

ORDINANCE 1056

AN ORDINANCE OF THE CITY OF PAYETTE IDAHO, AMENDING TITLE 13 BY ADDING A NEW CHAPTER 13.09 BY ENACTING FEDERAL PRETREATMENT REGULATIONS; ESTABLISHING PURPOSE AND POLICY;; DETERMINING PROGRAM ADMINISTRATION; DEFINITIONS; ESTABLISHING PROHIBITED DISCHARGE STANDARDS; PROHIBITING STORM DRAINAGE AND GROUND WATER INFLUX; ESTABLISHING STANDARDS FOR ACCEPTANCE OF GROUND WATER FROM CLEANUP PROJECTS AND SEPTAGE WASTE; REQUIRING ADDITIONAL PRETREATMENT MEASURES; REQUIRING COMPLIANCE WITH STATE AND FEDERAL STANDARDS; ACCIDENTAL DISCHARGES; INDIRECT DISCHARGE PERMIT; EXTRA JURISDICTIONAL INDIRECT DISCHARGE PERMITS; INDIRECT DISCHARGE PERMIT APPEALS, MODIFICATIONS, REISSUANCE AND REVOCATION; USER REPORTING REQUIREMENTS; INSPECTION AND SAMPLING REQUIREMENTS; CONFIDENTIAL INFORMATION; ENFORCEMENT AND PENALTIES; SEVERABILITY; REPEALER; SETTING AN EFFECTIVE DATE;

Be it Ordained by the Mayor and City Council of the City of Payette, Idaho:

Section 1. Title 13 of the Payette Municipal Code is hereby amended by adding a new Chapter 13.09 which is set forth in detail in exhibit A, which is attached hereto and incorporated hereat as if set out in full verbatim;

Section 2. This ordinance shall be in full force and effect immediately after it's passage and publication as provided by law.

Section 3. All ordinances in conflict with this Ordinance are hereby repealed insofar as the conflict exists.

Section 4. If any portion of this Ordinance is found to be unenforceable or unconstitutional for any reason, the remainder of the Ordinance shall remain in full force and effect and shall constitute Ordinance 1056.

Passed and Approved by the Mayor and City Council of the City of Payette, Idaho the 7 day of December 1992.

Joseph H. Meyer
Mayor

Attest: John P. Frank
City Clerk

EXHIBIT A

13.09.010: PURPOSE AND POLICY. This ordinance sets forth uniform requirements for users of the Publicly Owned Treatment Works (POTWs) and enables the City to protect public health and the environment in conformity with all applicable local, State and Federal laws relating thereto.

The objectives of this ordinance are:

- A. To prevent the introduction of pollutants into the POTW which will interfere with the normal operation of the system or contaminate the resulting municipal sludge;
- B. To prevent the introduction of pollutants into the POTW which do not receive adequate treatment and which will pass through the system into receiving waters or the atmosphere or otherwise be incompatible with the system;
- C. To improve the opportunity to recycle and reclaim wastewater and sludge from the POTW;
- D. To protect the public using and the personnel operating the POTW; and
- E. To ensure all users pay their fair share of all treatment costs.

This ordinance provides for the regulation of users of the POTW through the enforcement of administrative regulations. This ordinance authorizes the issuance of indirect discharge permits; authorizes monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program described herein. This ordinance does not establish rates for sewer dischargers. Rates shall be established by the City in other ordinances enactments.

13.09.020: PRETREATMENT PROGRAM ADMINISTRATION. Except as otherwise provided herein, the City's Wastewater Treatment Plant Superintendent, City Clerk or his designee shall administer, implement, and enforce the provisions of this ordinance.

13.09.030: DEFINITIONS.

(a) The definitions contained in Chapter 13.08 of the Payette Municipal Code shall apply to this chapter.

(b) Act - The Clean Water Act (33 U.S.C. 1251, et seq), as amended.

(c) Applicable Pretreatment Standards - For any specified pollutant, City prohibitive discharge standards, City's specific limitations on discharge, State of Idaho pretreatment standards, or the National Categorical Pretreatment Standards (when effective) whichever standard is appropriate or most stringent.

(d) Bypass - The intentional diversion of wastestreams from any portion of a user's treatment facility.

(e) Categorical Pretreatment Standards - Any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1317) which apply to a specific category of users and which appear in 40 CFR Chapter 1, Subchapter N, Parts 405 - 471.

(f) Categorical user - A user regulated by one or more of EPA's Categorical Pretreatment Standards.

(g) City - The City of Payette, a municipal corporation of the State of Idaho.

(h) Cooling Water/Non-contact Cooling Water - Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product. Cooling water may be generated from any use, such as air conditioning, heat exchangers, cooling or refrigeration to which the only pollutant added is heat.

(i) Indirect Discharge - The discharge or the introduction of non-domestic pollutants into a POTW from a source regulated under Section 307 (b), (c) or (d) of the Act.

(j) Industrial User - User - Any non-residential user with an indirect discharge of effluent into a POTW by means of pipes, conduits, pumping stations, force mains, constructed drainage ditches, surface water intercepting ditches, and all constructed devices and appliance appurtenant thereto. This term includes Federal, State, and local facilities as part of the regulated community, since such entities are subject to Federal pretreatment regulations.

(k) Industrial Waste - Solid, liquid or gaseous waste resulting from any industrial, manufacturing, trade, or business process or from the development, recovery or processing of natural resources.

(l) Interference - A discharge which alone or in conjunction with a discharge or discharges from other sources, either (1) inhibits or disrupts the POTW, its treatment processes or operations; (2) inhibits or disrupts sludge processes, use or disposal; or (3) is the cause of a violation of the discharge permit including an increase in the magnitude or duration of a violation or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued 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), and including State regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA, the Clean Air Act, and The Toxic Substances Control Act.

(m) Minor Industrial User (MIU) – A non-residential user with an indirect discharge to the POTW which does not meet the criteria as a significant industrial user or a significant connecting user, but whose operation and discharge may warrant inspection to ensure compliance with discharge prohibitions, pretreatment facility operation, spill prevention measures, and pollution prevention assistance.

