

WASTEWATER PRETREATMENT PROGRAM



SOUTH VALLEY WATER
RECLAMATION FACILITY

Adopted on 10/13/2021

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1 GENERAL PROVISIONS

1.1 SHORT TITLE

These Rules and Regulations shall be known as the "SOUTH VALLEY WATER RECLAMATION FACILITY RULES AND REGULATIONS".

1.2 PURPOSE OF PROVISIONS

- A. The South Valley Water Reclamation Rules and Regulations establish uniform requirements for Users of the South Valley Water Reclamation Facility (hereinafter referred to as "SVWRF" or the Facility") and enables SVWRF to comply with all applicable state and federal laws, including the Clean Water Act, 33 U.S.C. 1251, et seq., the General Pretreatment Regulations, 40 C.F.R. § 403, and the Utah Administrative Code R317-8-8.
- B. It is necessary for the health, safety, and welfare of the residents of the SVWRF service area to regulate the collection of Wastewater and the treatment thereof to provide for maximum public benefit. The SVWRF is a political subdivision of the state of Utah created under authority of the Interlocal Cooperation Act, Utah Code Ann. § 11-13-1 et.seq., (1953), by interlocal agreement between the five (5) Member Entities, which are: Midvale City, the City of West Jordan, Midvalley Improvement District, South Valley Sewer District and, Sandy Suburban Improvement District. Pursuant to Utah Code Ann. §11-13-205, the SVWRF was created as an administrative entity, a political subdivision of the state of Utah, to be known as the South Valley Water Reclamation Facility.
- C. The objectives of these Rules and Regulations are:
 - (1) To prevent the introduction of Pollutants into the Publicly Owned Treatment Works ("POTW") which will interfere with or potentially interfere with the operation of the system or contaminate any resulting sludge;
 - (2) To prevent the introduction of Pollutants into the Publicly Owned Treatment Works, which will pass through the system, inadequately treated, into the receiving waters, atmosphere, or otherwise be incompatible with the POTW;
 - (3) To prevent the introduction of Pollutants into the Publicly Owned Treatment Works, which may compromise the safety of the collection system operators and treatment plant operators;
 - (4) To improve the ability of the Publicly Owned Treatment Works to recycle, monitor, treat and reclaim Wastewaters and sludges from the system;
 - (5) To provide for the equitable distribution of operation and maintenance costs among Users of the Publicly Owned Treatment Works;
 - (6) To promote the general health, safety and welfare of those individuals residing and working within the Publicly Owned Treatment Works service area; and

- (7) To enable the Publicly Owned Treatment Works and its Member Entities to comply with its Utah Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the Publicly Owned Treatment Works is subject.
- D. These Rules and Regulations shall apply to all Users of the Publicly Owned Treatment Works. The SVWRF Rules and Regulations authorize the issuance of individual and general Wastewater discharge permits, provides for requiring the installation of pretreatment equipment as needed, provides for compliance, monitoring, and enforcement activities; establishes administrative review procedures; requires Users to conduct and submit reports; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

1.3 ADMINISTRATION

Except as otherwise provided herein, the SVWRF General Manager shall administer, implement, and enforce the provisions of the SVWRF Rules and Regulations. Any powers granted to or duties imposed upon the SVWRF General Manager may be delegated to the Pretreatment Director or his/her designees.

1.4 DEFINITIONS

- A. Unless a provision explicitly states otherwise, the following terms and phrases, as used in these Rules and Regulations, shall have the meanings hereinafter designated.
- (1) **Absolve.** To excuse. To free from an obligation or the consequence of guilt or liability.
 - (2) **Act or "The Act."** The Federal Water Pollution Control Act, also known as the Clean Water Act, 33 U.S.C. § 1251 et seq., and any subsequent amendments.
 - (3) **Administrative Action.** An enforcement action pursued by SVWRF in accordance with the SVWRF Rules and Regulations.
 - (4) **Administrative Order.** A document that orders the violator to perform a specific act or refrain from an act. For example, the order may require User(s) to attend a Show Cause Hearing, cease, and desist discharging Wastewater, or undertake activities pursuant to a compliance schedule.
 - (5) **Admissible Evidence.** Evidence that can be admitted in a court of law or administrative proceeding.
 - (6) **Amalgam or Dental Amalgam.** Any mixture or blending of mercury with another metal or with an alloy used in dental practices.

- (7) **Amalgam Separator.** A type of Wastewater treatment equipment that is designed to remove solids, including amalgam-associated solids, from Wastewater discharged by a dental facility.
- (8) **Amalgam Waste.** Any waste containing mercury or residues from the preparation, use, or removal of amalgam. This includes, but is not limited to, any mercury waste generated or collected by chair-side traps, screens, filters, vacuum systems filters, amalgam separators, elemental mercury, amalgam capsules, autoclaves, or other equipment that come in contact with mercury.
- (9) **Annual.** One time each calendar year.
- (10) **Approval Authority.** The state of Utah, the Department of Environmental Quality, the Division of Water Quality (DWQ,) or any of their successor agencies.
- (11) **Arbitrary or Capricious Allegation.** An assertion that a decision or action taken by SVWRF was unreasonable or not founded upon sound judgment.
- (12) **Authorized Representative of User(s).** An authorized representative of the User(s) may be:
 - (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 level decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; has authority to ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual Wastewater discharge permit or general permit requirements; and where authority to sign documents has been assigned or delegated to a manager in accordance with corporate procedures.
 - (b) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively; or
 - (c) If the User is a limited liability company: the managing partner or member; or
 - (d) 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 his/her designee;
or

- (e) The individuals described in paragraphs (12)(a), (12)(b), (12)(c), and (12)(d) 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 SVWRF.
- (13) **Best Management Practices (BMP or BMPs)**. Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 2.3.1 and 2.3.2. BMPs may also include but are not limited to treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. BMPs shall be considered local limits and Pretreatment Standards for the purposes of these Rules and Regulations and Section 307(d) of the Act, 40 C.F.R. 403.5(c)(4), and R317-8-8.8.
- (14) **Biochemical Oxygen Demand (BOD)**. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20° centigrade expressed in terms of weight and concentration (milligrams per liter [mg/l]). Laboratory determinations shall be made in accordance with approved EPA methods (reference 40 C.F.R. Part 136).
- (15) **Board**. The SVWRF Board of Directors.
- (16) **Burden of Proof**. The duty of proving a disputed assertion or charge in a court of law or administrative proceeding.
- (17) **Business Park(s)**. A business park or office park is an area of land in which many office buildings are grouped together. All of the work that goes on is commercial, not large-scale industrial nor residential.
- (18) **Bypass**. The intentional diversion of wastestreams from any portion of an Industrial User's treatment facility.
- (19) **Categorical Industrial User**. An industrial User subject to a Categorical Pretreatment Standard or Categorical Standard.
- (20) **Categorical Pretreatment Standard or Categorical Standard**. Any regulation containing Pollutant discharge limits promulgated by the Environmental Protection Agency ("EPA") in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of Users and that appear in 40 C.F.R. Chapter I, Subchapter N, Parts 405-471.
- (21) **Cease and Desist Order**. An Administrative Order directing the User(s) to immediately halt illegal or unauthorized activities, processes, and/or discharges

which are in violation of the discharge permit and/or SVWRF Rules and Regulations.

- (22) **Chain of Custody.** A written record of sample possession for all person(s) who handle, collect, transport, analyze, or dispose of a sample, including, but not limited to, names, dates, times, and procedures followed.
- (23) **Chemical Oxygen Demand (COD).** The oxygen equivalent of that portion of organic matter in a Wastewater sample that is susceptible to oxidation by a strong chemical oxidant.
- (24) **Civil Litigation.** A lawsuit filed in a civil court of competent jurisdiction. If the court rules that the defendant has violated the law, the court may impose civil penalties, injunctions, legal or other equitable remedies and/or cost recovery.
- (25) **Civil Penalty.** A punitive monetary award granted by a court of law to the POTW against a defendant.
- (26) **Code of Federal Regulations (C.F.R.).** The Code of Federal Regulations is a codification of general and permanent rules published in the Federal Register by the Executive departments and agencies of the Federal Government.
- (27) **Commercial User.** A non-residential User, creating discharge into the SVWRF system for business purposes not subject to National Categorical Pretreatment Standards.
- (28) **Commissary.** A physical location where food is prepared, stored, and loaded into mobile food service units. To be utilized by mobile food service establishments (e.g., food carts, shaved ice carts, or motorized food trucks) as a location to drain their Wastewater tanks.
- (29) **Compatible Pollutant(s).** Those Pollutants that are normally removed by the POTW treatment system. Biochemical Oxygen Demand (“BOD”), total suspended solids (“TSS”), and Ammonia (“NH₃”) are considered compatible Pollutants.
- (30) **Compliance Order.** An Administrative Order directing the non-compliant User(s) to achieve or restore compliance by a date specified in the Order.
- (31) **Compliance Schedule.** Are used to address known or suspected problems by requiring the IU to undertake a specific activity in order to reduce the quantity of pollutants currently discharged or to prevent the discharge of new or additional pollutants. A compliance schedule is a means of establishing milestones and deadlines for carrying out specific actions required of an IU.
- (32) **Composite Sample.** A combination of individual samples obtained at regular intervals over a specified time-period. The volume of each individual sample may be either proportional to the flow rate during the same period (“flow proportioned”)

or constant and collected at equal time intervals during the composite period (“time proportioned”).

- (33) **Confined Space.** A space, which by design, has limited openings for entry and exit, unfavorable natural ventilation which could contain or produce dangerous air contaminants, and which is not intended for continuous human occupancy.
- (34) **Consent Decree.** A court or administrative proceeding approved settlement agreement, the violation of which may be considered contempt of court.
- (35) **Consent Order.** An Administrative Order embodying a legally enforceable agreement between SVWRF and the non-compliant User(s) and is designed to restore the User(s) to compliance status.
- (36) **Construction Standards.** The general construction requirements adopted by the SVWRF for the installation of sewerage facilities.
- (37) **Contamination.** The introduction into water of microorganisms, chemicals, toxic substances, wastes, or Wastewater in a concentration that makes the water unfit for its next intended use.
- (38) **Control Authority.** SVWRF under provisions of 40 C.F.R. Part 403.3.
- (39) **Cooling Water, - Contact.** Water used for cooling purposes, and which comes into direct contact with raw material, intermediate product, waste product and/or finished product.
- (40) **Cooling Water, - Non-Contact.** Water used for cooling, that does not come into contact with any raw material, intermediate product, waste product or finished product.
- (41) **Cooling Water, - Uncontaminated.** Water used for cooling purposes and only which has no direct contact with any materials used in the manufacturing process and which does not contain a level of contaminants detectably higher than that of the intake water.
- (42) **Criminal Intent.** A state of mind, which constitutes a necessary element of certain crimes. Criminal Intent may be general (intent to perform an act) or specific (intent to break a law.)
- (43) **Criminal Negligence.** Negligence of such a character, or occurring under such circumstances, as to be punishable as a crime (e.g., flagrant and reckless disregard of the safety of others or willful indifference to the injury likely to follow).
- (44) **Criminal Prosecution.** A criminal charge brought by SVWRF against an accused violator. The alleged criminal action may be a misdemeanor or a felony and is defined as willful, negligent, knowing, and/or intentional violations. A court trial-by-

jury is generally required and upon conviction, punishment may include, but is not limited to, a monetary penalty, imprisonment, or both.

- (45) **Daily Maximum.** The arithmetic average of all effluent samples for a Pollutant collected during one calendar day.
- (46) **Daily Maximum Limit.** The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.
- (47) **Defendant.** The party against whom relief or recovery is sought.
- (48) **Dental Discharger.** A facility where the practice of dentistry is performed, including, but not limited to, institutions, clinics, offices, and facilities owned and operated by federal, State, or local governments, that discharges Wastewater to a publically owned treatment works (POTW).
- (49) **Deterrent Value.** A threat of reprisal that is sufficient to discourage the User(s) from future violation(s).
- (50) **Direct Discharge.** The discharge of treated or untreated Wastewater directly to the waters of the state of Utah.
- (51) **District Clerk.** The person appointed by the SVWRF Board of Directors to record and retain official correspondence, meeting minutes, resolutions, agreements and contracts.
- (52) **Environmental Protection Agency (EPA).** The United States Environmental Protection Agency, or where appropriate, the term may be used as a designation for the Administrator or other duly authorized official of said agency.
- (53) **Exempt Dental Industrial User.** Means any dental facility in which no amalgam is placed or removed except in limited emergency, unplanned, or unanticipated circumstances.
- (54) **Existing Business.** Any business holding a valid business license and actually conducting business at one or more locations within the SVWRF service area on or before June 1, 2015.
- (55) **Existing Source.** Any source of discharge that is not a “New Source”.
- (56) **Facility Operations Director.** The person designated by SVWRF to supervise the operation of the POTW who is charged with certain duties and responsibilities by

these Rules and Regulations. The term also means a duly authorized designee of the Facility Operations Director.

- (57) **Fees.** A schedule of charges imposed on permitted Users to recover treatment costs (not punitive in nature). As described in Section 5.5 of these Rules and Regulations.
- (58) **Felony.** Generally an offense of a more serious nature than a misdemeanor. A crime punishable by imprisonment in a penitentiary.
- (59) **Fine.** A punitive monetary charge for a violation. Often used synonymously with “penalty”, although the term “fine” generally implies the use of administrative rather than civil (judicial) procedures.
- (60) **Food Service Establishment.** Any location where food is prepared, cooked, or dispensed and is intended for individual portion service, regardless of whether the food is consumed at the location or not. (i.e. restaurants, grocery stores, schools, nursing homes, ice cream shops, frozen yogurt shops, sandwich shops, commissaries, etc.).
- (61) **Garbage.** Solid wastes developed from the preparation, cooking and dispensing of food and from handling, storage, and sale of produce.
- (62) **General Manager.** Shall mean the Chief Executive Officer of SVWRF or his/her designated representative, subject to the advice, oversight, authority, and general supervision of the SVWRF Board.
- (63) **Good Faith Effort.** Prompt and vigorous pollution control measures undertaken by the User(s.) which shows that extraordinary efforts (rather than a “business-as-usual” approach) have been made to achieve compliance.
- (64) **Governing Authority (SVWRF Board).** The SVWRF Board, which is comprised of one (1) representative from each of the five (5) Member Entities.
- (65) **Grab Sample.** A sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.
- (66) **Grease Interceptor.** A tank containing at least one (1) baffle in which solids, greases, and oils are separated from Wastewater and is located outside the User’s building, and underground, and is accessible through a manhole cover.
- (67) **Grease Trap.** A mechanical device, generally located directly under a sink or in the floor, designed to separate grease from Wastewater.
- (68) **Hazardous Waste.** Hazardous Waste shall have the same definition as in 40 C.F.R. 261.3 incorporated herein and made a part thereof by this reference.

- (69) **Holding Tank Sewage.** Any Wastewater from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, sealed vaults, and vacuum-pump tank trucks.
- (70) **Inadmissible.** Evidence not allowed to be presented in a court of law or administrative proceeding.
- (71) **Incompatible Pollutant.** All Pollutants other than Compatible Pollutants as defined herein.
- (72) **Indictment.** A written accusation of criminal conduct by a grand jury.
- (73) **Indirect Discharge or Discharge.** Indirect Discharge or Discharge means the introduction of pollutants into a POTW from any non-domestic source regulated under section 307(b), (c) or (d) of the Act. An indirect discharge is the introduction of pollutants into the POTW from any nondomestic source.
- (74) **Indirect Discharger.** A non-domestic discharger introducing Pollutants to a POTW. These Facilities are subject to the EPA pretreatment regulations.
- (75) **Industrial Park.** A parcel of real property utilized by multiple businesses and designated for activities that apply to the production of commodities by manufacturing or processing (usually on a large scale). An Industrial Park may include, but is not limited to, the receiving, storage, warehousing, or distribution of commodities.
- (76) **Industrial Wastewater.** Liquid and water carrying industrial waste and sewage from commercial buildings, industrial manufacturing facilities, and institutions whether treated or untreated, which are contributed to SVWRF.
- (77) **Injunction; Injunctive Relief.** A court order or administrative order that restrains or compels action by a User(s).
- (78) **Instantaneous Limit.** The maximum or minimum concentration or load of a Pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
- (79) **Interference.** A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the SVWRF UPDES permit 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 any more stringent state or local regulations: section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act ("RCRA"); any state regulations contained in any state sludge management plan prepared

pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Act; and the Marine Protection, Research, and Sanctuaries Act.

- (80) **Judicial Action or Case.** An enforcement action that involves a court of law. The action may be civil or criminal in nature.
- (81) **Local Limit.** Specific discharge limits developed to protect the POTW in accordance with 40 CFR 403.5 and enforced by SVWRF upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in Section 2.3.1 and 2.3.2. The technical based local limits are listed in Section 9 of this Ordinance. The development documents are kept on file at the SVWRF office and can be reviewed if requested.
- (82) **Mall.** A large building or series of connected buildings containing a variety of retail stores and restaurants.
- (83) **Member Entity or Member Entities.** One (1) or more of the following political subdivisions of the state of Utah:
- (a) Midvale City
 - (b) Midvalley Improvement District
 - (c) South Valley Sewer District
 - (d) City of West Jordan
 - (e) Sandy Suburban Improvement District
- (84) **Misdemeanor.** An offense other than a felony punishable by fine or imprisonment other than in a penitentiary.
- (85) **Medical Waste.** Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- (86) **Mobile Food Service Establishment.** Any readily moveable, self-propelled or non-self-propelled vehicle used for preparing and serving food and is intended for individual portion service, regardless of whether the food is consumed at the location or not, (e.g., food trucks, food carts, etc.)
- (87) **Monthly Average.** The sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that same calendar month.
- (88) **Monthly Average Limit.** The highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

- (89) **National Pollutant Discharge Elimination System Permit (NPDES)**. A permit issued pursuant to section 402 of the Act (33 U.S.C. 1342). (See also “UPDES Permit” in this section.)
- (90) **New Source**.
- (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 (33 U.S.C. Section 1317) which will be applicable to such source if such Pretreatment 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;
 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 paragraphs (a)2 or (a)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 on-site 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 within a reasonable time. Options to purchase or contracts which can be

terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this subsection.

- (91) **Notice of Violation.** A document notifying a User(s) that action(s) of the User(s) have violated requirements of their discharge permit and/or provision(s) of the SVWRF Rules and Regulations. A Notice of Violation is generally used as an initial enforcement action when the violation is relatively minor and SVWRF expects that the violation will be corrected within a reasonably short period.
- (92) **Pass Through.** A discharge which exits the POTW and enters into waters of the state of Utah, in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of SVWRF's UPDES permit including, but not limited to, an increase in the magnitude or duration of a violation.
- (93) **Penalty.** A monetary or other punitive measure usually associated with a court action. For the purposes of these Rules and Regulations, the term is used synonymously with Fine.
- (94) **Person.** Any individual, partnership, co-partnership, firm, limited liability company, company, corporation, association, joint stock company, trust, estate, governmental entity or other legal entity; or their legal representatives, agents or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by context. This definition includes all Federal, state, and local government entities.
- (95) **pH.** A measure of the acidity or basicity of a solution, expressed in standard units.
- (96) **Plaintiff.** A person or entity seeking remedy in a court of law. For purposes of these Rules and Regulations, the plaintiff is SVWRF.
- (97) **Plumbing Code.** The most recent version of the International Plumbing Code as adopted by the state of Utah.
- (98) **Pollutant.** 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, municipal, agricultural and industrial wastes, and certain characteristics of Wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
- (99) **Pretreatment.** The reduction of the amount of Pollutants, the elimination of Pollutants, or the alteration of the nature of Pollutant properties in Wastewater prior to, or in lieu of, introducing such Pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by

process changes; or by other means, except by diluting the concentration of the Pollutants unless allowed by an applicable Pretreatment Standard.

- (100) **Pretreatment Director.** The agent of SVWRF's General Manager, duly authorized, to perform all duties related to the SVWRF Pretreatment Program as directed.
- (101) **Pretreatment Requirements.** Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.
- (102) **Pretreatment Standards "Standards."** Pretreatment Standards shall mean any regulation containing Pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c) of the Act (33 U.S.C. Section 1317), which applies to Industrial Users and which includes, but is not limited to, prohibited discharge standards, Categorical Pretreatment Standards, and local limits.
- (103) **Priority Pollutants.** A list of 126 Pollutants established by the EPA (40 C.F.R. Part 423, Appendix A) and considered hazardous to the environment and to humans.
- (104) **Process Wastewater.** Any Wastewater generated from commercial or industrial processes; including, but not limited to wash water, dish water, rinse water, mop water, quench water, recirculation water, blow down water and clean-up water.
- (105) **Prohibited Discharge Standard or Prohibited Discharges.** Absolute prohibitions against the discharge of certain substances. These prohibitions appear in Section(s) 2.3.1 and 2.3.2 of these Rules and Regulations.
- (106) **Proprietary Information.** Information about a commercial chemical, product, or process which is considered to be confidential business information or a trade secret by User(s) because, if divulged, the information could jeopardize the business's competitive advantage within the same industry.
- (107) **Publicly Owned Treatment Works (POTW).** A treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292) which is owned by SVWRF and its Member Entities and having statutory authority to collect and treat sewage. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage and industrial wastes of a liquid nature and any conveyances, which convey Wastewater to SVWRF. The term also means the municipality as defined in Section 502(4) of the Act, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works.

For the purposes hereof, POTW shall also include any sewer that conveys Wastewater to SVWRF from persons outside the SVWRF service area and who are by permit or agreement actual Users of SVWRF.

As used herein, "POTW" and "SVWRF" are synonymous; thus, they are interchangeable.

- (108) **Quarterly.** Four (4) times each calendar year, (e.g., one (1) time during the first three (3) months of the year, one (1) time during the next three (3) months, and so forth.)
- (109) **Receiving Water Quality.** Requirements for the SVWRF's treatment plant effluent established by SVWRF or by applicable state or federal regulatory agencies for the protection of receiving water quality. Such requirements shall include effluent limitations, and waste discharge standards, requirements, limitations, or prohibitions that may be established or adopted from time to time by state or federal agencies or other regulatory agencies.
- (110) **Rules and Regulations.** The Wastewater control Rules and Regulations adopted by SVWRF and/or the Governing Authority as amended periodically.
- (111) **Sampling Manhole.** A manhole into which a person or equipment may be lowered to sample Wastewater. (Specifications for sampling manholes are on file at SVWRF).
- (112) **Sand/Oil Separator.** A tank containing at least one (1) baffle in which solids, greases, and oils are separated from Wastewater, located outside a User's building, underground, and accessible through a manhole cover.
- (113) **Sanitary Sewer.** The pipe or conduit system and appurtenances, used for the collection, transportation, pumping, and treatment of sewage. This definition shall also include the terms "public sewer," "sewer system," "Member Entity's sewer," and "sewer."
- (114) **Sanitary Wastewater.** Any Wastewater that originates from toilets, urinals, sinks, washbasins, showers, or bathtubs that are specifically used to maintain sanitary conditions for human habitation only.
- (115) **Sector Control Program.** Any Pollutant monitoring program, other than federally mandated, that is implemented at a local level by the POTW in accordance with Pretreatment Standards and Regulations (i.e. User Charge program, Fats, Oils, and Grease program, Petroleum Oil and Grease program, Mercury Reduction program, etc.).
- (116) **Self-Monitoring.** Sampling and analysis of Wastewater performed by a User(s) and not by SVWRF.
- (117) **Semi-annually.** Two (2) times each calendar year, one (1) time during the first six (6) months of the year and one (1) time during the last six (6) months of the year.

- (118) **Septic Tank Waste.** Any sewage from holding tanks, including but not limited to, vessels, chemical toilets, campers, trailers, septic tanks, etc.
- (119) **Severe Property Damage.** Substantial physical damage to property, damage to treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that 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.
- (120) **Sewage.** Human excrement and gray water (household showers, dishwashing operations, etc.)

As used herein, "Wastewater" and "sewage" are synonymous; thus, they are interchangeable.

- (121) **Shall, Will, Must and, May.** The terms "shall", "will", and "must" refer to mandatory conditions and requirements; the term "may" refers to permissive conditions and requirements.
- (122) **Show Cause Hearing.** An enforcement forum used by SVWRF, conducted by the Pretreatment Director or General Manager, to address non-compliance issues of a User(s). Show cause hearings may be formal or informal in nature. Formal hearings shall be conducted according to the Utah Rules of Evidence with written transcripts, cross-examination of witnesses, etc. and are open to the public. Informal hearings can be used as a forum to investigate issues, examine evidence, interview potential witnesses, and/or negotiate a resolution of non-compliance issues with a User(s). Informal hearings are closed to the public.
- (123) **Show Cause Order.** An administrative Order directing a non-compliant User(s) to appear before SVWRF explaining his/her non-compliance, and to show cause why more severe enforcement actions against the User(s) should not be pursued.
- (124) **Significant Industrial User (SIU).** Except as provided in paragraphs (c) and (d) of this Section, 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) gallons per day ("gpd") or more of process Wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blow down Wastewater); or
 - 2. Contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the SVWRF treatment plant; or

3. Is designated as such by SVWRF 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) SVWRF 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 of total categorical Wastewater (excluding sanitary, non-contact cooling and boiler blow down Wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
1. The Industrial User, prior to SVWRF'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 4.17.1, together with any additional information necessary to support the certification statement; and
 3. The Industrial User never discharges any untreated concentrated Wastewater.
- (d) Upon 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, SVWRF 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 C.F.R. 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.
- (125) **Significant Non-compliance (SNC)**. The term Significant Non-compliance shall be applicable to all Significant Industrial Users or any other User that violates Section 6.10 of these Rules and Regulations.
- (126) **Significant Violation**. A violation which:
- (a) Remains uncorrected forty-five (45-) days after notification of non-compliance; or
 - (b) Which is part of a pattern of non-compliance over a twelve (12-) month period; or
 - (c) Which involves a failure to accurately report non-compliance; or
 - (d) Which results in the SVWRF exercising its emergency authority under 40 C.F.R. 403.8 (f)(1)(vi)(B).
- (127) **Slug Load or Slug Discharge**. Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 2.3 of these Rules and Regulations. 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 SVWRF's regulations, local limits, or permit conditions.

- (128) **South Valley Water Reclamation Facility (SVWRF).** A Wastewater treatment plant, POTW, and its related facilities, as a political subdivision of the state of Utah.
- (129) **Standard Industrial Classification (SIC).** A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.
- (130) **Standard Methods.** Procedures described in the latest edition of "Standard Methods for the Examination of Water and Wastewater" as published by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation or other procedures as may be adopted by the SVWRF Board.
- (131) **State.** The state of Utah.
- (132) **Statute of Limitations.** A law that prescribes the period within which an enforcement action may be pursued by SVWRF.
- (133) **Stipulation.** A voluntary agreement between opposing parties as to facts or issues in controversy.
- (134) **Storm Sewer.** A pipe, conduit system, or a sewer that carries only storm, surface, and ground water drainage.
- (135) **Storm Water.** Any flow occurring during or following any form of natural precipitation and resulting therefrom.
- (136) **Strict Liability.** Liability that attaches without regard to a User(s) "negligence" or "intent" to violate. A non-compliant User(s) will be found liable for violations if SVWRF proves that a violation has occurred.
- (137) **Strip Mall, Mall, or Industrial Complex.**
- (a) A series of connected buildings containing a variety of retail stores and restaurants; or
 - (b) A grouping of establishments in the same geographic area, which are rented or leased from a common owner.
- (138) **Subdivision.** The division of a tract, lot, or parcel of real property into two (2) 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.

The above definition shall not apply to the sale or conveyance of any parcel of land that may be shown as one of the lots of a subdivision of which a plat has been recorded in the office of the Salt Lake County Recorder. The word “subdivide” and any derivative thereof shall have reference to the term “subdivision” as herein defined.

- (139) **Surcharge/User Charge.** The charge for treating excessive Pollutant loadings.
- (140) **Termination of Service.** A physical blockage or disconnection of the sewer connection to a non-compliant User(s), or issuance of a formal Notice of Termination to a User(s).
- (141) **Total Suspended Solids or Suspended Solids (TSS).** The total suspended matter that floats on the surface of, or is suspended in, water, Wastewater, or other liquid, and that is removable by laboratory filtering.
- (142) **UPDES Permit.** A permit issued by the state of Utah pursuant to UTAH CODE ANN. § 19-5-101 *et seq.* 1953 as amended.
- (143) **Upset.** Upset means an exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the Industrial User. An Upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- (144) **User or Industrial User.** Any individual, partnership, co-partnership, firm, limited liability company, company, corporation, association, joint stock company, trust, estate, governmental entity, or other legal entity, or their legal representative(s), agent(s), or assigns who contributes, causes, or permits the contribution of Wastewater into the SVWRF Wastewater treatment plant and/or related facilities or any Member Entity’s sewer system. Any of the above-listed person(s) or entities, which create or use a source of indirect discharge into the POTW.
- (145) **Viscosity.** The property of a fluid that resists flow because of counteracting forces.
- (146) **Wastehauler.** Any individual, partnership, co-partnership, firm, limited liability company, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns, that obtains Wastewater from one (1) location and transports it to another location for disposal.
- (147) **Wastewater.** Liquid and water-carried industrial wastes, and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities,

and institutions, whether treated or untreated, which are contributed to the SVWRF Wastewater treatment plant and/or related facilities.

- (148) **Waters of the State**. All streams, lakes, ponds, marshes, water-courses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through or border upon this state or any portion thereof, except that bodies of water confined to and retained within the limits of private property, and which do not develop into or constitute a nuisance, public health hazard, or a menace to fish and wildlife, shall not be considered to be "Waters of the State" under this definition (Refer to UTAH CODE ANN. § 19-5-102.)
- (149) **Wastewater Strength**. The quality of Wastewater discharged as measured by its elements, including its constituents and characteristics.

1.5 ABBREVIATIONS

The following abbreviations, when used in these Rules and Regulations, shall have the designated meanings:

Abbreviation	Description
AO	Administrative Order
ASPP	Accidental Spill Prevention Plan
BCC	Business Classification Code
BMP	Best Management Plan
BMR	Baseline Monitoring Report
BOD	Biochemical Oxygen Demand
BPJ	Best Professional Judgment
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act
C.F.R.	Code of Federal Regulations
CIU	Categorical Industrial User
COD	Chemical Oxygen Demand
CU	Commercial User
CWA	Clean Water Act
CWF	Combined Wastestream Formula
EDD	Enforcement Decision Document
EPA	U.S. Environmental Protection Agency
FR	Federal Register
FS	Feasibility Study
FSE	Food Service Establishment
FWA	Flow Weighted Average

GC	Gas Chromatography
GC/MS	Gas Chromatography/Mass Spectroscopy
GM	General Manager
GPD	Gallons Per Day
HRS	Hazard Ranking System
IPC	International Plumbing Code
IU	Industrial User
LEL	Lower Explosive Limit
Lbs/day	Pounds Per Day
MGD	Million Gallons Per Day
mg/l	Milligrams Per Liter
NCP	National Contingency Plan
NOV	Notice of Violation
NPDES	National Pollutant Discharge Elimination System
NSCIU	Non-Significant Categorical User
O & M	Operations and Maintenance
PC	Pretreatment Coordinator
PD	Pretreatment Director
PI	Pretreatment Inspector
POTW	Publicly Owned Treatment Works
RCRA	Resource Conservation and Recovery Act
SI	Site Investigation
SIC	Standard Industrial Classification

SIU	Significant Industrial User
SNC	Significant Non-Compliance
SV	Significant Violation
SVWRF	South Valley Water Reclamation Facility
SWDA	Solid Waste Disposal Act
TOMP	Toxic Organic Management Plan
TRC	Technical Review Criteria
TSS	Total Suspended Solids
TSDF	Treatment, Storage, and Disposal Facility
TTO	Total Toxic Organics
UPDES	Utah Pollution Discharge Elimination System

2 GENERAL SEWER REGULATIONS

2.1 SUPERVISION OF SVWRF

- (1) **General Manager.** The SVWRF shall be managed and directed by the General Manager, subject to the advice, oversight, authority, and general supervision of the SVWRF Board.
- (2) **Administrative and Technical Assistance.** Subject to the advice, control, and oversight authority and general supervision of the Board, the General Manager may appoint, hire, or employ qualified persons he or she deems necessary for the effective administration, implementation, and enforcement of these Rules and Regulations and proper operation and administration of SVWRF.

2.2 LEGAL AUTHORITY

SVWRF has developed Pretreatment Rules and Regulations for the SVWRF and its five (5) Member Entities, which provide for the implementation of this program at the SVWRF. South Valley Sewer District has developed and adopted Pretreatment Rules and Regulations under which it shall abide. A copy of the Attorney's Statement endorsing the legal authority of the SVWRF to implement this program in its entirety may be found in Section 15.

2.3 WASTEWATER DISCHARGE PROHIBITIONS AND LIMITATIONS

2.3.1 Discharge Prohibitions and Limitations

- (1) **Discharge of Sewage.** Pursuant to Salt Lake County Health Department Health Regulation #13, all sewage shall be discharged to public sewers except as provided hereinafter. No User shall discharge any sewage from any premises within the SVWRF service area into or upon any public highway, stream, watercourse, or public place, or into any drain, cesspool, storm, or private sewer, except as approved by the Utah Division of Water Quality.
- (2) **Prohibited Discharge into Sanitary Sewer.** No User shall introduce or cause to be introduced into the POTW any Pollutant or Wastewater that causes pass through or interference. These general prohibitions and the specific prohibitions listed in Section 2.3.2 apply to all Users of the POTW whether or not they are subject to National Categorical Pretreatment Standards or any other federal, state, or local Pretreatment Standards or Requirements.
- (3) **Discharge into Storm Sewers.** Storm water, surface drainage, subsurface drainage, groundwater, roof-water run-off, non-contact cooling water, or unpolluted water may be admitted to specifically designated storm sewers, which have adequate capacity for the transmission of said waters. However, this may only be done after obtaining the proper permit from the governmental entity regulating

storm sewers. No User shall connect to and/or use sanitary sewers for the purposes of discharging any of the discharges named herein.

2.3.2 Specific Prohibitions

- A. No User shall introduce or cause to be introduced into the SVWRF the following Pollutants, substances, or Wastewater:
- (1) Pollutants, substances, or wastewater prohibited by this Section or Section 2.3.1 shall not be processed or stored in such a manner that they could be discharged to the POTW.
 - (2) 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 C.F.R. 261.21;
 - (3) Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with a pH less than 5.0;
 - (4) Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with a pH greater than 11.0;
 - (5) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference but in no case solids greater than 1/4 inch(s) 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, spent yeast, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grindings or polishing wastes;
 - (6) Any Pollutant, including oxygen-demanding Pollutants (BOD, etc.), released in a discharge at a flow rate and/or Pollutant concentration which, either singly or by interaction with other Pollutants, will cause interference with the POTW;
 - (7) Wastewater having a temperature greater than 140° F (60° C,) or which will inhibit biological activity in the treatment plant resulting in interference, but in no case Wastewater which causes the temperature at the introduction into the treatment plant to exceed 104° F (40° C);
 - (8) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through but not to exceed 100 mg/l of petroleum based oil and grease as set forth in the SVWRF Local Limits and Section 9.2 of these Rules and Regulations;

- (9) Any Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may constitute a hazard to worker health or create safety problems;
- (10) Any trucked or hauled Pollutants, except at discharge points designated by the Pretreatment Director in accordance with Section 2.9 of these Rules and Regulations;
- (11) Noxious or malodorous liquids, gases, solids, or other Wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
- (12) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes, vegetable tanning solutions, etc. which consequently imparts color to the SVWRF plant's effluent, thereby violating SVWRF's UPDES permit;
- (13) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or Federal regulations;
- (14) Storm water, surface water, groundwater, artesian well water, roof run-off, subsurface drainage, condensate, deionized water, noncontact cooling water, and unpolluted Wastewater, unless specifically authorized by the Pretreatment Director;
- (15) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- (16) Bulk, expired, outdated, or concentrated prescription or non-prescription drugs;
- (17) Medical wastes, except as specifically authorized by the Pretreatment Director in an individual Wastewater discharge permit or general permit issued by SVWRF;
- (18) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
- (19) Detergents, surface-active agents, or other substances which might cause excessive foaming in the SVWRF;
- (20) Fats, oils, or greases of animal or vegetable origin in concentrations greater than 1000 mg/l as set forth in the SVWRF Local Limits and Section 9 of these Rules and Regulations;
- (21) Wastewater causing two (2) readings on an explosion hazard meter at the point of discharge into the SVWRF, or at any point in the SVWRF, of more than five percent (5%) or any single reading over ten percent (10%) of the lower explosive limit of the meter.

2.3.3 National Categorical Pretreatment Standards

- A. Categorical Pretreatment Standards specifying quantities or concentrations of Pollutants or Pollutant properties that may be discharged to the POTW by existing or new Industrial Users in specific industrial subcategories have been established by the EPA in 40 C.F.R. Chapter I, Subchapter N, Parts 405-471 and are hereby incorporated herein by this reference.
- B. Users must comply with the National Categorical Pretreatment Standards found in 40 C.F.R. Chapter I, Subchapter N, Parts 405-471.
- C. When Wastewater subject to a National Categorical Pretreatment Standard is mixed with Wastewater not regulated by the same Standard, the Pretreatment Director shall impose an alternate limit in accordance with 40 C.F.R. 403.6(e).
- D. Where a Categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a Pollutant in Wastewater, the Pretreatment Director may impose equivalent concentration or mass limits in accordance with Section(s) 2.3.3E, 2.3.3G, 2.3.3H, and 2.3.3I of these Rules and Regulations.
- E. When the limits in a Categorical Pretreatment Standard are expressed only in terms of mass of Pollutant per unit of production, the Pretreatment 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.
- F. A CIU may obtain a net/gross adjustment to a Categorical Pretreatment Standard in accordance with the following sub-paragraphs of this Section.
 - (1) Categorical Pretreatment Standards may be adjusted to reflect the presence of Pollutants in the Industrial User's intake water in accordance with this Section. Any Industrial User wishing to obtain credit for intake Pollutants must make prior application to SVWRF. Upon request of the Industrial User, the applicable Standard will be calculated on a "net" basis (i.e. adjusted to reflect credit for Pollutants in the intake water) if the requirements of paragraph (2) of this Section are met.
 - (2) Criteria:
 - (a) Either:
 - 1. The applicable Categorical Pretreatment Standards contained in 40 C.F.R. Subchapter N specifically provide that they shall be applied on a net basis; or
 - 2. The Industrial User demonstrates that the control system it proposes or uses to meet applicable Categorical Pretreatment Standards would, if

properly installed and operated, meet the Standards in the absence of Pollutants in the intake waters.

- (b) Credit for generic Pollutants such as biochemical oxygen demand (BOD), total suspended solids (TSS), and oil and grease (O&G) shall not be granted unless the Industrial User demonstrates that the constituents of the generic measure in the User's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water Pollutants whether at the outfall or elsewhere.
 - (c) Credit shall be granted only to the extent necessary to meet the applicable National Categorical Pretreatment Standard(s,) up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with Standard(s) adjusted under this Section.
 - (d) Credit shall be granted only if the User demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The POTW may waive this requirement if it finds that no environmental degradation will result.
- G. When a Categorical Pretreatment Standard is expressed only in terms of Pollutant concentrations, an Industrial User may request the SVWRF convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Pretreatment Director. SVWRF may establish equivalent mass limits only if the Industrial User meets all the conditions set forth in Section 2.3.3G(1)(a) through 2.3.3G(1)(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 individual Wastewater discharge permit;
 - (b) Currently use control and treatment technologies adequate to achieve compliance with the applicable Categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;
 - (c) Provide sufficient information to establish their facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow-monitoring device, as well as the Industrial User'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 Pretreatment Director whenever production rates are expected to vary by more than twenty percent (20%) from its baseline production rates determined in paragraph 2.3.3G(1)(c) of this Section. Upon notification of a revised production rate, the Pretreatment 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(s) 2.3.3G(1)(a) of this Section as long as it discharges under an equivalent mass limit.
- (3) When developing equivalent mass limits, the Pretreatment Director:
- (a) Shall calculate the mass limit by multiplying the actual average daily flow rate of the regulated process 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, shall 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 individual Wastewater discharge permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section 2.3.5B. The Industrial User must also comply with Section 2.3.6D regarding the prohibition of bypass.
- H. The Pretreatment Director may convert the mass limits of the Categorical Pretreatment Standards of 40 C.F.R. 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 Pretreatment Director.

- I. Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this Section, 2.3.3, in lieu of the promulgated Categorical Pretreatment Standards from which the equivalent limitations were derived.
- J. Many Categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum Monthly Average, or four (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.
- K. Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the Pretreatment 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 notifying the Pretreatment 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.

