36-93 § 2, 1993: prior code § 37-1-(51))

**17.32.650: TOTAL SUSPENDED SOLIDS OR SUSPENDED SOLIDS:**

"Total suspended solids" or "suspended solids" means the total suspended matter that floats on the surface of or is suspended in water, wastewater or other liquids, and which is removable by laboratory filtering in accordance with methods set forth in 40 CFR 136 or its successor. (Ord. 36-93 § 2, 1993; prior code § 37-1-3(52))

**17.32.660: TOXIC POLLUTANT:**

"Toxic pollutant" means any pollutant or combination of pollutants found to be toxic or stipulated as toxic in regulations promulgated by the administrator of the environmental protection agency under the act. (Ord. 72-98 § 4, 1998; Ord. 36-93 § 2, 1993; prior code § 37-1-3(53))

**17.32.670: UTAH POLLUTION DISCHARGE ELIMINATION SYSTEM (UPDES) PERMIT:**

"Utah pollution discharge elimination system (UPDES) permit" means a permit issued pursuant to section R317-8 of the Utah Administrative Code, or its successor. (Ord. 36-93 § 2, 1993; prior code § 37-1-3(31))

**17.32.680: VISCOSITY:**

"Viscosity" means the property of a fluid that resists internal flow by releasing counteracting forces. (Ord. 36-93 § 2, 1993; prior code § 37-1-3(58))

**17.32.690: WASTEWATER:**

"Wastewater" means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial and manufacturing facilities and institutions, together with any infiltrating ground water, surface water and stormwater that may be present, whether treated or untreated, which enters the POTW. (Ord. 36-93 § 2, 1993; prior code § 37-1-3(55))

**17.32.700: WASTEWATER DISCHARGE PERMIT OR PERMIT:**

"Wastewater discharge permit" or "permit" means a control document issued by the City which authorizes the discharge of industrial wastewater into the POTW by a SIU.

**17.32.710: WASTEWATER STRENGTH:**

"Wastewater strength" means the quality of process wastewater discharged, as measured by its elements, including its constituents and characteristics. (Ord. 21-95 § 2, 1995; Ord. 36-93 § 2, 1993; prior code § 37-1-3(59))

**17.32.720: WASTEWATER TREATMENT PLANT OR TREATMENT PLANT:**

"Wastewater treatment plant" or "treatment plant" means that portion of the publicly owned treatment works designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste. (Ord. 36-93 § 2, 1993; prior code § 37-1-3(39))

**17.32.730: WATERS OF THE STATE:**

"Waters of the State" means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the State or any portion thereof. (Ord. 36-93 § 2, 1993; prior code § 37-1-3(56))

**17.32.740: ZERO DISCHARGE INDUSTRIAL FACILITY:**

"Zero discharge industrial facility" means an industry which may be identified by the Director as a Significant Industrial User, as defined herein, which has voluntarily elected or is required by the categorical pretreatment standard not to discharge any of its process wastewater to the POTW, but to dispose of it by other legal means. For the purposes of inspection, sampling and enforcement, a zero discharge industrial facility shall be considered an Industrial User.

SECTION 2. Chapter 17.36 of Salt Lake City Code is hereby amended to read as follows:

**Chapter 17.36  
GENERAL REQUIREMENTS**

**17.36.010: SUPERVISION OF POTW:**

The POTW shall be supervised and directed by the Director. (Ord. 36-93 § 3, 1993; prior code § 37-2-1)

**17.36.020: MORE STRINGENT LIMITATIONS; POTW RIGHTS:**

The POTW reserves the right to establish more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in section 17.32.020, or its successor. (Ord. 36-93 § 3, 1993: prior code § 37-2-8)

**17.36.030: GENERAL DISCHARGE REGULATIONS:**

- A. Discharge into POTW: All sewage shall be discharged to public sewers except as provided hereinafter.
- B. Discharge of Sewage: No person shall discharge any sewage from any premises within the POTW service area into and upon any public highway, stream, watercourse or public place, or into any drain, cesspool, storm or private sewer, except as provided for hereafter. (Ord. 36-93 § 3, 1993: prior code § 37-2-2(1), (2))

**17.36.040: NONPOLLUTED WATERS DISCHARGED TO STORM SEWERS:**

Nonpolluted stormwater, surface drainage, subsurface drainage, ground water, roof runoff, noncontact cooling water or other nonpolluted water may be admitted to specifically designated storm sewers which have adequate capacity for the accommodations of such waters. No person shall connect to and/or use sanitary sewers for the above purposes without having first obtained the written consent of the Director. (Ord. 21-95 § 3, 1995: Ord. 36-93 § 3, 1993: prior code § 37-2-2(4))

**17.36.050: DISCHARGING SURFACE WATERS INTO SANITARY SEWERS:**

No person shall cause to be discharged or make a connection which would allow any stormwater, surface drainage, ground water, roof runoff, or noncontact cooling water to be admitted into any sanitary sewer, unless otherwise permitted in writing by the Director. No person shall cause any of the above mentioned waters to be mixed with that person's industrial waste in order to dilute such industrial waste. (Ord. 21-95 § 4, 1995: Ord. 36-93 § 3, 1993: prior code § 37-2-2(3))

**17.36.060: PROHIBITED DISCHARGE STANDARDS;**

- A. General Prohibitions: No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.
- B. Specific Prohibitions: No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
1. Explosives: Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosive hazard or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two (2) successive readings on any explosion hazard meter, at the point of discharge to the POTW (or at any point in the system) be more than five percent (5%), nor any single reading over ten percent (10%) of the lower explosive limit (LEL) of the meter.
  2. Fire Explosion: Pollutants which create a fire or explosion hazard in the POTW including, but not limited to, wastestreams with a closed cup flashpoint of less than one hundred forty degrees Fahrenheit (140°F) (60 ° C) using test methods specified in 40 CFR 261.21 or its successor;
  3. Solids:
    - a. Solid or viscous substances in amounts which will cause obstruction to the flow in the POTW resulting in Interference.
    - b. Solid or viscous pollutants in amounts which will interfere with the operation of the wastewater treatment facilities such as, but not limited to fats oils and grease, garbage with particles greater than one-fourth inch (1/4") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinder, sand, spent lime, stone or marble dust, metal, glass, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes;
  4. Low pH Limit: Any wastewater which will cause corrosive structural damage to the POTW, but in no case discharges with pH of less than 5.0, unless the POTW is specifically designed to accommodate such discharges.

5. High pH Limit: Any wastewater with a pH greater than 11.0 or otherwise causing corrosive structural damage to the POTW or equipment;
6. Toxic Pollutants:
  - a. Any pollutants including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the POTW.
  - b. Toxic Pollutants: Any pollutants released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with wastewater treatment or sludge handling process, constitute a hazard to humans or animals, create an acute toxic effect in the receiving waters of the POTW, contaminate the sludge of the POTW systems, or exceed the limitations set forth in a categorical or local Pretreatment Standard or Requirement;
7. Noxious Substances: Any waste containing noxious or malodorous liquids, in such quantities that, alone or in combination with other waste substances are sufficient to create a hazard for humans, animals or the environment, interfere detrimentally with sewage treatment processes, Pass Through treatment facilities in concentrations exceeding discharge limitations, prevent entry into the sewers for their maintenance and repair, cause a public nuisance, or cause any hazardous condition to occur in the POTW;
8. Gaseous Substances: Any pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
9. Untreatable Substances: Any substance which may cause the POTW's effluent or any other product of the POTW, such as residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under section 405 of the act, or its successor; any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the solid waste disposal act, the clean air act, the toxic substances control act, or state criteria applicable to the sludge management method being used;
10. UPDES Permit Violation: Any substances which will cause the POTW to violate its UPDES and/or state disposal system permit or the receiving water quality standards;

11. Objectionable Color: Any wastewater with objectionable color not removed in the POTW 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 POTW's UPDES permit;
12. Heat: Any wastewater with heat in amounts which will inhibit biological activity in the POTW resulting in Interference, but in no case heat in such quantities that the temperature at the POTW Treatment Plant exceeds 40 °C (104°F);
13. Radioactive Wastes: Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Director in compliance with applicable State or Federal regulations;
14. Oil and Grease: Any wastewater containing petroleum oil, non-biodegradable cutting oil, products of mineral oil origin or petroleum based grease, in amounts that will cause Interference or Pass Through. (Ord. 72-98 § 6, 1998: Ord. 63-95 § 1, 1995: Ord. 36-93 § 3, 1993: prior code § 37-2-2(5))
15. Trucked wastes: Trucked or hauled pollutants, except at discharge points designated by the POTW;
16. Storm Water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the Director in a wastewater discharge permit;
17. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
18. Medical Wastes in amounts or concentrations that would cause a violation of any one of the objectives included in Section 17.32.020.B of this ordinance;
19. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail any toxicity test;
20. Detergents, surface-active agents, or other substances that might cause excessive foaming in the POTW;
21. Saltwater or brine from commercial or industrial establishments in concentrations that will interfere with wastewater collection, treatment or treated wastewater reuse including

but not limited to commercial or industrial backwashes or similar wastestreams resulting from the direct addition of salt.