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

- (1) is constructed at a site at which no other source is located, or
- (2) totally replaces the process or production equipment that causes the discharge of pollutants at an existing source, or
- (3) is constructed for production or wastewater generating processes which are substantially independent of an existing source at the same site, substantial independence being determined by factors such as: (a) the extent to which the new facility is integrated with the existing plant, and (b) the extent to which the new facility is engaged in the same general type of activity as the existing source.

Construction on a site at which an existing source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs (2) or (3) above, but otherwise alters, replaces or adds to existing process of production equipment.

For purposes of this definition, construction is deemed to commence when:

(A) the owner or operator of the facility has entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering and design studies do not constitute a contractual obligation herein; or when (b) the following are begun as part of a continuous on-site construction:

- (1) any placement, assembly or installation of facilities or equipment, or
- (2) significant site preparation work, including clearing, excavation or removal of existing buildings, structures or

facilities, which is necessary for the placement, assembly or installation of New Source facilities or equipment.

(o) NPDES - National Pollutant Discharge Elimination System permit program as administered by the USA-EPA or State.

(p) Other Wastes - Decayed wood, sawdust, shavings, bark, lime, refuse, ashes, garbage, offal, oil, tar, chemicals and all other substances except sewage and industrial wastes.

(q) Pass Through - The occurrence of an Indirect Discharge which exits the POTW into waters of the United States 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 NPDES permit, including an increase in the magnitude or duration of a violation.

(r) POTW - Any sewage treatment works owned and operated by the City and the sewers and conveyance appurtenances discharging thereto, whether or not owned by the City. The term also means the City since the U.S. Environmental Protection Agency issues the NPDES permits to the City.

(s) Pollutant - Any substance discharged into a POTW or its collection system which is prohibited or limited by Sections 4.01, 4.02, and Sections 5, 6, and 7 herein. This term includes dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural wastes.

(t) Pretreatment - The reduction of the amounts 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.

(u) Pretreatment Requirement - Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard, imposed on an industrial user.

(v) Severe Property Damage - 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.

(w) Sewage - Water-carried human wastes or a combination of water-carried wastes from residences, business buildings, institutions and industrial establishments.

(x) Sewer - Any pipe, conduit, ditch or other device used to collect and transport sewage from the generating source.

(y) Shall - Is mandatory

(z) Significant Connecting User (SCU) - Any private, public or quasi-public reservation, compound, district, government installation, industrial, commercial, or domestic complex which indirectly discharges to the POTW at single or multiple connection points to the City's sewer collection system wastewater mixed with non-domestic wastewater. Upon determination by the Wastewater Treatment Plant Superintendent, City Clerk or designee that an SCU, as a result of the discharge of toxic pollutants or high strength sewage as measured by BOD and TSS, causes or has the potential to cause interference with the operation and maintenance of the POTW, including its wastewater collection system, causes or has the potential to cause pass through of pollutants to the receiving waters, or causes or has the potential to cause interference with the treatment, disposal or beneficial reuse of the POTW's sludge, or that contributes greater than 5% of the total flow entering the POTW, the City may issue an Indirect Discharge Permit to the SCU. Issuance of an indirect discharge permit may not be necessary if the SCU is regulated by an EPA-approved pretreatment program.

(aa) Significant Industrial User (SIU).

(1) All industrial users of the POTW subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter 1, Subchapter N.

(2) Any other industrial user that discharges an average of 25,000 gpd (gallons per day) or more of process wastewater to the POTW, excluding sanitary, noncontact cooling, and boiler blowdown wastewater; contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity to the treatment facility receiving the waste; or is designated as such by the City as defined in 40 CFR 403.12(a) on the basis that the industrial user has a reasonable potential, either singly or in combination with other contributing industries, for adversely affecting the POTW's wastewater collection and treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system or for violating any pretreatment standard or requirement.

(ab) Slugload - Any discharge at a flow rate or concentration which could cause a violation of the discharge standards in Sections 4.01, 4.02, and Sections 5, 6, and 7 of this Chapter or any discharge of a non-routine, episodic nature, including but not limited to, an accidental spill or a non-customary batch discharge.

(ac) Toxic Pollutants - Pollutants or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under Section 307 (33 U.S.C. 1317) of the Act.

(ad) Upset - An exceptional incident in which a user unintentionally and temporarily is in a state of noncompliance with the standards set forth in Sections 4.01, 4.02, and Sections 5, 6, 7, and 8 herein due to factors beyond the reasonable control of the user, and excluding noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation thereof.

(ae) User - See Industrial User.

(af) Wastewater - Industrial waste, or sewage or any other waste including that which may be combined with any ground water, surface water or storm water, that may be discharged to the POTW.

(ag) Whenever a reference is made to a rule, regulation, statute, code section, treatise, book, publication, manual, standard, CFR, ordinance, or any other regulatory requirement, that reference shall be to the most updated or most recently amended version thereof.

13.09.040: PROHIBITED DISCHARGE STANDARDS.

4.01 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 Federal, State, or local pretreatment standards or requirements.

4.02 Specific Prohibitions. No user shall contribute or cause to be discharged, directly or indirectly, any of the following described substances into the wastewater collection system or treatment facilities:

(a) Any wastewater having a pH less than six (6) or more than nine (9) or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the system.

(b) Any toxic pollutants in sufficient quantity, either singly or by interaction to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals or to exceed the limitation set forth in National Categorical Pretreatment Standards.

(c) 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 explosion or be injurious in another way to the POTW or to the operation of the POTW. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system (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. Prohibited materials include, but are not limited to gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides and any other substances which the POTW deems to be a fire hazard or a hazard to the system.

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

(e) Any solid or viscous substances which will or may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater system, such as, but not limited to: grease, garbage with particles greater than one-eighth (1/8) inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides, or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime stone or marble dust, metal glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, and residues from refining, or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.

(f) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.

(g) Any noxious or malodorous liquid, gases or solids which either singly or by interaction are capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.

(h) 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.

(i) Any substance which may cause the POTW's effluent or treatment residues, sludges or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process. 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; 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 standards applicable to the sludge management method being used.

(j) Any substance which will cause the POTW to violate its NPDES and/or other disposal system permits.