2.3.4 Local Limits Development

- A. The Pretreatment Director is authorized to establish Local Limits pursuant to 40 C.F.R. 403.5(c).
- B. Local limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise.
- C. The Pretreatment Director may impose mass limitations in addition to the concentration-based limitations set forth in Sections 9 and 10 of these Rules and Regulations, or any amendments thereto.
- D. The Pretreatment Director may develop Best Management Practices by ordinance or in individual Wastewater discharge permits or general permits, to implement Local Limits and the requirements of Sections 2.3.1 and 2.3.2 of these Rules and Regulations. The development documents for Local Limits are kept at SVWRF and can be reviewed upon request.

2.3.5 Specific Pollutant Limitations

- A. No User shall discharge Wastewater into the POTW that contains an excess of the specific Local Limits and Controlled Admissible Pollutants, as established by the SVWRF Board from time to time and as set forth in Sections 9 and 10 of these Rules and Regulations, or any amendments thereto.

- B. 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 treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement.
- C. The Pretreatment 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.

2.3.6 Treatment Bypasses

- A. For the purposes of this Section,
 - (1) "Bypass" shall have the same meaning as defined in Section 1.4A(18) above.
 - (2) "Severe Property Damage" means substantial physical damage to real or personal property, damage to the treatment facilities that 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. A User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if the bypass is also for essential maintenance to assure efficient operation. Such bypasses are not subject to the provisions of Paragraphs (C) and (D) of this Section 2.3.6.
- C. Bypass Notifications
 - (1) If a User knows in advance of the need for a bypass, the User shall submit prior written notice to the Pretreatment Director, no less than ten (10) calendar days before the date of the bypass if possible.
 - (2) A User shall submit oral notice to the Pretreatment Director of an unanticipated bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours from the time the User becomes aware of the bypass.
 - (a) A written submission shall also be provided to the Pretreatment Director within five (5) days of the time the User becomes aware of the bypass. The written submission shall include the following:
 - 1. A description of the bypass and its cause;
 - 2. The duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and
 - 3. Steps taken or planned to reduce, eliminate, and prevent the reoccurrence of the bypass.

- (b) The Pretreatment Director may waive the written report required by Section 2.3.6C(2)(a) above on a case-by-case basis if the oral report has been received within twenty-four (24) hours from the time the User becomes aware of the bypass.

D. Bypass

- (1) Bypass is prohibited, and the Pretreatment Director may take enforcement actions against a User for a bypass unless:
 - (a) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (b) There was no feasible alternative to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime;
 - 1. The condition in Section 2.3.6D(1)(b) above is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass that occurred during normal periods of equipment downtime or preventative maintenance; and
 - (c) The User submitted notices as required under Section 2.3.6C.
- (2) The Pretreatment Director may approve an anticipated bypass after considering its adverse effects if the Pretreatment Director determines that the bypass will meet the three (3) conditions listed in Section 2.3.6D(1).

2.3.7 State of Utah Requirements

All Users must comply with the state of Utah Pretreatment Standards codified in the Utah Administrative Code R317-8-8, which are hereby incorporated herein by this reference.

2.3.8 Right of Revision

- A. SVWRF reserves the right at its sole discretion and with or without notice to establish more stringent standards or requirements on discharges to the POTW consistent with the purpose of these Rules and Regulations.
- B. In addition, the Pretreatment Director is authorized to temporarily or permanently revoke or suspend issuance of any type of permit at any time in order to protect the POTW from pass through or interference in order to maintain compliance with any UPDES permit requirement or pretreatment program requirement.
- C. The Pretreatment Director shall also have the right to deny new or increased contributions or to set additional conditions on such contributions to protect the POTW, but not limited to including limits that may be more stringent than the approved Local Limits.

- D. The Member Entities may establish Pretreatment Requirements that are more stringent than the limits set forth in this Section 2.3 for their respective collection systems.

2.4 SPECIAL PERMITS AND/OR CONTRACTS

2.4.1 Special User Permits and/or Contracts

No statement contained in this Section (2.4) shall be construed as prohibiting special written permits and/or contracts between the SVWRF and any User allowing industrial waste or Wastewater of unusual strength or character to be admitted to the SVWRF provided, however said User compensates the SVWRF for any additional costs of treatment, said costs to be determined by SVWRF. Such permit and/or contract, however, shall not violate any of the specific prohibitions provided herein or any categorical requirements or limits set by federal regulation.

2.4.2 Permits and/or Contracts with Other POTWs

Whenever the existing sewage treatment capacity is adequate, SVWRF may issue a permit, and/or contract to any other organized and established POTW or any other governmental agency or private enterprise, for the discharge into SVWRF from any part or parts of such POTW, or person or persons living outside the boundaries of the SVWRF service area, upon such terms and conditions and for such periods of time as may be deemed reasonable by the SVWRF Board.

2.5 PRETREATMENT FACILITIES

Users shall provide Wastewater treatment as necessary to comply with these Rules and Regulations and shall achieve compliance with all Categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Section 2.3 of these Rules and Regulations, within the time limitations specified by the EPA, the state of Utah, or the Pretreatment Director of SVWRF, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Pretreatment Director for review, and shall be approved by the Pretreatment Director before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to SVWRF under the provisions of these Rules and Regulations. The Pretreatment Director is authorized to mandate changes to such plans and operating procedures to meet the provisions of these Rules and Regulations.

2.5.1 Additional Pretreatment Measures

- A. Whenever deemed necessary, the Pretreatment 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 these Rules and Regulations.

- B. The Pretreatment Director may require any User discharging into the POTW to install and maintain, on the User's own property and at the User's sole expense, a suitable storage, and flow-control facility to ensure equalization of flow. An individual Wastewater discharge permit or general permit may be issued solely for flow equalization.
- C. Grease interceptors, oil/sand interceptors, sampling manholes, and any other SVWRF approved pretreatment equipment shall be required when, in the opinion of the Pretreatment Director, they are necessary for the proper handling of Wastewater containing excessive amounts of BOD, TSS, grease, oil, or sand except that such interceptors shall not be required for residential Users. The Pretreatment Director shall approve an interceptor(s) size to comply with these Rules and Regulations.
- D. All interceptor units and sampling manholes shall be constructed according to specifications on file at SVWRF and shall be installed as shown on the specification(s) and as instructed. Said manholes and interceptors shall be inspected by SVWRF prior to backfilling to ensure they are installed as required by the SVWRF specifications. The User shall be solely responsible for any expense incurred under this Section 2.5.1D.
- E. Sampling manholes shall be located in an area, which allows for ease of cleaning, sampling, and inspection by the User and SVWRF. If located in a parking area, parking shall not be allowed on the sampling manhole at any time.
- F. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

2.5.2 Accidental Discharge/Slug Discharge Control Plans

- A. The Pretreatment Director shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control slug discharges. The Pretreatment 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. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:
 - (1) A description of discharge practices, including but not limited to, non-routine batch discharges;
 - (2) A description of stored chemicals;
 - (3) Procedures for immediately notifying the Pretreatment Director of any accidental or slug discharge as required by Section 4.9 of these Rules and Regulations; and
 - (4) Procedures to prevent adverse impacts 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 Pollutants, including solvents, and/or measures and equipment for emergency response.

2.5.3 Grease Interceptors

- A. Grease interceptors, as described by the International Plumbing Code, shall be required of any User when, in his/her discretion the Pretreatment Director determines they are necessary for the proper handling of Wastewater containing grease in excessive amounts; except that such interceptors shall not be required for residential dwelling units.
- B. All interceptors shall be of a type and capacity approved by SVWRF according to plans on file in the SVWRF's office. All interceptors shall be located as to be readily accessible for cleaning by the User and inspection by SVWRF or Member Entity employees.
- C. All plans for grease interceptors shall be submitted to SVWRF and its Member Entities for review and approval prior to installation. Immediately after installation and prior to backfilling, the User shall request an inspection from SVWRF. (Users in South Valley Sewer District must submit plans to SVSD for approval.)
- D. All grease interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. Grease Interceptors shall be of substantial construction, water tight and equipped with easily removable covers.
- E. Where installed, all grease interceptors shall be maintained by the User at all times in order to operate efficiently. Grease interceptors shall be maintained at User's sole expense.
- F. Grease interceptors shall be required of all new commercial or industrial establishments upon construction where deemed necessary by SVWRF.
- G. All existing commercial or industrial businesses may have up to one (1) year after receiving notification from the Pretreatment Director to install a grease interceptor where required per SVWRF standards.
- H. A grease interceptor shall be installed outside of the commercial or industrial business that it serves. Multiple commercial or industrial businesses shall not be allowed to discharge to the same grease interceptor.
- I. Access to a grease interceptor shall not be placed in the flow of automotive, vehicle or pedestrian traffic and shall be accessible at all times.
- J. Emulsifiers or degreasers shall not be added to any plumbing that leads directly or indirectly to a grease interceptor.

- K. Sizing criteria set forth in the IPC shall be used when the minimum approved size interceptor on file at SVWRF will not adequately service a commercial or industrial establishment.
- L. At the discretion of the Pretreatment Director, grease interceptors of businesses that have closed, may be required to be cleaned by completely evacuating the tank by or under the authorization of the User.

2.5.4 Grease Traps

- A. Grease Traps are only allowed in place of a Grease Interceptor when it is physically impossible to install a grease interceptor outside of the building or business. A variance request from the owner of the property to use a Grease Trap must be submitted to SVWRF accompanied by a letter from a Utah State licensed plumber or engineer prior to the installation and or use of a grease trap..
- B. Grease traps, as described by the International Plumbing Code, shall be required of any User when, in his/her discretion, the Pretreatment Director determines they are necessary for the proper handling of Wastewater containing grease in excessive amounts; except that such grease traps shall not be required for residential dwelling units. All grease traps shall be of a type and capacity approved by the SVWRF Pretreatment Director.
- C. Where installed, grease traps shall be maintained by the User, at the User's sole expense, in a continuous and efficient manner at all times subject to SVWRF inspection and approval.
- D. All existing commercial or industrial businesses may have up to one (1) year after receiving notification from the Pretreatment Director to install a grease trap where required per SVWRF standards. Existing businesses having operable grease traps may continue to utilize said traps unless otherwise required herein.
- E. Users shall not add emulsifiers or degreasers to any plumbing that directly or indirectly leads to the grease trap.

2.5.5 Requirements for Malls

- A. It is the responsibility of the mall owner to require that any mall business, tenant, or User that is found to be either a surchargeable User or a Significant Industrial User fully meets the requirements of these Rules and Regulations and any other Federal, state or local regulation.
- B. It is the responsibility of each owner, tenant, or User located in a mall, to obtain from SVWRF; any pretreatment permits, licenses and separate approvals to discharge into the sewer collection system.

- C. All existing malls may have up to one (1) year from written notification from the Pretreatment Director to comply with these Rules and Regulations, and other applicable rules and regulations pertaining to these matters.

2.5.6 Business Parks

It is the responsibility of the Business Park owner, to require any business, tenant, or User meet the requirements of these Rules and Regulations and any other applicable federal, state or local regulations. This is required if the Business Park owner leases, rents, sublets, etc. to any business, tenant, or User that would be surcharged or is a Significant Industrial User.

2.5.7 Industrial Parks

It is the responsibility of the Industrial Park owner, to require any business, tenant, or User meet the requirements of these Rules and Regulations and any other applicable federal, state or local regulations. This is required if the Industrial Park owner leases, rents, sublets, etc. to any business, tenant, or User that would be surcharged or is a Significant Industrial User.

2.5.8 Medical Facilities

- A. Any Medical Facility that uses x-ray equipment with a developer shall install a silver recovery system designed to meet the best available technology for removing silver from the process discharge. The discharge piping from the silver recovery unit must flow to a floor sink with a six-(6) inch air gap between the bottom of the discharge pipe and the lip of the floor sink for sampling purposes.
- B. If the Medical Facility is using digital x-ray equipment, the requirement in Section 2.5.8A above will not be required.
- C. The Medical Facility shall also submit a Best Management Plan stating the procedure(s) it will use to maintain this equipment in operable order and will maintain manifests showing where the recovered silver was disposed of.

2.5.9 Dental Discharger

- A. Dental Dischargers that place or remove amalgam must install an amalgam separator on all piping and sinks to collect amalgam prior to discharging into the sewer system in accordance with 40 C.F.R. Part 441 and these Rules and Regulations.
 - (1) Dental Dischargers that place or remove amalgam must install an amalgam separator sized to accommodate the maximum discharge rate of amalgam process Wastewater and which achieves at least a ninety-five (95%) removal efficiency.
 - (2) Dental Dischargers should adhere to the manufacturer's inspection guidance in order to ensure proper operation and maintenance.

- (3) If an amalgam separator is not functioning properly, the Dental Discharger shall have thirty (30) business days from the time the unit is found to be inoperable to repair or replace the amalgam separator.
 - (4) Dental Dischargers must retain amalgam disposal manifests for a minimum of three (3) years.
 - (5) Dental Dischargers must implement the following Best Management Practices:
 - (a) Waste amalgam including, but not limited to, dental amalgam chair-side traps, screens, vacuum pump filters, dental tools, cuspidors, or collection devices must not be discharged to the POTW;
 - i. When cleaning filters, the Dental Discharger shall not rinse filters or traps over sinks or drains that do not discharge through the amalgam separator. All water containing amalgam waste must be washed through the amalgam separator lines.
 - (b) Dental unit water lines, chair-side traps, and vacuum lines that discharge amalgam process Wastewater to a POTW must not be cleaned with oxidizing or acidic cleaners, including but not limited to, bleach, chlorine, iodine, peroxide, and that have a pH lower than 6.0 or greater than 8.0.
 - (c) Each Dental Discharger should recycle all bulk mercury and all amalgam waste.
 - (d) All contact and non-contact scrap amalgam should be salvaged and stored in structurally sound, air-tight, and appropriately labeled containers and recycled when the container is full. State or federal hazardous waste authorities may have additional stringent requirements for salvaging, storing, and recycling contact and non-contact scrap amalgam.
 - (e) Dental Discharger(s) shall never dispose of amalgam waste, infectious waste, or biohazard containers in the garbage.
- B. Any Dental Discharger that uses x-ray equipment with a developer shall install a silver recovery system designed to meet the best available technology for removing silver from the process discharge. The discharge piping from the silver recovery unit must flow to a floor sink with a six- (6) inch air gap between the bottom of the discharge pipe and the lip of the floor sink for sampling purposes.
- (1) If a Dental Discharger is using digital x-ray equipment, the requirement in Section 2.5.9B above will not be required.

2.5.10 Commercial and Institutional Swimming Pools

Commercial and Institutional Swimming Pools must install a non-removable flow restriction device that will assure that the volume of discharge of the swimming pool does not cause the sewer system to surcharge due to the sudden hydraulic flow to the sewer system. SVWRF will indicate

what time of day this discharge can take place. The owner of the swimming pool shall submit a signed letter to SVWRF stating that the owner agrees to these requirements.

2.5.11 Commercial User

Any other commercial businesses not set forth above may be regulated by SVWRF, when necessary to comply with these Rules and Regulations and any other applicable regulations and shall meet the requirements of these Rules and Regulations and any other applicable federal, state or local regulations.

2.6 MONITORING FACILITIES

2.6.1 Significant Industrial Users

- A. Each Significant Industrial User shall provide and operate, at its sole expense, monitoring equipment and facilities approved by the SVWRF Pretreatment Director, and which is sufficient to allow inspection, sampling, and flow measurement of the User's sewer systems. The monitoring equipment and facilities shall be situated on the User's premises or such other location as approved by the SVWRF Pretreatment Director, and shall be the size and type set forth in the specifications on file at SVWRF.
- B. Sampling manholes shall be required of all Significant Industrial Users. Sampling manholes shall be located in an area to allow for ease of cleaning, sampling, and inspection by the User and SVWRF. If located in a parking area, parking shall not be allowed on the sampling manhole at any time.
- C. The User's sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the User.
- D. Whether constructed on public or private property, the sampling and monitoring equipment and facilities shall be constructed and operated in accordance with the SVWRF's requirements and all applicable local construction standards and specifications. Construction shall be completed within one hundred eighty (180) days following written notification to the User by SVWRF requiring such monitoring facilities.

2.6.2 Food Service Establishments

- A. It is the responsibility of any person owning a food service establishment to apply for and obtain a permit from SVWRF prior to operating any food service business and for a term not to exceed five (5) years. Permits may be renewed for an additional period upon approval by the SVWRF.
- B. All food service establishments must comply with all SVWRF Rules and Regulations.
- C. All food service establishments may be required to install a grease interceptor and sampling manhole of the type approved by SVWRF at the discretion of SVWRF's Pretreatment Director.

- (1) Only one User may discharge to a grease interceptor or sampling manhole. Multiple facilities are not allowed to discharge to the same grease interceptor or sampling manhole.
- D. Sampling manholes shall be required of all food service establishments that can be sampled. All sampling manholes shall be of a type and capacity approved by the SVWRF, in accordance with the specifications on file at the SVWRF office. All plans for sampling manholes shall be submitted to SVWRF for review. After installation and prior to backfilling, an inspection by SVWRF shall be scheduled by the User.
- E. Where installed, sampling manholes shall be maintained continually by the User at the User's sole expense, in an efficient, clean, and workable condition.
- F. A sampling manhole shall be installed outside of the establishment that it serves. The sampling manhole shall be readily accessible at all times by SVWRF personnel and shall not be placed within the flow of vehicle traffic and vehicle parking area.
- G. All sampling manholes shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction and equipped with easily removable covers.

2.7 INSPECTIONS

- A. All Users shall permit SVWRF representatives, employees, or agents' ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling or records examination in the performance of any of SVWRF's duties, or activities. The SVWRF, state of Utah, and the EPA shall have the right to set up and operate on the User's premises such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations.
- B. Where a User has security measures employed that require proper identification and clearance before entry onto the User's premises, the User shall make the necessary arrangements with the User's security and supervisory personnel so that upon presentation of identification, representatives from the SVWRF will be permitted to enter without delay; for the purposes of performing inspections, sampling, or other related tasks as the SVWRF and/or its representatives shall determine.

2.7.1 Failure to Permit Inspection

In the event a duly authorized officer or agent of the SVWRF is refused admission to conduct an inspection, the SVWRF General Manager may cause sewer service to the premises in question to be discontinued, with or without notice to the User, until the SVWRF official and/or agent are allowed access to the premises and the User's sewer system to accomplish the inspection and/or sampling.

2.7.2 Sampling

All measurements, tests, and analyses of the characteristics of water and wastes to which reference is made herein shall be determined in accordance with 40 C.F.R. Part 136 – Guidelines Establishing Test Procedures for the Analysis of Pollutants, as amended.

2.8 PRETREATMENT

- A. Users shall provide necessary Wastewater treatment as required to comply herewith. Any monitoring equipment and facilities required to pretreat Wastewater to a level acceptable to the SVWRF shall be provided, operated/maintained at the User's expense. Such facilities required by the SVWRF shall include, but are not limited to, the requirement for separate systems to handle sanitary and industrial Wastewater, so that both can be discharged into the Member Entity's collection system independently of each other. Detailed plans detailing the pretreatment facilities and operating procedures shall be submitted to the SVWRF for review, and shall be approved in writing by the SVWRF Pretreatment Director prior to construction of such facilities.
- B. The Pretreatment Director shall have the authority to require modifications or revisions to the User's proposed pretreatment facilities and/or operating procedures to meet the provisions of these Rules and Regulations. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying the User's facility as necessary to produce an effluent acceptable to the SVWRF under the provisions hereof.
- C. Any subsequent changes in a User's pretreatment facilities or method of operation shall be reported to and approved by SVWRF prior to the User's initiation of the changes.
- D. The SVWRF shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the service area of the SVWRF, a list of Users, which at any time during the previous twelve (12) months, were in Significant Non-compliance with applicable Pretreatment Standards and Requirements. The term Significant Non-compliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates Section 6.10 of these Rules and Regulations. The notification shall also summarize any enforcement actions taken against the CIU or SIU Users during the same twelve (12) month period.

2.8.1 Pretreatment Administrative Options

- A. SVWRF may contract with any government or private entity to provide such administrative services, as it deems necessary. SVWRF may contract for, but is not limited to contracting for, the following services:
 - (1) Permit Processing;
 - (2) Monitoring Facilities;

- (3) Inspection and Sampling;
- (4) Pretreatment Processing;
- (5) Enforcement Action; and
- (6) Laboratory Analysis.

2.9 HAULED WASTEWATER

- A. Septic tank waste may be introduced into the SVWRF only at locations designated by the Pretreatment Director, and at such times as are established by the Pretreatment Director. Such waste shall not violate Section 2.3.1 and 2.3.2 of these Rules and Regulations or any other requirements established by SVWRF.
- B. The Pretreatment Director shall require haulers of industrial waste to obtain individual Wastewater discharge permits or general permits. The Pretreatment Director also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of these Rules and Regulations.
- C. Industrial waste haulers may discharge loads only at locations designated by the Pretreatment Director. No load may be discharged without prior consent of the Pretreatment Director. The Pretreatment Director or his/her designee may collect samples of each hauled load to ensure compliance with applicable Standards. The Pretreatment Director may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
- D. Industrial waste haulers must provide SVWRF a detailed manifest tracking form, provided by SVWRF, for every load. This form shall include, at minimum, the name and address of the industrial waste hauler, permit number, truck identification, names, and address of waste source, and volume and characteristics of waste. The form shall identify the type of industry, the known and/or suspected waste constituents, and whether any wastes are RCRA listed hazardous wastes.

2.10 CAR WASHES

- A. It is the responsibility of any person owning a car wash to apply for and obtain a discharge permit from SVWRF prior to operating a car wash business and for a term of five (5) years and may be renewed for an additional period upon approval by SVWRF.
- B. All car wash facilities must comply with all SVWRF Rules and Regulations.
- C. All car washes shall have one oil/sand separator for each bay, and one common oil/water separator located just prior to the sampling manhole and discharge point to the sewer.

- D. It shall be the responsibility of the person owning a car wash to post appropriate signs in areas open to the public prohibiting the discharge of any of the following:
- (1) Flammable or Explosive Materials with a flash point less than 140° F;
 - (2) Solid or viscous Materials;
 - (3) Any Toxic Material;
 - (4) Any Hazardous Material;
 - (5) Any Material having a pH level outside the limits as set forth in the User's permit;
or
 - (6) Any Noxious or Malodorous Material.
- E. Any person owning and/or operating a car wash shall be liable for damages suffered by SVWRF if it is established that car wash discharges into the sewer of the type mentioned in Section(s) 2.3.1 and 2.3.2 emanates from the User's car wash. The User shall be liable to pay all costs associated therewith, including, but not limited to, costs of investigation, sampling, analysis, damages, fines, and any other costs that arise out of said discharges. All sums must be paid in full within thirty (30) days after receipt of notice from SVWRF.
- F. It is prohibited for persons owning and/or operating a car wash to allow wastehaulers, tanker trucks, or similar vehicles, to discharge load contents or portions thereof to the sewer system, or wash the interior of such vehicles and allow the runoff to enter the sewer system.

2.11 RECREATIONAL VEHICLE (RV) DUMP STATIONS

- A. A person owning and/or operating an RV dump station shall be responsible for complying with all federal, state, and local Wastewater discharge standards including, but not limited to, 40 C.F.R. § 403 and the SVWRF's Local Limits.
- B. It shall be the responsibility of the person owning an RV dump station to post appropriate signs in areas viewable by its customers prohibiting the discharge of any of the following:
- (1) Flammable or Explosive Materials with a flash point less than 140°F;
 - (2) Solid or Viscous Materials;
 - (3) Any Toxic Material;
 - (4) Any Hazardous Material;
 - (5) Any Material having a pH level outside of limits as set forth in User's permit; or

- (6) Any Noxious or Malodorous Material.
- C. The person owning and/or operating an RV dump station shall be liable for damages or losses to SVWRF if it is established that a discharge into the sewer of the type mentioned in section 2.3.1 and 2.3.2 emanates from a User's RV dump station. It shall be the sole responsibility of the User to pay all costs associated therewith including, but not limited to, costs of investigation, sampling, analysis, damages, fines, and any other costs that arise out of said discharge.
- D. It is prohibited for persons owning and/or operating an RV dump station to allow wastehaulers, tanker trucks, or similar vehicles to discharge load contents of such vehicles and allow the runoff to enter the sewer system.
- E. RV dump stations will only accept wastes from recreational vehicles.

2.12 MOTOR VEHICLE REPAIR SHOPS

- A. It is the responsibility of each person owning a motor vehicle repair shop to apply for and obtain a permit from SVWRF prior to operating a motor vehicle repair shop and for a term of five (5) years and which may be renewed for an additional period upon approval by SVWRF.
- B. All motor vehicle repair shops may be required to install a sand/oil separator and sampling manhole of the type approved by SVWRF at the discretion of SVWRF's Pretreatment Director.
- C. All motor vehicle repair shop owners and operators shall comply with all federal, state, and local Wastewater discharge standards, including, but not limited to 40 C.F.R. § 403 and SVWRF's Local limits.
- D. It shall be the responsibility of the person owning a motor vehicle repair shop to post appropriate signs in areas viewable by customers and employees prohibiting the discharge of any of the following:
 - (1) Flammable or Explosive Materials with a flash point of less than 140 °F;
 - (2) Solid or Viscous Materials;
 - (3) Any Toxic Material;
 - (4) Any Hazardous Material;
 - (5) Any Material having a pH level outside of limits as set forth in User's permit; or
 - (6) Any Noxious or Malodorous Material.

- E. A person owning and/or operating a motor vehicle repair shop shall be liable for damages or losses suffered by SVWRF if it is established that a discharge into the sewer of the type mentioned in paragraph D emanates from the User's motor vehicle repair shop. It shall be the sole responsibility of the User, to pay all costs associated therewith. Including, but not limited to costs of investigation, sampling, analysis, damages, fines, and any other costs that arise out of said discharge.

2.13 VARIANCES FOR EXISTING FSE BUSINESSES

- A. It is not SVWRF's policy to be detrimental to the business community of SVWRF's service area. However, SVWRF is obligated to follow the mandates of federal and state regulations. It is therefore necessary for those using the SVWRF's treatment facility to pay their fair share of the cost of treatment, however, there may be cases where strict compliance with the Rules and Regulations of Sections 0, 2.10, and 2.12 might be physically impossible or cause undue financial hardship. To assist businesses who fall under these criteria, any owner of a business that believes they are physically or financially unable to meet the requirements of the Sections cited in this subsection, may request a Variance from the Pretreatment Director. The owner requesting the Variance shall supply the Pretreatment Director with all information the Pretreatment Director deems necessary to make a decision. The Pretreatment Director may grant only the following Variances:
 - (1) If the variance request is based solely on financial hardship the Pretreatment Director may award an extension of time to come into full compliance up to a maximum of five (5) years. The Pretreatment Director may also designate a procedure to be followed by the business to come into compliance with permit requirements.
 - (2) If the variance request is based solely on the physical impossibility to install the required equipment, the Pretreatment Director may grant a variance stating that the business will pay a flat rate charge each quarter to help offset the cost of treating the User's wastes. The User shall continue to be subject to all other requirements of the User's discharge permit. This variance and fee may be reviewed periodically at the discretion of the Pretreatment Director; and
 - (3) Any User(s) or person(s) may appeal a decision of the Pretreatment Director by filing a Notice of Appeal with the SVWRF District Clerk within thirty (30) days of the decision of the Pretreatment Director.
- B. The following are the conditions that the User must meet upon receiving a Variance:
 - (1) The User shall immediately pay a surcharge in the amount of the average fee which is charged to all surchargeable Users of SVWRF; and
 - (2) The User shall apply for and receive a discharge permit from SVWRF and shall abide by all conditions of said permit.

3 WASTEWATER DISCHARGE

3.1 AUTHORIZATION REQUIRED TO DISCHARGE

It shall be unlawful and a violation of these Rules and Regulations for anyone to discharge Pollutants or Wastewater into the POTW without first obtaining authorization in accordance with these Rules and Regulations.

3.2 WASTEWATER ANALYSIS

When requested by the Pretreatment Director, a User must submit information on the nature and characteristics of its Wastewater within thirty (30) days of the request. The Pretreatment Director is authorized to prepare a form for this purpose and may periodically require Users to update this information. If the User changes or adds a process, the User is required to update the information provided to the Pretreatment Director no less than thirty (30) days prior to the process being changed or added.

3.3 DISCHARGE PERMIT AND GENERAL PERMIT REQUIREMENT

- A. No Significant Industrial User shall discharge Wastewater into the POTW without first completing a BMR and if required obtaining an individual Wastewater discharge permit or general permit from the Pretreatment Director, except that a Significant Industrial User that has filed a timely application pursuant to Section 3.4 of these Rules and Regulations may continue to discharge Wastewater for the time period specified therein.
- B. The Pretreatment Director may require other Users to obtain individual Wastewater discharge permits or general permits as necessary to carry out the purposes of these Rules and Regulations.
- C. Any violation of the terms and conditions of an individual Wastewater discharge permit, or general permit, shall be deemed a violation of these Rules and Regulations. Said violations shall subject the Wastewater discharge permittee to the sanctions set out in Section 6 of these Rules and Regulations. Obtaining an individual Wastewater discharge permit or a general 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.

3.4 DISCHARGE AND GENERAL PERMITTING: EXISTING CONNECTIONS

Any User required to obtain an individual Wastewater discharge permit or a general permit who was discharging Wastewater into the POTW prior to the Effective Date of these Rules and Regulations and who wishes to continue such discharges in the future, shall, within ninety (90) days after said Effective Date, apply to the Pretreatment Director for an individual Wastewater discharge permit or general permit in accordance with Section 3.7.1, and shall not cause or allow discharges to the POTW to continue after one hundred eighty (180) days of the Effective Date of these Rules and Regulations

except in accordance with an individual Wastewater discharge permit or general permit issued by the Pretreatment Director.

3.5 DISCHARGE AND GENERAL PERMITTING: NEW CONNECTIONS

Any User required to obtain an individual Wastewater discharge permit or general permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this individual Wastewater discharge permit or general permit pursuant to Section 3.7.1 of these Rules and Regulations must be filed at least thirty (30) days prior to the date upon which any discharge will begin or recommence.

3.6 PERMIT FOR SEWER SERVICES

3.6.1 Generally

- A. An Industrial User may be required by the SVWRF Pretreatment Director to obtain an individual Wastewater discharge permit or general permit in accordance with the procedures as set forth in this Section. Any Industrial User required by these Rules and Regulations to obtain a permit is authorized to discharge Pollutants or Wastewater to a Member Entity's collection system and into SVWRF upon the effective date of the permit when issued.
- B. Industrial Users not required by the Pretreatment Director to obtain a permit are authorized to discharge Pollutants or Wastewater to SVWRF only when properly authorized to do so by the responsible Member Entity.
- C. No discharge shall violate Sections 2.3.1 or 2.3.2 of these Rules and Regulations.
- D. The Pretreatment Director shall establish an Industrial User classification system to classify Industrial Users for permitting purposes.

3.7 WASTEWATER DISCHARGE PERMIT AND GENERAL PERMIT ISSUANCE

3.7.1 Wastewater Discharge Permit Application

All Users required to obtain an individual Wastewater discharge permit or general permit must submit a permit application. All permittees that will be continuing to discharge are required to complete a renewal application no less than ninety (90) days prior to the User's current permit expiring. Permit applications shall contain the following information as required by the Pretreatment Director:

- A. Identifying Information.
 - (1) The name and address of the facility, including the name of the operator and owner;

- (2) Contact information for the authorized representative and the duly authorized representative for the facility; and
 - (3) The description of activities, facilities, and plant production processes on the facility's premises.
- B. Environmental Permits.
- (1) A list of any environmental control permits held by or for the facility.
- C. Description of Operations.
- (1) 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 shall include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes;
 - (2) 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;
 - (3) Number and type of facility employees, hours of facility operation, and proposed or actual hours of facility operation;
 - (4) Type and amount of raw materials processed at or by the facility (average and maximum per day); and
 - (5) 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;
- D. Time and duration of discharges;
- E. The location for monitoring all wastes covered by the permit;
- F. Flow Measurement.
- (1) Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in Section 2.3.3C of these Rules and Regulations.
- G. Measurement of Pollutants.
- (1) The Categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources;

- (2) The results of sampling and analysis identifying the nature, concentration, and/or mass of regulated Pollutants in the discharge from each regulated process where required by the Standard or by the Pretreatment Director;
 - (3) Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported;
 - (4) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 4.13 of these Rules and Regulations. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Pretreatment Director or the applicable Standards to determine compliance with the Standard;
 - (5) Sampling must be performed in accordance with procedures set out in Section 4.14 of these Rules and Regulations;
 - (6) Any request to be covered by a general permit pursuant to Section 3.7.2; and
 - (7) Any other information as may be deemed necessary by the Pretreatment Director to evaluate the permit application.
- H. Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.
- I. Based on the information provided by the permittee, as required by Section 3.7.1, the Pretreatment Director will within forty-five (45) days determine if (1) additional information is needed; (2) a permit is not necessary; (3) or if a permit will be required to be issued before the IU discharge is allowed to the POTW.
- J. Should any information requested or supplied be considered, by the User, to be of a confidential nature; the User should request confidential status in accordance with Section 4.21 of these Rules and Regulations.

3.7.2 Wastewater Discharge Permit: General Permits

- A. At the discretion of the Pretreatment Director, the pretreatment department may use general permits to control IU/SIU discharges to the POTW if the following conditions are met. All facilities covered by a general permit must:
- (1) Involve the same or substantially similar types of operations;
 - (2) Discharge the same types of wastes;
 - (3) Require the same effluent limitations;
 - (4) Require the same or similar monitoring; and

- (5) In the opinion of the Pretreatment Director, are more appropriately controlled under a general permit than under individual Wastewater permits.
- B. To be covered by a general permit, the SIU must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general permit, and any other information the POTW deems appropriate.
- C. The Pretreatment Director shall retain a copy of the general permit, any documentation to support the POTW's determination that a specific SIU meets the criteria in Section 3.7.2A(1) to A(5) and applicable state regulations, and a copy of the User's written request for coverage for five (5) years after the expiration of the general permit.
- D. The Pretreatment Director may not control an SIU through a general permit where the facility is subject to production-based Categorical Pretreatment Standards or Categorical Pretreatment Standards expressed as mass of Pollutant discharged per day or for IUs whose limits are based on the Combined Wastestream Formula set forth in Section 2.3.3(C) or Net/Gross calculations set forth in Section 2.3.3(F).

3.7.3 Application Signatories and Certifications

- A. All Wastewater discharge permit applications, User reports and certification statements must be signed by an Authorized Representative, see Section 1.4A(12), of the User and contain the certification statement in Section 4.17(B).
- B. If the designation of an Authorized Representative is no longer accurate because a different individual has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company; a new written authorization satisfying the requirements of this Section must be submitted to the Pretreatment 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 Pretreatment Director pursuant to 1.4A(124)(c) must annually submit the signed certification statement in Section 4.17.1 of these Rules and Regulations.

3.7.4 Individual Wastewater Discharge and General Permit Decisions

The Pretreatment Director shall evaluate the data furnished by the User and may require additional information. Within thirty (30) days of receipt of a complete permit application, the Pretreatment Director shall determine whether to issue an individual Wastewater discharge permit or a general permit. The Pretreatment Director may, at the Pretreatment Director's discretion, deny or conditionally approve any application for an individual Wastewater discharge permit or general permit.

3.7.5 Wastewater Discharge Permit and General Permit Duration

- A. An individual Wastewater discharge Permit or general permit shall be issued for a specified time-period, not to exceed five (5) years from the effective date of the permit.
- B. An individual Wastewater discharge permit or general permit may be issued for a period shorter than five (5) years at the discretion of the Pretreatment Director.
- C. Each individual Wastewater discharge permit or general permit shall indicate a specific date upon which the permit will expire.

3.7.6 Wastewater Discharge Permit and General Permit Contents

An individual Wastewater discharge permit or general permit shall include such conditions as are deemed reasonably necessary by the Pretreatment 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. Individual Wastewater discharge permit and general permits must contain:
 - (1) A statement that indicates the Wastewater discharge permit issuance date, expiration date and effective date;
 - (2) A statement that the Wastewater discharge permit is non-transferable in accordance with section 3.8.6 of these Rules and Regulations;
 - (3) Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;
 - (4) Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practices) to be monitored, sampling location, sampling frequency, and sample type based on federal, state, local laws, and SVWRF's Rules and Regulations;
 - (5) A statement of applicable administrative, 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, and/or local laws, or SVWRF's Rules and Regulations.
 - (6) Requirements to control Slug Discharge, if determined by the Pretreatment Director to be necessary;

- (7) Requirements to report immediately to the Pretreatment Director any slug discharge or any changes at its facility affecting potential for a slug discharge;
 - (8) Requirements to notify the Pretreatment Director of changes to the Industrial User's discharge no less than ninety (90) days prior to the change. The Pretreatment Director may deny or conditionally approve the change prior to the User making changes at the facility; said changes may affect the quality of the effluent being discharged into the Member Entity's collection system and/or on to SVWRF;
 - (9) A statement that the wastewater discharge permit may be revoked upon the violation of the terms and conditions of the permit as stated in these Rules and Regulations;
 - (10) A statement that grants the Pretreatment Director or their representative the right of entry into all industrial user properties, facilities, buildings, etc. when wastewater is known or expected to be generated and/or discharged; and
 - (11) Other conditions as deemed appropriate by the Pretreatment Director to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.
- B. Individual Wastewater discharge permits or general permits may contain, but need not be limited to, the following additional conditions:
- (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
 - (2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of Pollutants into the POTW;
 - (3) Requirements for the development and implementation of spill control plans or other special conditions including, but not limited to, management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
 - (4) Development and implementation of waste minimization plans to reduce the amount of Pollutants discharged to the POTW;
 - (5) The unit charge or schedule of User charges and fees for the management of the Wastewater discharged to the POTW;
 - (6) Requirements for installation and maintenance of inspection and sampling facilities and equipment including, but not limited to, flow measurement devices;

- (7) A statement that compliance with the individual Wastewater discharge permit or general permit does not relieve the User of responsibility for compliance with all applicable Federal and state Pretreatment Standards, including those which become effective during the term of the individual Wastewater discharge permit or general permit; and
- (8) Other conditions as deemed appropriate by the Pretreatment Director to ensure compliance with these Rules and Regulations, and state and Federal laws, rules, and regulations.

3.8 PERMIT ISSUANCE PROCESS

3.8.1 Permit Issuance Process-Public Notice

When necessary, the Pretreatment Director shall publish in an official government publication and/or newspaper(s) of general circulation that provides meaningful public notice with the jurisdiction(s) served by the POTW, or on the POTW's webpage, a notice to issue a pretreatment permit, at least thirty (30) days prior to issuance. The notice will indicate a location where the draft permit may be reviewed and an address where written comments may be submitted.

3.8.2 Permit Appeals

Any person, including the User, may petition the Pretreatment Director to reconsider the terms of an individual Wastewater discharge permit or general permit within thirty (30) days of notice of the permit issuance. This process shall be known as a permit appeal.

- A. Failure to submit a timely petition for review shall be deemed a waiver of the administrative appeal.
- B. In its petition, the User must indicate the individual Wastewater discharge permit or general permit provisions objected to, the reasons for the User's objection, and the alternative condition, if any, the User seeks to include in the individual categorical or Significant Industrial User Wastewater discharge permit or general permit.
- C. The requirements of the individual Wastewater discharge permit or general permit shall not be stayed pending an appeal.
- D. If the Pretreatment Director fails to act within thirty (30) days after the Petition is filed, the request for reconsideration shall be deemed to be denied. Decisions not to issue, modify, or reconsider a Categorical or Significant Industrial User Wastewater discharge permit or general permit, shall be considered final Administrative Actions for purposes of judicial review.
- E. Aggrieved parties seeking judicial review of the final Administrative Action for issuance of an individual Categorical or Significant Industrial User Wastewater discharge permit or

general permit must do so by filing a complaint with the Court of competent jurisdiction for Salt Lake County, state of Utah within thirty (30) days of the date of final action.

3.8.3 Permit Modification

- A. The Pretreatment Director may modify an individual Wastewater discharge permit or general permit for good cause, including, but not limited to, the following reasons:
- (1) To incorporate any new or revised Federal, State, or SVWRF 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 the individual Wastewater discharge permit was initially issued;
 - (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 or potential threat to the POTW, POTW personnel, the beneficial use of SVWRF biosolids, or the receiving waters;
 - (5) Violation of any terms or conditions of the individual Wastewater discharge permit;
 - (6) Misrepresentations or failure to fully disclose all relevant facts in the Wastewater discharge permit application or in any required reporting;
 - (7) Revision of or a grant of variance from Categorical Pretreatment Standards pursuant to 40 C.F.R. 403.13; or
 - (8) To correct typographical or other errors in the individual Wastewater discharge permit.
- B. The Pretreatment Director may modify a general permit for good cause, including, but not limited to, the following reasons:
- (1) To incorporate any new or revised Federal, State, or SVWRF Pretreatment Standards or Requirements;
 - (2) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge; or
 - (3) To correct typographical or other errors in the individual Wastewater discharge permit.