22. Any discharges containing compounds that are labeled for the control of pest species of any type, such as, but not limited to, acaricides, bactericides, fungicides, herbicides, insecticides, molluscicides, nematicides and rodenticides in concentrations that would cause Interference or Pass-Through at the POTW or otherwise cause the POTW to violate its UPDES permit.

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

#### **17.36.070: NATIONAL CATEGORICAL PRETREATMENT STANDARDS:**

Upon the promulgation of the Federal National Categorical Pretreatment Standard for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed in this chapter for sources in that subcategory, shall immediately supersede the limitations imposed herein. Categorical Industrial Users must comply with the National Categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405–471.

- A. Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Director may impose equivalent concentration or mass limits in accordance with paragraphs D and E of this section.
- B. When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Director may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.
- C. When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the Director shall impose an alternate limit in accordance with 40 CFR 403.6(e).
- D. When a categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that the City convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Director. The City may establish equivalent mass limits only if the Industrial User meets all the conditions set forth in sub-sections 1 a, through e, below.
  1. To be eligible for equivalent mass limits, the Industrial User must:

- a. Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its wastewater discharge permit;
  - b. Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;
  - c. Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;
  - d. Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the discharge; and
  - e. Have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.
2. An Industrial User subject to equivalent mass limits must:
- a. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
  - b. Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
  - c. Continue to record the facility's production rates and notify the Director whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph 17.36.070.D.1.c of this section. Upon notification of a revised production rate, the Director will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
  - d. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraph 17.36.070. D.1 a of this section so long as it discharges under an equivalent mass limit.

3. When developing equivalent mass limits, the Director:
  - a. Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based daily maximum and monthly average standard for the applicable categorical Pretreatment Standard and the appropriate unit conversion factor;
  - b. Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
  - c. May retain the same equivalent mass limit in subsequent wastewater discharger permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to section 17.36.110. The Industrial User must also be in compliance with section 17.69.030 regarding the prohibition of bypass.
- E. The Director may convert the mass limits of the categorical Pretreatment Standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual Industrial Users. The conversion is at the discretion of the Director.
- F. Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this section in lieu of the promulgated categorical Pretreatment Standards from which the equivalent limitations were derived.
- G. Many categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average, or 4-day average, limitations. Where such standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.
- H. Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based standard shall notify the Director within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the Director of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate.

**17.36.080: STATE PRETREATMENT STANDARDS:**

State requirements and limitations on discharges shall apply when they are more stringent than federal requirements and limitations or those in this chapter.

**17.36.090: LOCAL LIMITS:**

- A. The Director is authorized to establish Local Limits pursuant to 40 CFR 403.5(c). The Director may impose mass limitations in addition to concentration-based limitations for local limits.
- B. Local limits established by the Director and approved by the State are listed in a separate document entitled "City of Salt Lake City Corporation Local Limits". This document is incorporated in this chapter by reference.
- C. Local limits shall apply at the designated sampling point for users holding a valid wastewater discharge permit, otherwise, the local limits apply at the end of the User's sewer lateral pipeline at the point where the industrial wastewater is discharged to the POTW.
- D. Local limits are established to prevent Pass Through and Interference and shall be reviewed as needed. Any revision to the Control Authority's local limits shall be submitted for approval to the State. Upon State approval, the revised local limits shall be enforceable under the conditions of the Wastewater Control Ordinance. Copies of the most recently State approved local limits shall be made available upon request through the Office of the Director.
- E. The Director may develop best management practices (BMPs), by ordinance or in wastewater discharge permits, to implement local limits and the requirements of the Wastewater Control Ordinance.

**17.36.100: CITY'S RIGHT OF REVISION:**

The City reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW consistent with the purpose of the Wastewater Control Ordinance.

**17.36.110: DILUTION OF DISCHARGES PROHIBITED:**

No User shall ever increase the use of process water, or in any way attempt to dilute a discharge as a partial or complete substitute for adequate pretreatment to achieve compliance with a

discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. The Director may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases when the imposition of mass limitations is appropriate pursuant to 40 CFR 403.6(c)(1). (Ord. 36-93 § 3, 1993: prior code § 37-2-9))

**17.36.120: PRETREATMENT REQUIREMENTS:**

Users shall provide wastewater treatment as necessary to comply with the Wastewater Control Ordinance and shall achieve compliance with all categorical Pretreatment Standards, local limits, and the prohibitions set out in 17.36.060 within the time limitations specified by EPA, the State, or the Director, whichever is more stringent. Any facilities or equipment (e.g. continuous pH meters, ORP meters) necessary for ensuring consistent compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities, equipment and operating procedures shall be submitted to the Director for review, and shall be acceptable to the Director before such facilities are constructed and equipment installed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities or equipment as necessary to produce a discharge acceptable to the City under the provisions of the Wastewater Control Ordinance. Following completion of construction the Director may request the User to provide copies of as-built drawings to be retained by the Director. Subsequent alterations or additions to such pretreatment or flow control facilities shall not be made without prior notice to the Director. New sources shall install and operate all pollution control equipment required to meet applicable Pretreatment Standards prior to discharging to the POTW;

**17.36.130: ADDITIONAL PRETREATMENT MEASURES:**

- A. Whenever deemed necessary, the Director may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of the Wastewater Control Ordinance.
- B. The Director may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.

- C. The Director may require any User with the potential to discharge flammable substances to install and maintain an approved combustible gas detection meter.

**17.36.140: GREASE, OIL AND SAND TRAPS OR INTERCEPTORS:**

A. Requirements

1. From and after the effective date hereof, grease, oil and sand interceptors, as described by the Utah plumbing code, hereinafter interceptors, shall be required, both for any new or old business where its building is newly constructed, added to or refurbished to the extent that a building permit is required under the law, for any food processing or preparation establishments, or any other User when, in the opinion of the Director, they are necessary for the proper handling of liquid wastes containing grease, or any flammable wastes, sand and other harmful ingredients, except that such interceptors shall not be required for domestic dwellings.
  2. An interceptor shall be of a type and capacity which meets all applicable standards set forth in the Utah plumbing code, and all standards adopted by the Director, and shall be located as to be readily accessible for cleaning by User and inspection by POTW employees.
- B. Any existing floor drain, such as those from interior auto maintenance shops, garages or machine shop facilities, that discharges into a storm drain system shall be plugged, or require the installation and maintenance of a interceptor, sample box and sanitary sewer connection. All new facilities will be required to meet these regulations.
- C. All interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.
- D. Where installed, interceptors must be inspected and approved by the City, and shall be maintained in continuous efficient operation at all times by the User at the User's sole expense.
- E. In the event a food processing or preparation establishment installs or has installed an interceptor pursuant to this section, the installation shall not in and of itself, relieve the User from complying with section 17.52.220. (Ord. 72-98 § 8, 1998: Ord. 36-93 § 3, 1993: prior code § 37-2-14)

**17.36.150: ACCIDENTAL DISCHARGE/SLUG DISCHARGE CONTROL PLANS:**

- A. The Director shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control slug discharges within one year after the industrial User has been designated an SIU. The Director shall re-evaluate each SIU every two (2) years after the initial evaluation. The Director may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control slug discharges. Alternatively, the Director may develop such a plan for any User. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:
1. Description of discharge practices, including nonroutine batch discharges;
  2. Description of stored chemicals;
  3. Procedures for immediately notifying the Director of any accidental or slug discharge, as required by section 17.52.160 F; and
  4. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response

**17.36.160: HAULED WASTEWATER:**

- A. Septic tank waste, from domestic sources only, may be introduced into the POTW only at locations designated by the Director, and at such times as are established by the Director. Such waste shall not violate section 17.36.060 through 090 or any other requirements established by the City. The Director may require septic tank waste haulers to obtain wastewater discharge permits.
- B. Septic tank waste haulers may discharge loads only at locations designated by the Director. No load may be discharged without prior consent of the Director. The Director may collect samples of each hauled load to ensure compliance with applicable standards. The Director may require the septic tank waste hauler to provide a waste analysis of any load prior to discharge.