(k) Any substance with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

(l) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference; but in no case, wastewater with a temperature at the introduction into the POTW Treatment Plant which exceeds 40°C (104°F). If, in the opinion of the City, lower temperatures of such wastes could harm either the sewers, sewage treatment process or equipment; have an adverse effect on the receiving streams or otherwise endanger life, health or property; or constitute a nuisance, the City may prohibit such discharges.

(m) Any unpolluted water in excess of 2,000 gallons per day including, but not limited to non-contact cooling water. See Section 4.04 Prohibitions on Unpolluted Waters.

(n) Any wastewater at a flow rate and/or Pollutant discharge rate which is excessive over a relatively short time period so that there is a treatment process upset and subsequent loss of treatment efficiency.

(o) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as exceed limits established by the State or Federal regulations.

(p) Any wastewater which causes a hazard to human life or creates a public nuisance.

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that could result in their discharge to the POTW.

4.03 Prohibitions on Storm Drainage and Ground Water. Storm water, ground water, rain water, street drainage, subsurface drainage or yard drainage shall not be discharged through direct or indirect connections to the wastewater collection system unless a permit is issued by the City. The City may approve the discharge

of such water only when no reasonable alternative method of disposal and/or treatment is available.

If a permit is granted for the discharge of such waters into the sewer, the user shall pay the applicable charges and fees and meet such other conditions as required by the City.

4.04 Prohibitions on Unpolluted Water. Unpolluted water, including, but not limited to cooling water, process water or blowdown from cooling towers or evaporative coolers shall not be discharged through direct or indirect connection to the sewer unless a permit is issued by the City. The City may approve the discharge of such water only when no reasonable alternative method of disposal and/or treatment is available.

If a permit is granted for the discharge of such waters into the sewer, the user shall pay the applicable charges and fees and meet such other conditions as required by the City.

4.05 Limitations on Point of Discharge. No person shall discharge any substances directly into a manhole or other opening into the sewer other than through an approved building sewer connection unless a permit has been issued by the City. If a permit is granted for the discharge of such waters into the sewer, the user shall pay the applicable charges and fees and meet such other conditions as required by the City.

4.06 Septage Waste. No person shall discharge any septage waste into the sewer. Septage Haulers who comply with the licensing requirements of the City may deposit their septage at the site designated by the City as a receiving facility.

4.07 Acceptance of Ground Water from Cleanup Projects. Wastewater generated from the cleanup of spills, leaking underground storage tanks, monitoring wells or other similar sources shall not be discharged through direct or indirect connections to the sewer unless a permit is issued by the City. The City may approve the discharge of such water only when no reasonable alternative method of disposal and/or treatment is available. If a permit is granted for the discharge of such waters into the sewer, the user shall pay the applicable charges and fees and meet such other conditions as required by the City.

Each temporary discharge permit must be reviewed and reissued if the user wishes to discharge past the original expiration date.

4.08 Additional Pretreatment Measure. Whenever deemed necessary, the City may require users to restrict their discharge during peak flow periods, designate that certain wastewaters 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 to determine the user's compliance with the requirements of this ordinance. Grease, oil, and sand interceptors shall be provided for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the City and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned and repaired regularly, as needed, by the user and at the users expense.

13.09.050: NATIONAL CATEGORICAL PRETREATMENT STANDARDS.

5.01 National Categorical Pretreatment Standards as promulgated and amended by the U.S. Environmental Protection Agency (EPA) pursuant to the Act and found in 40 CFR Chapter 1, subchapter N, Parts 405 - 471 are hereby incorporated and shall be enforceable by this ordinance.

5.02 The collection and testing of the wastewater shall be done in accordance with the newest edition of the three following publications:

"Standard Methods for the Examination of Water and Wastewater"
as published jointly by the American Water Works Association,
the American Public Health Associations, and the Water
Pollution Control Federation.
American Society for Testing and Materials, "A.S.T.M.
Standards", Part 23, Water, Atmospheric Analysis.
Environmental Protection Agency, Water Quality Office,
Analytical Control Laboratory, "Methods for Chemical
Analysis of Water Wastes".

5.03 The monitoring station shall contain a twenty-four hour composite sampler with refrigerator to obtain a representative sample of the waste stream. The station shall also contain a pH and temperature meter with recording chart capable of recording results twenty-four hours a day. There shall be an accurate flow meter that records flow volume twenty-four hours a day.

5.04 Chlorine residual testing shall be done on site by City personnel. This shall be done from a grab sample taken at the convenience of the City.

5.05 A composite sample shall be tested for five-day Biochemical Oxygen Demand, Total Suspended Solids, and Settleable Solids.

5.06 The City may require any S.I.U. to install and maintain an explosion hazard meter.

13.09.060: STATE REQUIREMENTS. State requirements and limitations on discharges to the POTW shall be met by all users which are subject to such standards in any instance in which they are more stringent than federal requirements and limitations, or those in this ordinance or other applicable ordinance(s).

13.09.070: LOCAL LIMITS.

7.01 In addition to National Categorical Pretreatment Standards referenced in Section 5 of this ordinance, no user shall discharge wastewater containing concentrations (and/or mass limitations) of substances exceeding the following local limits:

<u>Parameter</u>	<u>Maximum Daily Concentration (mg/l)</u>
Arsenic	.05 mg/kg
Cadmium	.01 mg/kg
Chromium (total)	.05 mg/kg
Copper	1.00 mg/kg
Cyanide (total)	.20 mg/kg
Fluoride	1.40 mg/kg
Lead	.05 mg/kg
Mercury	.002 mg/kg
Nickel	.02 mg/kg
Silver	.05 mg/kg
Zinc	5.00 mg/kg
Settleable Solids	10 mg/l
Total Chlorine Residual	1 mg/l
Ph	not less than 6 or more than 9
Total Fats, Grease & Oils	250 mg/l

Wherever a user is subject to both a National Categorical Pretreatment Standard and a local limit for a given pollutant, the more stringent limit or pretreatment standard shall apply.