3.8.4 Individual Wastewater Discharge Permit and General Permit Revocation

- A. The Pretreatment Director may, in the Pretreatment Director's discretion, revoke an individual Wastewater discharge permit or a general permit for good cause including, but not limited to, the following reasons:
- (1) Failure to notify the Pretreatment Director of significant changes to the Wastewater prior to the changed discharge;
 - (2) Failure to provide prior notification to the Pretreatment Director of changed conditions pursuant to Section 4.8 of these Rules and Regulations;
 - (3) Misrepresentation or failure to fully disclose all relevant facts, information, and data in the Wastewater discharge permit application;
 - (4) Falsifying self-monitoring reports and/or certification statements, either intentionally or unintentionally;
 - (5) Tampering with monitoring equipment;
 - (6) Refusal to allow the Pretreatment Director or SVWRF employees or agents timely access to the facility premises and/or records;
 - (7) Failure to meet effluent limitations;
 - (8) Failure to pay fines;
 - (9) Failure to pay surcharges, laboratory fees, or entity sewer charges;
 - (10) Failure to meet compliance schedules;
 - (11) Failure to complete and submit a Wastewater survey or the Wastewater discharge permit application or re-application; or
 - (12) Violation of any Pretreatment Standard or Requirement, or any terms of the Wastewater discharge permit, general permit, or these Rules and Regulations.
- B. Individual Wastewater discharge permits or coverage under general permits shall be voidable upon cessation of User business operations or transfer of User business ownership. All individual Wastewater discharge permits or general permits issued to a User are void upon the issuance of a new individual Wastewater discharge permit or general permit to that User.

3.8.5 Individual Wastewater Discharge Permit and General Permit Reissuance

A User with an expiring individual Wastewater discharge permit or general permit shall apply for individual Wastewater discharge permit or general permit reissuance by submitting a complete

permit application, in accordance with Section 3.7 of these Rules and Regulations no later than ninety (90) days prior to the expiration of the User's existing individual Wastewater discharge permit or general permit.

3.8.6 Permit Transfer Prohibited

A permit, as otherwise authorized in these Rules and Regulations, shall not be sold, traded, assigned, sublet, or otherwise transferred.

3.8.7 Regulation of Waste Received from Other Jurisdictions

- A. If another municipality, or User located within another municipality, contributes Wastewater to the POTW, the General Manager shall enter into an interlocal cooperation agreement with the contributing municipality prior to the municipality contributing any Wastewater to the POTW.
- B. Prior to entering into an agreement required by paragraph A, above, the Pretreatment Director shall request the following information from the contributing Municipality A description of the quality and volume of Wastewater discharged to the POTW by the contributing municipality:
 - (1) An inventory of all Users located within the contributing municipality that are discharging to the POTW; and
 - (2) Such other information as the Pretreatment Director may deem necessary.
- C. An Interlocal Agreement, pursuant to Section 3.87A, above shall contain, at a minimum, the following conditions:
 - (1) A requirement for the contributing municipality to adopt a sewer use ordinance that is at least as stringent as these Rules and Regulations and Local Limits, including required Baseline Monitoring Reports (BMRs), which are at least as stringent as those set out in Section 9 of these Rules and Regulations. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to these Rules and Regulations 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 individual Wastewater discharge permit or general permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by SVWRF; and which of these activities will be conducted jointly by the contributing municipality and SVWRF;

- (4) A requirement for the contributing municipality to provide the SVWRF Pretreatment Director 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 SVWRF;
- (6) Requirements for monitoring the contributing municipality's discharge;
- (7) A provision ensuring the SVWRF Pretreatment Director access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and other duties deemed necessary by the Pretreatment Director;
- (8) A provision that ensures that SVWRF has the right to take action to enforce the terms of the contributing municipality's ordinance or to impose and enforce Pretreatment Standards and Requirements in the event the contributing jurisdiction is unable or unwilling to take such action; and
- (9) A provision specifying remedies available for breach of terms of the interlocal cooperation agreement.

4 REPORTING REQUIREMENTS

4.1 REPORTING REQUIREMENTS FOR INDUSTRIAL USERS

- A. Each Industrial User shall, upon request by the Pretreatment Director, complete and file with the Pretreatment Director, in a form prescribed by him/her, all Industrial User technical information including, but not limited to, the following:
- (1) Name, address, and location of discharge (if different from the address);
 - (2) Standard Industrial Classification (SIC) number according to the Standard Industrial Classification Manual, Bureau of The Budget (1972), as amended;
 - (3) Wastewater quantity and quality. Quality characteristics include, but are not limited to, those set forth in Section(s) 9 & 10 herein as determined by a state certified analytical laboratory; and sampling and analysis in accordance with procedures established by the EPA pursuant to Section 304(h) of the Act and contained in 40 C.F.R. Part 136, as amended;
 - (4) Time(s) and duration of discharge;
 - (5) Average daily and peak Wastewater flow rates, including daily, monthly and seasonal variations, if any; and
 - (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by size, location, and elevation. If deemed necessary by the SVWRF, such plans shall provide for separate systems for handling sanitary and industrial Wastewater;
 - (7) Description of activities, facilities and plant processes on all of User's premises including all materials which are or could be discharged; and
 - (8) Where known, the quantity and specific nature of any Pollutants in the discharge which are limited by Federal, State, or local Pretreatment Standards, and a signed statement regarding whether or not the Pretreatment Standards are being met on a consistent basis and, if not, whether additional O&M and/or additional pretreatment is required for the User to meet applicable Pretreatment Requirements;
- B. If additional pretreatment and/or O&M will be required pursuant to Section 4.1A(8) above to meet Pretreatment Standards, the User shall prepare and submit a schedule that shall indicate when the additional treatment will be implemented. The completion date in this schedule shall be no later than the compliance date established for the applicable Pretreatment Standards. The following conditions shall apply to this schedule:

- (1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards;
- (2) No increment referred to in Section 4.1B(1) above shall exceed nine (9) months;
- (3) The User shall submit a written progress report to the Pretreatment Director no later than fourteen (14) days following each date in the schedule and the final date for compliance which shall include, at a minimum, whether or not the User complied with the increment of progress to be met on such date and, if not, the reason for delay and steps being taken by the User to return the construction and operation to the schedule established; and
- (4) Any other information as required by the Pretreatment Director to evaluate the permit application. After evaluation and acceptance of the data furnished, the SVWRF may issue a permit and if appropriate, enter into an agreement with the User.

4.2 INITIAL AND MODIFIED DISCHARGE REPORTS

- A. New Source Industrial Users (including existing Users who propose to modify their processes and/or Wastewater characteristics) shall no less than ninety (90) days prior to actual discharge, provide to the Pretreatment Director an estimate of all the User's proposed Wastewater constituents and characteristics including, but not limited to, materials identified in Section 2 of these Rules and Regulations. Within ninety (90) days after the discharge is introduced into the SVWRF, the Industrial User shall provide to the Pretreatment Director a disclosure of Wastewater constituents and characteristics in sufficient detail to enable the Pretreatment Director to determine compliance with Section 2, and also provide a verified statement stating whether compliance with these Rules and Regulations, in particular Section 2 of these Rules and Regulations, is being achieved on a consistent basis, and if not, whether additional operation and maintenance activities and/or additional pretreatment is required.
- B. Existing Industrial Users shall provide to the Pretreatment Director an estimate of the proposed Wastewater constituents and characteristics no less than ninety (90) days prior to actual discharge including, but not limited to, materials identified in Section 2.3 of these Rules and Regulations. Within ninety (90) days after the discharge is introduced into the SVWRF, the Industrial User shall provide to the Pretreatment Director a disclosure report of Wastewater constituents and characteristics in sufficient detail to enable the Pretreatment Director to determine compliance with Section 2 of these Rules and Regulations, and also provide a verified statement stating whether compliance with these Rules and Regulations, in particular Section 2 is being achieved on a consistent basis, and if not, whether additional operation and maintenance activities and/or additional pretreatment is required.

4.3 PRETREATMENT COMPLIANCE SCHEDULE

- A. When pretreatment, operation, and/or maintenance activities will be required to comply with discharge prohibitions and limitations established in Section 2 of these Rules and Regulations, the Industrial User shall submit to the Pretreatment Director a proposed reasonable schedule by which the pretreatment and/or additional operation and maintenance activities will be implemented. The schedule shall be subject to the approval of the Pretreatment Director but shall not exceed two (2) years. Any compliance schedule related to a National Categorical Pretreatment Standard shall not exceed the time limit established in the applicable Federal regulations.
- B. An Industrial User submitting a proposed compliance schedule shall provide at a minimum, milestone dates for commencement and completion of construction and start of operations required for the Industrial User to comply with National Categorical Pretreatment Standards and/or SVWRF Local Limits. Said schedule shall include, but shall not be limited to, details such as completing preliminary and final plans, executing construction or purchase contract(s) for major components, commencing and completing construction or installation, and any and all other steps necessary to assure the Industrial Users are in compliance with the SVWRF Rules and Regulations.
- C. The Pretreatment Director shall not approve a time increment for any single milestone date that exceeds nine (9) months.
- D. The Industrial User shall submit a progress report to the Pretreatment Director no later than fourteen (14) days following each milestone date approved and the final date for compliance in the approved compliance schedule. The progress reports shall include a sworn statement of compliance with the milestone deadline if such compliance was achieved. If not achieved, the progress report shall state the date on which compliance with the milestone is expected, the reason for the failure to timely complete the increment progress, and the steps taken to return the compliance to the approved schedule. In no event shall more than nine (9) months elapse between such progress reports.
- E. When additional pretreatment and/or operation and maintenance activities are placed in operation, the Industrial User shall disclose the nature and concentrations of discharged substances limited or prohibited in Section 2 hereof, together with a statement as provided indicating whether compliance is being achieved on a consistent basis, within ninety (90) days of start-up.
- F. It shall be a violation of these Rules and Regulations for an Industrial User to fail to meet approved compliance schedule deadlines.

4.4 COMPLIANCE MONITORING REPORTS FOR SIU AND CIU USERS

- A. Within either one hundred eighty (180) days after the effective date of a National Categorical Pretreatment Standard, or the final administrative decision on a category

determination under 40 C.F.R. 403.6(a)(4), whichever is later, existing categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the Pretreatment Director a report which contains the information listed in Section 4.4B, below. No less than ninety (90) days prior to commencement of their discharge, New Sources, and sources that become categorical Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall submit to the Pretreatment Director a report, which contains the information listed in Section 4.4B, 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.

B. Users described above shall submit the information set forth below:

- (1) All information required in Section 3.7.1A, Section 3.7.1B, Section 3.7.1C, and Section 3.7.1F of these Rules and Regulations;
- (2) Measurement of Pollutants for SIU and CIU Users:
 - (1) The User shall provide the information required in Section 3.7.1G(1) through (5);
 - (2) The User shall take a minimum of one (1) representative sample to compile the data necessary to comply with the requirements of this paragraph;
 - (3) Samples shall 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 shall measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 C.F.R. 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 C.F.R. 403.6(e), this adjusted limit along with supporting data shall be submitted to SVWRF;
 - (4) Sampling and analysis shall be performed in accordance with Section 4.13 and 4.14 of these Rules and Regulations and with 40 C.F.R. Part 136;
 - (5) The Pretreatment 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
 - (6) 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 Authorized Representative of User, as defined in Section 1.4A(12) and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.

(4) Compliance Schedule

If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall be no later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set forth in Section 4.5 of these Rules and Regulations.

(5) Signature and Report Certification

All baseline-monitoring reports must be certified and signed by an Authorized Representative of User in accordance with Section 4.17A of these Rules and Regulations and as defined in Section 1.4A(12).

4.5 COMPLIANCE SCHEDULE PROGRESS REPORTS

A. The following conditions shall apply to the compliance schedule required by Section 4.4B(4) of these Rules and Regulations:

- (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 in Section 4.5A(1) above shall exceed nine (9) months;
- (3) The User shall submit a progress report to the Pretreatment Director no later than fourteen (14) days following each date in the schedule and the final date of compliance including, at a minimum, whether or not the User 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 Pretreatment Director.

4.6 REPORTS ON COMPLIANCE WITH CATEGORICAL PRETREATMENT STANDARD DEADLINE

- A. 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 Pretreatment Director a report containing the information required by Section 3.7.1F, 3.7.1G, and 4.4B(2) of these Rules and Regulations.
- B. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 2.3.3, this report shall contain a reasonable measure of the User's long-term production rate.
- C. 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.
- D. All compliance reports must be signed and certified in accordance with these Rules and Regulations. All sampling will be done in conformance with Section 4.14.

4.7 PERIODIC COMPLIANCE REPORTS

- A. All permitted Significant Industrial Users must, at a frequency determined by the Pretreatment Director, submit no less than four (4) times per year, 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 Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Pretreatment Director or the Pretreatment Standard necessary to determine the compliance status of the User.
- B. All periodic compliance reports must be signed and certified in accordance with Section 4.17A of these Rules and Regulations.
- C. 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.
- D. If a User subject to the reporting requirement in this section monitors any regulated Pollutant at the appropriate sampling location more frequently than required by the Pretreatment Director, using the procedures prescribed in Section 4.14 of these Rules and Regulations, the results of such monitoring shall be included in the report.

4.8 REPORTS OF CHANGED CONDITIONS

Each User must notify the Pretreatment Director of any significant changes to the User's operations or system that might alter the nature, quality, or volume of its Wastewater no less than sixty (60) days before the change, including changes that may affect slug discharges to the POTW.

- A. The Pretreatment 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 3.7.1 of these Rules and Regulations.
- B. The Pretreatment Director may issue an individual Wastewater discharge permit or general permit under Section 3.8.5, or modify an existing individual Wastewater discharge permit or general permit in accordance with Section 3.8.3 of these Rules and Regulations in response to changed conditions or anticipated changed conditions.
- C. The Pretreatment Director may approve, deny, or conditionally approve the change based on the effects the change may have on the POTW and/or the pretreatment program.

4.9 REPORTS OF POTENTIAL PROBLEMS

- A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately notify the Pretreatment Director or his/her authorized representative(s) of the incident either in person or via telephone. This notification shall include the location of the discharge, type of waste, concentration, and volume, if known, and corrective actions taken by the User.
- B. Within five (5) days following such discharge, the User shall, unless waived by the Pretreatment 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 these Rules and Regulations.
- C. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees the person(s) to contact in the event of a discharge described in Section 4.9A, above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.
- D. Significant Industrial Users are required to notify the Pretreatment Director immediately of any changes at its facility affecting the potential for a Slug Discharge.

4.10 REPORTS FROM UNPERMITTED USERS

Unpermitted Users not required to obtain an individual Wastewater discharge permit or general permit shall provide appropriate reports to the Pretreatment Director as the Pretreatment Director may require.

4.11 NOTICE OF VIOLATION/REPEAT SAMPLING AND REPORTING

- A. If sampling performed by a User indicates a violation, the User must notify the Pretreatment 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 Pretreatment Director within thirty (30) days after becoming aware of the violation. Re-sampling by the Industrial User is not required if the POTW performs sampling at the User's facility at least once a month, or if the POTW performs sampling at the User between the time when the initial sampling was conducted and the time when the User or POTW receives the results of this sampling, or if the POTW has performed the sampling and analysis in lieu of the Industrial User.
- B. If the POTW performs the sampling and analysis and discovers a violation, the POTW will perform the sampling and analysis in lieu of the User performing the sampling and analysis unless the POTW notifies the User of the violation and requires the User to perform the repeat sampling and analysis.

4.12 NOTIFICATION OF THE DISCHARGE OF HAZARDOUS WASTE

- A. 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 C.F.R. Part 261. Such notification must include the name of the hazardous waste as set forth in 40 C.F.R. 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:
 - (1) An identification of the hazardous constituents contained in the waste;
 - (2) An estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month;
 - (3) An estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months;
 - (4) All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this Section 4.12 needs be submitted only once for each hazardous waste discharged. However,

notifications of changed conditions must be submitted under Section 4.8 of these Rules and Regulations; and

- (5) The notification requirement in this Section 4.12 does not apply to Pollutants already reported by Users subject to Categorical Pretreatment Standards under the self-monitoring requirements of Sections 4.4, 4.6, and 4.7 of these Rules and Regulations.
- B. Dischargers are exempt from the requirements of Paragraph A, above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 C.F.R. Part 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any acute hazardous wastes as specified in 40 C.F.R. 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.
- C. In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify the Pretreatment Director, the EPA Regional Waste Management Division Director and state hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- D. In the case of any notification made under this Section 4.12, 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.
- E. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by these Rules and Regulations, a discharge permit issued thereunder, or any applicable Federal or state law.

4.13 ANALYTICAL REQUIREMENTS

- A. All Pollutant analyses, including, but not limited to, sampling techniques to be submitted as part of a wastewater discharge permit application, report, permit, or other requirement by these Rules and Regulations shall be performed in accordance with the techniques prescribed in 40 C.F.R. Part 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 C.F.R. Part 136 does not contain sampling or analytical techniques for the Pollutant in question, or where the EPA determines that the sampling and analytical techniques in 40 C.F.R. Part 136 are inappropriate for the Pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Pretreatment Director, the SVWRF Laboratory Director, or other parties approved by the EPA.

- B. All laboratory samples collected for these Rules and Regulations shall be analyzed by a laboratory that is either certified by the Utah Bureau of Laboratory Improvements or approved by the Pretreatment Director.

4.14 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 and based on data that is representative of conditions occurring during the reporting period. The Pretreatment Director will indicate the frequency of monitoring necessary to assess and assure compliance by the User with applicable Pretreatment Standards and Requirements.

- A. Except as indicated in Paragraphs B and C below, the User must collect Wastewater samples using twenty-four hour flow-proportional composite sampling techniques unless time-proportional composite sampling or grab sampling is authorized by the Pretreatment Director. Where time-proportional composite sampling or grab sampling is authorized by the Pretreatment Director, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 C.F.R. Part 136 and appropriate EPA guidance, multiple grab samples collected during a twenty-four 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 POTW, 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 ninety-day compliance reports required in Section 4.4 and 4.6, 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 is available, the Pretreatment Director may authorize a lower minimum. For the reports required by Section 4.7, the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance with applicable Rules and Regulations.

4.15 DATE OF RECEIPT OF REPORTS

Written reports shall be deemed to have been submitted on the date postmarked. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date SVWRF actually receives the report shall constitute the date of receipt.

4.16 RECORDKEEPING

- A. Users subject to the reporting requirements of these Rules and Regulations shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by these Rules and Regulations, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices as defined in Section 2.3.4D Records shall include:
- (1) The date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; and
 - (2) The dates on which analyses were performed, who performed the analyses, the analytical techniques or methods used, and the results of such analyses.
- B. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the POTW, or where the User has been specifically notified of a longer retention period by the Pretreatment Director.

4.17 CERTIFICATION OF PERMIT APPLICATIONS, USER REPORTS AND INITIAL MONITORING

- A. The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 3.7.3; Users submitting baseline monitoring reports under 4.4B(5); Users submitting reports on compliance with the Categorical Pretreatment Standard deadlines under Section 4.6 and Users submitting periodic compliance reports required in accordance with Section(s) 4.7 of these Rules and Regulations,.
- B. The following certification statement must be signed by an Authorized Representative of User as defined in Sections 4.4B(5) and 1.4A(12) of these Rules and Regulations:

"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 collect, evaluate, and compile the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for compiling 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/or imprisonment for knowing violations."

4.17.1 Annual Certification for Non-Significant Categorical Industrial Users

- A. A facility determined to be a Non-Significant Categorical Industrial User by the Pretreatment Director pursuant to Section(s) 1.4A(124)(c) and 3.7.3C must annually submit the following certification statement signed in accordance with the signatory requirements in Section 1.4A(12). This certification must accompany an alternative report required by the Pretreatment Director:

*“Based on my inquiry of the person or persons directly responsible for managing compliance with the Categorical Pretreatment Standards under 40 C.F.R. 403.12(q), I certify that, to the best of my knowledge and belief that during the period from __
_____, _____ to _____, _____ [months, day, and year]:*

- (1) The facility described as _____ [facility name] met the definition of a Non-Significant Categorical Industrial User as described in Section 1.4A(124)(c);
- (2) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period;
- (3) The facility never discharged more than one hundred (100) gallons of total categorical Wastewater on any given day during this reporting period; and
- (4) The facility during the reporting period never discharged untreated concentrated wastewater.

This compliance certification is based on the following information:

4.18 COMPLIANCE MONITORING

4.18.1 Right of Entry: Inspection and Sampling

The Pretreatment Director or his/her authorized representative(s) shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of these Rules and Regulations and any individual Wastewater discharge permit or general permit or order issued hereunder. Users shall allow the Pretreatment Director or his/her authorized representative(s) ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and/or the performance of any additional duties. Such entry shall not be conditioned upon the signing of releases or waivers.

- A. Where a User has security measures in force, which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the

Pretreatment Director or his/her authorized representative(s) shall be permitted to enter the premises immediately for the purposes of performing specific responsibilities.

- B. The Pretreatment Director or his/her authorized representative(s) shall have the right to set up such devices on the User's property or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.
- C. The Pretreatment Director may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at the User's own expense. All devices used to measure Wastewater flow and quality shall be calibrated semi-annually to ensure their accuracy.
- D. 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 Pretreatment Director or his/her authorized representative(s) and shall not be replaced. The costs of clearing such access shall be borne by the User.
- E. Unreasonable delays in allowing the Pretreatment Director or his/her authorized representative(s) access to the User's premises shall be a violation of these Rules and Regulations.
- F. SVWRF may use a camera to photograph areas of the facility as necessary for carrying out the duties of the IPP including, but not limited to, documentation of the User's compliance status and for reinforcement of written reports. The User shall be allowed to review copies of the photographs for confidentiality claims.

The location of the monitoring facility shall provide ample room in or near the monitoring facility to allow accurate sampling and preparation of samples and analysis and whether constructed on public or private property, the monitoring facilities shall be provided in accordance with the Pretreatment Director's requirements and all applicable construction codes, standards and specifications. Furthermore, such facilities shall be constructed and maintained in such a manner to enable the Pretreatment Director or his/her authorized representative(s) to perform independent monitoring activities.

4.19 SECTOR CONTROL PROGRAMS

4.19.1 Periodic Compliance Reports for Sector Control Programs

- A. Any User subject to a Pretreatment Standard shall, after the compliance date of such Pretreatment Standard, or in the case of a new source after commencement of the discharge into the sewer, submit to the Pretreatment Director during the month of April, a yearly report for the respective preceding fiscal period indicating the nature and concentration of Pollutants in the effluent such Pretreatment Standards unless required more frequently in the Pretreatment Standard, permit, or by the Pretreatment Director. In addition, this report shall include a record of monthly flow totals during the reporting period.

- B. At the discretion of the Pretreatment Director and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Pretreatment Director may alter the months during which the above reports are to be submitted.
- C. The Pretreatment Director may impose mass limitations on Users that are using dilution to meet applicable Pretreatment Standards or requirements or in other cases where the imposition of mass limitations is appropriate. In such cases, the report required by Paragraph A above shall indicate the mass of Pollutants regulated by Pretreatment Standards or by a permit in the effluent of the User.
 - (1) These reports shall contain the results of sampling and analysis of the discharge, including the flow, the nature and concentration or production and mass when requested by the Pretreatment Director, of Pollutants contained therein which are limited by the applicable Pretreatment Standards or permit.
 - (2) The frequency of monitoring shall be prescribed in the applicable Pretreatment Standard or permit.
 - (3) All analyses shall be performed in accordance with procedures established by the state Pretreatment Coordinator pursuant to section 304 (h) of the Act and contained in 40 C.F.R. Part 136 and amendments thereto, or with any other test procedures approved by the state Pretreatment Coordinator.
 - (4) Sampling shall be performed in accordance with the techniques approved by the state Pretreatment Coordinator.

4.19.2 Compliance Schedule Progress Report for Sector Control Programs

Any Industrial User required by the Pretreatment Director to implement a compliance schedule shall submit to the Pretreatment Director periodic Compliance Schedule Progress Reports on a form and with a frequency to be prescribed by the Pretreatment Director.

4.19.3 Signatory Requirements of Sector Control Programs

- A. All reports submitted to the Pretreatment Director in accordance with and as required by these Rules and Regulations shall be signed by an Authorized Representative of User as defined in Section 1.4A(12) above.
- B. All reports required by these Rules and Regulations shall be subject to the Utah Water Pollution Control Act, as amended, and all other applicable state and Federal laws pertaining to fraud, misrepresentation, and false statements.

4.19.4 Sampling and Laboratory Analysis for Sector Control Programs

- A. All measurements, tests, and analyses required for submission of reports under this Section shall be conducted by a laboratory certified for such analysis in the state or as approved by the Pretreatment Director for laboratories outside the State.

- B. All sampling and laboratory analyses required under this Section shall be performed in accordance with 40 C.F.R. Part 136 Guidelines Establishing Test Procedures for Pollutants, as amended. In the event 40 C.F.R. Part 136 does not include a sampling or analytical technique for the Pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication titled "Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants," April, 1977, as amended, or in accordance with other appropriate sampling or analytical procedures approved by the EPA.

4.19.5 Records Access and Retention for Sector Control Programs

All permitted Users subject to this Section shall retain all written information relating to monitoring, sampling, laboratory analysis, and compliance in general for at least three (3) years. All records pertaining to matters of administrative adjustment or any other enforcement or litigation actions brought by SVWRF or at the request of SVWRF shall be kept by the User until the enforcement action has been concluded by SVWRF.

The Pretreatment Director and/or his/her authorized representative(s) shall have access to all relevant records of User for inspection and copying purposes. Denial of such records access requests shall be a violation of these Rules and Regulations and shall subject the User to appropriate enforcement measures as determined by the Pretreatment Director.

4.20 SEARCH WARRANTS

If the Pretreatment Director or his/her authorized representative(s) has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of these Rules and Regulations, or that there is a need to inspect and/or sample as part of the routine inspection and sampling program of the POTW designed to verify compliance with these Rules and Regulations or any permit or order issued hereunder, or to protect the overall public health, safety or welfare of the community the Pretreatment Director may seek issuance of a search warrant from a court of competent jurisdiction.

4.21 CONFIDENTIAL INFORMATION

- A. Information and data on a User obtained from reports, surveys, Wastewater discharge permit applications, individual Wastewater discharge permits or general permits, monitoring programs, the Pretreatment Director or Pretreatment Staff 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 Pretreatment Director, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable state law. Any such request must be asserted at the time of submission of the information or data.
- B. 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.

- C. Wastewater constituents, characteristics, and other effluent data, as defined at 40 C.F.R. 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

5 FEES AND CHARGES

5.1 PURPOSE

It is the purpose of Section 5 to explain the fees and charges required by SVWRF. The charges shall be based upon the quality and quantity of the User's Wastewater, and upon the SVWRF operating costs to intercept, treat, and dispose of Wastewater. The total annual cost of operation and maintenance shall include, but need not be limited to, labor, repairs, equipment replacement, maintenance, necessary modifications, power, sampling, laboratory tests, and a reasonable contingency fund. Each User within the boundaries of Midvale City, Midvalley Improvement District, Sandy Suburban Improvement District, and West Jordan City shall pay all fees and charges required by the SVWRF (South Valley Sewer District will collect fees within their boundaries). Appropriate surcharges shall also be imposed.

The applicable charges shall be set forth in a Schedule of Rates for the SVWRF. The schedule of rates and charges shall be adjusted from time to time by the SVWRF to allocate costs among the Users of the SVWRF.

5.2 FEES AND CHARGES

The SVWRF fees and charges are set forth in Section 10, Schedule 2: Controlled Admissible Pollutants, which may be amended from time to time.

5.3 CLASSIFICATION OF USERS

Classifications shall be established by the SVWRF for all non-residential Users.

5.4 SURCHARGES

Users shall be subject to a surcharge for excessive Biochemical Oxygen Demand (BOD), Total Suspended Solids (TSS), Organic Fats, Oil, and Grease (FOG,) and for service outside the SVWRF's service area as provided for in Section 10, Schedule 2: Controlled Admissible Pollutants.

5.5 FEES

- A. The SVWRF may adopt fees from time to time which may include, but not be limited to, the following:
- (1) Fees for all SVWRF costs, including maintenance and operation;
 - (2) Fees for reimbursement of costs of setting up and operating the SVWRF's pretreatment program;
 - (3) Fees for monitoring, inspections and surveillance procedures, including but not limited to, laboratory analysis;
 - (4) Fees for reviewing accidental discharge procedures and construction;

- (5) Fees for processing permit applications and any applicable contract applications;
- (6) Fees for consistent removal by the SVWRF of Pollutants otherwise subject to State, Federal, or SVWRF Pretreatment Standards;
- (7) Fees for inspections, surveys and investigations; and
- (8) Other fees as the SVWRF may deem necessary to carry out the requirements contained herein.

5.6 DAMAGE TO FACILITIES

When a User's discharge causes an obstruction or damage, or because the nature of the discharge of toxic Pollutants increases the costs for managing the effluent or the sludge, the User shall pay for the cost to remove the obstruction, the cost to repair the damage, and any increased costs to treat the toxic effluent.

5.7 REVIEW OF EACH USER'S WASTEWATER SERVICE CHARGE

The SVWRF shall annually review the total cost of its operation and maintenance, as well as each Member Entity's discharge, and shall revise charges as necessary to ensure equity of cost distribution and sufficient funds to adequately operate and maintain the SVWRF. If a Significant Industrial User has completed in-plant modifications that would change that User's discharge, the User can present to the Pretreatment Director information to describe said modifications, and the Member Entity, after conferring with the SVWRF, shall determine if the User's charge shall be changed.

5.8 NOTIFICATION TO MEMBER ENTITY

- A. Each Member Entity shall be provided, the following at least annually:
 - (1) A copy of any Resolution adopting the schedule of Rates and Fees and Charges attributed to the pretreatment program; and
 - (2) A copy of the SVWRF Financial Report that shall include the income attributed to the pretreatment program.

5.9 USER FEE SCHEDULE

A.	PLAN REVIEW	
	1. Commercial Plan Review Fee	\$ 70.00
	2. Industrial Plan Review Fee	\$ 170.00
B.	INSPECTIONS	
	1. Grease Interceptor & Sampling Manhole Inspection Fee	\$ 200.00
	2. Call Back Inspection Fee	\$ 60.00
C.	DISCHARGE PERMIT	
	1. Commercial Discharge Permit Issuance Fee (covers five (5) years)	\$ 250.00
	2. Industrial Discharge Permit Issuance Fee (covers five (5) years)	\$ 500.00
	3. Commercial Discharge Permit Renewal Fee (covers five (5) years)	\$ 175.00
	4. Industrial Discharge Permit Renewal Fee (covers five (5) years)	\$ 250.00

6 ENFORCEMENT

6.1 ENFORCEMENT AUTHORITY

- A. The following procedures, rules, and regulations are hereby adopted by the SVWRF pursuant to applicable state law, County and City ordinances, rules and regulations, including but not limited to Title 19, Chapter 5 of the UTAH CODE ANNOTATED 1953, as amended, for enforcing the provisions contained in these Rules and Regulations.
- B. The SVWRF may take appropriate enforcement action in accordance with its enforcement response guide as amended from time to time.
- C. The remedies provided for in these Rules and Regulations are non-exclusive. SVWRF may take any, all, or any combination of the below listed actions against a non-compliant User. Furthermore, SVWRF is empowered to take more than one (1) of these enforcement actions against any non-compliant User.

6.2 ADMINISTRATIVE ENFORCEMENT

In responding to any violations of these Rules and Regulations, a User's discharge permit and/or any other applicable laws, rules or regulations, the SVWRF may incorporate and pursue one (1) or more of the following administrative enforcement actions and/or remedies. Nothing contained herein shall be deemed to preclude the SVWRF from utilizing one (1) or more enforcement responses as part of its enforcement process.

6.2.1 Notice of Violation

- A. Whenever the Pretreatment Director determines that a User has violated or is violating any of these Rules and Regulations, or a discharge permit, general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the Pretreatment Director may serve upon said User a written Notice of Violation (NOV). Within fourteen (14) days of the receipt such notice, the User shall submit to the Pretreatment Director an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions. Submission of such a plan shall in no way relieve the User/Violator of liability for any violations occurring before or after receipt of the NOV.
- B. The NOV may require any reasonable measures, including but not limited to, proposed assessment of penalties and/or a cease and desist order which the Pretreatment Director deems necessary to timely resolve the violation and may order the violating User to appear before the Pretreatment Director at a time and place specified in the NOV and respond thereto. The User may file with the SVWRF Clerk in writing a request for a hearing within thirty (30) days of the date of the NOV.
- C. It shall be a further violation of these Rules and Regulations to fail to respond to, or implement, the requirement(s) contained in an NOV.

6.2.2 Administrative Orders

The SVWRF may issue administrative orders, including but not limited to, the following:

- A. **Consent Orders.** The Pretreatment Director is hereby authorized to enter into Consent Orders, assurances of voluntary compliance or other similar documents that establish an agreement with the User that is in non-compliance. Such orders shall include, but shall not be limited to, specific action(s) to be taken by the User to correct the non-compliance within a time-period specified by the Consent Order. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 6.2.2C and 6.2.2D of these Rules and Regulations and shall be judicially enforceable.
- B. **Show Cause Hearing.** The Pretreatment Director may order a User, which has violated, or continues to violate, any provision of these Rules and Regulations, an individual Wastewater discharge permit, general permit, or order issued hereunder, or any other Pretreatment Standard or Requirement to appear before the Pretreatment Director and show cause why the proposed enforcement action should not be taken. The Show Cause Order shall be served on the User specifying the time and place for the meeting, the proposed enforcement action(s), the reason for such action(s), and a request that the User show cause why the proposed enforcement action(s) should not be taken. Notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least fourteen (14) days prior to the hearing. Such notice may be served on any Authorized Representative of User as defined in Section 1.4A(12) above. Whether or not a duly notified User appears as noticed, immediate enforcement action may be pursued. A Show Cause Hearing shall not be a bar against, or prerequisite for, taking any other action against the User.
- C. **Compliance Order.** When the Pretreatment Director finds that a User has violated or continues to violate, any provision of these Rules and Regulations, an individual Wastewater discharge permit, general permit, or order issued hereunder or any other Pretreatment Standard or Requirement, the Pretreatment Director may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices or other related appurtenances are installed and are properly operated. Compliance Orders may also contain other requirements to address the non-compliance including, but not limited to, the installation of pretreatment technology, additional self-monitoring actions and management practices designed to minimize the amount of Pollutants discharged to the sewer. A Compliance Order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a Compliance Order relieve the User of liability for any violation including any continuing violation. Issuance of a Compliance Order shall not be a bar against or prerequisite for taking any other action against the User.
- D. **Cease and Desist Orders.** When the Pretreatment Director determines, after consultation with the SVWRF attorney, that a User has violated, or continues to violate, any provision

of these Rules and Regulations, or an individual Wastewater discharge permit, general permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to occur again, the Pretreatment Director may issue an order to the User directing the User to cease and desist all such violations and directing the User to:

- (1) Immediately comply with all requirements;
- (2) Take such appropriate remedial or preventive action as may be needed to properly remedy a continuing or threatened violation including, but not limited to, halting operations and/or terminating the discharge;
- (3) Non-exclusive remedies pursuant to Section 6.1 above; and/or
- (4) Issuance of a cease and desist order shall not be a bar against or a prerequisite for taking any other action against the User.

6.3 EMERGENCY SUSPENSIONS

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

- A. Any User notified of suspension of its discharge pursuant to this Section 6.3 shall immediately stop or eliminate its discharge into the POTW. In the event of a User's failure to comply voluntarily with the suspension order immediately, the General Manager may take such steps as deemed necessary including, but not limited to, immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The General Manager may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the General Manager that the endangerment has passed, unless the termination proceedings in Section 6.4 of these Rules and Regulations are initiated against the User.
- B. Any User(s) responsible, in whole or in part, for discharge, presenting imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the General Manager prior to any Show Cause or Termination hearing under Sections 6.2.2B and 6.4 of these Rules and Regulations.
- C. Within ten (10) days, a hearing to review the emergency suspension may be held if requested by the User.

- D. Non-exclusive remedies pursuant to Section 6 of these Rules and Regulations shall also apply to this Section.

Nothing in this Section 6.3 shall be interpreted as requiring a hearing prior to any Emergency Suspension of a permit and or discharge to the POTW.

6.4 TERMINATION OF DISCHARGE

Users proposing to discharge into the SVWRF must first obtain a Wastewater discharge permit from SVWRF. Any User, who violates any of the following conditions of these Rules and Regulations, a Wastewater discharge permit, or order, or any applicable local, state, or Federal law, shall be subject to permit termination.

- A. Any User who violates the following conditions is subject to discharge termination:
- (1) Violation of individual Wastewater discharge permit or general permit conditions;
 - (2) Failure to accurately report the Wastewater constituents and characteristics of User's discharge;
 - (3) Failure to report significant changes in operations or Wastewater volume, constituents, and characteristics prior to discharge;
 - (4) Refusal of access to the User's premises, by SVWRF personnel, for the purpose of inspection, monitoring, or sampling;
 - (5) Failure to pay any required fees or charges in a timely manner;
 - (6) Failure to comply with any administrative orders issued to the User; and
 - (7) Violation of the Pretreatment Standards in Section 2.3 of these Rules and Regulations.
- B. Non-compliant Users shall be notified in writing of the proposed termination of their discharge and be offered an opportunity to show cause under Section 6.2.2B of these Rules and Regulations why the proposed action should not be taken. Exercise of this option by the General Manager shall not be a bar to or a prerequisite for taking any other action against the User.
- C. Unless otherwise provided herein, any notification required herein shall be served either personally or by registered or certified mail.

6.5 ADMINISTRATIVE HEARINGS

- A. Whenever the General Manager has ordered a User to attend a hearing, or an authorized representative of the User as described in Section 1.4A(12), has requested in a timely manner a hearing in accordance with these Rules and Regulations, the General Manager

shall schedule a hearing and serve written notice on all parties. The written notice shall include the same information that would be required under UTAH CODE ANN. §63G-4-201.

- B. A three (3) member Hearing Panel shall be appointed by the General Manager for each formal or informal hearing. Members of the Hearing panel shall be chosen on a rotating basis, from a pool composed of five (5) individuals who represent the five (5) Member Entities and who are appointed to the pool by the Board upon recommendation of the respective Member Entities. When hearings are scheduled, the General Manager shall appoint three (3) individuals to the Hearing Panel none of whom shall represent the Member Entity in which the alleged violator is located. The Hearing Panel shall designate a Presiding Officer among itself.
- C. The Hearing Panel shall conduct a hearing upon written request by the General Manager or by the alleged violator.
- D. All hearings authorized pursuant to these Rules and Regulations shall be conducted by the Hearing Panel at a time, date, and place scheduled by the General Manager. Decisions of the Hearing Panel shall be rendered by a majority of the members of the Hearing Panel and shall be issued in writing under signature of the Presiding Officer.

6.5.1 Hearings - Informal

- A. If a hearing is designated as informal, no answer or other pleading responsive to the allegations contained in the Notice of hearing need be filed.
- B. In any informal hearing, the parties named in a NOV, or any User denied a permit, or any User who has received from the General Manager a notice of intent to terminate a permit, shall be permitted to present testimony and evidence, and to comment on the issues that are relevant to the matters before the Hearing Panel.
- C. Hearings shall be held only after timely notice has been provided to all parties, which shall be served in writing at least ten (10) days prior to the hearing date unless a shorter time is agreed to by all parties involved.
- D. Formal discovery is not required however; the General Manager may issue subpoenas or other orders to compel production of relevant evidence.
- E. All parties shall have access to any relevant public information in the possession of SVWRF and to all materials and information that is relevant.
- F. Intervention is prohibited except where a federal statute otherwise requires.
- G. Informal hearings shall be open to all parties and the public.

- H. Within a reasonable time after the close of an informal hearing, the Presiding Officer shall issue a signed order that sets forth the following:
 - (1) The Hearing Panel's decision and the vote;
 - (2) The basis for the decision;
 - (3) A statement of any right of administrative or judicial review available to the parties;
and
 - (4) The time limits for filing an appeal or requesting a review.
- I. The Hearing Panel's decision shall be based on the evidence presented in the hearing.
- J. A signed copy of the Hearing Panel's decision shall be timely mailed to each of the parties.
- K. Any party may record the hearing stenographically or electronically, but shall not disturb the hearing proceedings.
- L. Any party, at its own expense, may have a copy of the transcript of the record of the hearing prepared if such a transcript was created.

6.5.2 Hearings – Formal

- A. In all formal hearings, unless otherwise directed by the General Manager, the alleged violator shall serve on the General Manager by personal service or by certified mail a written response to the NOV, signed by the alleged violator or User's authorized representative within thirty (30) days of receiving the NOV. Such response shall include:
 - (1) SVWRF file number or other reference number;
 - (2) The name of the adjudicative proceeding;
 - (3) A statement of the facts that the violator contends are relevant and material;
 - (4) A statement of the relief that the respondent seeks; and
 - (5) A statement summarizing the reasons that the relief requested should be granted.
- B. The response shall be served by certified mail or hand delivered to the SVWRF Clerk and one (1) copy shall be sent by certified mail by SVWRF to the Board Member of the Member Entity having jurisdiction over the alleged violator.
- C. The Presiding Officer or the General Manager may permit or require pleadings in addition to the NOV and the alleged violator's response. All papers permitted or required to be filed shall be filed with the General Manager and one (1) copy shall be sent by certified mail by SVWRF to each party.