- C. Septic tank waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the septic tank waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall certify that the wastes to be discharged are domestic in origin only and contain no industrial wastes or any wastes that are RCRA hazardous wastes.
- D. Wastewater from recreational vehicles and boats shall only be discharged at dump sites designated for such use. The City reserves the right to inspect records of individual wastewater dumps from the authorized operators of each designated dump site. Detailed plans describing such facilities and operating procedures shall be submitted to the Director for review, and shall be acceptable to the Director before such facilities are constructed.

**17.36.170: REPAIR OR REPLACEMENT OF SEWERS; SEWER CONTRACTOR REQUIREMENTS:**

No User not licensed as a plumber or licensed and bonded contractor, pursuant to the requirements hereof, shall engage in the business of repair or replacement of a building drain or building sewer, without first obtaining a permit from the POTW and filing a corporate surety bond with the POTW in an amount to be specified by the POTW, such that the principal and surety shall hold POTW harmless from any and all injuries to persons or damage to property, and particularly to the sewer mains, caused by or through the cleaning or removal of any stoppage in any drain or sewer, and further conditioned that the principal will faithfully observe all ordinances, rules and regulations of said POTW pertaining to plumbing and sewers. (Ord. 36-93 § 3, 1993: prior code § 37-2-16)

**17.36.180: PRIVATE FACILITIES; MANDATORY CONNECTION TO SEWERS:**

- A. Connection Required When: The owner or the owner's agent of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the Salt Lake City sewer service area and abutting on any street, alley or right of way in which there is now located or may in the future be located a city sewer line, shall, when notified and required in writing by the City, at owner's expense, install suitable toilet facilities therein, and connect such facilities directly with the City sewer system in accordance with the provisions herein within ninety (90) days after date of official notice to do so, provided that the City sewer line is within three hundred feet (300') of the owner's property line.
- B. Discontinuance of Privy Vaults, Cesspools and Septic Tanks:

1. After date of official notice in subsection A of this section, no User, or his/her agent, or other person having charge of or occupying any property within three hundred feet (300') of a city sewer shall maintain or use or cause or permit to exist any privy vault, septic tank or cesspool upon such property without the City's written consent.
  2. In no case shall any plumbing in any house or building not complying with subsection A of this section and official notice remain unconnected to any public sewer for more than ninety (90) days after written notice from the City.
- C. Outhouses Prohibited: No User shall erect or maintain any outhouse or privy within the City sewer service area, except as licensed by the City. (Ord. 36-93 § 3, 1993; Ord. 59-87 § 1, 1987; prior code § 37-2-12)

**17.36.190: PRIVATE SEWAGE DISPOSAL; LIMITATIONS:**

A. Private Disposal Prohibited When:

1. No User shall construct, use or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage within the boundaries of POTW where POTW service is available within three hundred feet (300') of the property line of any property upon which any building, privy, privy vault, septic tank, cesspool or other facility as described above exists, except as provided in subsection B.1 of this section.
2. No User shall construct, use or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the purpose of disposal of sewage from any subdivision located within the boundaries of POTW.
3. Within ninety (90) days from the date POTW service becomes available within three hundred feet (300') of the property line of any buildings served by any private sewage disposal system, a direct connection shall be made to the POTW sewer by the owner at owner's expense in compliance with the provisions herein contained, and any septic tank, cesspool, privy or similar private sewage disposal facilities shall be immediately emptied and filled with suitable material.

B. Private Disposal Authorized When:

1. Where POTW service is not available within the limits provided in subsection A of this section, the building's sewer shall be connected to a private sewage disposal system complying with the provisions of the Salt Lake Valley Health Department.

2. Prior to commencement of construction of a private sewage disposal system, the User or his/her agent shall first obtain written permission from the Director for submission to the Salt Lake Valley Health Department.
3. The User or his/her agent shall operate and maintain the private sewage disposal facilities at User's sole expense and in compliance with all applicable federal, state, and local laws, rules and regulations.
4. No statement contained in this section shall be construed to interfere with any additional requirements which may be imposed by the Salt Lake Valley Health Department, the Utah Water Quality Board or the Utah State Department of Environmental Quality. (Ord. 1-06 § 30, 2005; Ord. 36-93 § 3, 1993; prior code § 37-2-17)

**17.36.200: PROHIBITED CONNECTIONS TO POTW:**

No person, either in person or through an agent, employee or contractor, shall make, allow or cause to be made any sewer connection to the POTW for service, or for the purpose of servicing property outside the boundaries of the POTW, except upon the written approval of the Director. Such connection to the POTW shall be made by a person who is either a bonded, state licensed sewer contractor or plumber who has obtained necessary sewer and street permits. (Ord. 36-93 § 3, 1993; prior code § 37-2-15)

**17.36.210: DISCONTINUANCE OF SERVICE:**

Any User desiring to discontinue service shall notify the POTW in writing of such fact at least thirty (30) days before the date when such service shall be discontinued. Upon giving such written notice, the User shall not be responsible for bills incurred after the termination date specified in the notice. Any unused credit balance in favor of the customer as a result of an advance payment of bills or deposit will be promptly refunded upon discontinuance of service. (Ord. 36-93 § 3, 1993; prior code § 37-2-18)

**17.36.220: MANHOLE COVERS:**

No User or other person shall open any POTW sewer manhole without permission from the Director. (Ord. 36-93 § 3, 1993; prior code § 37-2-11)

**17.36.230: DAMAGING SEWER SYSTEM PROHIBITED:**

No person shall damage, break or remove any part or portion of any POTW sewer or system, or

any sewer appliance or appurtenance, without the POTW's prior written consent. (Ord. 72-98 § 9, 1998; Ord. 36-93 § 3, 1993; prior code § 37-2-10)

SECTION 3. Chapter 17.52 of Salt Lake City Code is hereby amended to read as follows:

**Chapter 17.52**

**WASTEWATER DISCHARGE PERMITS**

**17.52.010: WASTEWATER DISCHARGE PERMIT REQUIREMENT:**

- A. No SIU shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Director, except that a SIU that has filed a timely application pursuant to section 17.52.020.B may continue to discharge for the time period specified therein.
- B. The Director may require other Users to obtain wastewater discharge permits as necessary to carry out the purposes of the Wastewater Control Ordinance.
- C. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of the Wastewater Control Ordinance and subjects the wastewater discharge permittee to the sanctions set out in sections 17.68.010 through 17.68.170. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law. (Ord. 36-93 § 7, 1993; prior code § 37-5-1)

**17.52.020: WASTEWATER DISCHARGE PERMIT; PERMITTING PROCEDURES:**

- A. Wastewater Analysis: When requested by the Director, any new or existing User must submit information on the nature and characteristics of its wastewater, including production and disposal procedures, within thirty (30) days of the request by completing a wastewater survey questionnaire. The Control Authority may prepare a form for this purpose and may periodically require Users to update the survey. Failure to complete this survey shall be a violation of the Wastewater Control Ordinance.
- B. Existing Connections: Any User required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within ninety (90) days after said date, apply to the Director for a wastewater discharge permit in accordance with section 17.52.030, and shall not cause or allow discharges to the POTW to continue after ninety (90) days of the

effective date of this ordinance except in accordance with a wastewater discharge permit issued by the Director.

- C. New Connections: Any User required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with section 17.52.030, must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

**17.52.030: WASTEWATER DISCHARGE PERMIT; APPLICATION CONTENTS:**

- A. Users required to obtain a wastewater discharge permit shall complete and file with the POTW an application in the form prescribed by the POTW, accompanied by a fee as set forth in Section 17.52.270. In support of the application, the User shall submit, in units and terms appropriate for evaluation, some or all of the following information:

- 1. Identifying information:

- a. Name, address, telephone number and location, (if different from the address) of applicant and owner of the premises (if different from the tenant when property is leased) from which industrial wastes are intended to be discharged,
- b. The name of an authorized representative duly authorized to act on behalf of the facility
- c. Description of activities, facilities, and plant production processes on the premises;

- 2. SIC number and/or NAICS number.

- 3. Environmental Permits: A list of any environmental control permits held by or for the facility.