7.02: DEADLINE FOR COMPLIANCE WITH APPLICABLE PRETREATMENT REQUIREMENTS. Compliance by existing users covered by Categorical Pretreatment standards shall be within one (1) year of the date the Standard is effective unless a shorter compliance time is specified in the appropriate Standard. The City shall establish a final compliance deadline date for any existing user not covered by Categorical Pretreatment Standards or for any categorical user when local limits for said user are more restrictive than EPA's Categorical Pretreatment Standards.

New source dischargers are required to comply with applicable pretreatment standards within the shortest feasible time (not to exceed 90 days from the beginning of discharge). New sources shall install and have in operating condition, and shall start-up all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge. Any indirect discharge permit issued to a categorical user shall not contain a compliance date beyond any deadline date established in EPA's Categorical Pretreatment Standards. Any other existing user or a categorical user that must comply with a more stringent local limit, which is in non-compliance with any local limits, shall be provided with a compliance schedule placed in an indirect discharge permit to ensure compliance within the shortest time feasible.

13.09.080: DILUTION. No user shall increase the use of potable or process water or, in any other way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the local limits or the National Pretreatment Standards. The City may impose mass limitations on users which are using dilutions to meet the pretreatment standards or requirements of the ordinance, or in other cases where the imposition of mass limitations is deemed appropriate by the City.

13.09.090: ACCIDENTAL DISCHARGES. Each user shall provide protection from the accidental discharge of prohibited or regulated materials or substances established by the ordinance. Where deemed necessary by the City, facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's cost and expense. An Accidental Spill Prevention Plan (ASPP) showing facilities and operating procedures to provide this protection shall be submitted to the City for review and approval before construction of the facility or implementation of procedures. Each existing user shall complete and submit its ASPP within 60 days after notification by the City.

Each user shall implement its ASPP as submitted after such ASPP has been reviewed and approved by the City. Review and approval of such plans and operating procedures by the City shall not relieve the user from the responsibility to modify its facility as necessary to meet the requirements of this ordinance.

Any user required to develop and implement an ASPP shall submit a plan which addresses, at a minimum, the following elements:

- (1) Description of discharge practices, including non-routing batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would

violate any of the standards in Sections 4.01, 4.02, Section 5, and Section 6 of this Chapter; 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.

Users shall notify the City wastewater treatment plant immediately upon the occurrence of the "slugload", or accidental discharge of substances prohibited by this ordinance. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume, and corrective actions. Any user who discharges a slugload of prohibited materials shall be liable for any expense, loss or damage to the POTW, in addition to the amount of any fines imposed on the City on account thereof under State or Federal Law.

13.09.100: PRETREATMENT FACILITIES. Users shall provide necessary wastewater pretreatment as required to comply with this ordinance and shall achieve compliance with all applicable pretreatment standards within the time limitations as specified by appropriate statutes, regulations and ordinances. Any facilities required to pretreat wastewater to a level acceptable to the City shall be provided, properly operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities shall be submitted to the City for review and must be acceptable to the City before construction of the facility. The review of such plans shall in no way relieve the Discharger from the responsibility of modifying its facility or operations as necessary to produce an effluent acceptable to the City under the provisions of this ordinance. Within a reasonable time after the completion of the wastewater pretreatment facility, the user shall furnish its operations and maintenance procedures for the City to review. Any subsequent significant changes in the pretreatment facilities or method of operation shall be reported to and be accepted by the City prior to the user's initiation of the changes.

13.09.110: FEES.

11.01 Purpose. It is the purpose of this chapter to provide for the payment of fees from users to the City's wastewater disposal system to compensate the City for their costs associated with monitoring, inspection, surveillance and laboratory analysis required by the Federal pretreatment program.

11.02 Charges and Fees. If costs are incurred beyond normal operation through involvement with non-complying users, the City shall charge the non-complying user for monitoring, laboratory analyses, inspections and surveillance as required by Federal pretreatment requirements and this ordinance.

11.03 The City shall be reimbursed by all Significant Industrial Users, Minor Industrial Users, Significant Connecting Users, developers or any other non-residential users for all engineering costs incurred by the City in reviewing sewer related matters associated with that user.

13.09.120: WASTEWATER DISCHARGES. It shall be unlawful to discharge sewage, industrial wastes or other wastes to any sewer within the jurisdiction of the City, and/or to the POTW, without having first complied with the terms of this ordinance, or without having first obtained the City's approval of a compliance schedule submitted by the user.

13.09.130: WASTEWATER DISCHARGE DATA DISCLOSURE.

13.01 General Disclosure. All Significant Industrial and Connecting Users proposing to connect to or to discharge sewage, industrial wastes and other wastes to the POTW shall comply with all terms of this ordinance.

13.02 Disclosure Forms. All Significant Industrial and Connecting Users shall complete and file with the City a Data Disclosure form prescribed by the City. Existing Significant Industrial and Connecting Users shall file Data Disclosure Forms within 60 days after notification by the City, and users shall file a Data Disclosure Form a minimum of 30 days before connecting to the POTW. This Data Disclosure Form satisfies the requirement of the user Baseline Monitoring Report as described in 40 CFR 403.12(b). The disclosure to be made by the user shall be made on written forms provided by the City and shall include:

- (a) Disclosure of name, address and location of the user.
- (b) Disclosure of Standard Industrial Classification (SIC) number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended.
- (c) Disclosure of wastewater constituents and characteristics including but not limited to those mentioned in this ordinance, as appropriate, as determined by bonafide chemical and biological analyses. Sampling and analysis shall be

performed in accordance with procedures established by the U.S. EPA and contained in 40 CFR, Part 136, as amended.

(d) Disclosure of time and duration of discharges, including copies of flow charts.

(e) Disclosure of average daily and maximum daily wastewater flow rates, in gallons per day, including daily, monthly and seasonal variations, if any. All flows shall be measured unless other verifiable techniques are approved by the City due to cost or nonfeasibility.

(f) Disclosure of site plans, floor plans, plumbing plans and details to show all sewers, sewer connections, inspection manholes, sampling chambers and appurtenances by size and location.

(g) Description of activities, facilities and plant processes on the premises including all materials which are or may be discharged to the sewers or works of the City and a brief description of the nature, average rate of production and Standard Industrial Classification of the operations.