- D. In a formal hearing proceeding, the parties may conduct limited discovery according to the scope and limits set by the hearing panel.
- E. Subpoenas and other orders to secure the attendance of witnesses or the production of evidence in formal hearing proceedings may be issued by the Presiding Officer when requested by any party or may be issued by the Presiding Officer on his/her own motion.
- F. When all pleadings and other papers required to be filed have been filed and all discovery is complete, the General Manager shall schedule a hearing and notify all parties of the time and place.
- G. All formal hearing proceedings shall be conducted as follows:
 - (1) The Presiding Officer shall conduct the hearing to obtain full disclosure of relevant facts and to allow all the parties reasonable opportunity to present their position.
 - (2) On his or her own motion or upon objection by a party, the Presiding Officer:
 - (a) May exclude evidence that is irrelevant, immaterial, or unduly repetitious;
 - (b) Shall exclude evidence deemed privileged;
 - (c) May receive documentary evidence in the form of a copy or excerpt if the copy or excerpt is certified and contains all pertinent portions of the original document; or
 - (d) May take official notice of any facts that could be judicially noticed or the record of other proceedings before the state or SVWRF and of technical or scientific facts within the knowledge of SVWRF.
 - (3) The Presiding Officer may not exclude evidence solely because it is hearsay.
 - (4) The Presiding Officer shall afford all parties the opportunity to present evidence, argue, respond, conduct cross-examination, and submit rebuttal evidence.
 - (5) The Presiding Officer may give persons not a party to the proceeding the opportunity to present relevant oral or written statements at the hearing.
 - (6) All witnesses who present testimony to be considered in reaching a decision shall be placed under oath.
 - (7) The hearing shall be recorded in accordance with the Open and Public Meetings Act pursuant to UTAH CODE ANN. § 52-4-101, et. seq.
 - (8) Any party, at his/her own expense may have a certified reporter prepare a transcript of the hearing, subject to the restrictions that SVWRF is required by statute to impose to protect confidential information disclosed at the hearing.
 - (9) Formal hearings shall be open to all parties and the public.

- H. This Section does not preclude the Presiding Officer from taking appropriate measures necessary to preserve the integrity of the hearing.
- I. The Hearing Panel may seek advice of legal counsel during the course of the hearing.
- J. Any person not a party may intervene in a formal hearing upon compliance with the standards set forth in Utah Code Ann. §63G-4-207, incorporated herein by this reference. The Presiding Officer shall comply with the standards set forth in Utah Code Ann. §63G-4-207 (2)(a) and (b), incorporated herein by this reference.
- K. Within a reasonable time after the hearing, or after the filing of any post-hearing documents permitted or required by the Presiding Officer, the Presiding Officer shall sign and issue a Hearing Panel order that includes:
 - (1) The Hearing Panel's findings of fact and conclusions of law based on the record;
 - (2) A statement of reasons for the Hearing Panel's decision;
 - (3) A statement of any relief ordered;
 - (4) A notice of any right to administrative or judicial review of the order available to aggrieved parties; and
 - (5) The time limits applicable for any judicial review.
- L. The Presiding Officer may use his/her experience, technical competence, and specialized knowledge to evaluate the evidence.

6.5.3 Default Order

- A. The Presiding Officer or General Manager may enter an order of default against a party if:
 - (1) A party in an informal hearing proceeding fails to appear or participate in the proceeding;
 - (2) A party to a formal hearing fails to appear or participate in a scheduled hearing after receiving Notice; or
 - (3) An alleged violator in a formal hearing proceeding fails to file a required response.
- B. An order of default shall include a statement of the grounds for default and shall be mailed to all parties.
- C. A motion to set aside a default and any subsequent order shall be filed with the Presiding Officer within thirty (30) calendar days of the entry of default.

6.5.4 Board Review Procedure

- A. An aggrieved party may file a written request with the SVWRF Board requesting review of any order issued following an informal or formal hearing within thirty (30) days after the issuance of the order.
- B. The request referenced in 6.5.4A above shall:
 - (1) Be signed by the party seeking the review;
 - (2) State the grounds for review and the relief requested;
 - (3) State the date upon which it was mailed; and
 - (4) Be sent by certified mail, return receipt requested, to the Chairman of the Board and to each party.
- C. Within fifteen (15) days of the mailing date of the request for review, any party may file a response with the Chairman of the Board. One (1) copy of the response shall be sent by mail to each of the parties and to the Chairman of the Board. The Board shall have sole discretion to grant or deny a request for review. An order denying review shall be issued within thirty (30) days from the date of receipt of the request.
 - (1) If review is granted by the Board, the Board may order the parties to file briefs or other papers, or to present oral argument as to the issues in dispute.
 - (2) Notice of hearings on review shall be mailed to all parties to the addresses provided by the parties to SVWRF.
- D. Following its review the Board shall issue a written order signed by the Chairman of the Board and which shall contain the following:
 - (1) A statement of the issues reviewed;
 - (2) Findings of fact;
 - (3) Conclusions of law ;
 - (4) The reasons for the decision;
 - (5) Whether the decision reviewed is affirmed, reversed or modified, and whether all or any portion of the proceeding is to be remanded for further hearing;
 - (6) A notice of any right of judicial review available to aggrieved parties; and
 - (7) The time limits applicable for any appeal or review.

6.5.5 Judicial Review of Final Order

- A. Review of any final order issued by the Hearing Panel Presiding Officer as the case may be, falls within the jurisdiction of the District Court for review in UTAH CODE ANN. §78A-5-102.
- B. For purposes of this Section, any order issued by the Hearing Panel Presiding Officer shall be deemed final thirty (30) days after issuance if an aggrieved party has not submitted a request for review to the SVWRF Board. Any order on review issued by the Chairman of the SVWRF Board, shall be deemed final upon issuance unless the matter is remanded to the Hearing Panel for reconsideration.

6.5.6 Termination of Services

For any User(s)/person(s) who repeatedly violate the provisions contained in these Rules and Regulations, or neglects to follow compliance requirements, or in the event of an emergency, as determined by SVWRF, SVWRF may notify the Member Entity to terminate the sewage collection and treatment service being provided to the offending User(s)/person(s).

6.6 JUDICIAL ENFORCEMENT

If any User discharges sewage, industrial wastes, or other wastes into the Wastewater disposal system contrary to the provisions of these Rules and Regulation or any order or permit issued hereunder, the General Manager, with consent and approval of SVWRF Board, through SVWRF's Attorney, may commence an action to obtain legal and/or equitable relief in any court of competent jurisdiction. Actions may be commenced for civil and/or criminal relief in accordance with the provisions contained herein.

6.6.1 Injunctive Relief

- A. When the Pretreatment Director finds that a User has violated, or continues to violate, any provision of these Rules and Regulations, an individual Wastewater discharge permit, or a general permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Pretreatment Director may petition a court of competent jurisdiction through the SVWRF Attorney for the issuance of a temporary or permanent injunction as appropriate, which restrains or compels the specific performance of the individual Wastewater discharge permit, the general permit, order or other requirement(s) imposed by these Rules and Regulations on activities of the User.
- B. The Pretreatment Director may also seek such other action as is appropriate for legal and/or equitable relief including, but not limited to, a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against or a prerequisite for taking any other action against a User.

6.6.2 Civil Penalties

- A. Any User who has violated or continues to violate these Rules and Regulations, an individual Wastewater discharge permit, general permit, or order issued hereunder, or any other Pretreatment Standard or Requirement upon a showing that the violation occurred, is subject to a civil penalty not to exceed Ten Thousand Dollars (\$10,000.00 U.S. Currency) per violation together with any actual damages incurred by the POTW as a result of such violation(s).
- B. SVWRF may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities including, but not limited to, sampling and monitoring expenses and the cost of any actual damages incurred by the POTW.
- C. SVWRF may bring an action in Court to impose, assess, and recover such sums. In determining the amount of liability, the Court may take into account all relevant circumstances including, but not limited to, the extent of damage or loss 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 factors that 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.

6.6.3 Civil Actions

- A. Any civil action(s) shall be brought in a court of competent jurisdiction by the SVWRF Board.
- B. Any User violating the Rules and Regulations or the User's permit shall be liable for any expense, loss, or damages incurred by SVWRF due to such violation including, but not limited to, the increased costs, if any, for managing effluent or sludge. The SVWRF General Manager may add such expenses to the User's treatment charge or may bring a civil action in Court to collect said expenses.
- C. In the event that a User discharges a Pollutant that causes the SVWRF to violate any condition of its UPDES permit and the SVWRF is fined by the EPA or the state for such violation, such User shall be fully liable to reimburse SVWRF for the total amount of the fine assessed against the SVWRF by the EPA or the State.
- D. In addition to any other remedies provided herein, the SVWRF may recover reasonable attorney's fees, court costs, and other expenses of litigation incurred by appropriate legal action against the User found to have violated any provision herein or any order, rules, regulations, permits or contracts issued hereunder. The attorney for the SVWRF, upon request of the SVWRF's Board, shall bring an appropriate action to impose, assess, and recover such sums.

6.6.4 Nonexclusive Remedies

The remedies provided for in these Rules and Regulations are not exclusive. SVWRF may take any, all, or any combination of these actions against a non-compliant User. Enforcement of pretreatment violations shall generally be in accordance with the POTW's enforcement response plan. However, SVWRF may take other action against any User when the circumstances warrant. Furthermore, the Pretreatment Director is empowered to take more than one (1) enforcement action against any non-compliant User.

6.7 AFFIRMATIVE DEFENSES

6.7.1 Upset

- A. For the purposes of this Section 6.7, upset means an exceptional incident in which there is unintentional and temporary non-compliance with Categorical Pretreatment Standards because of factors beyond the reasonable control of the User. An upset does not include non-compliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.
- B. An upset shall constitute an affirmative defense to an action brought for non-compliance with Categorical Pretreatment Standards if the requirements of paragraph 6.7.1C, below 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 being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures at the time of upset; and
 - (3) The User has submitted the following information to the Pretreatment Director within twenty-four (24) hours of becoming aware of the upset [if this information is provided orally, a written submission must be provided within five (5) days]:
 - (a) A description of the indirect discharge and cause of non-compliance;
 - (b) The period of non-compliance, including exact dates and times or, if not corrected, the anticipated time the non-compliance is expected to continue; and
 - (c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the non-compliance.

- (4) In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.
- (5) Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for non-compliance with Categorical Pretreatment Standards.
- (6) Users 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 for the treatment facility is reduced, lost or fails.

6.7.2 Prohibited Discharge Standards

- A. Pursuant to 40 C.F.R. 403.5(a)(2), the affirmative defense outlined in this Section 6.7.2 cannot apply to the specific prohibitions in Section(s) 2.3.2A(1), 2.3.2A(3), and 2.3.2A(9) of these Rules and Regulations.
- B. A User shall have an affirmative defense to an enforcement action brought against it for non-compliance with the general prohibitions in Section 2.3.1 of these Rules and Regulations or the specific prohibitions in Section(s) 2.3.2A(4) through 2.3.2A(8) and 2.3.2A(10)2.3.2A(8) through 2.3.2A(21) of these Rules and Regulations 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:
 - (1) 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
 - (2) 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 case of interference, was in compliance with applicable sludge use or disposal requirements.

6.8 BYPASS

- A. For the purpose of this Section,
 - (1) Bypass means the intentional diversion of wastestreams from any portion of a User's treatment facility.
 - (2) Severe property damage means substantial physical damage to property, damage to the treatment facilities, which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to

occur in the absence of bypass. Severe property damage does not mean economic loss caused by delays in production.

- B. A User may allow any bypass to occur that does not cause 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 provision of Section(s) 6.8.1 and 6.8.2 of these Rules and Regulations.

6.8.1 Bypass Notifications

- A. If a User knows in advance of the need for a bypass, the User shall submit prior notice to the Pretreatment Director, no less than thirty (30) days before the date of the bypass, if possible.
 - (1) The Pretreatment Director may approve a bypass, within ten (10) days of receiving the bypass request, after considering the nature of the request and its adverse effects to the POTW.
 - (2) If the Pretreatment Director fails to act within ten (10) days after a request for bypass is filed, the request for bypass shall be deemed to be denied.
- B. A User shall submit oral notice to the Pretreatment Director of an unanticipated bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours from the time the User becomes aware of the bypass.
 - (1) 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 the following:
 - (a) A description of the bypass and its cause;
 - (b) The duration of the bypass, including exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue; and
 - (c) The steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.
- C. The Pretreatment Director may waive the written submission on a case-by case basis if the oral report has been received within twenty-four (24) hours of becoming aware of the bypass.

6.8.2 Bypass Prohibition

- A. Bypass is prohibited, and the Pretreatment Director may take an enforcement action against a User for a bypass, unless:

- (1) Bypass was unavoidable to prevent the loss of life, personal injury, or sever property damage;
 - (2) There were no feasible alternatives to the bypass, such as auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime;
 - (3) 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; and
 - (4) The User submitted notices as required under Section 6.8.1 of these Rules and Regulations.
- B. The Pretreatment Director may approve a bypass after considering its adverse effects, if the Pretreatment Director determines that it will meet the three (3) conditions listed in paragraph A of this Section.

6.9 SUPPLEMENTAL ENFORCEMENT ACTION

6.9.1 Penalties for Late Reports

A penalty of One Hundred Dollars (\$100.00 U.S. CURRENCY) shall be assessed to any User for each day that a report required by these Rules and Regulations or a permit or order issued hereunder is late. This penalty shall begin five (5) days after the report is due. Higher penalties may also be assessed where reports are more than thirty (30) days late. Actions taken by the Pretreatment Director to collect late reporting penalties shall not limit the Pretreatment Director's authority to initiate other enforcement actions that may include penalties for late reporting violations.

6.9.2 Performance Bonds

The Pretreatment Director may decline to issue or reissue an individual Wastewater discharge permit or general permit to any User who has failed to comply with any provision of these Rules and Regulations, a previous individual Wastewater discharge permit or general permit, or order issued hereunder, or any other Pretreatment Standard or Requirement unless such User first files a satisfactory bond, payable to SVWRF and in a sum not to exceed a value determined by the Pretreatment Director to be necessary to achieve consistent compliance.

6.9.3 Payment of Outstanding Fees and Penalties

The Pretreatment Director may decline to issue or reissue an individual Wastewater discharge permit or general permit to any User who has failed to pay any outstanding fees, fines or penalties incurred because of any provision of these Rules and Regulations, a previous individual Wastewater discharge permit or general permit or order issued hereunder.

6.9.4 Water Supply Severance

Whenever a User has violated or continues to violate any provision of these Rules and Regulations, an individual Wastewater discharge permit or general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, water service to the User may be severed. Service will recommence, at the User's expense, only after the User has satisfactorily demonstrated its ability to comply.

6.9.5 Public Nuisances

A violation of any provision of these Rules and Regulations, an individual Wastewater discharge permit or general permit, or order issued hereunder or any other Pretreatment Standard or Requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the Pretreatment Director. Any person(s) creating a public nuisance shall be subject to the provisions of the SVWRF Rules and Regulations governing such nuisances including, but not limited to, reimbursing SVWRF for any costs incurred in removing, abating, or remedying said nuisance.

6.9.6 Referral for state Action

The SVWRF may refer to the state of Utah, Division of Water Quality and to the Office of the Attorney General or the EPA any violations of SVWRF Pretreatment Rules and Regulations, an individual Wastewater permit, general permit or other Pretreatment Standards or Requirements including, but not limited to, toxic effluent standards under the provision of the Utah Water Quality Act, Title 19, Chapter 5, U.C.A. (1953, as amended) and any other applicable law.

6.10 PUBLICATION OF USERS IN SIGNIFICANT NON-COMPLIANCE

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

- A. Chronic violations of Wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same Pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 2;
- 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 by Section 2 multiplied by the applicable TRC criteria (TRC=1.4 for BOD, TSS, fats, oils and grease, and TRC=1.2 for all other Pollutants except pH);

- C. Any other violation of a Pretreatment Standard or Requirement as defined by Section 2 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Pretreatment 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 Pretreatment Director's exercise of his or her emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual Wastewater discharge permit or general 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 non-compliance; or
- H. Any other violation(s), which may include a violation of Best Management Practices (BMP), which the Pretreatment Director determines will adversely affect the operation or implementation of the local pretreatment program.

6.11 EMERGENCY SUSPENSION PROCEEDINGS

- A. The General Manager or the SVWRF Board may issue an order on an emergency basis without complying with the requirements of Section 6 of these Rules and Regulations if:
 - (1) The facts known by SVWRF or presented to SVWRF indicate that an immediate and significant danger to the public's health, safety, or welfare exists; or
 - (2) In the opinion of SVWRF, the threat of significant danger requires immediate action by SVWRF to protect the public health, safety, or welfare.
- B. In issuing an emergency order, the General Manager or the Board shall:
 - (1) Limit the order to require only the action necessary to prevent or avoid the danger to the public's health, safety, or welfare;
 - (2) Promptly issue a written order, effective immediately, that includes a brief statement of findings of fact, conclusions of law, and reasons for utilization of emergency action proceedings; and

- (3) Give immediate notice to the person(s) who is required to comply with the order.
- C. If the emergency order issued under this Section 6.11 will result in the continued infringement or impairment of any legal right or interest of any party, SVWRF shall thereafter commence a formal or informal proceeding in accordance with the provisions of this Section 6.

6.12 ENFORCEMENT RESPONSE GUIDE

UNAUTHORIZED DISCHARGES (No Permit)			
Non-Compliance	Nature of the Violation	Enforcement Response(s)	Personnel
Unpermitted discharge	IU unaware of requirement; no harm to SVWRF/environment	Phone call; NOV with application form	PD
	IU unaware of requirement; harm to SVWRF	NOV	PD
		AO with Penalty	PD, GM
		Civil Action	GM
	Failure to apply continues after notice by SVWRF	AO	PD
		Civil action	GM
		Criminal investigation/action	PD, GM
Request to terminate service		GM	
Non-permitted discharge (failure to renew)	IU has not submitted application within 90 days of due date	Phone call; NOV	PD
DISCHARGE LIMIT VIOLATION			
Non-Compliance	Nature of the Violation	Enforcement Response(s)	Personnel
Exceedance of local or Federal Standards (Permit limit)	Isolated, not significant	Phone call; NOV	PD
		NOV	PD
	Isolated, significant (no harm)	AO to develop spill prevention plan	PD
		AO with penalty	PD
		Show Cause Order	PD
	Isolated, harm to SVWRF or environment	Civil Action	GM
		AO with penalty	PD
		AO with penalty	PD
	Recurring, no harm to SVWRF/environment	AO with penalty	PD
	Recurring, significant (harm)	Show Cause Order	PD
		Civil action	GM, Board
		Terminate Service	GM, Board

MONITORING AND REPORTING VIOLATIONS			
Non-Compliance	Nature of the Violation	Enforcement Response(s)	Personnel
Reporting violation	Report is improperly signed or certified	Phone call or NOV	PD
	Report is improperly signed or certified after notice by SVWRF	NOV	PD
		AO	PD
		Show Cause Order	PD
	Isolated, not significant (e.g. 5 days late)	Phone call, NOV	PD
	Significant (e.g. report 30 days or more late)	AO to submit with penalty per additional day	PD
	Reports are always late or no reports at all	AO with penalty	PD
		Show Cause Order	PD
		Civil action	GM, Board
	Failure to report spill or changed discharge (no harm)	NOV	PD
	Failure to report spill or changed discharge (results in harm)	AO with penalty	PD
		Civil action	GM, Board
	Repeated failure to report spills	Show Cause Order	PD
		Terminate service	GM, Board
Falsification	Criminal investigation/action	PD	
	Terminate service	GM, Board	
Failure to monitor	Failure to monitor all Pollutants as required by permit	NOV or AO	PD
	Recurring failure to monitor	AO with penalty	PD
		Civil action	GM, Board
Improper sampling	Evidence of intent	Criminal investigation/action	PD
		Terminate service	GM, Board
Failure to install monitoring equipment	Delay of less than 30 days	NOV	PD
	Delay of 30 days or more	AO to install with penalty per additional day	PD
	Recurring violation of AO	Civil action	GM
		Criminal investigation	PD
		Terminate service	GM, Board
Compliance Schedules (in Permit)	Missed milestone by less than 30 days, or will not affect final milestone	NOV or AO with penalty	PD
		Show Cause Order	PD

	Missed milestone by more than 30 days, or will affect final milestone (no good cause for delay)	Civil Action	GM, Board
		Terminate Service	GM, Board
	Recurring violation or violation of schedule in AO	Civil action	GM
OTHER PERMIT VIOLATIONS			
Non-Compliance	Nature of the Violation	Enforcement Response(s)	Personnel
Wastestreams are diluted in lieu of treatment	Initial violation	NOV	PD
		AO with penalty	PD
	Recurring	AO with penalty	PD
		Show Cause Order	PD
		Terminate service	GM, Board
Failure to mitigate non-compliance or halt production	Does not result in harm	NOV	PD
	Does result in harm	AO with penalty	PD
		Civil action	GM, Board
Failure to properly operate and maintain pretreatment facility	Does not result in harm	NOV	PD
	Does result in harm	AO with penalty	PD
		Civil action	GM, Board
VIOLATIONS DETECTED DURING SITE VISITS			
Non-Compliance	Nature of the Violation	Enforcement Response(s)	Personnel
Entry denial	Entry denied or consent withdrawn; copies of records denied	Obtain warrant and return to IU	PD
		Field Notice	PD
		NOV	PD
Illegal discharge	No harm of SVWRF or environment	AO with penalty	PD
		Field Notice	PD
	Discharge causes harm or evidence of intent/negligence	Civil action	PD
		Criminal investigation/action	PD
	Recurring, violation of AO	Terminate service	GM, Board
Improper sampling	Unintentional sampling at incorrect location	NOV	PD
		Field Notice	PD
	Unintentionally using incorrect sample type	NOV	PD

		Field Notice	PD
	Unintentionally using incorrect sample collection techniques	NOV	PD
		Field Notice	PD
Inadequate recordkeeping	Inspector finds files incomplete or missing (no evidence of intent)	NOV	PD
		Field Notice	PD
	Recurring	AO with fine	PD
Failure to report additional monitoring	Inspection finds additional files	NOV	PD
		Field Notice	PD
	Recurring	AO with fine	PD

TIMEFRAMES FOR RESPONSES

1	All violations will normally be identified and documented within five (5) days of receiving compliance information.
2	Initial enforcement responses (involving contact with the Industrial User (IU) and requesting information and requesting information on corrective or preventative action(s) will occur no later than thirty (30) days after violation detection.
3	Follow-up actions for continuing reoccurring violations will be pursued no later than sixty (60) days after the initial enforcement response. For all continuing violations, the response will include a compliance schedule.
4	Violations, which threaten health, property, or environmental quality, are considered emergencies, and will receive prompt responses. Such as halting the discharge or terminating service.
5	All violations meeting the criteria for Significant Non-Compliance will be addressed with an appropriate order no later than 30 days after the identification or significant non-compliance.

6.13 PENALTY POLICY FOR CIVIL SETTLEMENT NEGOTIATIONS

(Originally Adopted July 1, 1991)

Section 19-5-115 of the Utah Water Quality Act ("UWQA") provides for civil penalties of up to Ten Thousand Dollars (\$10,000) per day for violations of the UWQA or any permit, rule, or order adopted under it and up to Twenty-five Thousand Dollars (\$25,000) per day for willful or grossly negligent violations. Because the law does not provide for assessment of administrative fines, the SVWRF shall initiate legal proceedings when deemed appropriate to recover those penalties sought by the SVWRF.

6.13.1 Purpose and Applicability

- A. This policy outlines the principles used by the SVWRF in civil settlement negotiations with its Users for violations of the UWQA and/or any permit, rules, regulations, or orders adopted by the SVWRF Board in response to said UWQA. This policy is designed to be used as a logical basis to determine a reasonable and appropriate penalty for all types of User violations and to promote a more swift resolution of environmental problems and enforcement actions.
- B. To guide settlement negotiations on the penalty issue, the following principles apply:
 - (1) Penalties should be based on the nature and extent of the violation;
 - (2) Penalties should at a minimum recover the economic benefit of non-compliance;
 - (3) Penalties should be large enough to deter non-compliance; and
 - (4) Penalties should be consistent in an effort to provide fair and equitable treatment of each User of the SVWRF.
- C. In determining whether a civil penalty should be sought, the SVWRF shall consider the following:
 - (1) The magnitude of the violation or violation(s);
 - (2) The degree of actual environmental harm or the potential for such harm created by the violation(s);
 - (3) Response and/or investigative costs incurred by the SVWRF or its Member Entities;
 - (4) Any economic advantage the violator may have gained through non-compliance;
 - (5) Recidivism of the violator;
 - (6) Ability of the violator to pay; and
 - (7) The possible deterrent effect of a penalty to prevent future violations.

6.13.2 Penalty Calculation Methodology

The statutory maximum civil penalty should first be calculated, for comparison purposes, to determine the potential maximum penalty liability of the violator. The penalty that SVWRF seeks in settlement may not exceed the statutory maximum amount.

- A. The civil penalty figure for settlement purposes should then be calculated based on the following formula:

$$\text{CIVIL PENALTY} = \text{PENALTY} + \text{ADJUSTMENTS} - \text{ECONOMIC AND LEGAL CONSIDERATIONS}$$

- B. **PENALTY:** Violations are grouped into five (5) main penalty categories based upon the nature and severity of the violation. A penalty range is associated with each category. To determine where the penalty amount will fall within the range, certain factors must be taken into account. The applicability of the following factors shall be determined on a case by case basis:

- (1) **History of compliance.** History of compliance includes consideration of any previous violations and degree of recidivism.
- (2) **Degree of willfulness and/or negligence.** Factors to be considered include, but are not limited to, how much control the violator had over the foreseeability of the events constituting the violation, whether the violator made or could have made reasonable efforts to prevent the violation, whether the violator knew of the legal requirements that were violated, and the degree of recalcitrance.
- (3) **Good faith efforts to comply.** Good faith shall take into account the openness in dealing with the violations, promptness in the correction of problems, and the degree of cooperation with SVWRF.
- (4) **Category A - \$5,000 to \$10,000 per day.** Violations with high impact on public health and the environment including, but not limited to, the following:
 - (1) Discharges which result in documented public health effects and/or significant environmental damage; or
 - (2) Any type of violation not mentioned above which is severe enough to warrant a penalty assessment under Category A.
- (5) **Category B - \$2,000 to \$5,000 per day.** Major violations of the Utah Water Pollution Control Act, or major violations of the SVWRF Rules and Regulations, its Permits or Orders including, but not limited to, the following:
 - (1) Discharge which likely caused or potentially would cause undocumented public health effects or significant environmental damage;
 - (2) Creation of a serious hazard to public health or the environment;

- (3) Illegal discharges to the SVWRF containing significant quantities or concentrations of toxic or hazardous materials;
 - (4) Discharges which result in a significant upset of SVWRF operations; or
 - (5) Any type of violation not mentioned previously which warrants a penalty assessment under Category B.
- (6) **Category C - \$500 to \$2,000 per day.** Violations of the Utah Water Pollution Control Act, the SVWRF Rules and Regulations, its Permits or Orders including, but not limited to, the following:
- (1) Significant excursion of permit effluent limits;
 - (2) Substantial non-compliance with the requirements of compliance schedule;
 - (3) Substantial non-compliance with monitoring and reporting requirements;
 - (4) Illegal discharge containing significant quantities or concentrations of non-toxic or non-hazardous materials; or
 - (5) Any type of violation not mentioned previously which warrants a penalty assessment under Category C.
- (7) **Category D - \$100 to \$500 per day.** Violations of the SVWRF Rules and Regulations, its Permits or Orders including, but not limited to, the following:
- (1) Moderate excursion of permit effluent limits;
 - (2) Moderate violations of compliance schedule requirements;
 - (3) Moderate violations of monitoring and reporting requirements;
 - (4) Illegal discharges into the SVWRF not covered in Categories A, B, and C; or
 - (5) Any type of violation not mentioned previously which warrants a penalty assessment under Category D.
- (8) **Category E – up to \$100 per day.** Minor violations of the SVWRF Rules and Regulations, its Permits or Orders including, but not limited to, the following:
- (1) Minor excursion of permit effluent limits;
 - (2) Minor violations of compliance schedule requirements;
 - (3) Minor violations of reporting requirements;
 - (4) Illegal discharges into the SVWRF not covered in Categories A, B, C, and D; or
 - (5) Any type of violations not mentioned previously which warrant a penalty assessment under Category E.

C. **ADJUSTMENTS:** The civil penalty shall be calculated by adding the following adjustments to the penalty amount first determined above:

- (1) Economic benefit gained as a result of non-compliance;
- (2) Investigative costs incurred by the SVWRF and/or its Member Entities; and
- (3) Documented monetary costs associated with environmental damage or damage to the SVWRF.

D. **ECONOMIC AND LEGAL CONSIDERATIONS:** An adjustment downward may be made or a delayed payment schedule may be used based on a documented inability of the violator to pay. In addition, an adjustment downward may be made in consideration of the potential for protracted litigation, an attempt to ascertain the maximum penalty the court is likely to award, and/or the strength of the case.

6.13.3 Intent of Policy/Information Requests

The policies and procedures of this document are intended solely for the guidance of the SVWRF and its Member Entities. They are not intended, and cannot be relied upon to create any rights, substantive, or procedural, enforceable by any party in litigation with the SVWRF or its Member Entities.

7 CONFLICT AND SEVERABILITY

All other Rules or Regulations and parts of other Rules or Regulations inconsistent or conflicting with any part of the Rules and Regulations contained herein are hereby repealed to the extent of such inconsistency or conflict. If any provision, paragraph, word, or section hereof is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, and sections shall not be affected and shall continue in full force and effect.

8 AMENDMENT PROCESS

The Rules and Regulations contained herein may be amended, revised, or repealed from time to time by vote of the SVWRF Board.

9 LOCAL LIMITS (SCHEDULE 1)

9.1 COMPATIBLE POLLUTANTS

- A. SVWRF shall continue to monitor and evaluate compatible Pollutant discharges. The following limits shall apply to all discharges that enter into the sewer system at SVWRF.

Pollutant	Surcharge Threshold	Maximum
BOD	200 mg/l	Set in Discharge Permit
TSS	230 mg/l	Set in Discharge Permit
Non-Petroleum Oil & Grease	100 mg/l	1,000 mg/l

- B. SVWRF will evaluate all compatible Pollutant discharges in its service area and any SIU or CIU Industrial User that discharges greater than 500 lbs./day of BOD and/or TSS. SVWRF may establish a pound per day loading as shown in 9.1(C) below to protect the SVWRF from organic overload.
- C. Each of the five (5) Member Entities that comprise SVWRF shall inform SVWRF of how many lbs. /day of BOD and TSS of their owned capacity at SVWRF they are allowing their SIU, CIU Industrial Users, and Commercial Users in each of their respective service areas. This shall be done on an annual basis so each entity is aware of how much capacity is being used by the industries in their service area. To ensure that any new Industrial User that discharges a high strength waste containing BOD and TSS does not use up the entities' capacity the User will be directed by the SVWRF Pretreatment Department to install and operate pretreatment equipment to keep the User's discharge to the sewer at an acceptable level of lbs./day of BOD and TSS.

9.2 UNCHANGED LOCAL LIMITS

The following local limits were adopted December 16, 2010, by the SVWRF Board and shall remain unchanged, but may be subject to future amendment.

Type	Limit
pH Range	5.0 to 11.0
BETX	0.2 mg/l
Petroleum Based Oil & Grease	100 mg/l

9.3 CHANGED LOCAL LIMITS

SVWRF, at the direction of its UPDES permit from the state of Utah Department of Water Quality has revised its local limits using the best professional judgement, E.P.A.'s 2004 Local Limits

Development Guidance, and the Utah State Local Limits Development Standard. The new technical based local limits are outlined in Section 9.3.1 of these Rules and Regulations.

9.3.1 Metal Pollutants

Element	Daily Maximum (mg/l)
Arsenic	0.71
Cadmium	0.0634
Chromium	28.7
Copper	2.58
Cyanide (T)	0.66
Lead	1.10
Mercury	0.022
Molybdenum	0.224
Nickel	3.98
Selenium	0.149
Silver	6.89
Zinc	11.07

- D. The Pollutants Beryllium, and Thallium were not evaluated for local limits because they showed that one hundred percent (100%) of the samples taken since January 2005 to be non-detectable.
- E. SVWRF will continue to monitor the influent, effluent, and biosolids for all sixteen (16) priority Pollutants. If the pollutants Antimony, Beryllium and Thallium are detectable in the Influent or biosolids, SVWRF will re-evaluate to determine if a local limit is needed for these Pollutants at that time.
- F. SVWRF data was used in the local limits calculations for Copper, Mercury, Zinc, Silver, Selenium, Molybdenum, Arsenic, Cadmium, Chromium, Lead, and Nickel.
- G. Water quality criteria was the controlling factor for Cadmium, Chromium, Copper, Silver, Mercury, Cyanide, and Selenium.
- H. Sludge quality criteria were the controlling factor for Lead, Zinc, Arsenic, and Molybdenum.

9.4 MEMBER ENTITY PRETREATMENT PROGRAMS

Any Member Entity operating a State approved Pretreatment Program, which contributes flow to SVWRF, must include SVWRF Local Limits in discharge permits issued to Users whose flow will discharge to SVWRF.

9.5 HEADWORKS LOAD DEVELOPMENT

- A. Headworks loads were developed for each Pollutant identified above. The design average flow was used for the SVWRF and is included. Sludge production was based on the average amount generated in the period from January 2007 to January 2008.
- B. Listed below are the Pollutants and their Maximum Allowable Headwork Load (MAHL).

Element	Maximum Allowable Headwork Load lbs./day
Arsenic	13.509
Cadmium	1.251
Chromium	527.505
Copper	64.571
Cyanide (T)	12.429
Lead	21.065
Mercury	0.413
Molybdenum	5.636
Nickel	74.958
Selenium	3.486
Silver	124.675
Zinc	266.516

9.6 LOCAL LIMITS EFFECT ON INDUSTRY

The revised, technically based local limits will have little or no adverse effects on SVWRF's Industrial Users permitted by SVWRF at this time.

10 CONTROLLED ADMISSIBLE POLLUTANTS (SCHEDULE 2)

- A. SVWRF will surcharge Permitted Users as follows:
1. Biochemical Oxygen Demand (BOD) will be surcharged over the concentration of 200 mg/l at a cost of twenty cents (\$.19 U.S. CURRENCY) per pound discharged by the User into the Member Entity's sewer system;
 2. Total Suspended Solids (TSS) will be surcharged over the concentration of 230 mg/l at a cost of sixteen cents (\$.15 U.S. CURRENCY) per pound discharged by the User into the Member Entity's sewer system; and
 3. Organic Oils and Grease will be surcharged over the concentration of 100 mg/l at a cost of twenty-six cents (\$.26 U.S. CURRENCY) per pound discharged by the User into the Member Entity's sewer system.
- B. A fee per User being monitored may be assessed per sampling event on a case-by-case basis to recover costs incurred by SVWRF including, but not limited to, outside laboratory costs, equipment replacement, vehicle usage, and labor costs.
- C. All fees and surcharges not paid within ninety (90) days of the receipt of the invoice by the User may be turned over to a collection agency by the General Manager.
- D. All surcharges and fees will be reviewed and may be adjusted annually by the Board of SVWRF.
- E. No treatment service shall be provided by SVWRF to any person or entity not affiliated with a member entity, without prior written approval of the SVWRF Board. Fees and charges for such service shall be determined by the SVWRF Board.

11 PRETREATMENT PROGRAM SOPS

11.1 INDUSTRIAL USER IDENTIFICATION, INITIAL INSPECTION, AND BASE LINE MONITORING PROGRAM

11.1.1 Purpose

The purpose of the Industrial User (IU) Identification and Baseline Monitoring Section are:

- A. Develop a comprehensive industrial waste survey of all commercial and industrial connections to the wastewater system within the SVWRF service area;
- B. Provide an initial inspection of all commercial and industrial connections with the intent to identify those that may be significant industrial users (SIU);
- C. Obtain accurate baseline monitoring reports from all potential SIU's to use in deciding whom to permit; and
- D. Provide a means to continuously update the industrial waste survey.

11.1.2 Legal Authority

The following legal authority is cited for this Section:

- A. United States Code of Federal Regulations 40 C.F.R. 403.8(f)(2)(v) which requires the South Valley Water Reclamation Facility (SVWRF) to have the legal authority to inspect and monitor all IUs.
- B. SVWRF Pretreatment Rules and Regulations, Sections 11.1.5 and 11.1.6.

11.1.3 Program

Identification and investigation of all commercial and industrial connections are necessary as the basis of an effective industrial pretreatment program. It is important for the SVWRF to find all commercial and industrial Users and to correctly catalog those that are significant. All commercial and industrial connections should be inspected to determine their impact on the POTW and those that could possibly be classified, as SIUs would be required to complete the baseline monitoring reports.

A. Industrial Waste Survey Development

The Industrial Waste Survey involves the identification and preliminary inspection of all commercial and industrial connections to the POTW system. This would include evaluation of each commercial and industrial connection to determine potential for impact. Some connections that would need further investigation beyond a preliminary evaluation are as follows:

- i. Does the IU meet the definition of an SIU as given below?
- (a) Industrial users subject to categorical Pretreatment Standards as specified in 40 CFR Part(s) 400 to 499; or
 - (b) Any other IU that:
 - 1. Discharges an average of 25,000 gallons per day or more of process wastewater (excluding sanitary wastewater, noncontact cooling water, and boiler blowdown water),
 - 2. Contributes a process wastestream that makes five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW, or
 - 3. Is designated significant by the SVWRF on the basis that the IU has a reasonable potential for adversely affecting the POTW's operation.

As part of (iii) above, does the IU have the potential to impact any of the following:

- (a) Sludge quality or beneficial reuse of sludge;
 - (b) Receiving water quality by discharging something that would pass through the POTW and cause a violation of its water quality standards;
 - (c) UPDES permit compliance by discharging something that would cause a permit violation; and/or
 - (d) POTW operations by discharging something which would inhibit or upset the treatment processes.
- 2. Does the IU use, store, or discharge in significant quantities any hazardous chemicals as stipulated in 40 C.F.R. Part 261?
 - 3. Does the IU have the potential to discharge compatible pollutants such as organic wastes producing a high BOD, TSS, and/or O&G in significant quantities that could overload the POTW or cause a process upset?
 - 4. Does the IU have high water consumption that does not reflect the number of employees?

The flow chart Section 11.1.9 contains the steps taken in the Industrial Waste Survey Development. Sources to look at which will help to identify commercial and industrial connections are as follows:

- A. Midvale City, Sandy City, and West Jordan City, which are included in the SVWRF service area, should be contacted to obtain current list of all business licenses within their jurisdiction.

- B. Contributing cities should direct all new construction and tenant improvement building permit applicants to receive an approval letter from SVWRF as part of the building license issuance process.
- C. Other sources of information on IU's connected to the POTW system would include the local Chamber of Commerce, newspaper or yellow page advertising, or requests for water connections.
- D. Reconnaissance of all commercial and industrial areas within the SVWRF service area should be conducted by SVWRF Pretreatment staff to verify that all industries have been found.

The previous mentioned information shall be provided to the Pretreatment Department on a continual basis and will be reviewed when received and an inspection will be performed within 14 days of receiving the information.

From the sources provided above, a Master IU index should be developed, listing all commercial or industrial connections to the POTW. The Master IU index will be included:

- Name of the Industrial User
- Location of the facility (physical address)
- Type of service(s) provided by the industry
- Name of the contact person
- Contact phone number
- SVWRF classification code

11.1.4 Preliminary IU Inspection

- A. Concurrent with the development of the Master IU Index, SVWRF will inspect businesses, upon receiving a business license application from the city, to determine their status under the Pretreatment Program. A form titled "Preliminary Inspection Report" shall be used to complete the initial inspection.
- B. The Preliminary Inspection is used to exclude the majority of the connections to the POTW system from further evaluation. Those IUs that discharge domestic wastewater only and have little or no potential to spill or discharge toxic chemicals into the system are documented and no further pretreatment consideration is given to them.
- C. Industrial Users that have the potential to affect the POTW system need to be investigated further. Any business, which has the potential to be an SIU, would be requested by SVWRF to fill out a baseline monitoring report (BMR). This would include all categorical industries, also. Industries that store hazardous chemicals, but do not discharge them to the POTW, system should be evaluated under the slug control program and possibly issued a "non-discharge" permit.