- 4. Description of Operations:

- a. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should

- include a schematic process diagram, which indicates all points of discharge to the POTW from the regulated and unregulated processes and from dilute flows such as the domestic waste, boiler blowdown and noncontact cooling water, if any.
- b. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW. Material safety data sheets (MSDSs) of all chemicals shall be included.
  - c. Number and type of employees, hours of operation, and proposed or actual hours of operation;
  - d. Type and amount of raw materials processed (average and maximum per day);
  - e. 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. If deemed necessary by the POTW, such plans shall provide for separate systems for handling sanitary and industrial wastewater;
5. Time and duration of discharges;
  6. The location for monitoring all wastes covered by the permit;
  7. Flow Measurement: Information showing the measured average daily and maximum daily flow, in gallons per day, and peak wastewater flow rates, including daily, monthly and seasonal variations, if any, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e) to determine alternate limits as described in 17.36.070.C;
  8. Measurement of Pollutants.
    - a. The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for existing sources.
    - b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the Director, of regulated pollutants in the discharge from each regulated process. Sampling and analysis of unregulated flows and dilute flows may also be required by the Director for all pollutants suspected to be present in the flows.
    - c. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported.

- d. Each required sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in section 17.52.170 and 40 CFR Part 136 as amended. Where the standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Director or the applicable Standards to determine compliance with the Standard.
  - e. Sampling must be performed in accordance with procedures set out in section 17.52.180.
- 9. Any requests for a monitoring waiver or a renewal of an approved monitoring waiver for a pollutant neither present nor expected to be present in the discharge based on section 17.52.160.D.2.
  - 10. If additional O&M and/or additional pretreatment will be required for the User to meet the Pretreatment Standard, then the application shall contain the shortest compliance schedule by which the SIU will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. The schedule shall be arranged and reported to the Control Authority as set out in section 17.52.160 B.
  - 11. Any other information as may be deemed necessary by the Director to evaluate the permit application.
  - 12. A statement signed by an authorized representative of the industrial User as follows:  
"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations".
- B. Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.

**17.52.040: ZERO PROCESS WASTEWATER DISCHARGE PERMIT:**

Zero discharge industrial facilities as defined in 17.32.740 must apply for and obtain a zero process wastewater discharge permit. The Director may require the completion of a wastewater analysis as described in 17.52.020.A. The application contents for a zero process wastewater discharge permit shall be the same as that for an industrial wastewater discharge permit as described in 17.52.030. The zero process wastewater discharge permit shall require the permittee, to submit in December and June of each year, a written certification signed by an authorized representative that the facility has not discharged any process wastewater to the sanitary sewer in the last six month period and does not intend to discharge process wastewater in the coming six month period. Failure to submit this certification shall be deemed a violation of this ordinance. Any detected discharge of process wastewater to the City's sanitary sewer system by a zero process discharge industrial facility at any time shall immediately subject the user to the enforcement remedies included in section 17.68. The zero process wastewater discharge permit may contain other limitations and requirements as deemed necessary by the Director and this ordinance. The duration of zero process wastewater discharge permits shall be the same as wastewater discharge permits as defined in 17.52.070.

**17.52.050: APPLICATION SIGNATORIES AND CERTIFICATIONS:**

- A. All wastewater discharge permit applications, User reports and certification statements must be signed by an authorized representative of the User and contain the certification statement in sections 17.52.210 A and 17.52.030 A 12.
- B. If the designation of an authorized representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this section must be submitted to the Director prior to or together with any reports to be signed by an authorized representative.
- C. A facility determined to be a Non-Significant Categorical Industrial User by the Director pursuant to 17.32.570 C must annually submit the signed certification statement in section 17.52.210 B.

**17.52.060: WASTEWATER DISCHARGE PERMIT; DECISIONS:**

- A. Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.
- B. The Director will evaluate the data furnished by the SIU and may require additional information. Within one hundred and twenty (120) days of receipt of a complete permit application, the Director will determine whether to issue an l wastewater discharge permit.

The Director may conditionally approve or deny any application for a wastewater discharge permit.

**17.52.070: WASTEWATER DISCHARGE PERMIT; DURATION:**

- A. A wastewater discharge permit shall remain in effect until terminated by the POTW.
- B. All wastewater discharge permits shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A permit may be issued for a period less than five (5) years, or may be stated to expire on a specified date, at the discretion of the Director. Each wastewater discharge permit shall indicate a specific date upon which it will expire. Any permit may be canceled or terminated for failure to comply with the requirements of this ordinance. (Ord. 63-95 § 2, 1995; Ord. 36-93 § 7, 1993; prior code § 37-5-2(5))

**17.52.080: WASTEWATER DISCHARGE PERMIT; CONTENTS:**

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

- A. Wastewater discharge permits shall contain:
  - 1. A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date; (see section 17.52.070.)
  - 2. A statement that the wastewater discharge permit is nontransferable without prior notification to the City in accordance with section 17.52.110, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
  - 3. Effluent limits, including BMPs, based on applicable Pretreatment Standards;
  - 4. Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or BMP) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law;

5. The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the discharge in accordance with section 17.52.160.D.2;
  6. A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law;
  7. Requirements to control slug discharge, if determined by the Director to be necessary; and
  8. Any grant of the monitoring waiver by the Director (section 17.52.160.D.2) shall be included as a condition in the User's permit.
- B. Wastewater discharge permits may contain, but need not be limited to, the following conditions:
1. Requirements for the payment of the then current unit charge or schedule of User charges and fees for the wastewater to be discharged to the POTW;
  2. Limits on the average and/or maximum rate and time of discharge and/or requirements for flow regulation and equalization;
  3. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
  4. Requirements for the development and implementation of spill control plans in accordance with 17.36.150 or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges; Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the industrial User's own cost and expense. Review and approval of such plans and operating procedures shall not relieve the industrial User from the responsibility to modify the industrial User's facility as necessary to meet the requirements hereof. In the case of an accidental discharge, the industrial User shall implement the requirements set out in section 17.52.160 F 1 through 4
  5. Requirements for installation and maintenance of inspection and sampling facilities including flow measurement devices as contained in section 17.52.220

6. Requirements for the Director to implement the judicially enforceable remedies outlined in sections 17.68.010 through 17.68.170 according to the City's Enforcement Response Plan.
7. Requirements for submission of technical reports or discharge reports;
8. Requirements for maintaining and retaining records relating to wastewater discharge, as specified by the POTW, and affording POTW access thereto;
9. Requirements for development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
10. Requirements for notification of the POTW of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system. The City reserves the ability to accept or deny any proposed changes to the wastewater discharges at the facility;
11. Requirements for separate systems to handle sanitary and industrial wastewater, such that in the event that the User's industrial wastewater is or could cause an Interference or a potential Interference with the POTW, that the industrial wastewater could be severed, preventing discharge into the POTW and still allowing the User's sanitary wastewater to discharge into the POTW;
12. 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 ;
13. Production rates where mass discharge limits are required; and
14. Other conditions as deemed appropriate by the Director to ensure compliance with this chapter, and State and Federal laws, rules, and regulations. (Ord. 36-93 § 7, 1993: prior code § 37-5-2(4))

**17.52.090: WASTEWATER DISCHARGE PERMIT; ISSUANCE APPEAL PROCESS:**

Upon issuance of the wastewater discharge permit, any person including the applicant shall have 45 days to file in writing objections to any term or condition of the permit and:

- A. If no objections are received by the City within this time, the permit is deemed to be accepted.
- B. In its objection, the appealing party must indicate the individual wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the individual wastewater discharge permit sections.
- C. If a timely objection is filed and agreement cannot be reached with the POTW, the POTW may submit to the Director the proposed permit conditions and the written objections thereto.
- D. The effectiveness of the individual wastewater discharge permit shall not be stayed pending the appeal.
- E. The Director shall establish such special permit conditions as he or she deems advisable to ensure the applicant's compliance with the Wastewater Control Ordinance or applicable law or regulation, and direct the POTW to issue a wastewater discharge permit accordingly. The Director's decisions shall be considered final administrative actions for purposes of judicial review.
- F. Decisions by the Director not to reconsider an individual wastewater discharge permit, not to issue an individual wastewater discharge permit, or not to modify an individual wastewater discharge permit shall also be considered final administrative actions for purposes of judicial review; if a decision is not made by the Director within ninety (90) days of receipt of a written request, such request will be deemed denied.
- G. Aggrieved parties seeking judicial review of the final administrative individual wastewater discharge permit decision must do so by filing a complaint with the State of Utah Third District Court within thirty (30) days of the date of final action.