(h) A statement regarding whether or not compliance is being achieved with this ordinance on a consistent basis and if not, whether additional pretreatment is required for the user to comply with this ordinance.

(i) Where additional pretreatment and/or operation and maintenance activities will be required to comply with this ordinance, the user shall provide a compliance schedule consisting of a declaration of the shortest schedule by which the user will provide such additional pretreatment and/or implementation of additional operational and maintenance activities.

(1) The schedule will contain milestone dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to comply with the requirements of this ordinance. Examples of such milestone dates which the user may select include hiring an engineer, completing preliminary plans, executing contracts for major components, commencing construction, completing construction and other acts which may be necessary to achieve compliance with this ordinance.

(2) Under no circumstance shall the City permit a time increment of any single step directed toward compliance which exceeds nine (9) months.

(3) Not later than 14 days following each milestone date in the schedule and the final date for compliance, the user shall submit a progress report to the City, including no less than a statement as to whether or

not it complied with the increment of progress represented by that milestone date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay and the steps being taken by the user to return the construction to the approved schedule.

(j) All Data Disclosure Forms shall be signed by an authorized representative of the user as defined by 40 CFR 403.12(1), and when required by the City, a registered professional engineer.

(k) Each product produced by type, amount, process or processes and rate of production.

(l) Type and amount of raw materials used, including chemicals used in process which may be discharged to sanitary system (average daily and maximum daily).

(m) List of environmental control permits held by or for the facility. The City will evaluate the completeness of the Data Disclosure Form furnished by the user and may require additional information. The city may require inspection and sampling manholes and/or flow measuring or recording and sampling equipment to assure compliance with this ordinance. Within 30 days, after full evaluation and acceptance of the data furnished, the City shall notify the user of the City's acceptance through the issuance of an Indirect Discharge permit, or rejection thereof. Incomplete or inaccurate applications will not be processed and will be promptly returned to the user with an explanation of necessary revisions. Any schedules or timetables submitted by the user shall be subject to review and approval by the City.

13.09.140; INDIRECT DISCHARGE PERMIT. No Significant Industrial User shall discharge wastewater into the POTW without first obtaining an indirect discharge permit. Significant Connecting Users may require an indirect discharge permit in order to discharge wastewater into the POTW. Any violation of the terms and conditions of an indirect discharge permit shall be deemed a violation of this ordinance and subjects the user or permittee to the sanctions set out in this ordinance. Obtaining an indirect 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 laws.

The city shall issue to each Significant Industrial User and to certain Significant Connecting Users an Indirect Discharge permit, which will be based on information in the Data Disclosure Form and include:

(a) Any fees and charges to be paid upon initial issuance.

- (b) Limits on the average and maximum wastewater Pollutant concentrations, loadings or characteristics.
- (c) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization.
- (d) Self-monitoring requirements including flow monitoring frequency and method, sampling frequencies, number, types and standards for tests.
- (e) Authorized points of discharge and regulated processes.
- (f) Requirements for installation and maintenance of inspection and sampling facilities.
- (g) Compliance schedules.
- (h) Special conditions as the City may require, such as sampling locations or circumstances of a given discharge.
- (i) Reporting requirements including, but not limited to, notification of accidental spills, noncompliance, and discharge/process changes.
- (j) Requirements for submission of special technical reports or discharge reports where same differs from those prescribed by this ordinance.
- (k) Any special agreements the City chooses to continue or develop between the City and SIU.
- (l) Standard conditions as apply to all Significant Industrial Users and certain Significant Connecting Users.

Permits shall be issued for perpetual duration, subject to amendment or revocations provided in the ordinance. Under extraordinary circumstances, it may be issued for a stated period or may be stated to expire on a specific date. Indirect Discharge permits shall be issued for a specific time period, not to exceed five (5) years. Each permit shall indicate an effective date and an expiration date.

Indirect discharge permits are issued to specific users for a specific operation and are not assignable to another user without prior written approval of the City or transferable to any other location. Indirect discharge permits shall be voidable upon cessation of operations or transfer of business ownership. The indirect discharge permit issued to a particular user is void upon the issuance of a new indirect discharge permit to that user.

13.09.150: INDIRECT DISCHARGE PERMIT-EXTRAJURISDICTIONAL USERS. Any existing Significant Connecting user located beyond the City limits required to obtain an indirect discharge permit shall submit a permit application as outlined in Sections 13 and 14. New Significant Connecting Users located beyond City limits required to obtain an indirect discharge permit shall also comply with Section 13 and 14.

13.09.160: INDIRECT DISCHARGE PERMIT APPEALS.

16.01 Users will be provided with a draft permit for their review and comment prior to permit issuance. The user, or their designee, may petition the City to reconsider the terms of an indirect discharge permit within 20 days of the permits issuance as follows:

A. The written petition must be filed with the City Clerk within twenty (20) days of the permit's issuance. Failure to submit a timely petition for reconsideration shall be deemed a waiver of the right to appeal.

B. In its petition, the appealing party must indicate the specific permit conditions objected to, the reasons for this objection, and shall present alternative conditions to meet the intent of this ordinance.

C. The effectiveness of the permit shall not be stayed pending the appeal.

D. The City Clerk shall provide a written decision to the appealing party within ten (10) working days from the date the appeal was filed. If the City Clerk shall fail to respond within ten (10) working days, the petition for reconsideration shall be deemed denied.

E. Decisions of the City Clerk regarding the petition for reconsideration may be appealed to the City Water and Sewer Committee by filing a written request for appeal with the City Clerk within fifteen (15) days of the decision of the City Clerk. The City Water and Sewer Committee shall address the appeal at its next scheduled meeting. The appealing party may appear and present evidence and testimony at such meeting. The decision of the City Water and Sewer Committee regarding the petition shall be in writing.

F. The decision of the City Water and Sewer Committee may be appealed to the City Council by filing a notice requesting appeal with the City Clerk within fifteen (15) days of receipt of the written decision.