11.1.5 SIU/CIU Baseline Monitoring Reports (BMR)

- A. Baseline Monitoring Reports (BMR) should be sent to any IU found during a preliminary inspection, plan review, or business license application where additional information may be needed. The BMR should be sent by certified mail or hand delivered with the person receiving the BMR signing for it. A letter should be sent with the BMR describing the purpose of the form and the indicating that the BMR must be completed within thirty (30) days or SVWRF may take further action.
- B. All BMRs should be evaluated in detail by SVWRF Pretreatment Department to determine if the IU is significant or categorical. If the IU is classified as an SIU, a permit shall be issued based on the information provided in the application questionnaire.
- C. If an IU is not a significant or categorical industry, then the reviewer should evaluate the need to control the IU with a Commercial Discharge Permit or a zero discharge permit. Permitting processes and classification methods are discussed in Section 11.2 herein.
- D. The "Industrial User Application Questionnaire and Baseline Monitoring Report (BMR) form will serve several purposes.
 - (1) The BMR form is an application questionnaire to be completed by all industries that are suspected to be categorical or significant industrial users.
 - (a) The form should be completed entirely using recent test data for existing facilities and estimated data for new facilities.
 - (b) For categorical industries, the completed report will also serve as a Baseline Monitoring Report.
 - (2) The BMR form is also used as a follow-up inspection and in-person site questionnaire.
 - (3) The BMR may also be used as the basis of the 90-day compliance report for facilities.
 - (a) All categorical industries are required to complete and return the BMR to SVWRF within ninety (90) days.
 - (4) The BMR form could be used as a follow up questionnaire should an existing facility change their wastewater or production process.
 - (a) If a BMR is returned to SVWRF incomplete, the form shall be returned to the IU to be completed.
 - (b) Once a completed BMR is received by SVWRF, a physical inspection of the IU will be performed to collect information to be used in developing the permit fact sheet and discharge permit.

11.1.6 Gathering Additional/Missing Information

- A. If SVWRF has questions regarding the information from the BMR then an inspection should be completed to clear up all questions.
 - (1) If the questions are concerning sampling information provided in the BMR then SVWRF should complete its own sampling of the IU discharge or gather information regarding the potential discharge by the IU.
- B. SVWRF should make sure that the IU is aware that the BMR must be completed in order to discharge wastewater into the POTW.
 - (1) If the IU does not complete the BMR then SVWRF should meet with the IU and indicate that the information is required to be completed.
 - (2) If an IU does not complete or refuses to complete the BMR within the required time-frame, SVWRF should follow the guidance found in the Enforcement Response Plan (ERP).

11.1.7 Industrial Waste Survey (IWS) Updates

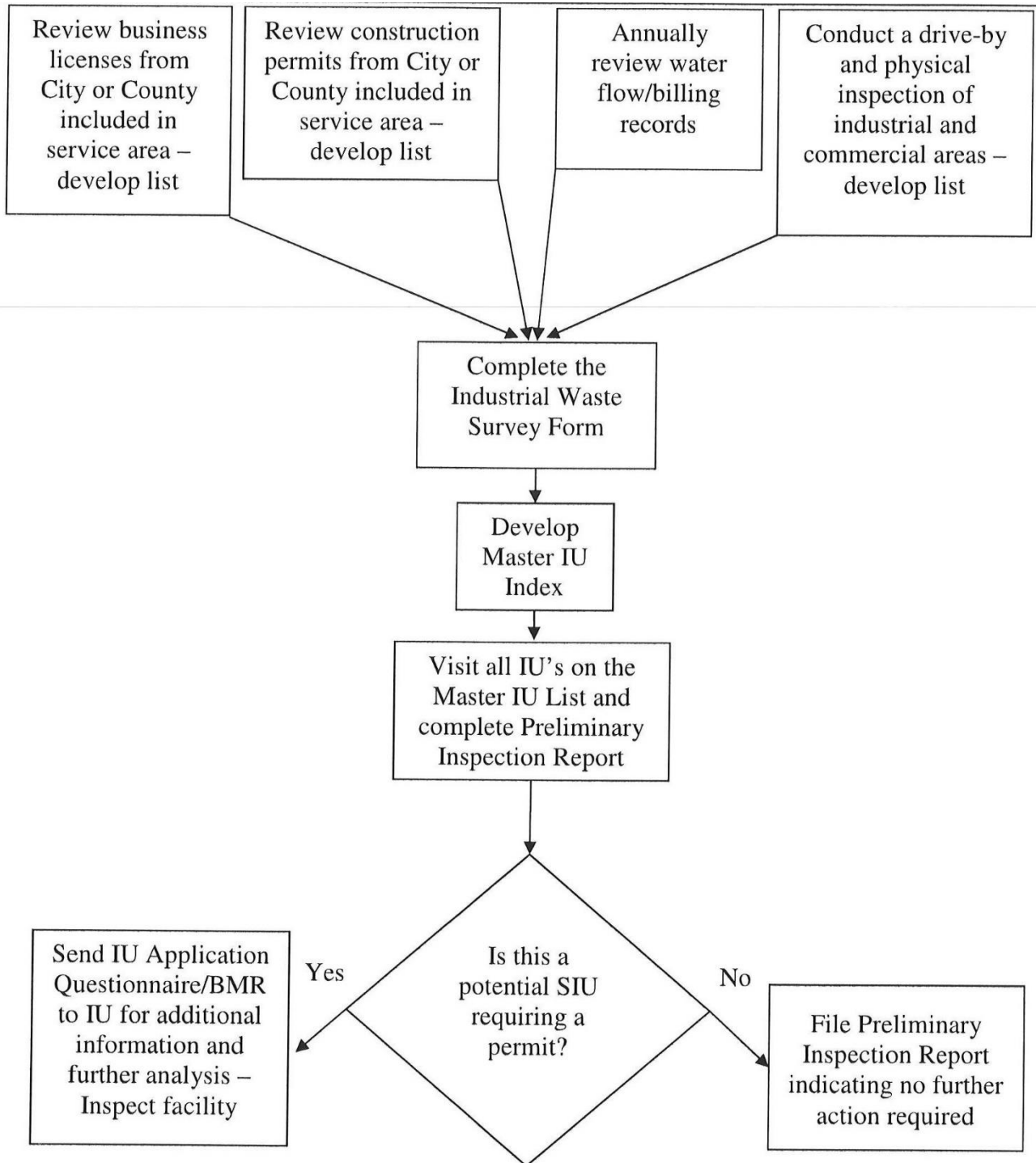
- A. The Industrial Waste Survey should be updated continuously in order to identify any new or overlooked SIUs within the service area. The procedure(s) used in the original survey and shown in the Flow Chart should be repeated at least quarterly in order to find any new SIUs.
- B. Ongoing identification of SIUs will be greatly aided by SVWRF requiring signatory approval, by the Pretreatment Director, from all building permit issuance departments located within the SVWRF service area for all new or remodeled commercial or industrial building changes.
 - (1) Most SIUs entering an area will require some building modifications.
 - (2) This process should be managed efficiently to avoid any complaints about delays.
- C. Annually the Pretreatment Director will review the local yellow pages in the service area to review and send Pretreatment staff to visit businesses that were not previously inspected.
- D. Quarterly the Pretreatment Director or their designee will drive-by industrial areas in the service area to review and visit businesses that were not previously inspected.
- E. Billing records will be reviewed by the Pretreatment Director yearly.
 - (1) This will ensure that IUs are not overlooked. This will also aid in ensuring existing Users are evaluated to ensure IUs are making notifications as needed regarding process changes.

- F. Coupling review of all new business licenses with approval of construction permits insures that the IWS will always be updated and accurate.

11.1.8 Changes to Existing Users

- A. SVWRF will re-inspect permitted IUs based on potential to affect the POTW or become a SIU.
 - (1) At a minimum, these Users will be inspected once a year.
 - (2) The inspection will be completed using the Annual Inspection Form or the Semi-Annual Inspection form.
 - (a) Once the inspection is completed, the information will be compared to past inspections to verify if conditions have changed.
 - (b) These Users will be notified, in writing via certified mail, of their requirements to notify SVWRF of any process changes that could require the IU to be permitted or could affect the POTW.
 - 1. At a minimum, this notification will be sent every other year.
 - (3) If an IU is found that did not notify SVWRF of a process change the ERP will be followed to resolve the failure to notify SVWRF.

11.1.9 Industrial Waste Survey Development Flow Chart



11.2 USER CLASSIFICATION PROGRAM

11.2.1 Purpose

The purpose of the User Classification Program is to allow SVWRF to classify Industrial Users by type so as to assist in the development of the industrial waste survey and identification process contained in Section 11.2.1 and also the permitting process.

11.2.2 Legal Authority

SVWRF Pretreatment Rules and Regulations, Sections 3.7 and 3.8.

11.2.3 Program

A. Preliminary Inspection Classification

During the preliminary inspection process, SVWRF will determine whether an IU will need to complete an Industrial Discharge Application/BMR Form. From this process, the IU's will be classified into two groups. These groups are:

(1) No Further Action Group

These IUs have very little or no potential to affect the POTW. Included in this group are those that only discharge domestic sanitary or domestic waste. Also included are IUs that discharge small amounts of process water from non-categorical processes, which are compatible in nature, or contain no toxic or hazardous substances.

- (a) Once identified and classified, this group of Users requires no further action by SVWRF.
- (b) This group of Users will be listed on the Master IU Index.
- (c) These Users shall be notified of their requirements to notify SVWRF of any process changes that could require the IU to be permitted or could affect the POTW.

(2) Industrial Discharge Application/BMR Group

- (a) These IUs include those, which require further investigation or evaluation and are required to complete the Industrial Discharge Application/BMR form.
- (b) Once the preliminary inspection phase has been accomplished for each IU being evaluated, those requiring further investigation can be reviewed.
 - 1. The completion of the Industrial Discharge Application/BMR form will lead into the further evaluation process.

- (c) If an Industrial Discharge Application/BMR is returned incomplete, the form shall be resubmitted to the IU for completion.
- (d) Once a completed Industrial Discharge Application/BMR is submitted, a full inspection should be completed at the facility. The inspection will assist in determining whether a permit is needed. An inspection also allows the time to gather information for the development of the fact sheet and permit.

B. Industrial Discharge Application/BMR

From the analysis of the Industrial Discharge Application/BMRs, performed by SVWRF, the IUs will be classified into the following groups for permitting:

(1) Categorical Industrial Users (CIU)

- (a) CIUs are those Industrial Users that are controlled by Federal statute found in 40 C.F.R. 403 to 471. These IUs have specific discharge requirements that are required to be met. In addition, these IUs must be evaluated against the local limits developed by SVWRF. The most stringent of the Federal limits or the local limits shall apply.

(2) Significant Industrial Users (SIU)

- (a) This group of Users shall include all those IUs that are not categorical but meet the definition of an SIU and must be permitted under the SVWRF Pretreatment Rules and Regulations. As a reminder, the SIU definition includes:
 - 1. Discharges an average of 25,000 gallons per day or more of process wastewater (excluding sanitary wastewater, noncontact cooling water, and boiler blowdown water);
 - 2. Contributes a process wastestream that makes five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW; or
 - 3. Is designated as a SIU by SVWRF on the basis that the IU has a reasonable potential for adversely affecting the POTW's operation.
- (b) After finding an IU meets one of the three (3) criteria above and the SIU has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standards or requirements, SVWRF may at any time, on its own initiative or in response to a petition received from an Industrial User or POTW, elect to **not** permit said IU in accordance with 40 C.F.R. 403.8(f)(6).
 - 1. If such a SIU is found, the determination by SVWRF will be submitted to the Division of Water Quality (DWQ) and the SIU will be included on annual reports, submitted to the DWQ, with a notation that the SIU is not permitted.

- (c) Also included in this group would be IUs that could affect beneficial sludge reuse, receiving water quality, POTW operations by causing pass through or interference, or those that could cause the POTW to violate its UPDES permit.
1. Permit limits for this group would be based on the local limits established by SVWRF and on the POTW treatment plant capacity.
- (d) The following Industrial Users will be permitted, if found discharging to the POTW, for a minimum of two years to ensure that the IU is meeting Pretreatment Standards:
- Industrial Laundries;
 - Transportation Service Facilities aka Auto Shops;
 - Barrel Re-claimers;
 - Waste Energy Plants;
 - Photo Developers;
 - Cardboard Carto Manufacturers; and
 - Food, Dairy, and Cheese Processors.
- (e) The following Industrial Users will be evaluated for the need to be permitted based on storage and potential to discharge waste that could impact the POTW:
- Dry Cleaners;
 - Hospitals;
 - Research Laboratories; and
 - Auto Body Shops.

(3) Commercial Users

Food Service Establishments (FSE), car washes, automotive shops, and other businesses determined to have the potential to violate SVWRF local limits are considered Commercial Users. Commercial Users are required to install a grease interceptor or sand/oil separator per SVWRF interceptor specifications.

- (a) Grease interceptors and sand/oil separators are required to prevent discharges that have the potential to cause collection system blockages and violate SVWRF local discharge limits.
- (b) All Commercial Users should be issued a Commercial Discharge Permit that include specific discharge limitations, fee schedules for high strength waste discharges, and inspection/sampling requirements.
- (c) All Commercial Users are sampled and inspected one (1) time a year minimum. Sampling frequency is dictated in individual permits.

- (d) Commercial Users are permitted using General Permits for each type of industry (i.e. FSE, automotive shop, car wash, laboratory, etc.)
 - 1. All Commercial and Industrial businesses that SVWRF determines need to be permitted are classified as follows:
 - i. Category A- Categorical Industrial User
 - ii. Category B- Significant Industrial User
 - iii. Category C- Car Washes, Commercial Laboratories, Auto Shops, Car Washes, etc.
 - iv. Category D/S- Food Service Establishments (FSE) aka restaurants, bakeries, commissaries, school cafeterias, etc.
 - v. Category E- Non-Discharging Commercial Users
 - vi. Category F- No further action required businesses
 - vii. Category GWR- Groundwater Remediation projects
 - viii. Category MC- Mobile Cleaning permits
 - ix. Category WH- Waste Hauler permits
 - x. Category CST- Commercial Septic Tank permits
- (4) Wastehauler Industrial User
 - (a) Wastehaulers are businesses that discharge septage into the POTW. A wastehaulers business may not be physically located within SVWRF's service area. However, a permit must be obtained for a wastehauler to discharge wastes to the POTW.
 - (b) A permit is required to comply with the Federal requirement to control trucked or piped hazardous wastes.
 - 1. Each load delivered to the dump station at SVWRF must have a manifest for proper tracking.
- (5) Zero Discharge Permitted Industrial User
 - (a) This classification is for IUs who need to be controlled to ensure that no discharge of process wastewater occurs.
 - 1. Some examples of such IUs would be:
 - i. Categorical industries who have no wastewater discharge;
 - ii. All dry cleaners when perchlorethylene (perc) is discovered at the POTW headworks and needs to be controlled; or
 - iii. IUs who store toxic or hazardous chemicals, who have no process discharge, but have a pathway, such as a floor drain, to the POTW system.

- (b) The reason for issuing a zero discharge permit is to provide an effective enforcement means should it ever be needed.
- C. Completion of the classification process leads directly into the permitting process explained in Section 11.3.

11.3 PERMITTING PROCEDURES AND USER PERMITTING PROGRAM

11.3.1 Purpose

The purpose of the User Permitting Program is to allow SVWRF to control Industrial Users (IUs) by means of a wastewater discharge permit as required by federal code. The permit will require the IU to comply with any applicable limits as established by the federal government, the State of Utah, through the development of local limits found in Section 9 of this document, or the Pretreatment Rules and Regulations set forth in Section 2 of this document.

11.3.2 Legal Authority

The SVWRF has the authority to issue permits based on the following:

- (1) United States Code of Federal Regulations, 40 C.F.R. Part 403.8(f)(1)(iii).
- (2) SVWRF Pretreatment Rules and Regulations Section 3.7.

11.3.3 Program

(A) Permitting System

- (1) The permitting system follows the User Classification systems as presented in Section 11.2. Specifically, SVWRF will use the class of each discharger to determine who to permit and how the permit should be developed.
 - (a) The flow chart on page 130 shows the decisions to make in evaluating each IU considered for a permit.
- (2) Once it is determined, that an IU needs a permit, a permit will be issued within sixty (60) days, or justification will be given as to why a permit will not be issued.
 - (a) If a Significant Industrial User (SIU) is not issued a permit, justification will be documented and the SIU will be added to the IU Master Index and submitted on the annual report as an unpermitted SIU.

11.3.4 Permit Fact Sheets

- (a) Permit Fact Sheets should be developed to summarize the decisions that were made during the SIU permitting process. The Fact Sheet describes the significant factual, legal, methodological, and policy questions considered in preparing the permit.
- (b) The fact sheet should include the following information:
 - Brief description of the Industrial User;
 - Type and quantity of the discharge;
 - Basis for permit limits;
 - Information regarding the special conditions in the permit;

- Rationale for the pollutants selected and limits developed;
- Information regarding how the limits were derived; and
- Information regarding compliance schedules, if needed in permit.

(c) Commercial User permits do not require a Fact Sheet for permit preparation.

11.3.5 Permit Development and Issuance Procedures

A. Any industry classified as a SIU shall be issued an individual or general wastewater discharge permit. If the industry is classified as a categorical industry (CIU), the industry will be required to meet all categorical standards promulgated by the federal government. If SVWRF Local Limits are more stringent than the federal requirements then SVWRF Local limits will be applied in the permit.

B. The following procedures will be followed when issuing a wastewater discharge permit:

- (1) A draft permit and fact sheet will be developed by the Pretreatment Director and submitted to the industry for review. The industry will have thirty (30) days to review and provide comments about the permit to SVWRF.
- (2) Should the industry submit any comments, the Pretreatment Director will review the provided comments and respond to the industry within ten (10) days.
- (3) If necessary, a revised permit will be issued within 15 days following SVWRF's response letter addressing the industry's comments was sent to the industry. If no revised permit is necessary, the draft permit will become official on the issuance date provided in the permit.
- (4) Should the industry wish to protest the permit, a written protest letter must be received by the Pretreatment Director within 30 days following the permit effective date.
- (5) Protests will be handled in accordance with procedures outlined in the SVWRF Pretreatment Rules and Regulations.

11.3.6 Permitting Notes

A. The following permitting notes are included as advisory only:

- (1) General wastewater discharge permits, fats, oil, grease, and oil/sand interceptor permits (FOGS) and Zero Discharge permits are optional for use by SVWRF. These types of permits should be applied as necessary.
- (2) If used, General, FOGS, and Zero Discharge permits should be applied to all Users with similar discharge characteristics.

- (3) Permit discharge limits are developed by using the Code of Federal Regulations for categorical standards and local limits, which include the POTW plant capacity. Arbitrary or undocumented limits should never be placed in permits.
- (4) Self-monitoring frequencies are found in the Pretreatment Program Manual Section 11.4.
- (5) In all CIU/SIU permitting cases, it is desirable for permit limits, sampling, and reporting to be based on specific regulated process limits. In some cases when this cannot be accomplished, EPA regulations allow for the use of the following techniques:
 - (a) **Combined Waste Stream Formula-** This formula allows for the establishment of permit limits from combined regulated processes. Should it be used, the Pretreatment Director should refer to detailed available EPA explanations for its use.
 - (b) **Flow Weighted Average-** This allows for the use of a flow weighted average in establishment of permit limits.
 - (c) **Production Based Standards-** Some categorical user limits are established based on production units and should be evaluated under such criteria.
- (6) For CIU's, all applicable standards will be included in the permit for the specific category. If additional documentation is necessary, the information will be included in the permit file to allow for optional conditions for the specific category.
- (7) Spill controls shall be included in permits based on spill potential and chemicals stored and used at the facility. Within one year and every other year thereafter, each SIU will be evaluated for the need to implement a spill plan. If a spill plan is required, the permit will be modified to include requirements to implement a spill plan. The required spill plan may include the following at a minimum:
 - (a) Description of discharge practices, including non-routine batch discharges;
 - (b) Description of stored chemicals;
 - (c) Procedures for immediately notifying the POTW of Slug Discharges, including any Discharge that would violate a prohibition under Section 4.9 with procedures for follow-up written notification within five days;
 - (d) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

- (8) Best Management Practices (BMPs) are management and operational procedures that are intended to prevent pollutants from entering a facility's wastestream or from reaching a discharge point.

SVWRF may elect to use BMPs instead of numerical limits where determination of compliance with numeric limits is infeasible or as a supplement to numeric limits, as appropriate, to meet the requirements of the Clean Water Act. BMPs may be appropriate for regulating releases when the types of pollutants vary greatly over time, when chemical analyses are impracticable, where discharges are episodic in nature, and when other discharge control options are inappropriate (e.g. requirements for photo processors to use silver recovery systems or for dental facilities to follow BMPs to control mercury).

11.3.7 Compliance Schedules

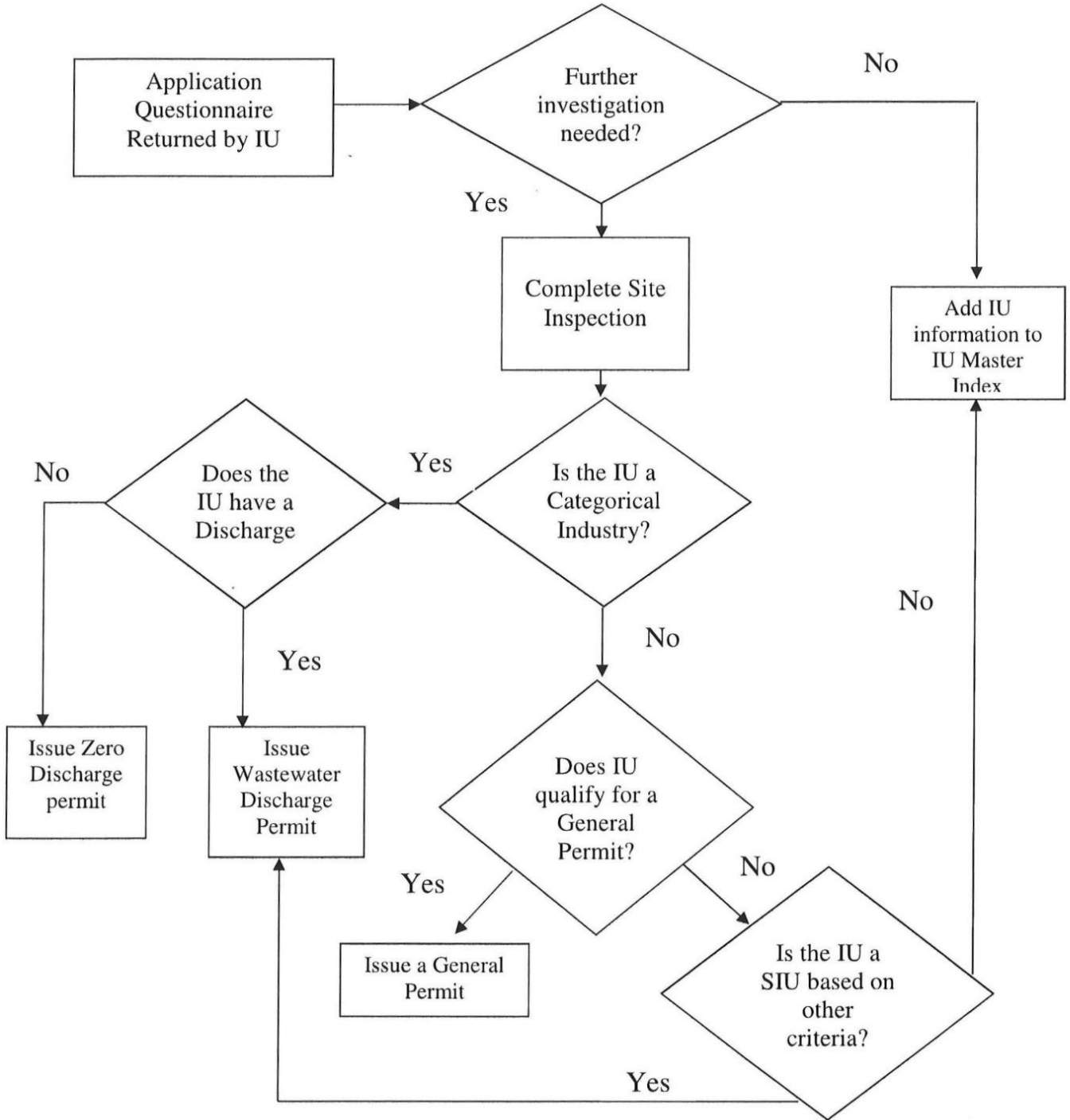
If a permittee is not in compliance, a compliance schedule, as described in Section 1.4A(31) should be included in the permit. Compliance Schedules are to address known or suspected problems by requiring the IU to undertake a specific activity in order to reduce the quantity of pollutants currently discharged or to prevent the discharge of new or additional pollutants. A compliance schedule is a means of establishing milestones or deadlines for carrying out specific actions required of an IU. A compliance schedule could include installation of wastewater technology/pretreatment of industrial wastewater or the submission of a spill plan.

It is recommended that the Fact Sheet include information regarding the compliance schedule, such as, a brief outline of the activities required. The permit should include the requirements of the compliance schedule and specific target dates.

- (1) A compliance schedule cannot extend the Federal compliance period for categorical pretreatment standards or allow an IU to violate prohibited standards.
- (2) A compliance schedule should be included in the permit for the permittee to come into compliance with pretreatment standards.
 - (a) When a compliance schedule is included in a permit the permittee should submit periodic compliance reports. The report should include milestones, progress made, delays, and reasons for those delays and steps being taken to return to the schedule established in the permit.
 - (b) Compliance reports must be signed by the permittee and include the certification statement.
 - (c) Compliance schedules may require that the permit be public noticed, review the permit, and SVWRF Rules and Regulations to ensure that requirements of public noticing are being met.

- (d) The permit writer should work with the permittee to develop the compliance schedule timeline.
- (e) If the permittee does not meet a compliance milestone or if the compliance is not met then the enforcement response plan should be followed for further action.

11.3.8 Permitting Flowchart



11.4 MONITORING AND REPORTING REQUIREMENTS

11.4.1 Purpose

Industrial self-monitoring requirements are provided in order to aid in monitoring and tracking compliance with applicable pretreatment standards. SVWRF currently samples all of the permitted IUs within the service area. However, if an IU elects to collect their own samples the following protocols must be followed. This attachment is prepared to provide guidance in the development of self-monitoring frequencies, in the preparation of self-monitoring reports, and requirements of notification by the permittee. The information provided is intended to be in accordance with 40 C.F.R. Part 403. Should any conflict arise, the federal code will govern.

11.4.2 Legal Authority

U.S. Code of Federal Regulations, Title 40, Sections 136, U.S. Government Printing Office, Washington, D.C. 20402, 1994.

U.S. Code of Federal Regulations, Title 40, Sections 400-699, U.S. Government Printing Office, Washington, D.C. 20402, 1994.

U.S. Code of Federal Regulations, Title 40, Section 403.8(f)(2)(vi)

11.4.3 Program

A. Monitoring Program

- (1) Each Industrial User is required to have samples of their discharge analyzed according to the requirements of their permit. SVWRF collects all required samples for each permitted User currently. However, if an IU or SIU elect to perform their own sample collection the following procedures must be followed.
- (2) The permittees are required to submit information and data that is representative of conditions during the reporting period. The initial frequency of sampling should be based on Section 11.4.9, found on page 140. Sampling results should be submitted to SVWRF on the original laboratory reporting form. As a monitoring history is established, the frequency of sampling may be either increased or decreased as discussed in Section 11.4.8.
- (3) The sampling procedures used by the IU should be reviewed by SVWRF during the inspections of the IU. The factors discussed under Monitoring Criteria and Chain of Custody, in Section 11.5, apply to the Monitoring Program. All analysis must be completed in accordance with 40 C.F.R. Part 136 and by a lab that is certified by the State or approved by SVWRF.

- (4) Self-monitoring must be done in accordance with approved procedures. The following information is provided to assist the IU in developing standards for such monitoring.
 - (a) **Monitoring Location:** Monitoring location should take place at the end of the process stream or at the discharge to the POTW's collection system. Specific sampling locations will be determined by the Pretreatment Director working with the industrial user.
 - (b) **Monitoring Frequency:** See Table 1 for general monitoring frequency. The frequency assigned for monitoring may be reduced or increased based on determinations and information regarding the following: the ability of SVWRF to treat the pollutant, compliance history of the IU, and other factors that may be a concern for SVWRF.
 - (c) **Training:** The person who collects the samples should be trained in the methods of sample collection.

B. Chain-of-Custody Form Requirements

- (1) A Chain-of-Custody form shall be completed for each sample collected. The Chain-of-Custody form must contain the following items:
 - The signatures of the individual collecting the sample and anyone that assisted with the sample collection;
 - The date and time the sample was collected;
 - The sample type (grab or composite); and
 - The sample analysis requested.
- (2) The Chain-of-Custody form must and the sample should remain in the possession of the person who collected the sample until the sample is relinquished to the laboratory or another person qualified to receive the sample. If needed, the sampler may secure the sample and the Chain-of-Custody in a secure location.
- (3) When transferring ownership of the sample to another person, whether in the laboratory or not, the Chain-of-Custody form must be signed by the person(s) relinquishing the sample and receiving the sample.
- (4) When delivering a sample to the laboratory, a copy of the signed Chain-of-Custody form shall be left with the SVWRF laboratory. The original Chain-of-Custody shall remain in possession of the sampler to be filed in the binder located in the Pretreatment Library to await sampling results.
 - (a) If an Industrial User collects their own samples, Paragraphs 1-3 above apply. When the IU sampler delivers a sample to the laboratory, a copy of

the Chain-of-Custody form should be retained by the sampler and two copies should be left with the laboratory. A copy of the Chain-of-Custody form should be returned to the sampler by the laboratory with the analytical results. The sample results and Chain-of-Custody form should be filed by the User with the original copy of the Chain-of-Custody form.

C. Quality Control/Quality Assurance for Sampling

(1) Quality Assurance- Quality assurance for sampling is to insure the quality of the sampling equipment and field measurements. The elements of quality assurance for sampling include the following:

- Required analytical methodology for each regulated pollutant;
- Documentation or justification of selected analytical and sampling methods;
- Number of samples for analysis of quality control;
- Procedures to calibrate and maintain equipment; and
- Performance evaluation of the following areas:
 - Qualification of sampling personnel;
 - Determining the best sampling site;
 - Sampling techniques;
 - Flow measurement;
 - Completeness of data, data records, processing, and reporting;
 - Calibration of equipment;
 - Use of QC samples to evaluate validity of data; and
 - Training of personnel involved with handling data.

(2) Quality Control- Quality control demonstrates and documents the quality assurance. Following are procedures to be used for quality control:

- Calibration plan of all equipment
- Documentation in a QC notebook including:
 - Equipment Specification
 - Calibration Dates

- Calibration expiration date
- Maintenance due date
- Collection of the following types of QC samples:
 - Duplicate samples (Dupes)
 - Equipment blank
 - Field blanks
 - Preservation blanks

D. Quality Control/Quality Assurance for Laboratories

QA/QC procedures for laboratories are part of the specific laboratory's Standard Operating Procedures. The QA/QC procedures should be available from the laboratory and reviewed by the Pretreatment Director to assure a high quality of reliability in the laboratory results. The following types of samples should be collected to determine the confidence in the validity of reported analytical data:

- Duplicate Samples
- Method Blanks
- Split Samples
- Spiked Samples

Further discussion of Quality Assurance and Quality Control can be found in the document, Industrial User Inspection and Sampling Manual for POTWs, January 2017, U.S. EPA, Washington, D.C. 20406.

All analyses required by the permit must be completed in accordance with Section 4.13(A) and by a laboratory that is certified by the State of Utah, or a laboratory approved by SVWRF.

11.4.4 Reporting

Quarterly Reports shall be submitted to SVWRF within thirty (30) days of the end of the reporting period in accordance with Section 4.7 of the Pretreatment Rules and Regulations. All sampling data shall be evaluated by the Pretreatment Director for violations and surchargeable constituents. SVWRF collects all samples required by the permit, however if the permittee collects and analyzes samples in addition to those collected by SVWRF then the permittee is required to submit all self-monitoring results, analyzed by an approved laboratory, for the reporting period. Quarterly Report forms are

to be submitted by the permittee to SVWRF on January 28, April 28, July 28, and October 28.

11.4.5 Monitoring Safety

The main safety concern involved in monitoring is confined space entry as described in Section 1.4A(33) of the Pretreatment Rules and Regulations. A manhole is a confined space. Confined spaces should not be entered to collect samples unless there is no other alternative. Prior to entering a manhole or other confined space, the SVWRF General Safety Manual and the regulations published by OSHA should be consulted.

Below are several other safety concerns that should be considered when monitoring:

- Protective gloves should be worn when taking a sample;
- Proper collection equipment should be used to avoid falling;
- Care should be taken when on the Industrial User's premises; and
- Any safety equipment should be used as required by the Industrial User or deemed appropriate by the sampler, e.g. hard hat, reflective vest, protective eyewear, safety toe boots, etc.

11.4.6 Signature Requirements

A. An Authorized or Duly Authorized Representative of the User is required to sign all documentation submitted by the User. An individual is considered an Authorized or Duly Authorized Representative if:

- (1) The User is a corporation;
 - (a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - (b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit or general permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- (2) If the User is a partnership or sole proprietorship, a general partner or proprietor, respectively.
- (3) If the User is a Federal, State, or local government 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.
- (4) The individuals described in paragraphs 1 through 3, above, may designate a Duly Authorized Representative if the authorization 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 Pretreatment Director.

11.4.7 Notice Requirements

- A. If sampling performed by a User indicates a violation, the User must notify the Pretreatment 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 Pretreatment Director within thirty (30) days after becoming aware of the violation. Re-sampling by the Industrial User is not required if the POTW performs sampling at the User's facility at least once a month, or if the POTW performs sampling at the User between the time when the initial sampling was conducted and the time when the User or POTW receives the results of this sampling, or if the POTW has performed the sampling and analysis in lieu of the Industrial User.
- B. If the POTW performs the sampling and analysis and discovers a violation, the POTW will perform the sampling and analysis in lieu of the User performing the sampling and analysis unless the POTW notifies the User of the violation and requires the User to perform the repeat sampling and analysis.

11.4.8 Notification of Change Requirements

- A. The IU is required to notify SVWRF within sixty (60) days prior to a change at the facility that may impact the spill potential by the IU. SVWRF must evaluate the change and determine if the permit and/or submitted spill/slug plan must be changed in order to protect the POTW from a potential slug discharge.
- B. If SVWRF deems the IU change warrants a change to the permit, the permit will be changed within thirty (30) days to reflect the requirements to protect the POTW from a slug discharge.
- C. A SIU that has limits that are determined by production rate must contact SVWRF within sixty (60) days prior to a change at the facility regarding the production rate that may affect the permit limit. Such a change would include an increase or decrease of 20% the

amount of the production rate that the permit limits were based upon to develop the permit limits.

- D. If SVWRF deems the increase or decrease significant and the production will continue at the changed rate then SVWRF will change the permit limits within 30 days to reflect the new production rates.

11.4.9 Suggested Frequency of User Monitoring Based on Flow

CONVENTIONAL, METALS, INORGANIC, CYANIDE, AND PHENOL

<u>Flow (gpd)</u>	<u>Frequency</u>
0 to 10,000	2 per year
10,001 to 50,000	Quarterly
50,001 to 100,000	Monthly
100,001 to 240,000	2 per month
240,001 to 1,000,000	Weekly
1,000,001 to 1,500,000	2 per week
1,500,001 to 2,500,000	3 per week
2,500,001 to 3,500,000	5 per week
Over 3,500,000	Daily

ORGANICS

<u>Flow (gpd)</u>	<u>Frequency</u>
0 to 25,000	2 per year
25,001 to 75,000	Quarterly
75,001 to 250,000	Monthly
Over 250, 000	2 per month

11.5 MONITORING, SAMPLING, TRACKING, AND CHAIN-OF-CUSTODY PROCEDURES

11.5.1 Purpose

The following procedures have been established for the sampling and monitoring of Industrial Users. These procedures are intended to provide uniform and representative sampling of Industrial Users and to allow for adequate documentation of sample handling to ensure procedural adequacy should court action ever be required.

Following are the purposes of the monitoring and reporting program:

- (a) Provide data from which compliance with Pretreatment Rules and Regulations can be determined.
- (b) Verify information received from the Industrial Users.
- (c) Provide data for support of enforcement actions.
- (d) Verify correction of problems.
- (e) Maintain information on Industrial Users.
- (f) Provide for research and development of potential changes at Industrial Users facilities.

11.5.2 Legal Authority

U.S. Code of Federal Regulations, Title 40, Part 136

U.S. Code of Federal Regulations, Title 40, Parts 400-699

U.S. Code of Federal Regulations, Title 40, Parts 403.8(f)(1)(v), 403.8(f)(2)(iv), and 40.38(f)(2)(v).

Pretreatment Rules and Regulations 4.18.1

11.5.3 Monitoring Program

The SVWRF should monitor an Industrial User's discharge at least once a year sampling all pollutants regulated by the permittee's permit. Samples should be taken per the requirements of the permit; therefore, the Pretreatment Department will have access to composite samplers. Depending on factors discussed further, under Monitoring Criteria, the frequency may be increased.

Industrial Users should not be notified of the sampling event. With at least one sample per year being unscheduled and unannounced, this sample should not occur during an inspection. The cost of SVWRF's monitoring should be assessed to the Industrial User.

The Pretreatment Director and staff shall collect the samples and shall be trained in proper sample collection methods needed for all permitted Industrial Users.

11.5.4 Monitoring Criteria

The following are factors to consider in both the permittees monitoring and SVWRF's monitoring:

A. Parameters to Sample

Generally, the sampling requirements for any specific parameter will be included in the Industrial User's Pretreatment Permit. The following is general guidance on sampling.

(1) Categorical Industries

The parameters to be monitored depend on the type of industry. For Categorical Industries, the parameters to be monitored are found in 40 C.F.R. 403-471.

(2) Local Limits

The parameters for which local limits have been established are listed in the SVWRF Pretreatment Local Limits Study and in Section 9 of the Pretreatment Rules and Regulations. These pollutants are sampled depending on the expected concentrations of the pollutant to be discharged.

(3) Conventional Pollutants

The conventional pollutants are those for which Industrial Users will be surcharged if their concentrations exceed a certain quantity. There are also concentrations over which conventional pollutants cannot be discharged. These limits are set forth in the SVWRF Pretreatment Local Limits Study.

B. Location of Sample

The following should be considered in selecting the sampling location:

- (1) The site should be chosen such that a representative sample can be taken just prior to the point where the discharge enters the public sewer.
- (2) When a discharger is subject to two or more categorical standards, each categorical standard must be sampled prior to the point where they combine.
- (3) If possible, a sampling point should be chosen where flow measurements could be taken.
- (4) For all Categorical and Significant Industrial Users, the Pretreatment Director shall determine the sampling point and prepare a specific sampling procedure.

- (5) The SVWRF can gain access to the sampling point without notification of the permittee, if possible. At no time may the permittee limit SVWRF's ability to take a sample per the requirements of the permit.
- (6) Once selected, the sampling point should be specified in the permit.

In the event that no sampling manhole has been required, the point of inspection shall be considered the downstream manhole in the Member Entity's sewer nearest to the point at which the building sewer is connected to the public sewer.

C. Type of Sample

The following are types of samples that may be used:

- (1) Automatic Composite Samples (Time-Proportioned or flow proportioned), or
- (2) Grab Samples

Grab Samples should be used for the following conditions:

- (a) For the following parameters:

pH	cyanide	total phenol
oil & grease	sulfide	volatile organics
temperature	toxicity	Chrome +6

- (b) For batch discharges,
- (c) For flows which have constant waste characteristics,
- (d) For characterizing extremes of flow and wastewater quality,
- (e) For samples which cannot be held for a long time, and
- (f) For industries suspected of discharging slug loads.

Preference should be given to the use of flow proportioned composite samples where possible as per 40 C.F.R. 403.12. Non-flow proportioned composite samples may be used where SVWRF Pretreatment determines that proportioned samples cannot be feasibly obtained.

Hints for composite sampling-

- (a) When using automatic samplers, intervals should be one-hour or less.
- (b) When discrete samples are grabs, intervals should be two-hours and a minimum of four grabs should be taken.
- (c) Discrete composite samples should be flow-proportioned.
- (d) Sample must be representative of facility operations.

D. Volume of Sample

- (1) The volume of sample to be taken depends on the type of tests required. Consideration also needs to be given to the type of container, preservation, and holding time. Section 11.5.9 gives this information for primary pollutants, metals, and non-organics. Section 11.5.10 provides the information for Organic Pollutants. All Sample volumes should be sufficient to meet the requirements of 40 C.F.R. Part 136 and amendments thereto.
- (2) The laboratory that analyzes the samples should be consulted for specific information on sampling methods. The laboratory shall be either a State certified lab or a lab approved by the Division of Water Quality to analyze samples per the requirement of SVWRF's UPDES permit.

E. Frequency of Sampling

- (1) The frequency of sampling by the SVWRF depends on the parameter to be sampled, the flow of the industry, and the compliance history of the industry.
- (2) Section 11.5.11 shows the frequency that samples may be taken as a function of the parameters to be sampled and the flow of the industry. Section 11.5.11 is not the only factor in determining the frequency of samples. The Pretreatment Director should also consider the quantity of discharge, quality of discharge, and enforcement history of the permittee. The Pretreatment Director shall use the same factors in determining the frequency of monitoring for all SIUs.