**17.52.100: WASTEWATER DISCHARGE PERMIT; MODIFICATIONS  
AND REVISIONS:**

- A. The Director may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:
  - 1. To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;

2. To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the wastewater discharge permit issuance;
3. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
4. Information indicating that the permitted discharge poses a threat to the POTW personnel, beneficial sludge use or the receiving waters;
5. Violation of any terms or conditions of the wastewater discharge permit;
6. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
7. Revision of or a grant of variance from categorical Pretreatment Standards pursuant to 40 CFR 403.13;
8. To correct typographical or other errors in the wastewater discharge permit; or
9. To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with section 17.52.110. (Ord. 36-93 § 7, 1993: prior code § 37-5-2(3))

**17.52.110: WASTEWATER DISCHARGE PERMIT; TRANSFER:**

- A. Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least sixty (60) days advance notice to the Director and the Director approves the Wastewater discharge permit transfer. The notice to the Director must include a written certification by the new owner or operator which:
1. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
  2. Identifies the specific date on which the transfer is to occur;
  3. Acknowledges full responsibility for complying with the existing wastewater discharge permit; and
  4. The conditions of the permit will not change.

- B. Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer. (Ord. 36-93 § 7, 1993: prior code § 37-5-2(6))

**17.52.120: WASTEWATER DISCHARGE PERMIT; SUSPENSION AND REVOCATION**

The Director may revoke a wastewater permit for good cause, including, but not limited to, the following reasons:

- A. Failure to notify the Director of significant changes to the wastewater prior to the changed discharge;
- B. Failure to provide prior notification to the Director of changed conditions pursuant to section 17.52.160.E;
- C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- D. Falsifying self-monitoring reports or certification statements;
- E. Tampering with monitoring equipment;
- F. Refusing to allow the Director timely access to the facility premises or 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 business ownership of a permitted facility; or
- M. Violation of any Pretreatment Standard or Requirement, or any terms of the wastewater discharge permit or this ordinance.

Wastewater discharge permits shall be voidable upon non operation of a permitted facility, cessation of operations or un-reported transfer of business ownership. All existing wastewater discharge permits issued to a User are void upon the reissuance of a new wastewater discharge permit to that User. (Ord. 72-98 § 11, 1998)

**17.52.130: WASTEWATER DISCHARGE PERMIT; REISSUANCE:**

A User with an expiring wastewater discharge permit shall apply for a wastewater discharge permit reissuance by submitting a complete permit application, in accordance with section 17.52.030, a minimum of ninety (90) days prior to the expiration of the User's existing wastewater discharge permit.

**17.52.140: SPECIAL AGREEMENTS AND CONTRACTS:**

- A. Special User agreement: No statement contained in this section shall be construed as prohibiting special written agreements between the POTW and any other User allowing industrial waste or wastewater of unusual strength or character to be admitted to the POTW, provided the User compensates the POTW for any additional costs of treatment. The POTW shall determine the wastewater criteria, and volume characteristics used to calculate any additional cost of treatment. In no case will a special agreement waive compliance with a Pretreatment Standard or Requirement. However, the Industrial User may request a variance from the categorical Pretreatment Standard from the EPA. 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 Pretreatment Standard. An Industrial User requesting a fundamentally different factor variance must comply with the procedural and substantive provisions in 40 CFR 403.13 and Rule R317-8-8.17 U.A.C.;
- B. Contracts With Other POTWs: Whenever there is excess POTW sewage treatment capacity, the POTW may contract with any other organized and established sewage treatment plant or with any other governmental agency or private enterprise for the discharge into the POTW from any part or parts thereof, or person living outside the boundaries of the POTW, upon such terms and conditions and for such periods of time as may be deemed reasonable. (Ord. 36-93 § 3, 1993; prior code § 37-2-13)

**17.52.150: REGULATION OF WASTE RECEIVED FROM OTHER JURISDICTIONS:**

- A. If another municipality, special district, government entity, or other jurisdiction authority connects to or contributes wastewater to the POTW, the Director shall enter into an inter-agency agreement with that entity.
- B. Prior to entering into an agreement required by paragraph A, above, the Director shall request the following information from the contributing municipality:
  - 1. A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
  - 2. An inventory of all Users located within the contributing municipality that are discharging to the POTW; and
  - 3. Such other information as the Director may deem necessary.
- C. An intermunicipal agreement, as required by paragraph A, above shall contain the following conditions:
  - 1. A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this ordinance and Local Limits, including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in section 17.36.090.E. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the City's ordinance or Local Limits;
  - 2. A requirement for the contributing municipality to submit a revised User inventory on at least an annual basis;
  - 3. A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the City and which of these activities will be conducted jointly by the contributing municipality and the City;
  - 4. A requirement for the contributing municipality to provide the City with access to all information that the contributing municipality obtains as part of its pretreatment activities;

5. Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
6. Requirements for monitoring the contributing municipality's discharge;
7. A provision ensuring the City access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the City; and
8. A provision specifying remedies available for breach of the terms of the intermunicipal agreement.

**17.52.160: REPORTING REQUIREMENTS:**

- A. Baseline Monitoring Reports: Within either one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing CIUs currently discharging to or scheduled to discharge to the POTW shall submit to the Director a report which contains the information listed in paragraphs (1) through (5), below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become CIUs subsequent to the promulgation of an applicable Categorical Standard, shall submit to the Director a report which contains the information listed in paragraphs (1) through (5), below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical Standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

Users described above shall submit the information set forth below.

1. All information required in section 17.52.030.A.1.a, section 17.52.030.A.3, section 17.52.030.A.4.a, and section 17.52.030.A.7.
2. Measurement of pollutants.
  - a. The User shall provide the information required in section 17.52.030.A.8.a, through d;
  - b. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph;
  - c. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists.

If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;

- d. Sampling and analysis shall be performed in accordance with sections 17.52.170 and 17.52.180;
  - e. The Director may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures; and
  - f. The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.
3. Compliance certification: A statement, reviewed by the User's authorized representative as defined in section 17.32.080 and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.
  4. Compliance schedule: If additional pretreatment and/or O&M will be required for the user to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this section must meet the requirements set out in section 17.52.160 B.
  5. Signature and Report Certification: All baseline monitoring reports must be certified in accordance with section 17.52.210 A and signed by an authorized representative as defined in section 17.32.080.
- B. Compliance schedule progress reports: The following conditions shall apply to the compliance schedules required by sections 17.52.030.A.10 and 17.52.160.A.4:
1. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment

Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

2. No increment referred to above shall exceed nine (9) months nor shall the total compliance period exceed eighteen (18) months;
3. The User shall submit a progress report to the Director no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and
4. In no event shall more than nine (9) months elapse between such progress reports to the Director.

C. Reports on compliance with categorical Pretreatment Standard deadline.

1. Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to the Director a report containing the information described in section 17.52.030 A 7 and 8 and 17.52.160.A.2. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in section 17.36.070, this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with section 17.52.210.A. All sampling will be done in conformance with section 17.52.180.

D. Periodic compliance reports.

1. Except as specified in paragraph 3 below, all SIUs must, at a frequency determined by the Director submit no less than twice per year (June and December or on dates specified) reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a BMP or pollution prevention alternative, the User must submit documentation required by the Director or the Pretreatment Standard necessary to determine the compliance status of the User.
2. The City may authorize an Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. This authorization is subject to the following conditions:
  - a. The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical Standard and otherwise includes no process wastewater;
  - b. The monitoring waiver is valid only for the duration of the effective period of the wastewater discharge permit, but in no case longer than 5 years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent wastewater discharge permit; (see section 17.52.030.A.9.)
  - c. In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes;
  - d. The request for a monitoring waiver must be signed in accordance with section 17.32.080, and include the certification statement in section 17.52.210.A;
  - e. Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis;

- f. Any grant of the monitoring waiver by the Director must be included as a condition in the User's permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the Director for 5 years after expiration of the waiver;
  - g. Upon approval of the monitoring waiver and revision of the User's permit by the Director, the industrial User must certify on each report with the statement in section 17.52.210.C, that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User;
  - h. In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the User's operations, the User must immediately: Comply with the monitoring requirements of section 17.52.160.D.1 above, or other more frequent monitoring requirements imposed by the Director, and notify the Director; and
  - i. This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard.
3. The City may reduce the requirement for periodic compliance reports (see section 17.52.160 D 1 above) to a requirement to report no less frequently than once a year, unless required more frequently in the Pretreatment Standard or by the EPA/State, where the Industrial User's total categorical wastewater flow does not exceed any of the following:
- a. 0.01 percent of the POTW's design dry-weather *hydraulic capacity*, or five thousand (5,000) gallons per day, whichever is smaller, as measured by a continuous effluent flow monitoring device unless the Industrial User discharges in batches.
  - b. 0.01 percent of the POTW's design dry-weather *organic treatment capacity*; and
  - c. 0.01 percent of the POTW's maximum allowable headworks loading for any pollutant regulated by the applicable categorical Pretreatment Standard for which approved local limits were developed in accordance with section 17.36.090.
- Reduced reporting is not available to Industrial Users that have in the last two (2) years been in Significant Noncompliance, as defined in section 17.32.580. In addition, reduced reporting is not available to an Industrial User with daily flow rates, production levels, or pollutant levels that vary so significantly that, in the opinion of the Director, decreasing

the reporting requirement for this Industrial User would result in data that are not representative of conditions occurring during the reporting period.