16.02: INDIRECT DISCHARGE PERMIT MODIFICATIONS. The terms and conditions of an indirect discharge permit may be subject to modification by the City at any time as limitations or requirements are modified or other just cause exists. Any permit modifications which result in new conditions shall include a reasonable time schedule for compliance as determined by the City. Other reasons for modification include, but are not limited to, the following:

A. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;

B. To address significant alterations or additions to the user's operation, processes, or wastewater since the time of permit issuance or the last modification;

- C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- D. To incorporate special conditions resulting from the issuance of a special order or an enforcement action; or
- E. To correct typographical or other errors in the indirect discharge permit.

13.09.170: INDIRECT DISCHARGE PERMIT REISSUANCE.

17.01 A user, required to have an indirect discharge permit, shall submit a written request for permit renewal at least 60 days prior to permit expiration. The City shall then provide the user with the necessary renewal forms and instructions. A user, whose existing indirect discharge permit has expired and has submitted its renewal application request within the specified time period, shall be deemed to have an effective indirect discharge permit until the City issues or denies a new indirect discharge permit. A user, whose existing indirect discharge permit has expired and who failed to submit its renewal application request within the specified time period, shall be deemed to be discharging without an indirect discharge permit.

17.02: INDIRECT DISCHARGE PERMIT REVOCATION. Indirect discharge permits may be revoked for, but not limited to, the following reasons:

- A. Misrepresentation or failure to fully disclose all relevant facts in the data disclosure form or subsequent permit renewal submittals;
- C. Falsifying self-monitoring reports;
- D. Tampering with monitoring equipment;
- E. Failure to meet discharge limitations;
- F. Failure to pay fines;
- G. Failure to meet compliance schedules;
- H. If the City has to invoke its emergency provisions;
- I. Violation of any pretreatment standard or requirement, or any terms of an indirect discharge permit or this ordinance.

13.09.180: STANDARDS MODIFICATIONS. All National Categorical Pretreatment Standards adopted by the U.S. EPA after the promulgation of this ordinance shall be enforceable by the City through this ordinance. Where a user, subject to a National Categorical Pretreatment Standard, has not previously submitted a Data Disclosure Form as required by Section 13, the user shall file a Data Disclosure Form with the City within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard by the U.S.EPA. In addition, any user operating on the basis of a previous filing of a disclosure

statement, shall submit to the City within 180 days after the promulgation of an applicable National Categorical Pretreatment Standard, the additional information required by paragraphs (c), (h) and (i) of Section 13.02. If deemed necessary by the City, where the National Categorical Pretreatment Standards are more stringent, the indirect discharge permit will be modified to incorporate the more stringent standards. Any changes or new conditions in the Ordinance shall include a reasonable time schedule for compliance.

13.09.190: USER REPORTING REQUIREMENTS.

19.01 Final Compliance Report. Within 90 days following the date for final compliance by the user with applicable pretreatment standards and requirements set forth in this ordinance or an indirect discharge permit, or within 90 days after commencement of the introduction of wastewater into the POTW by a new user, any user subject to this ordinance shall submit to the City a report indicating the nature and concentration of all prohibited or regulated substances contained in its discharge, and the average and maximum daily flow in gallons. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operation, maintenance, and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the user, as defined by 40 CFR 403.12(1).

19.02 Periodic Compliance Reports.

(1) Any user subject to a pretreatment standard set forth in this ordinance, after the compliance date of such pretreatment standard, or in the case of a new user, after commencement of the discharge to the POTW, shall submit to the City at (6) six-month intervals as prescribed in the indirect discharge permit, unless required more frequently by the City, a report indicating the nature and concentration, of prohibited or regulated substances in the effluent which are limited by the pretreatment standards hereof. In addition, this report shall include a record of all measured or estimated average and maximum daily flows during the reporting period. Flows shall be reported on the basis of actual measurement, provided however, where cost or feasibility considerations justify, the City may accept reports of average and maximum flows estimated by verifiable techniques.

(2) Reports of users shall contain all results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where required by the City. All sample results 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 from the user.

All analyses shall be performed in accordance with 40 CFR, Part 136 and amendments thereto. Where 40 CFR, Part 136 does not include a sampling or analytical technique for the Pollutant in question, sampling and analysis shall be performed in accordance with sampling and analytical procedures approved by the Administrator of the U.S. EPA.

The frequency of monitoring by the user shall be prescribed within the indirect discharge permit. At a minimum, users shall sample their discharge at least twice per year. If a user sampled and analyzed more frequently than what was required in its indirect discharge permit, using methodologies in 40 CFR Part 136, it must submit all results of sampling and analysis of the discharge as part of its self-monitoring report.

13.09.200: MONITORING FACILITIES. Each user shall provide and operate at the user's own expense, a monitoring facility to allow inspection, sampling and flow measurement of each sewer discharge to the City. Each monitoring facility shall be situated on the user's premises, except where such a location would be impractical or cause undue hardship on the user, the City may concur with the facility being constructed in the public street or sidewalk area providing that the facility is located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near such sampling facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user. Where required by Federal or State regulations, such monitoring facilities shall be provided at the end of a process or production unit from which regulated toxic pollutants are discharged.

All monitoring facilities shall be constructed and maintained in accordance with all applicable construction standards and specifications. Construction shall be completed within 120 days of receipt by the user of the indirect discharge permit unless the City, for good cause, extends the time period.

13.09.210: INSPECTION AND SAMPLING. The City shall have the right to enter the facilities of any user to ascertain whether the purpose of this ordinance, and any indirect discharge permit or order issued hereunder, is being met and whether the user is complying with all requirements thereof. The user shall allow the City or its representatives, upon presentation of credentials of identification, to enter upon the premises of the user at all

reasonable hours, including all hours of operation or discharging for the purposes of inspection, sampling or records examination. The City shall have ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and performance of any additional duties.

Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, pretreatment staff will be permitted to enter without delay for the purposes of performing specific responsibilities.

The City shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct flow monitoring and sampling of the user's operations.

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 City and shall not be replaced. The costs of clearing such access shall be born by the user.

Unreasonable delays in allowing the City access to the user's premises shall constitute a violation of this ordinance.