F. Chain-of-Custody Requirements

- (1) A Chain-of-Custody form shall be completed for each sample collected. A chain-of-custody form shall be completed for each sample collected to include:
 - (a) Signature of the individuals collecting the sample,
 - (b) The date and time the sample was collected,
 - (c) The type of sample collected,
 - (d) Preservation method used, and
 - (e) The analysis to be performed.
- (2) The chain-of-custody and sample shall remain in the custody of the sampler until relinquished to the laboratory or another qualified person.
- (3) The chain-of-custody form and sample may be stored in a secure location until it can be delivered to the laboratory or other qualified person.
- (4) At the time the sample is delivered to the laboratory or another qualified person, the chain-of-custody form shall be signed by the person(s) relinquishing the sample (sampler) and receiving the sample (lab personnel).

- (5) A copy of the chain-of-custody form shall be provided to the laboratory when relinquishing the sample. The original copy of the chain-of-custody form shall be filed in the Industrial Users file along with the analysis results from the sample.

G. Quality Assurance (QA) for Sampling

Quality assurance for sampling is to insure the quality of the sampling equipment and field measurements. The elements of quality assurance for sampling include the following:

- (1) Required analytical methodology for each regulated pollutant.
- (2) Documentation or justification of selected analytical and sampling methods.
- (3) Number of samples for analysis of quality control.
- (4) Procedures to calibrate and maintain equipment.
- (5) Performance evaluation of the following areas:
 - (a) Qualification of sampling personnel,
 - (b) Determining the best sampling site,
 - (c) Sampling techniques,
 - (d) Flow measurement,
 - (e) Completeness of data, data records, processing, and reporting,
 - (f) Calibration of equipment,
 - (g) Use of QC samples to evaluate validity of data, and
 - (h) Training of personnel involved with handling data.

H. Quality Control (QC) for Sampling

Quality control demonstrates and documents the quality assurance. Following are the procedures to be used for quality control:

- (1) Calibration plan of all equipment.
- (2) Documentation in a QC notebook including:
 - (a) Equipment specification
 - (b) Calibration dates
 - (c) Calibration expiration date
 - (d) Maintenance due date
- (3) Collection of the following types of QC samples:
 - (a) Duplicate samples
 - (b) Equipment blanks

- (c) Field Blanks
- (d) Preservation Blanks

I. Quality Control/Quality Assurance for Laboratories

Quality Control (QC) and Quality Assurance (QA) procedures for laboratories are part of the specific laboratory's Standard Operating Procedures. The QC/QA procedures should be available from the laboratory and reviewed by the Pretreatment Director to assure a high quality of reliability in the laboratory results.

The following types of samples should be collected to determine the confidence in the validity of reported analytical data:

- (a) Duplicate Samples
- (b) Method Blanks
- (c) Split Samples
- (d) Spiked Samples

Further discussion of Quality Assurance and Quality Control can be found in the document, Industrial User Inspection and Sampling Manual for POTWs, January 2017, U.S. EPA, Washington, D.C. 20406.

J. Tracking System

When information is received from a permittee, it will be tracked in the industrial user tracking program (Linko). When an inspection or compliance sample is completed, the information will be entered into the industrial user tracking program. It will be the Pretreatment Director's, or his/her designee, responsibility to enter this information into the industrial user tracking program. Each permittee and associated data will be tracked by its own permit number. The industrial user tracking program will be used to determine the following:

- (1) Dates when compliance sampling is performed.
- (2) Dates when annual/quarterly reports are due.
- (3) Dates when inspections were performed.
- (4) Date when the Discharge Permit expires.
- (5) Application due dates.
- (6) Application received date.
- (7) Permit effective date.

(8) Determining SNC.

Significant non-compliance (SNC) will be determined quarterly, by the Pretreatment Director. If the permittee is in SNC, the Pretreatment Director will inform the General Manager and proceed per the requirements of the enforcement response plan.

11.5.5 Monitoring Safety

The main safety concern involved in monitoring is confined space entry. Confined space is “a space which by design has limited openings for entry and exit, unfavorable natural ventilation which could contain or produce dangerous air contaminants, and which is not intended for continuous employee occupancy.” A manhole is a confined space and should not be entered to collect samples unless there are no other alternatives. Prior to entering a manhole or other confined space, the SVWRF General Safety Manual should be consulted.

Any time a manhole or other confined space is to be entered, permission should be received by the person in charge of the member entities collection system. A Confined Space Entry Permit should be completed and approved by the entry supervisor.

Below are several other safety concerns that should be considered when monitoring:

- (a) Protective gloves should be used when collecting a sample.
- (b) Proper collection equipment should be used to avoid falling.
- (c) Care should be taken when on an industrial user’s property.
- (d) Any safety equipment should be used as required by the industrial user or deemed appropriate by the sampler, e.g. hard hat, protective eyewear, etc.

11.5.6 Field Procedures

The SVWRF Pretreatment Program has developed standard operating procedures (SOPs) for the Pretreatment Director and/or samplers to follow. These SOPs are maintained in the Pretreatment Director’s office at SVWRF.

11.5.7 Emergency Sampling

The Pretreatment Program will develop emergency sampling procedures for Pretreatment Director and/or samplers to follow. These procedures should assist in helping the samplers’ complete sampling during non-compliance or spill/slug events at the industrial user’s facility. These SOPs should also assist in tracking issues of unreported spills/slugs by all pretreatment staff.

11.5.8 Exceedance in the SVWRF Sample Event of the User Discharge

If an exceedance occurs in a sample taken by SVWRF, the Pretreatment Director will contact the User and indicate that SVWRF will be taking a resample of the industrial

user's discharge. The resample shall be taken by SVWRF within 30 days following the notification of the exceedance. The Pretreatment Director may, upon notification of the exceedance, require the User to submit a report indicating what was occurring at the time of the exceedance.

11.5.9 Sampling Requirements

PARAMETER	CONTAINER	PRESERVATION	MAXIMUM HOLDING TIME	VOLUME OF SAMPLE, (mL)
BOD	polyethylene or glass	4°C, 40°F	48 hours	1,000
COD	polyethylene or glass	4°C, 40°F	28 days	1,000
TSS	polyethylene or glass	4°C, 40°F	28 days	1,000
Oil & Grease	Glass	4°C, 40°F, HNO ₃ to pH<2	28 days	1,000
Nitrate - Nitrite	polyethylene or glass	4°C, 40°F	28 days	500
Phosphorous	polyethylene or glass	4°C, 40°F, H ₂ SO ₄ to pH<2	28 days	500
TDS	polyethylene or glass	4°C, 40°F	7 days	500
Metals				
Mercury	polyethylene or glass	4°C, 40°F, HNO ₃ to pH<2	28 days	500
Mercury, Low-Level	polyethylene or glass	4°C, 40°F, HNO ₃ to pH<2	28 days	250
All Other Metals	polyethylene or glass	4°C, 40°F, HNO ₃ to pH<2	6 months	500

11.5.10 Sampling Requirements- Total Toxic Organics (TTOs)

PARAMETER	CONTAINER	PRESERVATION	MAXIMUM HOLDING TIME	VOLUME OF SAMPLE, (mL)
Volatile Organics	glass, teflon-lined septum	4°C, 40°F, HCL	14 days	40 x three bottles
Semi-Volatile Organics	amber glass, teflon-lined septum	4°C, 40°F	7 days	1,000
Pesticides (PCBs)	amber glass, teflon-lined septum	4°C, 40°F	7 days	40 x four bottles

11.5.11 Frequency of Monitoring

CONVENTIONAL, METALS, INORGANIC, CYANIDE, AND PHENOL

Flow (gpd)	Frequency
0 to 10,000	2 per year
10,001 to 50,000	Quarterly
50,001 to 100,000	Monthly
100,001 to 240,000	2 per month
240,001 to 1,000,000	Weekly
1,000,001 to 1,500,000	2 per week
1,500,001 to 2,500,000	3 per week
2,500,001 to 3,500,000	5 per week
Over 3,500,000	Daily

ORGANICS

Flow (gpd)	Frequency
0 to 25,000	2 per year
25,001 to 75,000	Quarterly
75,001 to 250,000	Monthly
Over 250, 000	2 per month

11.6 INSPECTION PROGRAM

11.6.1 Purpose

The following is the purpose of the Inspection Program.

- A. Determine whether Industrial Users are complying with Pretreatment Rules and Regulations.
- B. Confirm suspected discharge violations.
- C. Provide information to support enforcement action(s).
- D. Verify correction of problems.
- E. Maintain information on Industrial Users

11.6.2 Legal Authority

SVWRF Industrial Pretreatment Rules and Regulations, Section 4.18.1

U.S. Code of Federal Regulations, Title 40, Parts 400-699.

11.6.3 Program

There are three types of inspections:

A. Scheduled Inspections

These inspections are coordinated and planned with the Industrial User. A phone call should be made two weeks in advance, if possible, to set up a time for the inspection. A reminder phone call should be made two days prior to the inspection. Initial inspections are usually scheduled.

B. Unannounced Inspections

This type of inspection is done with no warning to the Industrial User. Its purpose is to verify compliance with Industrial pretreatment Rules and Regulations during normal operation periods.

C. Demand Inspections

Demand Inspections are done for one or more of the following reasons:

- (1) In response to known or suspected compliance problems.
- (2) To identify sources of slug loads.

- (3) Verification of corrective procedures required by SVWRF.

11.6.4 Frequency of Inspections

- A. For any Industrial User that may be permitted, an initial inspection shall be conducted. Any Industrial User that is permitted will be inspected at least annually. SIUs and CIUs shall be inspected at least semi-annually. At the Pretreatment Director's discretion, any of the following circumstances could result in an Industrial User being inspected more frequently:
 - (1) Quantity, type, or concentration of pollutants.
 - (2) History of non-compliance.
 - (3) Causing or suspicion of causing upsets pass-through, sludge contamination, or operational problems at SVWRF.
 - (4) Inability of SVWRF to verify compliance with pretreatment standards.
- B. A non-permitted Industrial User should be inspected at any time the Pretreatment Director feels that it may need permitting.
- C. Scheduled and unannounced inspections should be planned at the beginning of each year.

11.6.5 Industrial User Inspection Procedures

- A. The Pretreatment Inspector has many responsibilities both before and after an inspection.
 - (1) Prior to an inspection
 - (a) Contact the industry to schedule an appointment if necessary;
 - (b) Review IUs sampling data for inconsistencies;
 - (c) Review previous inspection reports;
 - (d) Prepare inspection paperwork.
 - (2) Perform Inspection
 - (a) Present credentials to the IUs representative;
 - (b) If entry is denied, inform the Pretreatment Director;
 - (c) Prior to the inspection review the following items with the IU:
 1. Purpose of the inspection;
 2. Information to be collected during inspection;
 3. Confidentiality issues;
 4. Intent to work cooperatively with the IU; and then

5. Request facility tour.

(3) Post Inspection Activities

- (a) Review inspection report for accuracy and any violations;
 - (b) Call IU with any questions that may have arisen following the inspection;
 - (c) Initiate enforcement actions if necessary;
 - (d) Write inspection summary letter and send to IU; and
 - (e) File the inspection report in the IUs file.
- B. As a note, due to streamlining changes, each SIU will be inspected within one year of becoming a SIU and every other year thereafter, with the intent to evaluate the need to implement a spill plan.
- C. If a spill plan is required, the permit will be changed within ninety (90) days to include the requirements to implement a spill plan. The Pretreatment Director may require all or a portion of the spill plan requirements be implemented in the SIUs permit. All justification for the implementation of a spill plan will be added to the SIUs fact sheet.

11.7 INDUSTRIAL USER NOTIFICATION PROCEDURE

11.7.1 Purpose

The purpose of the Industrial User Notification Procedure is to have a definite procedure of notifying Industrial users of necessary information pertinent to the SVWRF Pretreatment Program or other federal programs.

11.7.2 Legal Authority

U.S. Code of Federal Regulations, Title 40, Section 403.8(f)(2)(iii) and 403.12(p)(1)

SVWRF Pretreatment Rules and Regulations, Section 6.11

11.7.3 Program

A. RCRA Requirements

The SVWRF is required to notify Industrial Users of the requirements of the Resource Conservation and Recovery Act (RCRA). Therefore, SVWRF will notify all industrial users that may handle hazardous about the RCRA Information Brochure.

B. Hazardous Waste Notification

The Industrial User is required to notify SVWRF of the potential to discharge hazardous wastes into the wastewater system. During preliminary inspection of the Industrial User, a copy of the Industrial User Notification Requirements fact sheet shall be given to the Industrial user to complete.

C. Notification Procedure

The following is the procedure to be taken in notifying Industrial Users:

- (1) The Pretreatment Director or his /her designee will maintain a record of each Industrial user's address.
- (2) When the need to disseminate information arises, the Pretreatment Director or his/her designee will prepare a general mailing.
- (3) The Pretreatment Director will determine which Industrial Users are to receive the mailing.
- (4) Responses should be tracked and filed in the IUs file by the Pretreatment Director.

11.8 SLUG DISCHARGE CONTROL PROGRAM

11.8.1 Purpose

SVWRF has developed this Slug Discharge Control Program in order to provide:

- (1) An orderly means of identifying potential sources of slug discharges.
- (2) A control program at those Industrial Users, which will reduce the exposure of the SVWRF to any impact from a slug discharge.
- (3) An organized response should a slug load enter the POTW system.

11.8.2 Legal Authority

U.S. Code of Federal Regulations, Title 40, Section 403.8(f)(2)(vi).

SVWRF Pretreatment Rules and Regulations Section 2.4.2.

11.8.3 Program

The Slug Discharge Control Program is provided to identify and control potential sources of slug discharges. It will also outline the response the POTW will implement in order to avoid or reduce the impact of the slug load on the POTW, receiving water, and maintain the beneficial reuse of sludge produced at the facility.

A. Slug Discharger Identification Procedure

Industrial users that exhibit a reasonable potential for slug discharges will be required to complete an Industrial User Slug Potential Survey provided by SVWRF. Based on the review of the IUs completed surveys, all IUs will be classified into one of the following categories:

- (1) Low-risk facility- does not require controls.
- (2) Medium-risk facility- should be required to undertake some preventative measures.
- (3) High-risk facility- will be required to develop and implement a facility specific Slug Discharge Control Plan.
 - (a) An IU will be notified of its high-risk classification and required to notify the SVWRF if the facility conditions and/or risk factors change.

B. IU Slug Control Program

The nine general elements of IU Slug Control Plans will be briefly explained below.

- (1) **General Information-** General Information should include a brief description of the Industrial User, discharge practices, applicable pretreatment standards, and a description of any previous slug discharges and corrective actions taken.
- (2) **Facility Layout and Flow Diagrams-** Each plan should include detailed drawings of the facility showing the following:
 - (a) General layout of the facility;
 - (b) Areas occupied by manufacturing or commercial activities, property boundaries, drainage of rainwater, and connections to the city's sanitary sewer and storm drains;
 - (c) Hazardous materials process and storage areas, e.g. waste handling, storage, and treatment facilities;
 - (d) Loading and unloading areas;
 - (e) Floor drains, pipes and channels which lead away from potential leak or spill areas (identify by coding footnotes or narratives describing drainage patterns);
 - (f) Flow diagram(s) showing chemical and wastewater flow including piping and instrumentation, flow rates, tanks, tank capacities, treatment systems, and final destinations of flows.
- (3) **Material Inventory-** The facility should provide sufficient data on all materials of concern used and stored at the facility. Descriptions of the material handled, the location of these materials, descriptions of the containment, transfer and transport, as well as any additional comments should be provided.
- (4) **Spill and Leak Prevention-** This section of the IU's Slug Control Plan should identify all existing equipment and/or systems that the IU has in place or will shortly obtain to prevent and contain spills. If equipment needs to be purchased, The IU will provide expected purchase dates.
- (5) **Operations and Maintenance Procedures-** The operation and maintenance procedures designed to minimize spills at a facility are as important as the selection and installation of the equipment. Many operation and maintenance procedures are considered common-sense, but should still be adequately explained in the Plan.
- (6) **Emergency Response Equipment and Procedures-** Information that should appear in this section of the IU plan includes an inventory of available IU emergency response equipment and a detailed description of emergency response procedures. Each IU plan should contain a detailed description of procedures to be followed in responding to a hazardous spill at the facility. These procedures should be consistent with the ones established in the facility's OSHA Emergency Action Plan, as required by 29 CFR 1910.38.

- (7) **Slug Reporting-** Procedures for reporting and documenting spills and slug discharges should be described in the Plan. At a minimum, the Industrial User follow-up report should include:
 - (a) The time, date, and cause of the incident;
 - (b) The impact of the spill on the SVWRF and the environment;
 - (c) Extent of the injury and/or damage;
 - (d) A description of clean-up, treatment, and disposal methods; and
 - (e) The steps being taken to avoid incidents like this in the future.
- (8) **Training Program-** The Industrial User's Plan should contain an outline of the employee's training program. Specialized training should be provided to each employee or group of employees that handle potentially hazardous chemicals.

C. SVWRF Slug Response Program

Slugs may occur despite the implementation of a well-designed Industrial User Slug Control Plan. Identification of a slug discharge event may come from any of several sources such as a remote early warning system, notification from the IU discharging the slug, an individual, or agency, or by visual or other observations of influent wastewater. The following procedures should be followed after identification of a slug discharge that has or will enter the SVWRF wastewater system.

- (1) System Priorities
 - (a) The protection of employee health and safety;
 - (b) The protection of plant operations; and
 - (c) The protection of the receiving stream and the beneficial reuse of sludge.

- (2) Notification

The person receiving notification of the spill should make sure that the following people are notified:

- SVWRF Pretreatment Director (801) 859-8307
- SVWRF Facility Operations Director (801) 859-8062
- West Jordan Fire Department (801) 260-7320
- Salt Lake Valley Health Department (385) 468-3862
- Utah Division of Water Quality (Day Time) (801) 536-4300

- Utah Division of Water Quality (Night Time) (801) 231-1769
- Department of Environmental Quality (801) 536-4123
- U.S. EPA Region VIII, 24-Hour Hotline (303) 293-1788

These phone numbers should be prominently posted in the workplace.

(3) Record Keeping

Good recordkeeping is an important element of the response program since records may provide useful information for future slug situations.

(4) Response Measures

- (a) Take necessary steps to protect worker safety including full use of protective equipment and clothing (PPE).
 1. DO NOT COMPROMISE WORKER SAFETY IF NATURE OR CONTENT OF SLUG LOAD IS UNKNOWN – ASSUME IT IS HAZARDOUS AND TAKE APPROPRIATE PRECAUTIONS!
- (b) Take necessary steps to protect the SVWRF microbiology, including, if necessary, bypass of treatment plant.
- (c) Perform clean-up activities as directed by the Fire Department's Emergency Response Coordinator. Note that the Emergency Response Coordinator is in charge of any clean-up activities within the local area.

D. Tracking

Upon detection, and while the response measures are underway, the slug loading source should be tracked by checking pump stations and manholes upstream from the first detection point up to the discharging point.

E. Sampling and Analysis

The investigation of a slug should include sampling and analysis of the discharged material in the collection system or at the treatment plant. Identifying the slug material is essential to identifying the slug source and determining the method of clean-up.

F. Penalties

South Valley Water Reclamation Facility has the authority to enforce civil penalties against any Industrial User that violates the prohibited discharge standards or requirements as established in the SVWRF Pretreatment Rules and Regulations.

G. Program Review

After the slug incident is concluded, SVWRF will review its Slug Control Program. Any problems encountered by SVWRF during the response or follow-up activities will be

analyzed to indicate the deficiencies in SVWRF's program. Corrective measures can then be devised to improve the Slug Control Program.

11.9 ENFORCEMENT RESPONSE PLAN

11.9.1 Purpose

The purpose of the Enforcement Response Plan is to ensure that Users of the wastewater treatment facilities comply with pretreatment standards and requirements set forth in the SVWRF Pretreatment Program.

11.9.2 Legal Authority

U.S. Code of Federal Regulations, Parts 401, 403, 403.8(f)(5), and 405.

Utah Code Annotated, 1953, Section 17.

SVWRF Pretreatment Rules and Regulations.

11.9.3 Program

The Enforcement Response Plan sets forth a Plan of Action for the SVWRF to follow in the event that the Rules, Regulations, Laws, or permits that apply to the SVWRF Pretreatment Program are violated.

- A. The types of violations that are likely to occur are presented in Section 11.9.7 along with suggested responses. Section 11.9.8 provides subsequent types of action available should the initial enforcement action fail to resolve the violation. Time constraints for enforcement actions are found in Section 11.9.9.
- B. It is important that the SVWRF is consistent in the application of its enforcement actions so that SVWRF avoids criticism.
- C. There are three (3) elements to consider in the Enforcement Response Plan:
 - (1) **Enforcement Violation-** A violation by the Industrial User, which triggers the Enforcement Response Plan.
 - (2) **Enforcement Action-** An action taken by SVWRF in response to an enforcement violation.
 - (3) **Responsible Party-** The person employed by SVWRF who is responsible for a particular enforcement action.

11.9.4 Enforcement Violations

Violations can be divided into five main groups as listed below. There are several types of violations contained within each grouping. Following is an outline of these violations:

- A. Unauthorized Discharge

- (1) Unpermitted Discharges- an Industrial user fails to obtain a discharge permit (harm caused or no harm caused).
- (2) Non-permitted Discharges- an Industrial User fails to renew a discharge permit.

B. Discharge Limit Violation

- (1) Isolated exceedance of permit limit (no harm caused).
- (2) Isolated exceedance of permit limit (harm caused).
- (3) Recurring exceedance of permit limit(s) (no harm caused).
- (4) Recurring exceedance of permit limit(s) (harm caused).
- (5) Industrial User reported slug load (harm caused).
- (6) Industrial User reported slug load (no harm caused).
- (7) Other – describe: _____

C. Violations not Caused by the IU's Discharge

- (1) Report is over **30** days late.
- (2) Report is not signed or certified correctly.
- (3) Falsification of data.
- (4) Failure to monitor for all regulated pollutants.
- (5) Failure to use Clean Water Act (CWA) analysis methods. (e.g. using RCRA methods)
- (6) Improper sampling procedures.
- (7) Failure to install monitoring equipment.
- (8) Failure to complete or submit progress reports in a compliance schedule.

D. Other Permit Violations

- (1) Dilution of waste streams.
- (2) Failure to mitigate noncompliance.
- (3) Failure to properly operate and maintain the IU's pretreatment facility.

E. Violations discovered during a site visit/inspection

- (1) Entry Denial.
- (2) Unpermitted discharge point.
- (3) Inadequate recordkeeping.
- (4) Failure to report additional monitoring.

11.9.5 Enforcement Actions

The SVWRF has a wide variety of actions to take in responding to enforcement violations. The enforcement actions vary in severity and depend on the severity of the violation. Depending on the response of the Industrial User to the initial enforcement action, a more severe action could follow. Following are the types of enforcement actions used by SVWRF:

A. Telephone Call/Personal Conversation

Telephone calls are intended to provide an immediate form of notification for relatively minor violations. Calls to an Industrial user shall be directed at the violation observed and corrective action planned by the IU. Notes of the telephone call shall be written and time, date, and person contacted shall be recorded shall be recorded and filed in the IU's file.

B. Notice-of-Violation Letter

The Notice-of-Violation (NOV) letter is sent to inform the industry of relative minor or infrequent violations of pretreatment standards and requirements. This letter is either hand-delivered or sent by certified mail. The NOV explains the violation and provides the Industrial User with a chance to respond and rectify the problem. The NOV also provides a means of documenting previous verbal communications concerning the issue.

C. Publish in Newspaper

Any Industrial User who is in Significant Non-Compliance (SNC) (see Section 1.4(A)(125)) will have its name along with the relevant violation published in the Salt Lake Tribune and Deseret News newspapers. All such notices should be published by February 28 each year for Industrial Users in SNC for the previous year.

D. Show Cause Hearing

Should either a call, NOV, or combination of lesser enforcement actions fail to bring about timely rectification of a violation, the SVWRF shall order a show cause hearing to allow the Industrial User to show why SVWRF should not proceed with more stringent enforcement action. The hearing is to be conducted in accordance with guidance given in the SVWRF Pretreatment Rules and Regulations. The results of a show cause hearing could result in no additional action or one of four possible increasing enforcement actions.

- (1) Consent Agreement

The consent agreement is the least stringent outcome of a show cause hearing. Essentially, the agreement will be a negotiated plan for the industry to return to pretreatment permit compliance. The agreement may include compliance schedules, pass-through of additional costs from the SVWRF to the industry, and the imposition of fines for violations. Generally consent agreements work with cooperative industries.

- (a) If the consent agreement includes a compliance schedule, the compliance schedule must include the compliance date of any schedule item that exceeds three (3) months.
- (b) Compliance reports must be submitted with information regarding how a schedule is moving forward to achieve compliance with the agreement.
- (c) Compliance schedules will not be allowed to exceed a two-year period and reports will be due every three (3) months with any schedule.

(2) Compliance Order

The Compliance Order allows the Pretreatment Director to direct the Industrial User to come into compliance within a specified time and explains the adverse legal effects of continued violations. Compliance Orders may contain other requirements such as additional self-monitoring and management practices designed to minimize flows.

(3) Cease and Desist Order

A Cease and Desist Order requires the Industrial User to cease activities, which are causing or contributing to a permit violation(s). Generally, a specific time-frame for action is specified. The Cease and Desist Order may include the recovery, from the Industrial User, of additional costs being accrued by SVWRF or any of its affected entities.

(4) Civil Litigation

Civil Litigation is the formal process whereby SVWRF files a lawsuit against the Industrial User to secure court ordered action(s) to correct violations and to secure penalties for the violations including recovery of the costs to SVWRF for the noncompliance. Civil Litigation also includes enforcement measures that require involvement or approval by the courts, such as injunctive relief.

E. Referral to State

For violations of such a nature where criminal prosecution may become necessary, SVWRF will refer these to the State of Utah for further action.

F. Termination of Service

When violations are of such a severe nature that they pose a human health threat, threaten the environment, cause SVWRF to violate its UPDES permit, or where no other actions have succeeded, SVWRF shall terminate the sewer service to the Industrial User.

G. Penalty Calculations

An important part of the enforcement response program is the assessment of financial penalties. The penalty for any pretreatment violation should be based on the economic benefit gained by the violator. P-Ben is a computer model used to calculate penalties for Industrial Users and should be used in the event of a financial penalty.

An appropriate penalty may be based on the magnitude of the violation, the duration of the violation, effects on the POTW or receiving water, compliance history of the User and good faith of the User.

SVWRF has the option of using one of several enforcement actions. The enforcement action(s) chosen depends on several factors:

- (1) Severity of Violation;
- (2) History of Violations; and
- (3) Cooperation of the Industrial User

11.9.6 Responsible Party

The type of enforcement action dictates which of the SVWRF personnel will address the violations. Following is an outline of those responsibilities:

A. The Pretreatment Coordinator is responsible for administrative action of violations when they first occur and are of a less severe nature. He/she needs to monitor the particular enforcement action regardless of the responsible party.

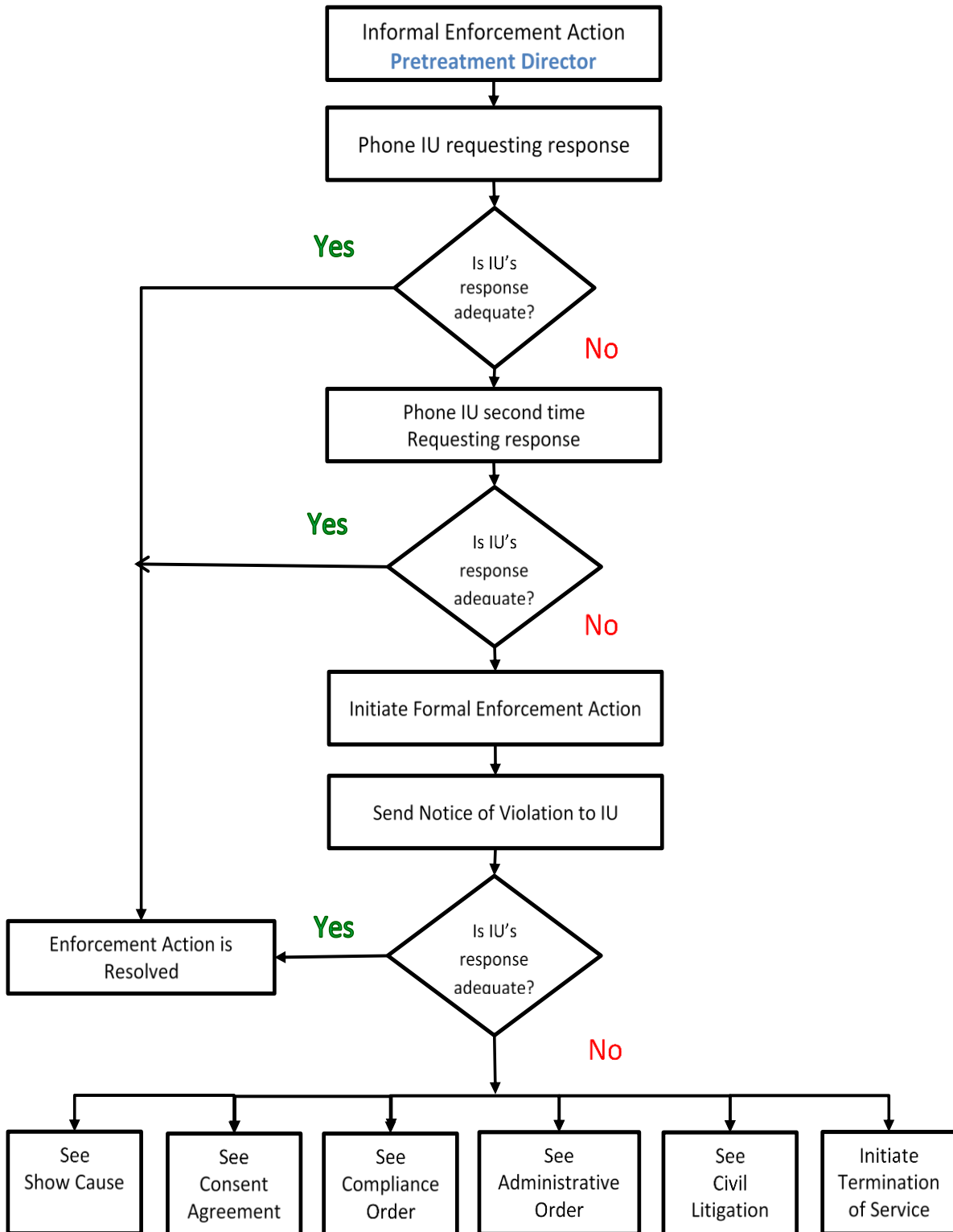
- (1) Telephone calls;
- (2) Informal meetings; and
- (3) Issuance of Notices of Violation.

B. The Pretreatment Director has the responsibility to monitor the Pretreatment Coordinators actions and to initiate the following enforcement actions:

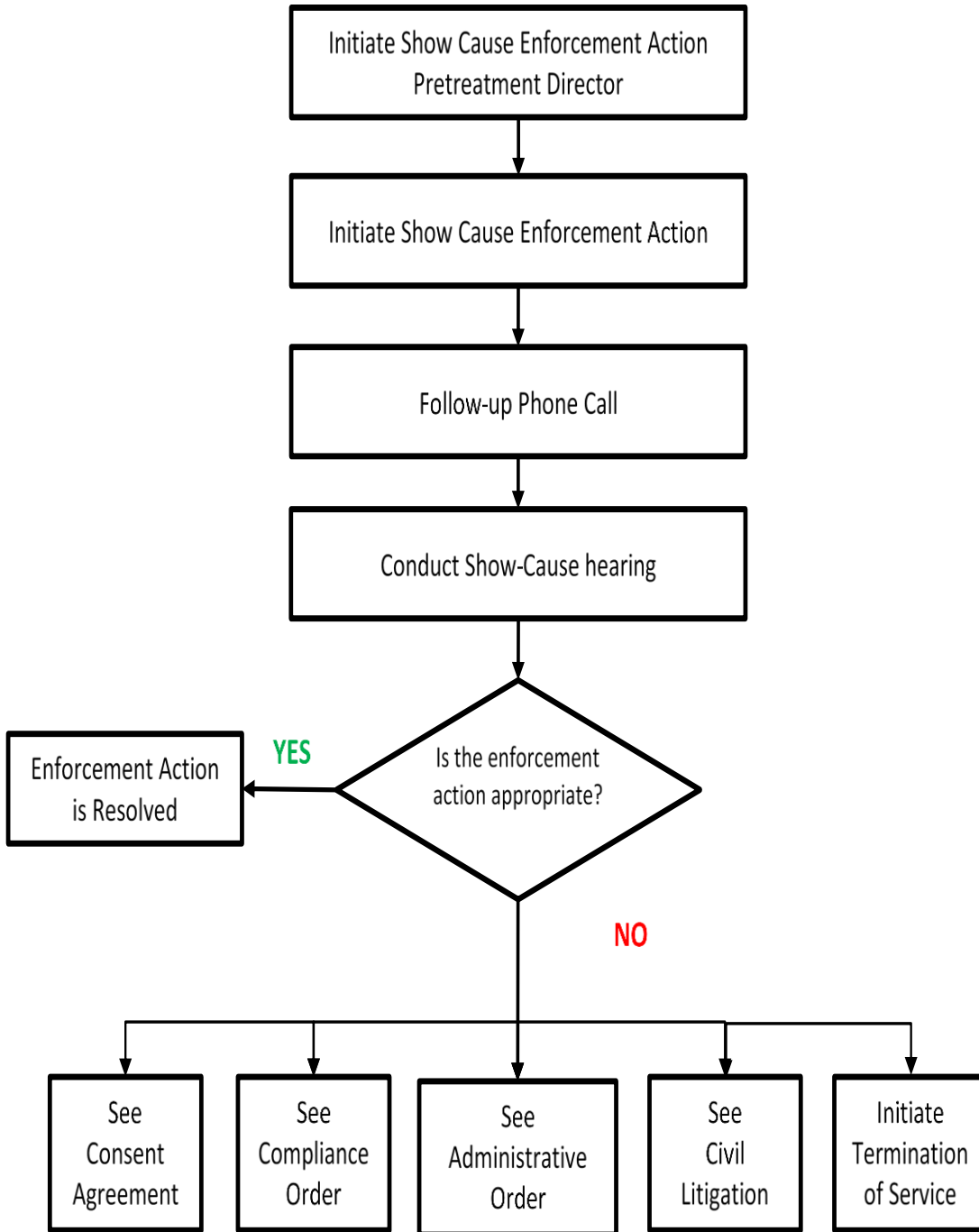
- (1) Show Cause Hearings;
- (2) Consent Agreements;
- (3) Administrative Orders;

- (4) Referrals to the Attorney for Civil Litigation; and
 - (5) Referral to the State of Utah for Criminal Action
- C. The Attorney for SVWRF will provide legal consultation as requested by the Pretreatment Director on consent agreements and administrative orders and will take the lead on all civil litigation referred to him/her.