4. All periodic compliance reports must be signed and certified in accordance with section 17.52.210.A.
5. All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.
6. If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Director, using the procedures prescribed in section 17.52.180, the results of this monitoring shall be included in the report.

E. Reports of changed conditions

Each User must notify the Director of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change.

1. The Director may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under section 17.52.030.
2. The Director may issue a wastewater discharge permit under section 17.52.130 or modify an existing wastewater discharge permit under section 17.52.100 in response to changed conditions or anticipated changed conditions.

F. Reports of potential problems.

1. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a slug discharge or slug load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the Director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.
2. Within five (5) days following such discharge, the User shall, unless waived by the Director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to the Wastewater Control Ordinance.
3. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph 1, above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.
4. SIUs are required to notify the Director immediately of any changes at its facility affecting the potential for a slug discharge.

G. Reports from unpermitted Users.

All Users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Director as the Director may require.

H. Notice of violation/repeat sampling and reporting.

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

analysis in lieu of the Industrial User and a violation occurs, the City will perform the repeat sampling and analysis unless it notifies the User of the violation and requires the User to perform the repeat sampling and analysis.

I. Notification of the discharge of hazardous waste.

1. Any User who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the User discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under section 17.52.160.E. The notification requirement in this section does not apply to pollutants already reported by Users subject to categorical Pretreatment Standards under the self-monitoring requirements of sections 17.52.160.A, C, and D.
2. Dischargers are exempt from the requirements of paragraph 1, above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the User discharges more than such quantities of any hazardous waste do not require additional notification.
3. In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify the Director, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

4. In the case of any notification made under this section, the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
5. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable Federal or State law.

**17.52.170: ANALYTICAL REQUIREMENTS:**

- A. All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 "Guidelines Establishing Test Procedures for the Analysis of Pollutants, and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Director or other parties approved by EPA.
- B. All laboratory samples collected for this ordinance shall be analyzed by a laboratory that is either certified by the Utah Bureau of Laboratory Improvements or approved by the Director. (Ord. 36-93 § 7, 1993: prior code § 37-5-7)

**17.52.180: SAMPLE COLLECTION:**

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

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

documented in approved EPA methodologies may be authorized by the City, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.

- B. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- C. For sampling required in support of baseline monitoring and 90-day compliance reports required in section 17.52.160.A and C a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Director may authorize a lower minimum. For the reports required by section 17.52.160.D, 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.

**17.52.190: DATE OF RECEIPT OF REPORTS:**

For written reports that are mailed through a mail facility serviced by the United State Postal Service, such reports will be deemed to have been submitted on the date postmarked. For written reports that are shipped using other common reliable carriers, the carrier's pickup or ship date will be deemed the submittal date. If a postmark or pickup/ship date is not available, the date of receipt of the report shall govern.

**17.52.200: RECORDKEEPING:**

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying by the Director, 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 BMPs established under section 17.36.090.E. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least five (5) years. This period shall be automatically extended for the duration of any litigation concerning the User or the City, or where the User has been specifically notified of a longer retention period by the Director.

**17.52.210: CERTIFICATION STATEMENTS:**

- A. Certification of permit applications, User reports and initial monitoring waiver—The

following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with section 17.52.020; Users submitting baseline monitoring reports under section 17.52.160.A.5; Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under section 17.52.160.C; Users submitting periodic compliance reports required by section 17.52.160.D.1-4, and Users submitting an initial request to forego sampling of a pollutant on the basis of section 17.52.160.D.2 d. The following certification statement must be signed by an authorized representative as defined in section 17.32.080:

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

- B. Annual certification for Non-Significant Categorical Industrial Users—A facility determined to be a Non-Significant Categorical Industrial User by the Director pursuant to sections 17.32.570.C and 17.52.050.C, must annually submit the following certification statement signed in accordance with the signatory requirements in section 17.32.080. This certification must accompany an alternative report required by the Director:

Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR \_\_\_\_, I certify that, to the best of my knowledge and belief that during the period from \_\_\_\_\_, \_\_\_\_\_ to \_\_\_\_\_, \_\_\_\_\_ [months, days, year]:

- (a) The facility described as \_\_\_\_\_ [facility name] met the definition of a Non-Significant Categorical Industrial User as described in section 17.32.570 C;
- (b) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and
- (c) The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information.

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C. Certification of Pollutants Not Present

Users that have an approved monitoring waiver based on section 17.52.160.D.2 must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the User.

Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR \_\_\_\_\_ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of \_\_\_\_\_ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under section 17.52.160.D.

**17.52.220: MONITORING FACILITIES FOR INDUSTRIAL USERS:**

- A. The Director may require the Industrial User to provide and operate, a control manhole or sample box or other monitoring equipment at the owner's expense approved by the Director, at a point to be determined by the POTW where representative samples of all regulated discharges from the industry can be collected and flow measurements accurately made as necessary. The monitoring facilities shall be situated on the User's premises or such other location as allowed by the POTW. The POTW will be allowed to use these monitoring facilities to sample at any time and without notice in accordance with Section 17.52.230.
- B. There shall be ample room in or near such monitoring manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the User. All devices used to measure wastewater flow and quality shall be periodically calibrated as specified by the Director to ensure their accuracy, but at a minimum, the calibration shall occur per the manufacture's requirements.
- C. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the Director and shall not be replaced. The costs of clearing such access shall be borne by the User.

- D. An industrial User may be required to provide at their expense a city approved instantaneous and totalizing approved flow meter on their industrial discharges if deemed necessary by the Director.
- E. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the POTW's requirements and all applicable local construction standards and specifications. The construction schedule shall be submitted to the POTW for prior approval, and construction shall be completed within a time specified by written notification from the POTW.

**17.52.230: RIGHT OF ENTRY; INSPECTION AND SAMPLING:**

The Director or the Duly Authorized Representatives shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this ordinance and any wastewater discharge permit or order issued hereunder. All Users shall allow the Director or the Duly Authorized Representatives ready access to all parts of the premises for the purpose of inspection, sampling, records examination and copying, and/or in the performance of any of its duties.

- A. Identification shall be provided by the Director for all inspectors or other authorized personnel and these personnel shall identify themselves when entering any property for inspection purposes or when inspecting the work of any contractor.
- B. The POTW or other authorized regulatory agencies shall have the right to set upon the User's property or any other representative location such devices as are deemed necessary to conduct sampling inspection, compliance monitoring and/or metering of the User's operations.
- C. Where a User has security measures in force prior arrangements will be made with their security guards so that upon presentation of suitable identification, personnel from the POTW, city, county, state and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.
- D. Unreasonable delays in allowing the Director access to the User's premises shall be a violation of this ordinance. (Ord. 36-93 § 7, 1993: prior code § 37-5-4)

**17.52.240: SEARCH WARRANT:**

If the Director or duly authorized officer or agent of the POTW has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to

believe that there may be a violation of the Wastewater Control Ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with the Wastewater Control Ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the Director may seek issuance of a search warrant from the Third District Court of the State of Utah. (Ord. 36-93 § 7, 1993: prior code § 37-5-6)

**17.52.250: CONFIDENTIAL INFORMATION AND TRADE SECRETS:**

Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the Director's inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the Director, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under the provisions of the Utah Government Records Access and Management Act (GRAMA) or other applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the UPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction. (Ord. 36-93 § 7, 1993: prior code § 37-5-9)

**17.52.260: PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE:**

- A. The POTW shall, publish annually, providing public notification in the largest daily newspaper published in Salt Lake City, of all Industrial Users which were in significant noncompliance with applicable Pretreatment Standards and Requirements at any time during the previous twelve (12) month reporting period. All records relating to compliance with Pretreatment Standards shall be made available to officials of the EPA or Approval Authority and to the public pursuant to city policy and the Utah government records access and management act.
- B. The term Significant Noncompliance as defined in section 17.32.580 shall be applicable to all SIUs (or any other Industrial User that violates paragraph C, D or H of 17.32.580).