13.09.220: CONFIDENTIAL INFORMATION. Information and data on a user obtained from reports, surveys, indirect discharge permits, and monitoring programs, and from POTW inspection and sampling activities, shall be available to the public or other governmental agencies without restriction unless the user specifically requests, and is able to demonstrate to the satisfaction of the City, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable State Law. When requested and demonstrated by the user that the information furnished be kept 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 NPDES Program or pretreatment program, and enforcement proceedings involving the user furnishing the information. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction. Any such claim must be asserted at the time of submission by clearly indicating the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, all information will be available to the public.

13.09.230: ENFORCEMENT

23.01 Emergency Suspension of Service and Revocation of Indirect Discharge Permit. The City may, after informal notice to the user in writing or in person or by telephone, revoke the indirect discharge permit and order the suspension of the wastewater treatment service to a user when it appears to the City that an actual or threatened discharge (a) presents or threatens an imminent or substantial danger to the health or welfare of persons or substantial danger to the environment or (b) threatens to interfere with the operation of the POTW or (c) additional discharge would cause the City to exceed its NPDES permit limits. Any user notified of the City's suspension order shall immediately cease all discharges. In the event of failure of the user to comply with the suspension order, the City may immediately take all necessary steps to halt or prevent any further discharge by such user into the POTW. The City shall have authority to physically cap, block or seal the user's sewer line, whether on public or private property, in order to terminate service under this section. The City shall have the right to enter upon the user's property to accomplish the capping, blocking or sealing of the user sewer line. The City shall reinstate the wastewater treatment service upon clear and convincing proof by the user of the elimination of the noncomplying discharge or condition creating the threat as set forth above.

23.02 User Prohibited Conduct. A user shall not (a) fail to report accurately the wastewater constituents and characteristics of its discharge; (b) fail to report significant changes in wastewater constituents or characteristics; (c) refuse reasonable access to the user's premises by representatives of the City for the purpose of inspection or monitoring; or (d) violate the provisions of the indirect discharge permit, the provisions of this ordinance or any order of the City with respect thereto. The City may seek any or all of the Administrative, Civil, and Criminal remedies or penalties provided in this ordinance, including termination of wastewater treatment service, against any user who violates any of the foregoing prohibitions. The City may seek the issuance of a temporary or permanent injunction, as deemed appropriate, for legal and/or equitable relief.

The City reserves the right, however, to take other action against any user when the circumstances warrant. Further, the City is empowered to take more than one enforcement action against any non-compliant user. These actions may be taken concurrently.

Issuance of a compliance order, administrative fines, penalties, and/or cease and desist orders shall not be a bar against, or prerequisite for, taking any other action against a non-compliant user.

23.03 Notification of Violation - Administrative Adjustment. Whenever the City finds that any user has violated the prohibitions in Section 23.02 hereof, the City shall cause to be served upon such user a written notice either in person or by certified or registered mail, return receipt requested, stating the nature of the alleged violation or violations. The notice may also state what fine, penalty or other remedy the City will seek against the user for such alleged violation or violations.

Within 20 days of the date of receipt of the notice, the user shall respond in writing to the City advising of its position with respect to the allegations. Thereafter, the user shall be given the opportunity to meet with representatives, employees or agents of the City to ascertain the veracity of the allegations, to establish a plan for the satisfactory correction of the violations and preclusion of a recurrence thereof, and to apply the fine or otherwise comply with the penalty or remedy being sought by the City of the violation or violations. Submission of a response in no way relieves the user for liability for any violations occurring before or after receipt of written notice of noncompliance from the City. Nothing in this section shall limit the authority of the City to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

23.04 Show Cause Hearing. Where the violation of Section 23.02 is not corrected by timely compliance through the Administrative Adjustment procedures set forth at Section 23.03, the City may order any user which suffers or permits a violation of Section 23.02 hereof to show cause before the Water and Sewer Committee or its designee why the proposed enforcement action, which may include service termination, should not be taken. A written notice shall be served on the user by personal service or by certified or registered mail, return receipt requested, specifying the time and place of a hearing to be held by the Water and Sewer Committee or its designee regarding the violation, the reasons why the enforcement action is to be taken, the proposed enforcement action and directing the user to show cause before the Committee or its designee why the proposed enforcement action should not be taken. The notice of the hearing shall be served no less than ten (10) days before the hearing. Service of the notice may be made on any agent, officer or authorized representative of a user. The information and evidence presented at the hearing shall be considered by the Committee or its designee, which shall then enter

appropriate findings of fact, conclusions of law and order with respect to the alleged violations of the user. Appeal of such order may be taken within 20 days by the user to the City Council, which may grant a hearing to take additional evidence or render its decision based upon the record of the Water and Sewer Committee proceedings. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against a non-compliant user.

23.05 Judicial Proceedings. Following the entry of any final order by the City with respect to the violation by the user under this ordinance, the City may commence an action for appropriate legal and/or equitable relief in the appropriate local court to enforce the penalty or remedy imposed by the City hereunder.

23.06 Enforcement Actions – Annual Publication. The City may publish annually, in the newspaper with the largest daily distribution in the City, a list of those users which, during the 12 months, were in significant non-compliance with applicable pretreatment standards or other pretreatment requirements.

13.09.240: PENALTIES

24.01 Civil Penalties. Any user who violates an order of the City, or who fails to comply with (a) any provision of this ordinance or (b) any regulation, rule or permit of the City issued pursuant to this ordinance, shall be liable to the City for a civil penalty. The amount of such civil penalty shall be not more than \$1000.00 per violation. Each day upon which a violation occurs or continues shall constitute a separate violation. In the case of a monthly or other long-term average limit, penalties shall accrue for each day during the period of the violation.

Such penalties may be recovered by judicial actions commenced by the City as provided in Section 23.05. In addition, the City may commence an action to terminate the user's wastewater treatment service. Election of one remedy shall not preclude the use of any alternative remedy or combination of remedies.

24.02 Recovery of Costs Incurred by the City. Any user who violates any of the provisions of this ordinance or who discharges or causes a discharge producing a deposit or obstruction or causes damage to or impairs the City's wastewater disposal system shall be liable to the City for any expense, loss or damage caused by such violation of discharge. The City shall charge the user for the cost incurred by the City for any monitoring, surveillance, cleaning, repair or replacement work caused

by the violation or discharge, and for costs incurred by the City in investigating the violation and in enforcing this ordinance against the user including reasonable administrative costs, fees for testing, attorney fees, court costs and all expenses of litigation. Refusal to pay the assessed costs shall constitute a violation of this ordinance, enforceable under the provisions of Chapter 23 and 24 of this ordinance.