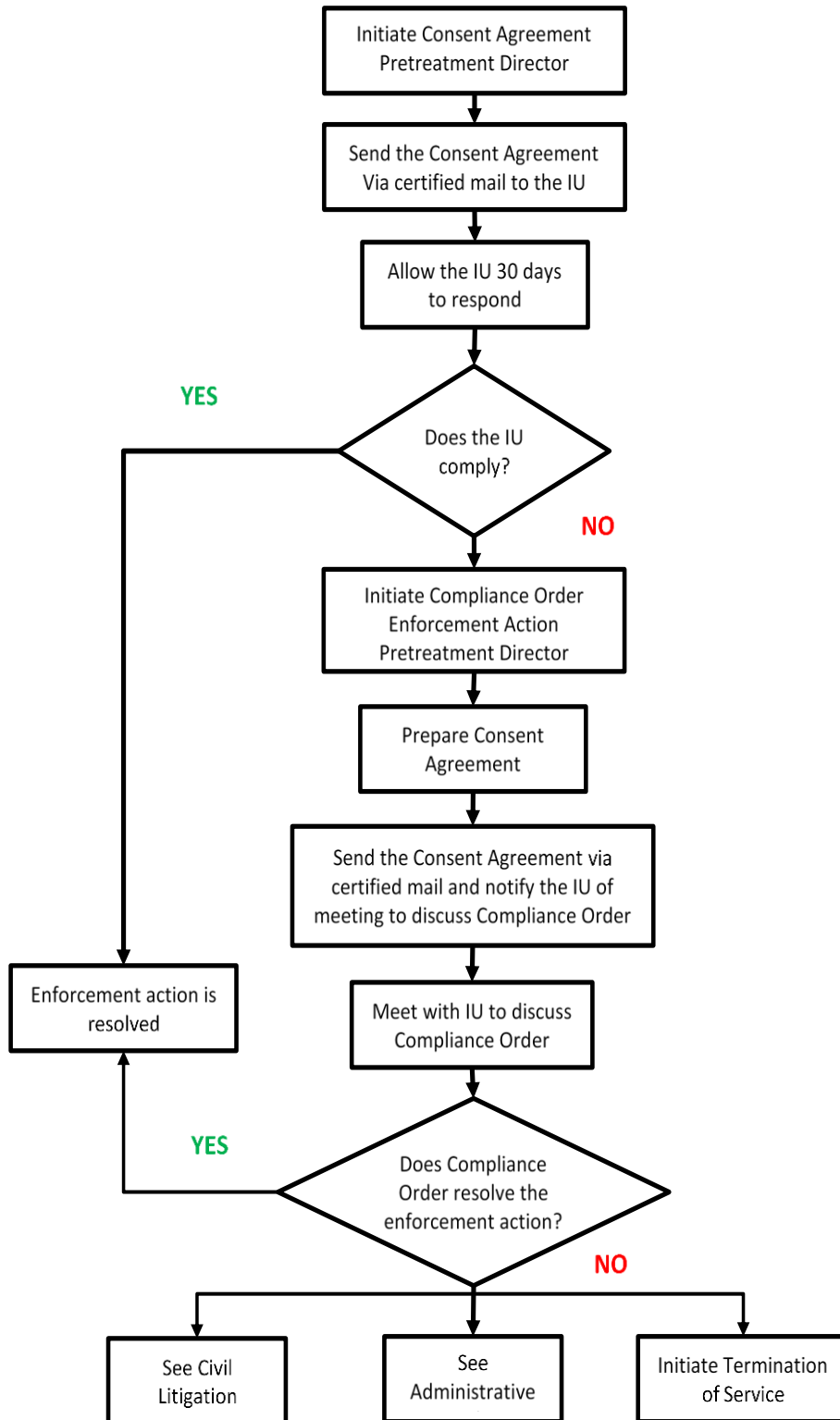
11.9.7 Flow Diagram for Evaluating Enforcement Flow Chart



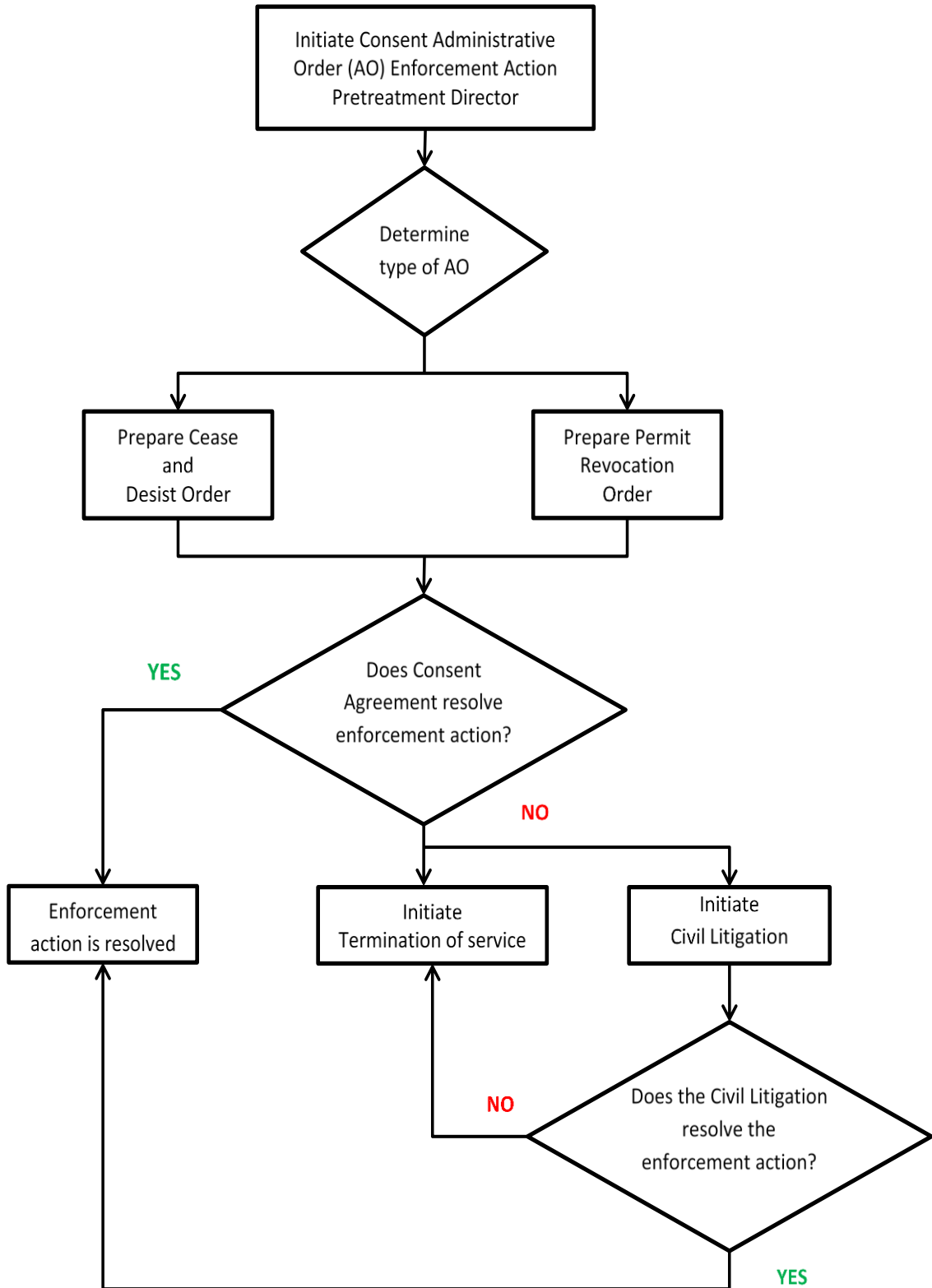
11.9.8 Show Cause Enforcement Action Flow Chart



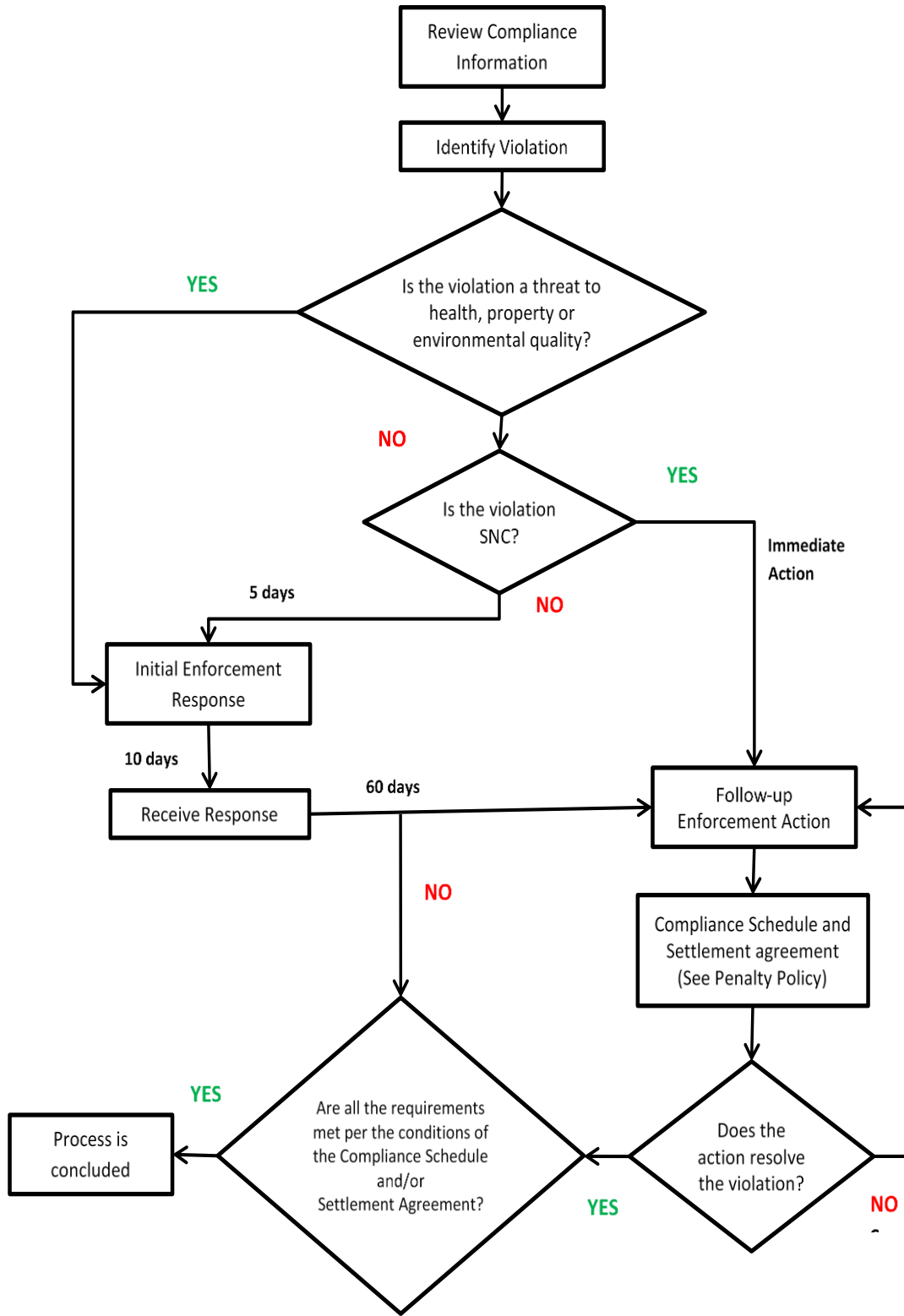
11.9.9 Consent Agreement/Compliance Order Enforcement Action Flow Chart



11.9.10 Administrative Order/Civil Litigation Enforcement Action Flow Chart



11.9.11 Time Frame for Responses to Enforcement Actions Flow Diagram



11.10 PENALTY CALCULATION GUIDANCE

11.10.1 Purpose

The purpose of this penalty guidance is to provide SVWRF with a uniform and equitable approach to enforcement and development of penalties.

11.10.2 Legal Authority

U.S. Code of Federal Regulations, Part 403

SVWRF Rules and Regulations, Section 6

11.10.3 Program

In accordance with Section 6.13 of the SVWRF Pretreatment Rules and Regulations, the Pretreatment Director may assess any Industrial User up to \$10,000 per day per violation as an administrative fine for noncompliance with pretreatment limits, standards, reporting requirements, and any other requirement stipulated in an IU's discharge permit. In order to meet the purposes and goals established by EPA for the imposition of penalties, SVWRF used the Region VIII "Penalty Calculation Guidance for Publicly Owned Treatment Works Implementing the Industrial Pretreatment Program" as guidance for its penalty policy.

11.10.4 Penalty Policy

A. Introduction

This policy is intended to assist SVWRF in determining an appropriate minimum acceptable penalty for violations of the Pretreatment Program requirements. The range for the actual penalty to be paid by the violating Industrial User will range from the statutory maximum penalty to the calculated minimum acceptable amount. The methods described by this guidance are applicable for both administratively and judicially imposed penalties.

The information regarding the penalty is not available to the public until both parties have finalized the negotiations. The negotiation process and documents discussed during negotiations are not public information. Only finalized compliance orders and/or penalty documents are available to the public. All other documents must be kept per the confidential documents requirements of the SVWRF Pretreatment Program. If negotiations regarding a compliance order and/or penalty cannot be completed, the matter should be taken before a court of competent jurisdiction.

B. Purpose of Penalties

The purpose of penalty assessments are: deterrence, fair and equitable treatment of the regulated community, and swift resolution of environmental problems.

C. Maximum Penalty Calculation

The initial calculation of a penalty, assessable for the SVWRF Pretreatment Program violation, should be an estimate of the maximum statutory amount that should be sought through a court action against the Industrial User. The maximum amount of the Industrial Users liability is normally calculated by identifying the number of days that a limitation was violated and multiplying that number by the statutory maximum penalty per day per violation. Each limitation that was violated should be counted separately with monthly average violations being for the number of days in the month that the violation occurred. Therefore, a violation of a monthly average or thirty (30) day average is considered thirty (30) days of violations.

D. Establishing the Minimum Penalty

Generally, both the POTW and the Industrial User will wish to avoid extended arguments and the possibility of litigation over an appropriate penalty. Consequently, the POTW needs to establish a minimum penalty amount, which represents a reasonable and defensible penalty that fulfills the purpose of penalties as stated above. Calculation of the minimum penalty figure consists of a summation of two basic components; the economic benefit component (where applicable) and the gravity component. In some cases, this calculated figure might then be adjusted for a variety of factors that will be discussed in this policy.

(1) The Economic Benefit Component

A violator may realize an economic benefit from the cost savings of delaying some expenditures necessary for timely compliance. In addition, a violator may have improperly avoided other expenditures that would have been made if the Industrial User responsibly met its requirement per the pretreatment program.

(a) Benefit from Delayed Costs

An Industrial User may improperly derive economic gain by delaying the expenditures necessary to achieve compliance with a pretreatment standard. By deferring the one-time cost of the system until an enforcement action is taken, a facility has been able to use the money for other purposes during the period of noncompliance. Violations can result in savings by deferring required expenditures include:

- Failure to install equipment needed to meet discharge standards;
- Failure to implement process changes needed to eliminate pollutants from products or waste streams;
- Improper storage of waste where proper storage is required to achieve compliance;
- Failure to obtain necessary permits for discharge, where such permits, would probably be granted.

(b) Benefit from Avoided Costs

For some kinds of evaluations, an Industrial user might have never spent the money required to achieve compliance. Violations where costs have been improperly avoided might include:

- Operation and maintenance (O&M) costs for equipment that the violator failed to install;
- Costs associated with the proper O&M of existing control equipment where improper O&M practices are identified;
- Failing to employ sufficient number of adequately trained staff;
- Failing to establish or follow precautionary methods required by regulations or permits; or
- Failing to conduct necessary testing and reporting.

(c) Benefit from Competitive Advantage

For most violations, removing the economic savings realized from delaying compliance will usually be sufficient to negate any competitive advantage the violator gained from noncompliance. However, in some cases, the violator may have gained an additional advantage during the period of noncompliance if the violator was able to improve its market share of goods and services because of costs savings. It is difficult to estimate the profits made from transactions that may not have occurred if the party had complied. Often, these estimates will be based on expertise in the industry rather than quantifiable data.

(d) Calculating Economic Benefit

Calculation of the economic savings from delayed compliance can be accurately determined through a series of present value calculations and a comparison of cash flows that should have been incurred if the expenditures were properly made and the cash flows that actually will be made once the required pollution controls systems are installed and operating. The economic benefits of noncompliance (BEN) computer model can be downloaded and used to complete the calculations.

E. The Gravity Component

(1) Purpose of the Gravity Component

As noted previously, the penalty to achieve deterrence should not only remove any economic benefit of noncompliance but also include an amount reflecting the seriousness of the violation. The latter is referred to as the “gravity component.” In many cases, the gravity component substantially exceeds the economic savings component.

Assigning a dollar figure to represent the gravity of a violation may be seen as a subjective process. Nevertheless, a determination of the relative seriousness of different violations can be determined fairly in most cases. Linking the dollar amount of the gravity component to objective factors can be a useful way of

insuring that violations of approximately equal seriousness are treated the same and encourages swift resolution of environmental problems.

(2) Gravity Factors

The following gravity weighting factors should be considered for each month during which there were one or more violations.

1. Significance of Violation

This factor is to reflect the degree of the exceedance of the most significant effluent violation each month. Significance should be weighed more heavily for toxic pollutants.

2. Health and Environmental Harm

The penalty should be increased if the violations present actual or potential harm to human health, the POTW, or the environment.

3. Number of Violations

This factor allows consideration of the total number of violations each month including all violations of the permit effluent limitations, monitoring and reporting requirements, and standard and special conditions.

4. Duration of Noncompliance

This factor allows consideration of continuing, long-term violations of effluent limitations or other permit conditions. Generally, violations that continue for three or more months are considered long-term violations.

(3) Administrative Costs

SVWRF may recover from Industrial Users any administrative costs incurred by the POTW that are associated with enforcement actions; including reasonable attorney's fees, court costs, sampling and monitoring costs, and other expenses related to enforcement actions.

(4) Cost of Damages

SVWRF may recover from Industrial users any costs incurred by the POTW arising from damages to infrastructure and equipment related to enforcement actions.

F. Adjusting the Penalty Figure

The gravity penalty figure for settlement purposes should then be calculated based on the following formula:

$$\text{GRAVITY PENALTY} = \text{PENALTY} + \text{ADJUSTMENTS} - \text{ECONOMIC AND LEGAL CONSIDERATIONS}$$

(1) Penalty

Violations are grouped into four main penalty categories based upon the nature and severity of the violation. A penalty range is associated with each category. The following factors will be taken into account to determine where the penalty amount will fall within each range:

(a) History of compliance or noncompliance.

History of noncompliance includes consideration of previous violations and degree of recidivism.

(b) Degree of willingness and/or negligence.

Factors to be considered include how much control the violator had over the event and the foreseeability of the events constituting the violation. Whether the violator knew of the legal requirements that were violated and the degree of recalcitrance.

(c) Good faith efforts to comply.

Good faith takes into account the openness in dealing with the violations, promptness in correction of problems, and the degree of cooperation with SVWRF and the State.

(2) CATEGORY A- \$5,000 to \$10,000 per day Violations with high impact on public health and the environment to include:

- (a) Discharges that result in documented public health effects and/or significant environmental damage.
- (b) Any type of violation not mentioned above severe enough to warrant a penalty assessment under Category A.
- (c) Violations that caused, either alone or in conjunction with a discharge or discharges from other sources, an exceedance of the MAHL.
- (d) Violations that caused, either alone or in conjunction with a discharge or discharges from other sources, and exceedance of the SVWRF's discharge permit limitations.
- (e) Violations of pH considered less than 2 and more than 13 S.U.

(3) CATEGORY B- \$2,000 to \$5,000 per day. Major violations of the Utah Water Pollution Control Act, associated regulations, permits or orders to include:

- (a) Discharges that likely caused or potentially would cause (undocumented) public health effects or significant environmental damage.
- (b) Creation of a serious hazard to public health or the environment.

- (c) Illegal discharges containing significant quantities or concentrations of toxic or hazardous materials.
 - (d) Any type of violation not mentioned previously which, warrants a penalty under Category B.
 - (e) Violations that likely caused or could have caused, either alone or in conjunction with, a discharge or discharges from other sources, an exceedance of the MAHL.
 - (f) Violations that likely caused or could have caused, either alone or in conjunction with, a discharge or discharges from other sources, an exceedance of the SVWRF's discharge permit.
 - (g) Effluent violations greater than 2.5 times the permit limit other than those meeting other criteria.
 - (h) pH violations considered less than 5.0 but greater than 2.0 S.U.
- (4) CATEGORY C- \$500 to \$2,000 per day. Violations of the Utah Water Pollution Control Act, associated regulations, permits or orders to include:
- (a) Violations of the SVWRF Rules and Regulations, associated regulations, permits, or orders.
 - (b) Significant excursion of permit effluent limits.
 - i. Over 1.4 to 2.5 times the limit for conventional pollutants and over 1.2 to 2.5 times the limit for other pollutants.
 - ii. Unless the POTW believes or has proof that the MAHL was violated due to this discharge or the POTW also violates its permit during the violation of the IU permit.
 - (c) Substantial non-compliance with the requirements of a compliance schedule.
 - (d) Substantial non-compliance with monitoring and reporting requirements.
 - (e) Illegal discharge containing significant quantities or concentrations of non-toxic or non-hazardous materials.
 - (f) Any type of violation not mentioned previously which warrants a penalty assessment under Category C.
- (5) CATEGORY D- \$100 to \$500 per day. Violations of the Utah Water Pollution Control Act, associated regulations, permits or orders to include:
- (a) Moderate excursion of permit limits.
 - i. More than 1.4 times the limit for conventional pollutants and less than 1.2 times the limit for other pollutants.

- ii. Unless the POTW believes or has proof that the MAHL was violated due to this discharge or the POTW also violates its permit during the violation of the IU permit.
 - (b) Moderate violations of compliance schedule requirements.
 - (c) Moderate violations of reporting requirements.
 - (d) Illegal discharges not covered in Categories A, B, or C.
 - (e) Any type of violation not mentioned previously which warrants a penalty assessment under Category D.
- (6) CATEGORY E- \$0 to \$100 per day. Minor violations of the SVWRF Rules and Regulations, associated regulations, permits, or orders to include:
- (a) Minor excursion of permit limits.
 - i. Unless the POTW believes or has proof that the MAHL was violated due to this discharge or the POTW also violates its permit during the violation of the IU permit.
 - (b) Minor violations of compliance schedule requirements.
 - (c) Minor violations of reporting requirements.
 - (d) Illegal discharges not covered in Categories A, B, C, or D.
 - (e) Any type of violation not mentioned previously which warrants a penalty assessment under Category E.

G. Alternative Payments

(1) Introduction

SVWRF may accept various environmentally beneficial expenditures in settlement of a case by crediting the violator for investing in the environmental project. In general, the regulated community has been receptive to this "alternative payment" practice and several useful projects have been accomplished with such funds. Below are listed some of the conditions of doing a project:

- No credits can be given for activities that currently are or will be required under current law or are likely to be required in the foreseeable future.
- The project's environmental benefit should be to the public rather than to the source or any governmental unit.
- The project cannot be something the violator is reasonably expected to do as part of sound business practices.
- Completion of the project should require minimal POTW oversight.
- The Violator cannot gain positive press, tax benefits, and it cannot benefit the violator.

- The BEN cannot be used for a project and must be collected within 30 days of finalizing the compliance schedule.

(2) Conclusion

- (a) The assessment of penalties is an essential element of a regulatory program necessary to preserve the credibility of the pretreatment program. Though an examination of the factors outlines by this guidance, a POTW can determine a penalty that provides:
- A deterrent against future noncompliance by the Industrial user;
 - Fair and equitable treatment of the regulated community, and
 - Swift resolution of environmental problems.
- (b) The calculation of penalties will include the maximum amount allowed for by the SVWRF Pretreatment Rules and Regulations and the economic benefit analysis provided in the guidance. Should the economic benefit analysis exceed the maximum allowed by these Rules and Regulations, SVWRF shall consider referral of the violation to the State for enforcement so that an appropriate penalty can be obtained.
- i. The penalty for reporting and sampling violations where no significant economic component is determined and where no harm to workers or the environment has taken place shall be as follows:
1. Reporting Violation
\$500 per 30 days or fraction thereof that the report is late past the initial 30 day grace period.
 2. Sampling Violation by Omission
The cost of the missed test based on the average of three commercial laboratories and \$250 for each sampling violation where samples were required but not taken for each permit defined sampling period. If harm to the environment is suspected based on SVWRF sampling or other indicators, the penalty shall be significantly greater.

11.11 NEWSPAPER NOTIFICATION PROCEDURE

11.11.1 Purpose

The purpose of the newspaper notification procedure is to provide guidance for the SVWRF in publishing the required notice annually of Industrial users who are in significant noncompliance with applicable limits.

11.11.2 Legal Authority

United States Code of Federal Regulations 40 C.F.R. 403.12.

SVWRF Pretreatment Rules and Regulations 6.10.

11.11.3 Program

The SVWRF is required to publish an annual notice of all Industrial users who are in significant noncompliance (SNC) during any year. Section 6.10 of the SVWRF Pretreatment Rules and Regulations covers the requirements for evaluating significant noncompliance. The criteria for such a determination are given below.

A. Chronic Violations

Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of the wastewater measurements taken during a 6-month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount.

B. TRC Violations

Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of the wastewater measurements taken for the same pollutant parameter during a 6-month period equals or exceeds the product of the numeric Pretreatment Standard or requirement including Instantaneous Limits, multiplied by the applicable TRC criteria (TRC = 1.4 for BOD, TSS, fats, oils, and grease, and TRC = 1.2 for all other pollutants except pH).

C. Discharge Violations

Any other violation of a Pretreatment Standard or requirement (daily maximum, long-term average, instantaneous limit, or narrative standard the SVWRF determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of the POTW personnel or the public.

D. Endangerment

Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the SVWRF's exercise of its emergency authority to halt or prevent such a discharge.

E. Failure to Comply

Failure to meet, within 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 compliance.

F. Failure to Report

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. Other

Failure to accurately report noncompliance or any other violation(s), which may include a violation of Best Management Practices, the SVWRF determines will adversely affect the operation or implementation of the local pretreatment program.

11.11.4 Publication Information

SVWRF must present specific information in the publication. For this purpose, a model Public Notice has been included in Section 11.11.6. The model contains blanks at the end of the form to fill in with those Industrial users that have been in SNC. The blanks should include the following information:

- (1) Name of the industry in SNC.
- (2) Type of criteria that caused the industry to be classified in SNC.
- (3) Duration of the SNC.
- (4) Current compliance status of the Industrial User.

The notice should be sufficient for the public to identify significant violators and the type of violations experienced.

11.11.5 Publication Requirement

The notice publication will be done by February 28 of the year following the year being noticed (i.e. an industry in SNC in 2018 should have the notification published prior to February 28, 2019). The notice should be published in the newspapers with the largest daily circulation in the area served by the SVWRF and on the State of Utah Public Notice website.

11.11.6 Public Notice Example

Noncompliance with Industrial Pretreatment Standards

The Federal Clean Water Act established the National Pretreatment Program to control the discharge of toxic and hazardous waste into the sanitary sewer system operated by the Publically Owned Treatment Works (POTWs). Under a delegation from EPA South Valley Water Reclamation Facility (SVWRF) has been given the responsibility for applying and enforcing the pretreatment standards for industrial users served by the SVWRF.

Pursuant to the requirements of the National Pretreatment Program, SVWRF must annually publish a list of industrial users within its service area that have either demonstrated a pattern of noncompliance with applicable pretreatment standards or had a significant noncompliance incident over the previous 12 months. Reasons for being in noncompliance include:

- A. Chronic Violations- Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of the wastewater measurements taken during a 6-month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;
- B. TRC Violations- Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of the wastewater measurements taken for the same pollutant parameter during a 6-month period equals or exceeds the product of the numeric Pretreatment Standard or requirement including Instantaneous Limits, multiplied by the applicable TRC criteria (TRC = 1.4 for BOD, TSS, fats, oils, and grease, and TRC = 1.2 for all other pollutants except pH);
- C. Discharge Violations- Any other violation of a Pretreatment Standard or requirement (daily maximum, long-term average, instantaneous limit, or narrative standard the SVWRF determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of the POTW personnel or the public;
- D. Endangerment- Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the SVWRF's exercise of its emergency authority to halt or prevent such a discharge;
- E. Failure to Comply- Failure to meet, within 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 compliance;
- F. Failure to Report- 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 any other violation(s); or
- H. Other Violations- Any other violations, which may include a violation of Best Management Practices, the SVWRF determines will adversely affect the operation or implementation of the local pretreatment program.

This notice has been issued to meet the requirement to inform the public.

Period covered by this notice: January 1, _____ to December 31, _____.

During this period, the following industries were found to be in significant noncompliance with applicable standards:

- (1) IU's name, address, and list the applicable SNC standards that were violated.
- (2) IU's name, address, and list the applicable SNC standards that were violated.
- (3) IU's name, address, and list the applicable SNC standards that were violated.

More information can be obtained by contacting:

Spencer Parkinson
Pretreatment Director
South Valley Water Reclamation Facility
7495 South 1300 West
West Jordan, Utah 84084
(801) 495-5452

11.12 PUBLIC NOTIC AND NOTIFICATION OF CHANGES

11.12.1 Purpose

The purpose of this section is to ensure that pretreatment personnel inform the public and interested groups regarding changes and/or modifications to the pretreatment program.

11.12.2 Legal Authority

SVWRF Pretreatment Rules and Regulations Section 6.10

11.12.3 Program

- A. The Pretreatment Director will share information regarding changes to the SVWRF pretreatment program with all SIUs permitted by the program, either via email with a confirmation that the permittee received the information or via certified mail. The Pretreatment Director will also follow the SVWRF procedures and State of Utah procedures for public noticing and approval of changes and/or modifications to the SVWRF pretreatment program, which would include Local Limits.
- B. Changes to the SVWRF Pretreatment Rules and Regulations and/or Local Limits shall be approved by the Utah Division of Water Quality, then approved by the SVWRF Board and then public noticed for thirty (30) days. Following the public notice period, the SVWRF Board shall provide final approval and adopt the document by resolution. During the public notice, the public will be given the ability to comment regarding the changes to the SVWRF Pretreatment Rules and Regulations or Local Limits. When comments are received, the Pretreatment Director will respond to the comments and notify the Utah Division of Water Quality regarding the comments that were received during the SVWRF public notice.
- C. The SVWRF shall make an effort to involve the public in all areas of the Pretreatment Program. Public participation shall be required for approval of the program and for any subsequent changes in the SVWRF Rules and Regulations or program. All public notices and meetings dealing with the pretreatment program or ordinances shall be done in accordance with the Open and Public Meetings requirements found in Title 53-4 of the Utah Code.
- D. The public shall be allowed to comment and respond on any proposed changes. Comments received shall be included in the minutes as stipulated in the Utah State Code, and an official response given.
- E. Since Local Limits are part of the SVWRF Rules and Regulations, any major changes in these will also be available for public participation.

11.13 CONFIDENTIAL INFORMATION AND DATA REQUESTS

11.13.1 Purpose

The purpose of this section is to ensure that information that is provided to the SVWRF that indicates it is confidential is correctly classified confidential and the kept confidential.

11.13.2 Legal Authority

SVWRF Pretreatment Rules and Regulations Section 4.21

11.13.3 Program

- A. The Industrial User will be required to stamp all pages that are considered confidential and provide verification from the attorney general's office that the pages stamped "confidential" be considered confidential business information. Information regarding discharge and development of permit limitations are not considered confidential; this information will be made available, if requested, within 5 working days of the request.
- B. Confidential information shall be kept in Industrial Users file to ensure the information is not released to the public. Only the portions of the report that disclose trade secrets or secret processes shall not be made available for inspection by the public.
- C. The public may request any information regarding an Industrial User that is not considered "confidential." When a request is made for information regarding an Industrial User, the Pretreatment Director shall ensure that the information requested is not confidential. After the confidentiality assessment is completed, the Pretreatment Director shall send the requested information to the petitioner. If, however, the requested information has been labeled as "confidential" the Pretreatment Director shall deny the petitioners request. This process shall be completed within fifteen (15) working days of receiving a request for information.
- D. Changes to the SVWRF Pretreatment Rules and Regulations and/or Local Limits will be approved by the Board and then public noticed for thirty (30) days before receiving final approval for adoption from the Board. During the public notice, the public will be given the ability to comment regarding the changes to the Pretreatment Rules and Regulations or Local Limits. When comments are received, the Pretreatment Director will respond to the comments and notify the Division of Water Quality regarding the comments that were received during the SVWRF public notice.
- E. Copies of all information regarding Users 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.

11.14 EDUCATION AND INDEX OF REFERENCE MANUALS

11.14.1 Purpose

The purpose of this section is to provide a centralized location for reference material that the pretreatment program can use to ensure that they perform their duties properly.

11.14.2 Legal Authority

United States Code of Federal Regulations 40 C.F.R. 403.8(f)(1)

United States Code of Federal Regulations 40 C.F.R. 403.8(f)(2)

United States Code of Federal Regulations 40 C.F.R. 403.8(f)(3)

11.14.3 Program

- A. The Pretreatment Director or his or her designee shall attend the annual Region 8 Pretreatment Association conference and other technical trainings and workshops to continue advancing their education and to remain abreast of existing and newly promulgated standards and requirements.
- B. The Pretreatment Director shall review the Federal Register for changes to the Pretreatment Standards. This review will include reading and making comments to the EPA and State regarding the changes to Pretreatment Standards, as needed. The Pretreatment Director will review information sent by the Utah Division of Water Quality and EPA Pretreatment Coordinators and respond as necessary.
- C. If there is a SIU in SVWRF's service area that would be impacted by the change in the Federal Register, the Pretreatment Director shall make the User aware of the change and the potential impacts to the User.
- (4) The Pretreatment Director shall send a letter to the affected User and if needed will meet with the User to explain the changes. The letter will be sent to the User within 10 working days following the Pretreatment Director discovering the change in the Federal Register.
- D. The Pretreatment Director will research information regarding new regulatory programs for non-domestic Users where problems are identified or control is crucial to comply with Pretreatment regulations and the POTW's UPDES permit requirements.
- E. The Pretreatment Director will review the influent and effluent sampling data of the POTW to ensure that all pollutants of concern have been identified and then research methods to ensure the POTW remains in compliance with its UPDES permit.

11.14.4 Index of Reference Materials

The following is an index of useful educational resources, guidance documents, and reference materials that SVWRF utilizes to carry out its duties and responsibilities as the Pretreatment Control Authority:

U.S. EPA. Development Document for Effluent Limitations Guidelines and Standards for the Aluminum Forming Point Source Category. EPA Report No. 440/1-84/073-VOL-1. June 1984.

U.S. EPA. Development Document for Effluent Limitations Guidelines and Standards for the Aluminum Forming Point Source Category. EPA Report No. 440/1-84/073-VOL-2. June 1984.

U. S. EPA Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Textile, Friction Materials and Sealing Devices Segment of the Asbestos Manufacturing Point Source Category. EPA Report No. 440/1-74/035-A. December 1974.

U.S. EPA Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Building, Construction, and Paper Segment of the Asbestos

U.S. EPA. Development Document for Effluent Limitations Guidelines and Standards for the Battery Manufacturing Point Source Category. EPA Report No. 440/1-84/067-VOL-1. September 1984.

U.S. EPA. Development Document for Effluent Limitations Guidelines and Standards for the Battery Manufacturing Point Source Category. EPA Report No. 440/1-84/067-VOL-2. September 1984.

U.S. EPA. Development Document for Effluent Limitations Guidelines and Standards for the Battery Manufacturing Point Source Category EPA Report No. 440/182/067-B. October 1982.

U.S. EPA. Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Builders Paper and Roofing Felt Segment of the Builders Paper and Board Mills Point Source Category. EPA Report No. 440/1-74/026-A. May 1974.

U. S. EPA. Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Apple, Citrus and Potato Processing Segment of the Canned and Preserved Fruits and Vegetables Point Source Category. EPA Report No. 440/1-74/027-A. March 1974.

U.S. EPA. Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Fish Meal, Salmon, Bottom Fish, Clam, Oyster, Sardine, Scallop, Herring and Abalone Segment of the Canned and Preserved Fish and Seafood Processing Industry Point Source Category. EPA report No. 440/1-75/041-A. September 1975.

U.S. EPA. Development Document for Effluent Limitations Guidelines and Standards for Performance for the Catfish, Crab, Shrimp, and Tuna Segments of the Canned and Preserved Seafood Processing Industry Point Source Category. EPA Report No. 440/1-74/020-A. June 1974.

U.S. EPA. Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Cement Manufacturing Point Source EPA Report No. 440/1-74/005-A. January 1974.

U.S. EPA. Development Document for Final Effluent Limitations Guidelines, New Source Performance Standards and Pretreatment Standards for the Coal Mining Point Source Category. EPA Report No. 440/1-82/057. October 1982.

U.S. EPA. Development Document for Proposed Effluent Limitations Guidelines, New Source Performance Standards and Pretreatment Standards for the Coal Mining Point Source Category. EPA Report No. 440/1-81/057-B. January 1981.

U.S. EPA. Development Document for Effluent Limitations Guidelines and Standards for the Canmaking Subcategory of the Coil Coating Point Source Category. EPA Report No. 440/1-83/071. April 1984.

U.S. EPA. Development Document for Effluent Limitations Guidelines and Standards for the Coil Coating Point Source Category. EPA Report No. 440/1-82/071. November 1982.

U.S. EPA. Development for Effluent Limitations Guidelines and Standards for the Coil Coating Point Source Category. EPA Report No. 440/1-83/071-B. March 1983.

U. S. EPA. Development Document for Effluent Limitations Guidelines and Standards for the Copper Forming Point Source Category. EPA Report No. 440/1-84/074. March 1984.

U.S. EPA. Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Dairy Product Processing Point Source Category. EPA Report No. 440/1-74/021-A. May 1974.

U.S. EPA. Development Document for Effluent Limitations Guidelines and Standards for the Electrical and Electronic Components Point Source Category. EPA Report No. 440/1-83/075-B. February 1983.

U.S. EPA. Development Document for Effluents and Standards for the Electrical and Electronic Components Point Source Category. EPA Report No. 440/1-82/075B. July 1982.

U.S. EPA. Development Document for Existing Source Pretreatment Standards for the Electroplating Point Source Category. EPA Report No. 440/1-79/003. August 1979.

U.S. EPA. Development Document for Effluent limitations Guidelines and New Source Performance Standards for the Copper, Nickel, Chromium, and Zinc Segment of the Electroplating Point Source Category. EPA Report No. 440/1-74/003-A. March 1974.

U.S. EPA. Development Document for Effluent limitations Guidelines and New Source Performance Standards Feedlots Point Source Category EPA Report No. 440/1-74/004-A. January 1974.

U.S. EPA. Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Smelting and Slag Processing Segments of the Ferroalloy Manufacturing Point Source Category. EPA Report No. 440/1-74/008-A. February 1974.

- U.S. EPA. Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Basic Fertilizer Chemicals Segment of the Fertilizer Manufacturing Point Source Category. EPA Report NO. 440/1-75/042-A. January 1975.
- U.S. EPA. Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Basic Fertilizer Chemicals Segment of the Fertilizer Point Source Category. EPA Report No. 440/1-74/011-A. March 1974.
- U.S. EPA. Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Pressed and Blown Glass Segment of the Glass Manufacturing Point Source Category. EPA Report No. 440/1-75/034-A. January 1975.
- U.S. EPA. Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Insulation Fiberglass Manufacturing Segment of the Glass Manufacturing Point Source Category. EPA Report No. 440/1-74/001-B. January 1974.
- U.S. EPA. Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Flat Glass Segment of the Glass Manufacturing Point Source Category. EPA Report No. 440/1-74/001-C. January 1974.
- U.S. EPA. Development Document for Effluent Limitations Guidelines and New Source Performance Standards for Animal Feed, Breakfast Cereal, and Wheat Starch Segments of the Grain Mills Point Source Category. EPA Report No. 440/1-74/039-A. December 1974.
- U.S. EPA. Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Grain Processing Segment of the Grain Mills Point Source Category. EPA Report No. 440/1-74/028-A. March 1974.
- U.S. EPA. Development Document for Interim Final Effluent Limitations Guidelines and Proposed New Source Performance Standards for the Hospital Point Source Category. EPA Report No. 440/1-76/060N. April 1976.
- U.S. EPA. Development Document for Proposed Effluent Limitations Guidelines, New Source Performance Standards and Pretreatment Standards for the Ink Formulating Point Source Category. EPA Report No. 440/1-79/090B. December 1979.
- U.S. EPA. Development Document for Effluent Limitations Guidelines, New Source Performance Standards and Pretreatment Standards for the Inorganic Chemicals Manufacturing Point Source Category, Phase 2 EPA Report No. 440/1-84/007. August 1984.
- U.S. EPA. Development Document for Effluent Limitations Guidelines, New Source Performance Standards and Pretreatment Standards for the Inorganic Chemicals Manufacturing Point Source Category. EPA Report: No. 440/1-82/007. June 1982.
- U.S. EPA. Development Document for Proposed Effluent Limitations Guidelines, New Source Performance Standards and Pretreatment Standards for the Inorganic Chemicals Manufacturing Point Source Category EPA Report No. 440/1-80/007B. June 1980.
- U.S. EPA. Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Major Inorganic Products Segment of the Inorganic Chemicals Manufacturing Point Source. EPA Report No. 440/1-74/007-A. March 1974.

U.S. EPA. Development Document for Effluent Limitations Guidelines, New Source Performance Standards and Pretreatment Standards for the Iron and Steel Manufacturing Point Source Category. EPA Report No. 440/l-82/024. May 1982.

U.S. EPA. Development Document for Effluent Limitations Guidelines, New Source Performance Standards and Pretreatment Standards for the Iron and Steel Manufacturing Point Source Category. EPA Report No. 440/l-82/024-VOL-I. May 1982.

U.S. EPA. Development Document for Effluent Limitations Guidelines, New Source Performance Standards and Pretreatment Standards for the Iron and Steel Manufacturing Point Source Category. EPA Report No. 440/l-82/024-VOL-II. May 1982.

U.S. EPA. Development Document for Effluent Limitations Guidelines, New Source Performance Standards and Pretreatment Standards for the Iron and Steel Manufacturing Point Source Category. EPA Report No. 440/l-82/024-VOL-III. May 1982.

U.S. EPA. Development Document for Effluent Limitations Guidelines, New Source Performance Standards and Pretreatment Standards for the Iron and Steel Manufacturing Point Source Category. EPA Report No. 440/l-82/024-VOL-IV. May 1982.

U.S. EPA. Development Document for Effluent Limitations Guidelines, New Source Performance Standards and Pretreatment Standards for the Iron and Steel Manufacturing Point Source Category. EPA Report No. 440/l-82/024-VOL-V. May 1982.

U.S. EPA. Development Document for Effluent Limitations Guidelines, New Source Performance Standards and Pretreatment Standards for the Iron and Steel Manufacturing Point Source Category. EPA Report No. 440/l-82/024-VOL-VI. May 1982.

U.S. EPA. Development Document for Effluent Limitations Guidelines, New Source Performance Standards and Pretreatment Standards for the Iron and Steel Manufacturing Point Source Category. EPA Report No. 440/l-80/024-B-VI. December 1980.

U.S. EPA. Development Document for Proposed Effluent Limitations Guidelines, New Source Performance Standards and Pretreatment Standards for the Iron and Steel Manufacturing Point Source Category. EPA Report No. 440/l-80/024-B-V2. December 1980.

U.S. EPA. Development Document for Proposed Effluent Limitations Guidelines, New Source Performance Standards and Pretreatment Standards for the Iron and Steel Manufacturing Point Source Category. EPA Report No. 440/l-80/024-B-V3. December 1980.

U.S. EPA. Development Document for Proposed Effluent Limitations Guidelines, New Source Performance Standards and Pretreatment Standards for the Iron and Steel Manufacturing Point Source Category. EPA Report No. 440/l-80/024-B-V4. December 1980.

U.S. EPA. Development Document for Proposed Effluent Limitations Guidelines, New Source Performance Standards and Pretreatment Standards for the Iron and Steel Manufacturing Point Source Category. EPA Report No. 440/l-80/024-B-V5. December 1980.

U.S. EPA. Development Document for Proposed Effluent Limitations Guidelines, New Source Performance Standards and Pretreatment Standards for the Iron and Steel Manufacturing Point Source Category. EPA Report No. 440/l-80/024-B-V6. December 1980.

U.S. EPA. Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Steel Making Segment of the Iron and Steel Manufacturing Point Source Category. EPA Report No. 440/l-74/024-A. June 1974.

U.S. EPA. Supplemental Development Document for Effluent Limitations Guidelines and Standards for the Leather Tanning and Finishing Point Source Category. EPA Report No. 440/l-88/016-S. February 1988.

U.S. EPA. Development Document for Effluent Limitations Guidelines and Standards for the Leather Tanning and Finishing Point Source Category. EPA Report No. 440/l-82/016. November 1982.

U.S. EPA. Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Leather Tanning and Finishing Point Source Category. EPA Report No. 440/l-74/016-A. March 1974.

U.S. EPA. Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Renderer Segment of the Meat Products and Rendering Processing Point Source Category. EPA Report No. 440/l-74/031-D. January 1974.

U.S. EPA. Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Red Meat Processing Segment of the Meat Product and Rendering Processing Point Source Category. EPA Report No. 440/l-74/012-A. February 1974.

U. S. EPA. Development Document for Effluent Limitations Guidelines and Standards for the Metal Finishing Point Source Category. EPA Report No. 440/l-83/091. June 1983.

U.S. EPA Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Metal Finishing Point Source Category. EPA Report No. 440/l-82/091B. August 1982.

U.S. EPA. Development Document for Effluent Limitations Guidelines and Standards for the Metal Molding Casting (Foundries) Point Source Category. EPA Report No. 440/l-85/070. October 1985.

U.S. EPA. Development Document for Interim Final Effluent Limitations Guidelines and New Source Performance Standards for the Mineral Mining and Processing Point Source Category. EPA Report No. 440/l-75/059. October 1975.

U.S. EPA. Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Mineral Mining and Processing Point Source Category. EPA Report No. 440/l-76/059B. July 1979.

U.S. EPA. Development Document for Effluent Limitations Guidelines and Standards for the Nonferrous Metals Forming and Metal Powders Point Source Category. Report No. 440/l-86/019. September 1986.

U.S. EPA. Development Document for Effluent Limitations Guidelines and Standards for the Nonferrous Metals Forming and Metal Powders Point Source Category. Report No. 440/l-86/019-1. September 1986.

U.S. EPA. Development Document for Effluent Limitations Guidelines and Standards for the Nonferrous Metals Forming and Metal Powders Point Source Category. Report No. 440/I-86/019-2. September 1986.