(Ord. 72-98 § 10, 1998: Ord. 36-93 § 7, 1993: prior code § 37-5-8)

**17.52.270: FEES:**

- A. The fees provided for in this section are separate and distinct from all other fees chargeable by the City. All fees shall become immediately due and owing to the City upon receipt of invoice for rendition of services or expenditure by the City and shall become delinquent if not fully paid within 45 days after receipt.
- B. Permit Fees: Each wastewater discharge permit application filed pursuant to the Wastewater Control Ordinance shall be accompanied by an application fee. The fees for these services are listed in a separate document entitled "Salt Lake City Corporation Pretreatment Fees". This document is incorporated in this chapter by reference.
- C. Fees for City sampling and laboratory analyses of wastewater. When the City performs sampling and contracts with a certified laboratory for the analysis of an Industrial User's wastewater discharge, the fees for these services are listed in a separate document entitled "Salt Lake City Corporation Pretreatment Fees". This document is incorporated in this chapter by reference.
- D. Fees for demand monitoring, inspections and surveillance: Costs incurred by the City for demand monitoring, inspection and surveillance procedures necessary as a result of a violation shall be chargeable and billed to the User whose conduct has necessitated such activity. The fees for these services are listed in a separate document entitled "Salt Lake City Corporation Pretreatment Fees". This document is incorporated in this chapter by reference.
- E. Administrative fees: Fees for administrative efforts such as, but not limited to conciliation and show cause meetings not otherwise specifically covered in this section, and the result of an administrative effort brought about as a result of a violation shall be chargeable to the User whose conduct has necessitated such activity. The fees for these services are listed in a separate document entitled "City of Salt Lake City Corporation Pretreatment Fees". This document is incorporated in this chapter by reference.

SECTION 4. Chapter 17.68 of Salt Lake City Code is hereby amended to read as follows:

**Chapter 17.68  
ENFORCEMENT REMEDIES**

**17.68.010: NOTIFICATION OF VIOLATION:**

Whenever the Director finds that any User has violated or is violating any provision of the Wastewater Control Ordinance, or any wastewater discharge permit, order, rule or regulation issued or promulgated hereunder, or any other Pretreatment Standard or Requirement, the Director may serve upon said User a written notice of violation. Such written notice shall be served in person or by certified mail, return receipt requested. Within ten (10) calendar days after the receipt of such notice, an explanation for the violation and a plan for the satisfactory correction and prevention thereof, which shall include specific required actions, shall be submitted by the User to the Director. 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 Director to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation. (Ord. 72-98 § 16, 1998)

**17.68.020: CONSENT ORDERS:**

The Director is hereby empowered to enter into consent orders, assurances of 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 User to correct the noncompliance within a time period specified by the order. Consent orders shall be judicially enforceable. (Ord. 72-98 § 16, 1998)

**17.68.030: SHOW CAUSE HEARING:**

The Director may order any User which causes or contributes to violation(s) of any provisions of the Wastewater Control Ordinance, or any wastewater discharge permit or order, rule or regulation issued or promulgated hereunder, or any other Pretreatment Standard or Requirement, to appear before the Director and show cause why a proposed enforcement action should not be taken. Notice shall be served on the User, which notice shall specify 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 on any Authorized Representative of the User, or by certified mail, return receipt requested, at least seven (7) days prior to the hearing. 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. (Ord. 72-98 § 16, 1998)

**17.68.040: COMPLIANCE ORDERS:**

When the Director finds that a User has violated or continues to violate any provision of the

Wastewater Control Ordinance, or any wastewater discharge permit, order, rule or regulation issued or promulgated hereunder, or any other Pretreatment Standard or Requirement, the Director may issue an order to the User responsible for the violation directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued. Compliance orders may also contain other requirements to address noncompliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the POTW. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order 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. (Ord. 72-98 § 16, 1998)

**17.68.050: CEASE AND DESIST ORDERS:**

When the Director finds that a User has violated or continues to violate any provision of Wastewater Control Ordinance, any wastewater discharge permit, rule, order, or regulation issued or promulgated hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the Director 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; and
- B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against or a prerequisite to taking any other action against the User. (Ord. 72-98 § 16, 1998)

**17.68.060: ADMINISTRATIVE FINES:**

- A. Notwithstanding any other section of the Wastewater Control Ordinance, any User found to have violated, or continues to violate any provision of the Wastewater Control Ordinance, or any wastewater discharge permit, or order, rule or regulation issued or promulgated hereunder, or any other Pretreatment Standard or Requirement, may be fined in an amount not greater than ten thousand dollars (\$10,000.00) per day, as determined by the Director in his reasonable discretion. Such fines shall be assessed on a per day, per violation 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. In determining the amount of civil liability, the director shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any

economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.

- B. The POTW may charge a User for the costs of preparing administrative enforcement actions, such as notices and orders, which charge may be assessed whether or not a fine under subsection A of this section is also imposed. The POTW may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred.
- C. Assessments for fines and/or administrative costs may be added to the User's next scheduled sewer service charge, and the Director shall have such other collection remedies as may be available for other service charges and fees.
- D. Unpaid charges, fines, assessments and penalties shall, after sixty (60) calendar days, be assessed an additional penalty of ten percent (10%) of the unpaid balance. Thereafter, interest on any unpaid balances, including penalties, shall accrue at a rate of one percent (1%) per month. A lien against the individual User's property will be sought for unpaid charges, fines, and penalties.
- E. Users desiring to dispute such fines or assessments must file a written request for the Director to reconsider the fine or assessment, along with full payment thereof within thirty (30) days of being notified of the fine or assessment. The Director may convene a hearing on the matter within fourteen (14) days of receiving the request from the User. In the event the User's appeal is successful, any amounts paid by the User to the POTW shall be returned to the User, without interest.
- F. The imposition of an administrative fine, assessment or other charge shall not be a prerequisite for or bar against taking any other action against the User. (Ord. 72-98 § 16, 1998)

**17.68.070: EMERGENCY SUSPENSIONS:**

The Director may order the immediate suspension or shutoff of a User's discharge (after informal notice to the User), whenever such suspension or shutoff is necessary in order to stop an actual or threatened discharge which reasonably appears to present or cause a risk of an imminent or substantial: a) damage to the POTW, b) endangerment to the health or welfare of any residents of the POTW, c) Interference with the operation of the POTW, or d) 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 Director shall take such steps as deemed necessary, including

immediate severance of the sewer connection, to enforce such order. The Director may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Director that the period of endangerment has passed, unless the termination proceedings set forth in section 17.68.080 are initiated against the User. A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment, shall submit to the Director a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, prior to the date of any show cause or termination of discharge hearing under sections 17.68.030 and 17.68.080. Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section. (Ord. 72-98 § 16, 1998)

**17.68.080: TERMINATION OF DISCHARGE:**

In concert with the wastewater discharge permit revocation provisions in section 17.52.120, any User committing any of the following acts or omissions is subject to termination of discharge:

- A. Violation of any provisions of the Wastewater Control Ordinance or any wastewater discharge permit, or order, rule or regulation or any pretreatment standard or requirement, issued or promulgated hereunder;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;<sup>3</sup>
- C. Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge;
- D. In the event a duly authorized officer or agent of the POTW is refused admission to a User for any reason, the Director may cause sewer service to the premises in question to be discontinued until the POTW agents have been afforded reasonable access to the premises and pretreatment system to accomplish the inspection and/or sampling;
- E. Failure to attain compliance within thirty (30) days of issuance of a compliance order under section 17.68.040;
- F. In the event of actual or threatened discharges as described in section 17.68.070 above;
- G. Violation of the Pretreatment Standards in section 17.36.020 through 110.

The User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under section 17.68.030 why the proposed action should not be taken.