24.03 Falsifying Information. Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this ordinance, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, in addition to civil and/or criminal penalties provided by State law, be guilty of a misdemeanor and shall be prosecuted and punished accordingly.

24.04 General Criminal Penalties. Any user or person who knowingly violates any provision of this ordinance shall be guilty of a misdemeanor and shall be prosecuted and punished in accordance with the misdemeanor criminal statutes of the State of Idaho.

13.09.250: AFFIRMATIVE DEFENSE TO DISCHARGE VIOLATIONS, Bypass Provision. Users may allow any bypass to occur which does not cause applicable pretreatment standards or requirements to be violated, but only if it is also for essential maintenance to assure efficient operation. These bypasses are not subject to the following:

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

(b) A user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the City within 24 hours from the time the user becomes aware of the bypass. The written description shall contain:

(1) Description of the bypass and its cause.

(2) Duration of the bypass, including the exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue.

(3) All steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass.

(c) Bypass is prohibited, and the City may take enforcement action against a user for a bypass, unless:

(1) Bypass was unavoidable to prevent loss of life, personal injury or severe property damage.

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

(3) The user submitted notices as required under paragraph (a) and (b) above.

The City may approve an anticipated bypass, after considering its adverse effects, if the City determines that it will meet the three conditions listed in paragraph (c) above.

13.09.260: RECORDS RETENTION. All users subject to this ordinance shall retain and preserve for no less than three (3) years, any records, books, documents, memoranda, reports, correspondence and any and all summaries thereof, relating to monitoring, sampling and chemical analyses made by or in behalf of a user in connection with its discharge. All records which pertain to matters which are the subject of Administrative Adjustment or any other enforcement of litigation activities brought by the City pursuant hereto shall be retained and preserved by the user until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

13.09.270: SEVERABILITY. If any provision, paragraph, word, section or chapter of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect.

13.09.280: RIGHT OF REVISION. The City reserves the right to amend this ordinance to provide for more stringent limitations or requirements on Discharges to the POTW where deemed necessary to comply with the objectives set forth in Section 1 of this Chapter.

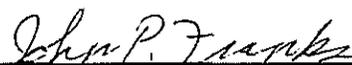
13.09.290: CONFLICT. All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this ordinance are hereby repealed to the extent of such inconsistency or conflict.

SUMMARY OF PAYETTE PRETREATMENT ORDINANCE 1056

ORDINANCE 1056 is an ordinance passed by the City of Payette, Idaho, amending title 13 of the Payette Municipal Code by adding a new chapter 13.09. The new chapter enacts pretreatment regulations designed to prevent the introduction of pollutants into the city sewer system which would in any way interfere with the efficient operation of the city waste treatment plant; The Ordinance establishes purposes and policy, designates the program administrators and sets out numerous definitions. Among those definitions are definitions of minor and significant industrial users. The Ordinance establishes both general and specific prohibited discharge standards; prohibits storm drainage and ground water influx into the system; prohibits influx of unpolluted water; establishes standards for acceptance of ground water from cleanup projects and septage waste; allows the city to enact additional pretreatment measures; adopts National Categorical Pretreatment Standards; establishes collection and testing methods; requires a monitoring station with a 24 hour composite sampler; sets out chlorine residual testing; requires testing for a 5 day B.O.D., and testing for Total Suspended Solids and Settleable Solids; Allows the city to require an explosion hazard meter; requires compliance with state and federal pretreatment standards; Sets local limits for specific substances; establishes a dead line for compliance; prohibits dilution of waste to achieve compliance with local or national pretreatment standards; requires protection from accidental discharges; requires the adoption of an accidental spill protection plan; requires user pretreatment facilities; Establishes fees and charges for industrial users; requires wastewater discharge data disclosure; establishes form requirements and contents of those forms; requires a user to obtain an indirect discharge permit before discharging into the city system which permit will be based upon data provided; lists the required data; establishes the duration for permits and requires that specific permits are to specific users and are not assignable to another user without permission of the city and are not transferable to another location; requiring permit for extra jurisdictional indirect discharge permits; establishes a procedure for indirect discharge permit appeals; allows the city to modify the conditions of a permit when just cause or other reasons exist; establishes a time frame for reissuance; establishes and lists reasons for revocation of a permit; makes future National Categorical Pretreatment Standards adopted by the United States Environmental Protection agency enforceable through this ordinance; establishes user reporting requirements; establishes a time limit for a final compliance report; establishes a requirement for periodic compliance reports; requires user operated monitoring facilities; allows the city to enter a facility for inspection and sampling; establishes an identification system if the user has a security

system in effect; allows the city to establish flow monitoring or sampling devices on the users property; provides that unreasonable delays in allowing access to a user's premises shall be a violation of the ordinance; provides protection for a users confidential information; provides for emergency suspension of service and revocation of and indirect discharge permit (IDP) after notice when a threatened discharge would cause the city to exceed its NPDES permit limits; prohibits certain user conduct and allows the city relief if that user conduct is engaged in; allows for notification of violations, show cause hearings, judicial proceedings and publication of names if violations of the ordinance or permit are engaged in; provides for enforcement and penalties, which include civil and criminal penalties for violations; civil penalties include \$1,000.00 per day civil penalties and termination of sewer services and recovery of costs of enforcement or reimbursement for damages, court costs or attorney fees; the criminal penalties provide that a violation is a misdemeanor punishable in accordance with the misdemeanor statutes of the State of Idaho; establishes affirmative defenses; requires record retention for no less than 3 years. The ordinance contains sections providing for the repeal of conflicting ordinances, for severability in the event any portion of the ordinance is stricken and for publication by summary. The Ordinance does not contain an emergency clause and sets the effective date immediately upon passage and publication as required by law; The Ordinance was passed December 7, 1992.

I certify that this summary is true and complete and provides adequate notice to the public. The full text is available at the Payette City Hall, Payette, Idaho and will be provided to any citizen upon request.



City Clerk

(Seal)