Exercise of this option by the Director shall not be a bar to, or a prerequisite for, taking any other action against the User. (Ord. 72-98 § 16, 1998)

**17.68.090: INJUNCTIVE RELIEF:**

Whenever a User has violated a pretreatment standard or requirement or continues to violate any provisions of the Wastewater Control Ordinance, or any wastewater discharge permit, or order, rule or regulation issued or promulgated hereunder, or any other Pretreatment Standard or Requirement, the Director may petition the Third District Court of the State of Utah for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, or order, rule, regulation or other requirement imposed by the Wastewater Control Ordinance on activities of the User. In addition, the City may recover reasonable attorney fees, court costs, and other expenses of litigation by appropriate legal action against the User found to have violated any provision hereof, or of any wastewater discharge permit, or order, or any other rule or regulation issued or promulgated hereunder. Such other action as appropriate for legal and/or equitable relief may also be sought by the Director including a requirement for the User to conduct environmental remediation. A petition for injunctive relief need not be filed as a prerequisite to or a bar against taking any other action against a User. (Ord. 72-98 § 16, 1998)

**17.68.100: CIVIL PENALTY PASS-THROUGH RECOVERY:**

In the event that a User discharges such pollutants which cause the POTW to violate any conditions of its UPDES permit and the POTW is fined by the EPA, the State of Utah or Salt Lake County for such violations, then such User shall be fully liable for the total amount of the fines and civil penalties assessed against the POTW by the EPA or the State of Utah or Salt Lake County and administrative costs incurred.

- A. A User who has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement may be liable to the City for a maximum civil penalty of \$10,000 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- B. The Director may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.

- C. In determining the amount of civil liability, the Court may take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.
- D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.(Ord. 72-98 § 16, 1998)

**17.68.110: REFERRAL TO STATE OF UTAH FOR ACTION; CRIMINAL PROSECUTION:**

Violations of any Pretreatment Standards, Requirements, or permit conditions may constitute an offence subject to criminal prosecution. Violations shall be classified no less than a class B misdemeanor.

- A. A User who willfully or negligently violates any provision of the Wastewater Control Ordinance, a wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than twenty five thousand dollars, (\$25,000), per violation, per day, or imprisonment for not more than six (6) months, or both.
- B. A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of no less than a class B misdemeanor and be subject to a penalty of at least twenty five thousand dollars (\$25,000), or be subject to imprisonment for not more than six (6) months, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.
- C. A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to the Wastewater Control Ordinance, wastewater discharge permit or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be punished by a fine of not more than fifty thousand dollars (\$50,000), per violation, per day, or imprisonment for not more than six, (6) months, or both.
- D. In the event of a second conviction, a User shall be punished by a fine of not more than fifty thousand dollars (\$50,000), per violation, per day, or imprisonment for not more than six, (6) months, or both.

The POTW may refer to the state criminal violations of any pretreatment standards or permit conditions. The Utah attorney general's office will offer Salt Lake County the option to prosecute the violator. Should Salt Lake County decline, the State, at its discretion, may initiate appropriate criminal action. The POTW shall assist the Utah attorney general's office or Salt Lake County any way it can with appropriate support for the action taken. (Ord. 72-98 § 16, 1998)

**17.68.120: PERFORMANCE BONDS:**

The Director may decline to reissue a wastewater discharge permit to any User which has failed to comply with the provisions of this ordinance, or of any previous wastewater discharge permit, order, rule or regulation issued or promulgated hereunder, unless such User first files a satisfactory bond, payable to the POTW, in a sum not to exceed a value determined by the Director to be necessary to achieve consistent compliance. (Ord. 72-98 § 16, 1998)

**17.68.130: LIABILITY INSURANCE:**

The Director may decline to reissue a wastewater discharge permit to any User which has failed to comply with the provisions of the Wastewater Control Ordinance, or of any previous wastewater discharge permit or order, rule or regulation issued or promulgated hereunder, or any other Pretreatment Standard or Requirement, unless the User first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge. (Ord. 72-98 § 16, 1998)

**17.68.140: WATER SUPPLY SEVERANCE:**

Whenever a User has violated or continues to violate the provisions of the Wastewater Control Ordinance, or of any wastewater discharge permit, or order, rule or regulation issued or promulgated hereunder, or any other Pretreatment Standard or Requirement, water service to the User may be discontinued. Service will only recommence, at the User's expense, after it has satisfactorily demonstrated its ability to comply. (Ord. 72-98 § 16, 1998)

**17.68.150: PUBLIC NUISANCES:**

Any violation of the provisions of the Wastewater Control Ordinance, or of any individual wastewater discharge permit, or order, rule or regulation issued or promulgated hereunder, or any other Pretreatment Standard or Requirement, is hereby declared a public nuisance and shall be corrected or abated as directed by the Director. Any person(s) creating a public nuisance shall be

subject to the provisions of this code governing nuisances, including reimbursing the City for any costs incurred in removing, abating or remedying said nuisance. (Ord. 72-98 § 16, 1998)

**17.68.160: CONTRACTOR LISTING:**

Users which are found to be in significant noncompliance with any provisions of the Wastewater Control Ordinance, or of any wastewater discharge permit, or order, rule or regulation issued or promulgated hereunder, or any other Pretreatment Standard or Requirement, are not eligible to receive a contractual award for the sale of goods or services to the POTW. Existing contracts for the sale of goods or services to the POTW held by a User found to be in significant noncompliance with any provisions of the Wastewater Control Ordinance, or of any wastewater discharge permit or order, rule or regulation issued or promulgated hereunder, or any other Pretreatment Standard or Requirement, may be terminated at the discretion of the POTW. (Ord. 72-98 § 16, 1998)

**17.68.170: REMEDIES NONEXCLUSIVE:**

The remedies provided are not exclusive remedies. The Director reserves the right to take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the City's Enforcement Response Plan. However, the Director reserves the right to take other action against any User when the circumstances warrant. Further, the Director is empowered to take more than one enforcement action against any noncompliant User. These actions may be taken concurrently. (Ord. 72-98 § 16, 1998)

SECTION 5. Chapter 17.69 of Salt Lake City Code is hereby amended to read as follows:

**Chapter 17.69**  
**AFFIRMATIVE DEFENSES**

**17.69.010: UPSET:**

- 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 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 subsection C of this section are met.
- C. A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - 1. An upset occurred and the User can identify the cause(s) of the upset;
  - 2. The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures;
  - 3. The User has submitted the following information to the Director and treatment plant operator within twenty four (24) hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within 5 days):
    - a. A description of the indirect discharge and cause of noncompliance;
    - b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
    - c. Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.
- D. In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.
- E. Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical Pretreatment Standards.
- F. The 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. (Ord. 72-98 § 17, 1998)

**17.69.020: PROHIBITED DISCHARGE STANDARDS:**

A User shall have an affirmative defense to an enforcement action brought against it for

noncompliance with the general and specific prohibitions in section 17.36.060, with the exception of the fire or explosion hazards or low pH, listed in section 17.36.60.B.2 and B.5, if it can prove that it did not know or have reason to know that its discharge, alone or in conjunction with discharges from other sources, would cause Pass Through or Interference and that either:

- A. A local limit exists for each pollutant discharged and the 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 discharge did not change substantially in nature or constituents from the User's prior discharge when the POTW was regularly in compliance with its UPDES permit, and in the case of Interference, was in compliance with applicable sludge use or disposal requirements. (Ord. 72-98 § 17, 1998)

**17.69.030: BYPASS:**

- A. For the purposes of this section:

BYPASS means the intentional diversion of waste streams from any portion of a User's treatment facility.

SEVERE PROPERTY DAMAGE means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can 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. Conditions To Allow Bypass: A User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of subsections C and D of this section.

- C. Bypass Notification:

- 1. If a User knows in advance of the need for a bypass, it shall submit prior notice to the Director, at least ten (10) days before the date of the bypass if possible.
- 2. A User shall submit oral notice of an unanticipated bypass that exceeds applicable Pretreatment Standards to the Director within twenty four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the bypass. The written submission shall

contain a 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. The User shall also set forth in writing the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Director may waive the written report on a case by case basis if the oral report has been received within twenty four (24) hours.

D. Bypass Prohibition; Exception:

1. Bypass is prohibited, and the Director may take enforcement action against a User for a bypass, unless:
  - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup 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
  - c. The User submitted notices as required under subsection C of this section.
2. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three (3) conditions listed in subsection D.1 of this section. (Ord. 72-98 § 17, 1998)

SECTION 6. This ordinance shall take effect immediately upon the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this \_\_\_\_ day of \_\_\_\_\_,  
2010.

\_\_\_\_\_  
CHAIRPERSON

ATTEST:

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CITY RECORDER

Transmitted to Mayor on \_\_\_\_\_.

Mayor's Action: \_\_\_\_\_ Approved. \_\_\_\_\_ Vetoed.

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MAYOR

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CITY RECORDER

(SEAL)

Bill No. \_\_\_\_\_ of 2011

.Published: \_\_\_\_\_.

HB\_ATT#18239-v1-Pretreatment\_Ordinance\_(redlined\_from\_3-17-11\_version)