U.S. EPA. Development Document for Effluent Limitations Guidelines and Standards for the Nonferrous Metals Forming and Metal Powders Point Source Category. Report No. 440/I-86/019-3. September 1986.

U.S. EPA. Development Document for Effluent Limitations Guidelines and Standards for the Nonferrous Metals Point Source Category. Report No. 440/I-83/019-B-VOL-1. March 1983.

U.S. EPA. Development Document for Effluent Limitations Guidelines and Standards for the Nonferrous Metals Point Source Category. Report No. 440/I-83/019-B-VOL-2. March 1983.

U.S. EPA. Development Document for Effluent Limitations Guidelines and Standards for the Nonferrous Metals Point Source Category. Report No. 440/I-83/019-B-VOL-3. March 1983.

U.S. EPA. Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Primary Aluminum Smelting Subcategory of the Aluminum Segment of the Nonferrous Metals Manufacturing Point Source Category. EPA Report No. 440/1-74/019-D. March 1974.

U.S. EPA. Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Secondary Aluminum Smelting Subcategory of the Aluminum Segment of the Nonferrous Metals Manufacturing Point Source Category. EPA Report No. 440/1-74/019-A. March 1974.

U.S. EPA. Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Bauxite Refining Subcategory of the Aluminum Segment of the Nonferrous Metals Manufacturing Point Source Category. EPA Report No. 440/1-74/019-A. March 1974.

U.S. EPA. Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Offshore Subcategory of the Oil and Gas Extraction Point Source Category. EPA Report No. 440/I-85/055. July 1985.

U.S. EPA. Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for Ore Mining and Dressings Point Source Category. EPA Report No. 440/I-82/061B. May 1982.

U.S. EPA. Development Document for Effluent Limitations and Guidelines for the Ore Mining and Dressing Point Source Category. EPA Report No. 440/1-78-061D. July 1978.

U.S. EPA. Development Document for Effluent Limitations and Guidelines for the Ore Mining and Dressing Point Source Category. EPA Report No. 440/1-78/061E. July 1978.

U.S. EPA. Development Document for Effluent Limitations Guidelines and Standards for the Organic Chemicals, Plastics, and Synthetic Fibers. EPA Report No. 440/1-87/009. October 1987.

U.S. EPA. Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Organic Chemicals, Plastics, and Synthetic Fibers Industry Point Source Category. EPA Report No. 440/1-83/009B-VOL- 1. February 1983.

U.S. EPA. Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Organic Chemicals, Plastics, and Synthetic Fibers Industry Point Source Category. EPA Report No. 440/1-83/009B-VOL-2. February 1983.

U.S. EPA. Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Organic Chemicals, Plastics, and Synthetic Fibers Industry Point Source Category. EPA Report No. 440/1-83/009B-VOL-3. February 1983.

U.S. EPA. Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Major Organic Products Segment of the Organic Chemicals Manufacturing Point Source Category. EPA Report No. 440/1-74/009-A. April 1974.

U.S. EPA. Development Document for Effluent Limitations Guidelines and Standards for the Pesticide Point Source Category. EPA Report No. 440/1-85/079. October 1985.

U.S. EPA. Development Document for Expanded Best Practicable Control Technology, Best Conventional Pollutant Control Technology, Best Available Technology, New Source Performance Technology, and Pretreatment Technology in the Pesticide Chemicals Industry. EPA Report No. 440/1-82/079B. November 7 1982.

U.S. EPA. Development Document for Effluent Limitations Guidelines for the Pesticide Chemicals Manufacturing Point Source Category. EPA Report No. 440/1-78/060E. April 1978.

U.S. EPA. Development Document for Effluent Limitations Guidelines New Source Performance Standards, and Pretreatment Standards for the Petroleum Refining Point Source Category. EPA Report No. 440/1-82/014. October 1982.

U.S. EPA. Development Document for Proposed Effluent Limitations Guidelines, New Source Performance Standards, and Pretreatment Standards for the Petroleum Refining Point Source Category. EPA Report No. 440/1-79/014-B. December 1979.

U.S. EPA. Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Petroleum Refining Point Source Category. EPA Report No. 440/1-74/014-A. April 1974.

U.S. EPA. Development Document for the Final Best Conventional Technology Effluent Limitations Guidelines for the Pharmaceutical Manufacturing Point Source Category. EPA Report No. 440/1-86/084. December 1986.

U.S. EPA. Development Document for Final Effluent Limitations Guidelines, New Source Performance Standards, and Pretreatment Standards for the Pharmaceutical Manufacturing Point Source Category. EPA Report No. 440/1-83/084. September 1983.

U.S. EPA. Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Phosphorus Derived Chemicals Segment of the Phosphate Manufacturing Point Source Category. EPA Report No. 440/1-74/006-A. January 1974.

U.S. EPA. Development Document for Effluent Limitations Guidelines and Standards for the Plastics Molding and Forming Point Source Category. EPA Report No. 440/I-84/069. December 1984.

U.S. EPA. Development Document for Effluent Limitations Guidelines and Standards for the Plastics Molding and Forming Point Source Category. EPA Report No. 440/I-84/069-B. February 1984.

U.S. EPA. Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Synthetic Polymer Segment of the Plastics and Synthetic Materials Manufacturing Point Source Category. EPA Report No. 440/I-75/036-B. January 1975.

U.S. EPA. Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Synthetic Resins Segment of the Plastics and Synthetics Material Manufacturing Point Source Category. EPA Report No. 440/I-74/010-A. March 1974.

U.S. EPA. Development Document for Proposed Effluent Limitations Guidelines and Standards for the Porcelain Enameling Point Source Category. EPA Report No. 440/I-81/072B. January 1981.

U.S. EPA. Development Document for Best Conventional Pollutant Control Technology Effluent Limitations Guidelines for Pulp, Paper, and Paperboard and the Builders' and Board Mills Point Source Category. EPA Report No. 440/I-86/025. December 1986.

U.S. EPA. Development Document for Effluent Limitations Guidelines, New Source Performance Standards, and Pretreatment Standards for the Pulp, Paper, and Paperboard and the Builders' Paper and Board Mills Point Source Category. EPA Report No. 440/I-82/025. October 1982.

U.S. EPA. Development Document for Proposed Effluent Limitations Guidelines and Standards for the Pulp, Paper, and Paperboard and the Builders' Paper and Board Mills Point Source Category. EPA Report No. 440/I-82/025B. December 1980.

U.S. EPA. Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Unbleached Kraft and Semichemical Pulp Segment of the Pulp, Paper, and Paperboard Mills Point Source Category. EPA Report No. 440/I-74/025-A. May 1974.

U.S. EPA. Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Fabricated and Reclaimed Rubber Segment of the Rubber Processing Point Source Category. EPA Report No. 440/I-74/030-A. December 1974.

U.S. EPA. Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Tire and Synthetic Segment of the Rubber Processing Point Source Category. EPA Report No. 440/I-74/013-A. February 1974.

U.S. EPA. Development Document for Effluent Limitations Guidelines and New Source Performance Standards Soap and Detergent Manufacturing Point Source Category. EPA Report No. 440/I-74/018-A. April 1974.

U.S. EPA. Development Document for Proposed Effluent Limitations Guidelines, New Source Performance Standards, and Pretreatment Standards for the Steam Electric Point Source Category. EPA Report No. 440/l-80/029B. September 1980.

U.S. EPA. Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Steam Electric Power Generating Point Source Category. EPA Report No. 440/l-74/029-A. October 1974.

U.S. EPA. Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Cane Sugar Refining Segment of the Sugar Processing Point Source Category. EPA Report No. 440/l-74/002-C. March 1974.

U.S. EPA. Development Document for Effluent Limitations Guidelines Standards of Performance for New Sources Beet Sugar Processing Subcategory of the Sugar Processing Subcategory of the Sugar Processing Point Source Category. EPA Report No. 440/l-74/002-B. January 1974.

U.S. EPA. Development Document for Effluent Limitations Guidelines and Standards for the Textile Mills Point Source Category. EPA Report No. 440/l-82/022. September 1982.

U.S. EPA. Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Textile Mills Point Source Category. EPA Report No. 440/l-74/022-A. June 1974.

U.S. EPA. Development Document for Effluent Limitations Guidelines, New Source Performance Standards, and Pretreatment Standards for the Timber Products Processing Point Source Category. EPA Report No. 440/l-81/023. January 1981.

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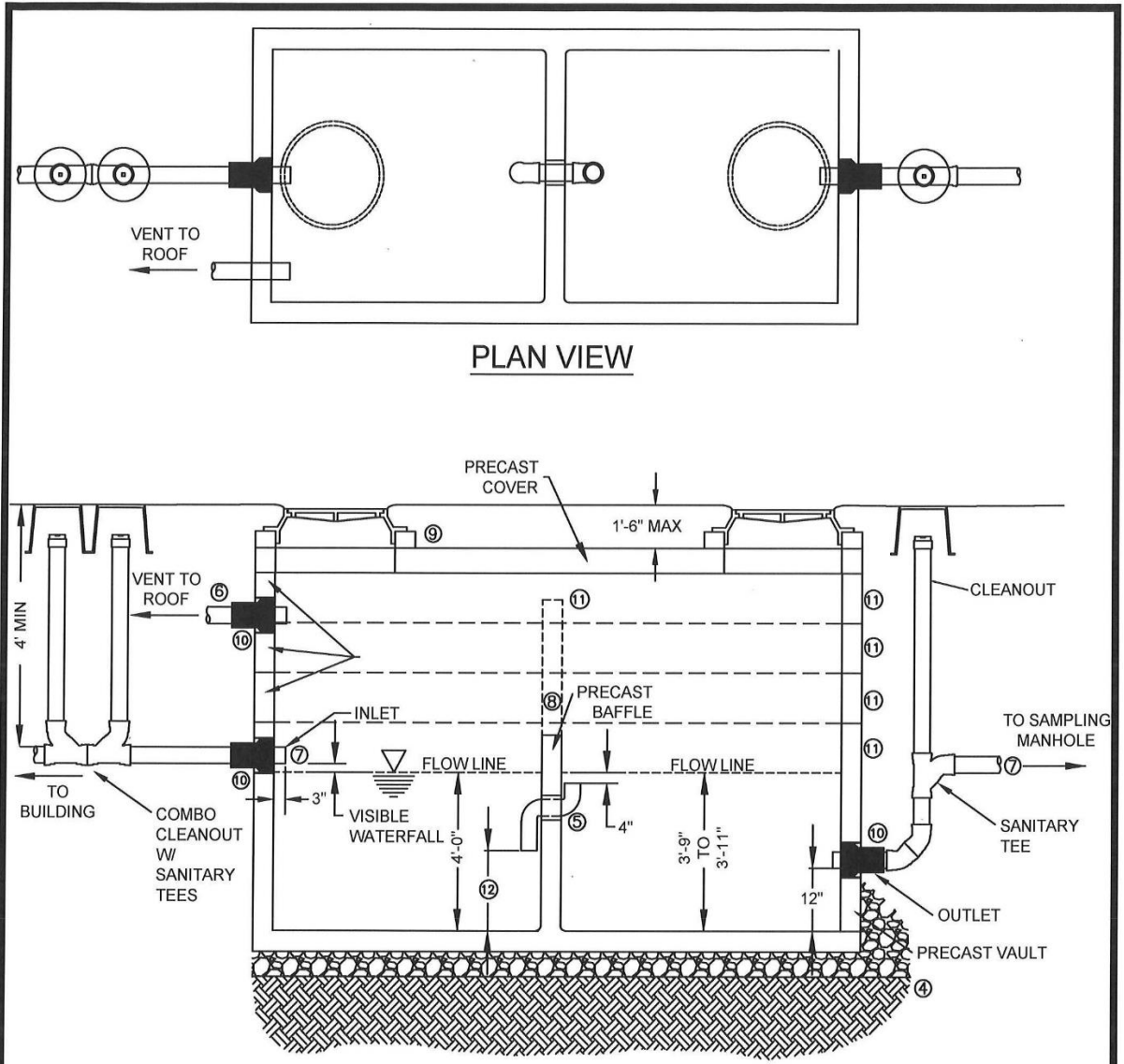
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12 PRETREATMENT DRAWINGS AND SPECIFICATIONS



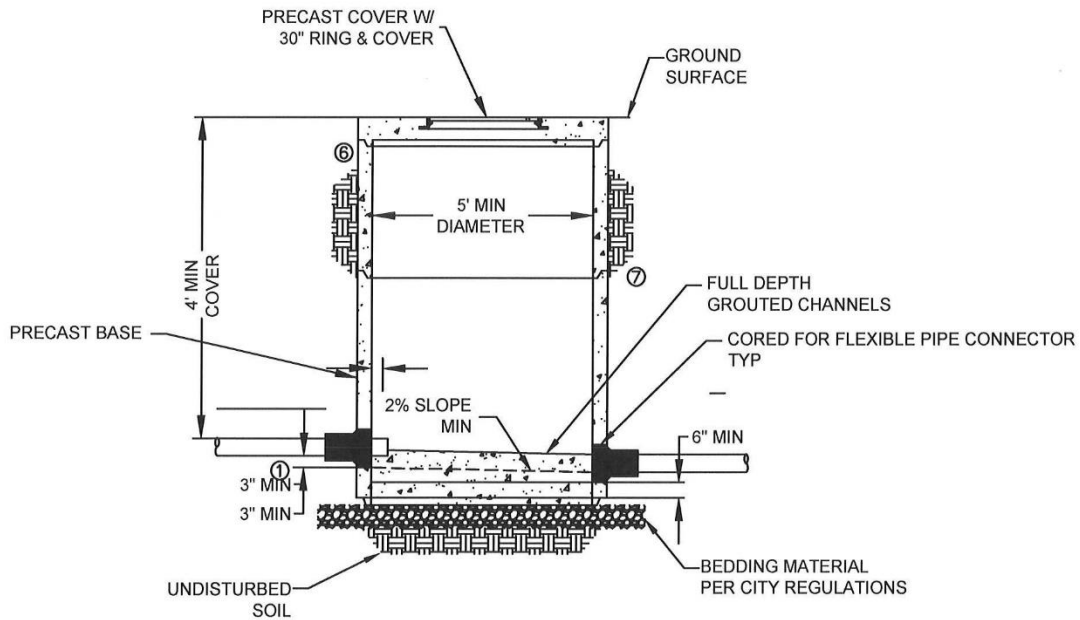
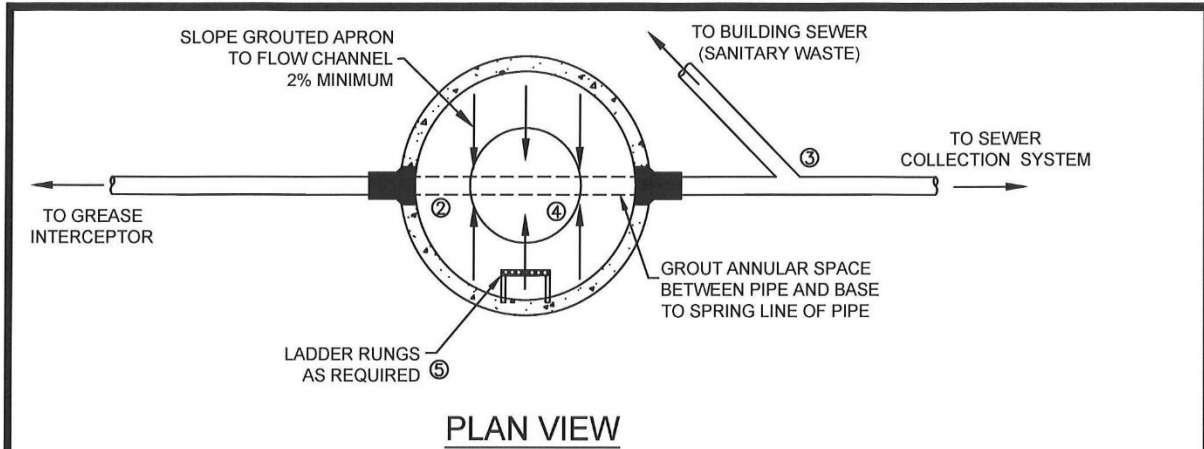
PLAN VIEW

PROFILE VIEW

NOTES:

- ① THE GREASE INTERCEPTOR CAPACITY IS DEFINED AS THE STORAGE VOLUME OF THE VAULT BELOW THE OUTLET PIPE ELEVATION.
- ② THE GREASE INTERCEPTOR SHALL HAVE A MINIMUM CAPACITY OF 1000 GALLONS.
- ③ SANITARY WASTES SHALL NOT BE PLUMBED TO GREASE INTERCEPTOR.
- ④ THE GREASE INTERCEPTOR SHALL BE INSTALLED LEVEL AND ON A COMPACTED FOUNDATION WITH APPROVED BEDDING MATERIAL AS PER APPLICABLE CITY REQUIREMENTS.
- ⑤ PIPING THROUGH BAFFLE WALL SHALL BE 6" SOLVENT WELD PVC. THE INLET AND OUTLET PIPES SHALL BE GASKETED PVC.
- ⑥ GREASE INTERCEPTOR SHALL BE VENTED INDEPENDENTLY THROUGH THE BUILDING, AWAY FROM AIR INTAKES, MIN SIZE 2". VENT MUST BE ABOVE MAXIMUM WATERLINE. OIL SAND SEPARATORS MAY HAVE VENTED LIDS IN LIEU OF SEPARATE VENT THROUGH BUILDING ROOF. (i.e. AUTO SHOPS, CAR WASHES)
- ⑦ THE INLET PIPE SHALL BE BETWEEN ONE AND THREE INCHES HIGHER THAN THE OUTLET PIPE.
- ⑧ THE DIMENSIONS AND CONFIGURATION OF THE VAULT AND BAFFLE SHALL BE ACCORDING TO THE MANUFACTURER'S REQUIREMENTS FOR THE SIZE OF INTERCEPTOR INSTALLED. CHAMBERS SHALL BE EQUAL VOLUMES. THE TOP OF THE BAFFLE WALL SHALL BE AT LEAST 3" ABOVE THE CROWN OF THE INLET PIPE AND SHALL MAINTAIN A 3" GAP FROM THE BOTTOM OF THE COVER.
- ⑨ NO MORE THAN 12" OF GRADE RINGS ARE ALLOWED.
- ⑩ CORED FOR FLEXIBLE RUBBER BOOT PIPE CONNECTOR. FLEXIBLE PIPE CONNECTOR GROUTED FROM INSIDE AFTER INSTALLATION.
- ⑪ VAULT RISER SECTIONS AS REQUIRED, INCLUDING BAFFLE WALL EXTENSIONS (JOINT SEALANT AT ALL JOINTS).
- ⑫ HALFWAY BETWEEN FLOOR AND FLOW LINE (DEPTH OF FLOW MIDPOINT).

4					<p>South Valley WATER RECLAMATION FACILITY</p>	INTERCEPTORS			
0						DRAWN:	DESIGNED:	CHECKED:	APPROVED:
8						DATE:	FILE NAME:	DRAWING NAME:	
1 100010	OFFICE STANDARD	SP	TV	0000		DEC 2019	SWRF GREASE INT	PT-1	



PROFILE VIEW

NOTES:

- ① BOTTOM OF INLET PIPE INTO MANHOLE MUST BE AT LEAST 3-INCHES ABOVE THE BOTTOM OF THE TROUGH AND EXTENDED 3-INCHES BEYOND THE INSIDE OF THE MANHOLE WALL.
- ② WIDTH AND DIAMETER OF GROUTED TROUGH MUST BE THE SAME AS DIAMETER OF INLET AND OUTLET PIPE.
- ③ SANITARY WASTE LINE MUST CONNECT DOWNSTREAM OF SAMPLING MANHOLE.
- ④ MANHOLE OPENING SHALL BE CENTERED OVER INLET PIPE.
- ⑤ IF SAMPLING MANHOLE IS DEEPER THAN 48-INCHES, THEN LADDER RUNGS SHALL BE INSTALLED ON EITHER SIDE OF OUTLET.
- ⑥ PRECAST CONICAL TOP SECTIONS ARE NOT ALLOWED, CONCENTRIC OR ECCENTRIC.
- ⑦ MANHOLE RISERS SECTIONS AS REQUIRED (JOINT SEALANT AT ALL JOINTS).

4							SAMPLING MANHOLES			
3							DESIGNER	DRAWN	CHECKED	APPROVED
2										
1	010780	07/27/2020	JP	TV	8880		DATE	FILE NAME	DRAWING NAME	
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13 INDUSTRIAL WASTEWATER PERMIT

**SOUTH VALLEY WATER RECLAMATION FACILITY
INDUSTRIAL USER WASTEWATER DISCHARGE PERMIT**

Significant/Categorical Industrial User

Permit Number	****
Effective Date	****
Expiration Date	****
Authorized Representative	****
Contact Phone Number	(801) ****
Facility Name	****
Facility Address	****
Mailing Address	****
Billing Address	****
Sewer Service Provider	****

In accordance with the provisions of the South Valley Water Reclamation Facility (SVWRF) Rules and Regulations and any adopted amendments the above-named Permittee is hereby authorized to discharge industrial wastewater from the above-identified facility and through the outfall(s) identified herein into the sewer system of ****, and to use the South Valley Water Reclamation Facility (SVWRF) in accordance with the above-mentioned SVWRF Rules and Regulations, and subject further to the effluent limitations, monitoring requirements, and other conditions set forth in this Permit.

Compliance with this permit does not relieve the permittee of its obligation to comply with any or all applicable pretreatment regulations, standards, or requirements under local, state, and federal laws, including any such regulations, standards, requirements, or laws that might become effective during the term of this permit. Noncompliance with any term or condition of this permit will constitute a violation of the SVWRF Rules and Regulations.

This Permit shall become effective on **** and shall expire at midnight on **** (the Permit Term). Permittee shall not discharge after the date of expiration or any termination of this Permit. If the Permittee wishes to continue to discharge after the expiration date or any termination, an application must be filed for reissuance of this Permit in accordance with the requirements of the SVWRF Industrial Pretreatment Program and SVWRF's Rules and Regulations relating to said program. Applications for reissuance shall be filed a minimum of 60 days prior to the expiration date of the Permit.



Issued this _____ day of _____ 20____

By: _____
Spencer Parkinson, SVWRF Pretreatment Director

**** has been classified as a Significant/Categorical Industrial User because the facility meets the criteria set forth in 40 CFR Section ****.

PART I - APPLICABLE EFFLUENT LIMITATIONS

SECTION A - EFFLUENT LIMITATIONS

1. Discharge Point(s)

During the Permit Term the Permittee is authorized to discharge process wastewater to the **** sewer system and into the SVWRF from the outfall(s) listed below.

Description of outfall(s):

<u>Outfall(s)</u>	<u>Description(s)</u>
A	****

2. Specific Limitations

During the Permit Term the discharge from Outfall(s) ****A shall not exceed the following effluent limitations. Effluent from this Outfall(s) consists of ***. This facility is considered a new source subject to the pretreatment standards for new sources (PSNS) at Title 40 of the *Code of Federal Regulations* (CFR) Part ****, Subpart ****. In addition, the discharge shall comply with all other applicable regulations and standards contained in the SVWRF Pretreatment Program and the Rules and Regulations pertaining thereto.

Parameter	Instantaneous Minimum	Instantaneous Maximum
pH	5.0	11.0
Temperature Fahrenheit	N/A	140°

Parameter	Daily Maximum (mg/l)	Surcharge Range (mg/l)
BOD	N/A	See Part I, Section A, Paragraph 4.
TSS	N/A	
Oil and Grease (animal or vegetable)	1,000	

Parameter	Daily Maximum (mg/l)	Monthly Average (mg/l)
Oil and Grease (petroleum)	100	N/A
Arsenic	0.71	N/A
Cadmium	.0634	N/A
Chromium	28.7	N/A
Copper	2.58	N/A
Cyanide (total)	.66	N/A
Lead	1.10	N/A
Mercury	.022	N/A
Molybdenum	.224	N/A
Continued on Next Page		
Nickel	3.98	N/A

Selenium	.149	N/A
Silver	6.89	N/A
Zinc	11.07	N/A

3. General Prohibitions

No User shall introduce or cause to be introduced into the SVWRF any pollutant or wastewater, which causes Pass Through or Interference. These general prohibitions apply to all Users of the SVWRF whether or not they are subject to National Categorical Pretreatment Standards or any other Federal, State or Local pretreatment standards or requirements.

4. Specific Prohibitions

No User shall introduce or cause to be introduced into the SVWRF the following pollutants, substances, or wastewater as per SVWRF Rule and Regulations Section 2.2.2:

- a) Pollutants which create fire or explosive hazard in the SVWRF, 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;
- b) Wastewater having a pH level outside of limits as set forth in User's permit or outside the limits of SVWRF's Rules and Regulations as set forth in SVWRF's Local Limits;
- c) Solid or viscous substances in amounts which will cause obstruction of the flow in the SVWRF resulting in interference but in no case solids greater than ¼ inch(s) 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, glass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar asphalt residues from refining or processing of fuel or lubricating oil, mud or glass grindings or polishing wastes;
- d) 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 SVWRF;
- e) Wastewater having a temperature greater than 140° F (60° C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104° F (40° C);
- f) Petroleum oil, non-biodegradable cutting oil, or products of mineral origin, in amounts that will cause interference or pass through but not to exceed 100 mg/l;
- g) Pollutants which result in the presence of toxic gases, vapors, or fumes within the SVWRF in a quantity that may constitute a hazard to worker health or create safety problems;
- h) Trucked or hauled pollutants, except at discharge points designated by the Pretreatment Director in accordance with Section 2.8 of the SVWRF Pretreatment Rules and Regulations;

- i) Noxious or malodorous liquids, gases, solids or other wastewater which, either singly or by interaction with other wastes are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for the maintenance or repair;
- j) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the SVWRF plant's effluent, thereby violating SVWRF's UPDES permit;
- k) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
- l) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, condensate, deionized water, non-contact cooling water, and unpolluted wastewater, unless specifically authorized by the Pretreatment Director;
- m) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- n) Bulk, expired, outdated, or concentrated prescription or non-prescription drugs;
- o) Medical wastes, except as specifically authorized by the Pretreatment Director in an individual wastewater permit or general permit issued by SVWRF;
- p) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test;
- q) Detergents, surface-active agents, or other substances that might cause excessive foaming in the SVWRF;
- r) Fats, oils, or greases of animal or vegetable origin in concentrations greater than 1,000 mg/l; and
- s) Wastewater causing two readings on an explosion hazard meter at the point of discharge into the SVWRF, or at any point in the SVWRF, of more than five percent (5%) or any single reading over ten percent (10%) of the lower explosive limit of the meter.

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

5. User Charge Program

Any User that discharges BOD (Biochemical Oxygen Demand) in excess of 200 mg/l, TSS (Total Suspended Solids) in excess of 230 mg/l or discharges animal or vegetable oil and greases in excess of 100 mg/l will be surcharged under Section 10 of SVWRF Rules and Regulations.

6. Compliance with Applicable Pretreatment Standards and Requirements

Compliance with this permit does not relieve the Permittee from its obligations regarding compliance with all applicable Local, State, and Federal Pretreatment Standards and requirements including any such standards or requirements that might become effective during the term of this permit.

PART II – EFFLUENT MONITORING AND REPORTING REQUIREMENTS

SECTION A- MONITORING REQUIREMENTS

1. During the Permit Term South Valley Water Reclamation Facility shall monitor Outfalls(s) ****A for the following:

<u>Parameter</u>	<u>Sample Location</u>	<u>Frequency</u>	<u>Sample Type</u>
Oil and Grease (Animal or Vegetable)	A	Quarterly	Grab
BOD	A	Quarterly	Composite
TSS	A	Quarterly	Composite
pH	A	Quarterly	Instantaneous
Temperature	A	Quarterly	Grab
Oil and Grease (Petroleum)	A	Quarterly	Grab
Cyanide (t)	A	Quarterly	Grab
Metals	A	Quarterly	Composite

- a) Quarterly samples are to be analyzed once every three (3) months.
 - b) Definitions of sample types can be found in Part IV, Section A.9 of this Permit.
 - c) Daily flows are to be recorded from the Permittee’s water meter. If the Permittee shares a water meter with other businesses, a separate water meter must be installed.
 - d) SVWRF reserves the right to monitor for TTOs to determine compliance at any time.
2. All handling and preservation of collected samples and laboratory analysis of samples shall be performed in accordance with 40 CFR Part 136 and amendments thereto unless specified otherwise in the monitoring conditions of this Permit.

SECTION B - REPORTING REQUIREMENTS

1. Quarterly Reports

The reports are due on the 28th day of the month following the end of the quarter (e.g., the end of the first quarter is March 31, and then the report is due 28 April). The first report is due on ****. The report should indicate the nature and concentrations of all pollutants in the process wastewater discharges that are regulated by the standards set forth in Part I of this Permit and include measured maximum and average daily flows. Quarterly report forms are available at SVWRF.

2. If the Permittee monitors any pollutant(s) required by this Permit, the results of such monitoring shall be submitted to the SVWRF if they were analyzed by a certified laboratory.

3. Automatic Resampling

If the results of the Permittee's wastewater analysis indicate that a violation of this Permit has occurred, SVWRF will:

- a) Inform the Permittee of the violation.
- b) Repeat the sampling and pollutant analysis within 30 days of the violation notice.

4. New or Changed Wastewater Reporting

- a) The Permittee shall notify SVWRF within 90 days prior to the introduction of any new wastestreams or pollutants, or any substantial increase or decrease in the volume (i.e., 20 percent or greater variance from the monthly average flow) or characteristics of existing wastestreams discharged to Outfall(s) ****A, described above, or any other outfall of the Permittee.

5. Prevention of Spills and Accidental Discharges

- a) The Permittee shall provide to SVWRF plans showing the facilities and operating procedures to provide protection against spills or accidental discharges of prohibited or regulated materials as covered in Section 2.4.2 of the SVWRF Rules and Regulations. Such plans shall include, but are not limited to:

- (1) All chemicals and oils will be properly labeled. All containers of five gallons or more must be stored 50 feet from any floor drain or be stored in a containment area that holds 110% of the largest container stored in the containment area.

- (2) Diking systems for containment;

- (3) Alarm systems including test frequency of alarms;

- (4) Employee education or training programs; and

- (5) Manhole sealing and re-piping.

- b) The Permittee shall submit a spill prevention and accidental discharge control plan showing facilities and operating procedures to SVWRF for review within 30 days of the effective date of the Permit.

- c) Architectural drawings shall be reviewed and approved by SVWRF prior to construction of any facilities.

6. Accidental Discharge Report

- a) The Permittee must notify the SVWRF immediately upon the occurrence of spills, including accidental discharge of substances prohibited by Section 2 of the SVWRF Rules and Regulations, discharges of a non-routine, episodic nature, a non-customary batch discharge, slug loads, or slug discharges that might cause potential problems for the POTW, or spills that might enter the public sewer. SVWRF should be notified during normal business hours (Monday-Thursday 8am-5pm) by telephone at (801) 566-7711. After hours, weekends and holidays, SVWRF should be notified by telephone at (801) 859-8307. The notification shall include location of discharge, date and time thereof, type of waste, including concentration and volume, and corrective actions taken. The

Permittee's notification of accidental releases in accordance with this section does not relieve it of other reporting requirements that arise under Local, State, or Federal laws.

- b) Within five (5) days following an accidental discharge, the Permittee shall submit to the SVWRF a detailed written report. The report must specify:
 - (1) Description and cause of the upset, slug load, or accidental discharge; the cause thereof; and the impact on the Permittee's compliance status. The description should also include location of discharge, type, concentration, and volume of waste;
 - (2) Duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance is continuing, the time by which compliance is reasonably expected to occur; and
 - (3) All steps taken or to be taken to reduce, eliminate, and/or prevent recurrence of such an upset, slug load, accidental discharge, or other conditions of noncompliance.
- c) The Permittee shall submit prior notice at least 10 days in advance of any planned bypass that may result in violation of any applicable pretreatment standards.

7. RCRA (Resource Conservation Recovery Act) Hazardous Waste Reporting

All Users shall notify SVWRF, the State, and EPA of the nature and mass of RCRA hazardous wastes the User discharges into any public sewers, as required under Federal Regulations 40 CFR 403.12(p).

8. All reports required by this Permit shall be submitted to the SVWRF at the following address:

Pretreatment Director
South Valley Water Reclamation Facility
7495 South 1300 West
West Jordan, Utah 84084

9. All applications, reports, or information submitted to SVWRF in accordance with the requirements of this Permit shall be signed by one of the following:

- 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 level 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; has authority to ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit and general permit requirements; and where authority to sign documents has been assigned or delegated to a 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 limited liability company, the managing partner or member.
- d) 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 his/her designee.
- e) The individuals described in paragraphs (8)(a), (8)(b), (8)(c), and (8)(d) 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 SVWRF.
- f) A member of the Utah State Bar.

PART III - SPECIAL CONDITIONS

SECTION A - ADDITIONAL/SPECIAL MONITORING REQUIREMENTS

1. Development of ****sludge disposal plan, ****spill prevention and control plan, and ****Best Management Practices (BMP) plan for submittal to SVWRF within 30 days of the effective date of this Permit. A template (Attachment A) is attached to assist in designing your **** plan.
2. All metering and monitoring equipment required by SVWRF in the Permittee's facility shall be calibrated quarterly or sooner based on the manufacturer's recommendation.
3. Any telemetry used to transmit information to SVWRF via radio signal shall be calibrated quarterly or sooner based on the manufacturer's recommendation. All local telemetry readings will need to be verified against the digital readouts at SVWRF on a quarterly basis.
4. Manifests for all wastes that are hauled offsite for disposal, from the Permittee's facility, must be kept on file for SVWRF's review for at least three years from the date of disposal.
5. Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters must be disposed of in accordance with Section 405 of the Clean Water Act, Subtitles C, and D of the Resource Conservation and Recovery Act and Section 2.2.2(13) of the SVWRF Rules and Regulations.

SECTION B - COMPLIANCE SCHEDULE

1. Compliance Schedule

[Reserved]

2. Compliance Schedule Reporting

No later than 14 days following each date in the above schedule, the Permittee must submit to the SVWRF a progress report including, at a minimum, whether it complied with the increment of progress to be met on such date and, if not, the date on which it expects to

comply with the increment of progress, the reasons for delay, and the steps being taken to bring the project to the schedule established.

PART IV - STANDARD CONDITIONS

SECTION A - GENERAL CONDITIONS, DEFINITIONS, AND COMPLIANCE
RESPONSIBILITIES

1. Pretreatment Program Enforceability

The terms and conditions of the SVWRF's Pretreatment Program shall be enforceable automatically through this Permit.

2. Severability

The provisions of this Permit are severable, and if any provision of this Permit, or the application of any provision of this Permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this Permit, shall not be affected thereby and will continue in full force and effect.

3. Duty to Comply

The Permittee must comply with all conditions of this Permit. Failure to comply with the requirements of this Permit or the SVWRF's Rules and Regulations may be grounds for administrative, judicial or enforcement proceedings including, but not limited to, civil or criminal penalties, injunctive relief and termination of sewer service.

4. Duty to Mitigate

The Permittee must take all reasonable steps to minimize or correct any adverse impact on the SVWRF and/or the environment resulting from noncompliance with this Permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

5. Permit Action

This Permit may be modified, revoked, re-opened and reissued, or terminated by SVWRF for good cause including, but not limited to, the following:

- a) To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;
- b) Material or substantial alterations or additions to the Permittee's operation that are not covered in this Permit;
- c) A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge(s);
- d) Information indicating that the permitted discharge poses a threat to the SVWRF or its Member Entity's sewage collection and treatment systems, personnel or the receiving waters;
- e) Violation of any terms or conditions of this Permit;

- f) Obtaining this Permit by misrepresentation or failure to disclose fully all relevant facts; or
- g) To correct typographical or other errors in the permit;
- h) Upon request of the Permittee, provided such request does not create a violation of any existing applicable requirements, standards, laws, or rules and regulations.

The filing of a request by the Permittee for a Permit modification, revocation, re-opener and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any Permit condition(s).

6. Property Rights

The issuance of this Permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

7. Prohibition on Permit Transfer

This Permit is issued to Permittee for Permittee's specific operation and is not assignable to another User or transferable to any other location. In the event of sale of Permittee's business or facilities, the Permittee must inform the purchaser of all responsibilities and obligations under this Permit and such purchaser shall be required to obtain a new Discharge Permit from the SVWRF.

8. Continuation of Expired Permits

An expired permit will continue to be effective and enforceable until the permit is reissued if:

- a) The Permittee has submitted a complete permit application at least 60 days prior to expiration date of the User's existing permit.
- b) The failure to reissue the permit, prior to expiration of the previous permit, is not due to any act or failure to act on the part of the Permittee.

9. Dilution

The Permittee shall not increase the use of potable or process water or, in any way; attempt to dilute a wastewater discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in this Permit.

10. Definitions

- a) Annually - One time each calendar year.
- b) Biochemical Oxygen Demand (BOD) - The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20° centigrade expressed in terms of weight and concentration (milligrams per liter [mg/l]. Laboratory determinations shall be made in accordance with approved EPA methods (reference 40 CFR 136).
- c) Bypass - The intentional diversion of wastestreams from any portion of an Industrial User's treatment facility.

- d) Composite Samples - A combination of individual samples obtained at regular intervals over a specified time-period. The volume of each individual sample may be either proportional to the flow rate during the same period (flow proportioned) or constant and collected at equal time intervals during the composite period (time proportioned).
- e) Cooling Water -
 - (1) Contact: Water used for cooling purposes, which comes into direct contact with raw material, intermediate product, waste product, and/or finished product.
 - (2) Non-Contact: Water used for cooling, that does not come into contact with any raw material, intermediate product, waste product or finished product.
 - (3) Uncontaminated: Water used for cooling purposes only which has no direct contact with any raw material, intermediate, or final product and which does not contain a level of contaminants detectably higher than that of the intake water.
- f) Daily Maximum Limit - The maximum allowable discharge of pollutant during a calendar day. Where daily maximum limitations are expressed in units of mass, the daily maximum is the total mass discharged over the course of the day. Where daily maximum limitations are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant derived from all measurements taken that day.
- g) Domestic Waste Stream - Wastewater originating from a household or personal residence.
- h) Grab Sample - An individual sample collected in less than 15 minutes, without regard for flow or time.
- i) Instantaneous Maximum Concentration - The maximum concentration allowed in any single grab sample.
- j) Instantaneous Minimum Concentration - The minimum concentration allowed in any single grab sample.
- k) mg/l - milligrams per liter.
- l) Monthly Average - The sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.
- m) pH - a number, as determined by a standardized laboratory method, used to express the degree to which water or wastewater is acidic or alkaline based on a scale of values from 0 to 14, with 7 being neutral. On the pH scale, pH values less than 7 are acid or acidic, and values greater than 7 are basic or alkaline.
- n) Process Wastewater- Any wastewater generated from commercial or industrial processes; including, but not limited to wash water, dish water, rinse water, mop water, quench water, recirculation water, blow down water and clean-up water.
- o) Quarterly - Four times each calendar year, one time during the first three months of the year, one time during the next three months, and so forth.
- p) Semiannually - Two times each calendar year, one time during first six months of the year and one time during the last six months of the same calendar year.

- q) Significant Industrial User - An Industrial User subject to categorical Pretreatment Standards; or an Industrial User that:
- 1) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the SVWRF per average work day (excluding sanitary, non-contact cooling and boiler blow down wastewater); or
 - 2) Contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the SVWRF treatment plant; or
 - 3) Is designated as such by SVWRF on the basis that it has a reasonable potential for adversely affecting the SVWRF's operation or for violating any Pretreatment Standard or Requirement.
- r) SVWRF Rules and Regulations - Those rules and regulations adopted by the SVWRF Board from time to time governing the SVWRF.
- s) Total Suspended Solids (TSS) - The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.
- t) Upset - Means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based Permit effluent limitations because of factors beyond the reasonable control of the Permittee, excluding such factors as operational error, improperly designed or inadequate treatment facilities, or improper operation and maintenance or lack thereof.
- u) Weekly Average - Other than for fecal coliform bacteria, is the arithmetic mean of the values for effluent samples collected over a period of seven consecutive days. The weekly average for fecal coliform bacteria is the geometric mean of the values for effluent samples collected over a period of seven consecutive days.

SECTION B - MONITORING AND RECORDS

1. Representative Sampling

Samples and measurements taken, as required herein, shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring points specified in this Permit and, unless otherwise specified, before the effluent joins or is diluted by any other waste stream, body of water or substance. Monitoring points shall not be changed without notification to and approval of the SVWRF.

2. Analytical Methods to Demonstrate Continued Compliance

Sampling and analysis of all samples shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto.

3. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this Permit, using approved test procedures or as specified in this Permit, the results of this monitoring shall be attached to the Permittee's quarterly reports. SVWRF will only accept the analysis if performed by a State of Utah Certified Laboratory using the methods as set forth in 40 CFR Part 136.

4. Inspection and Entry

The Permittee must allow the SVWRF's authorized representative(s), upon the presentation of credentials to immediately:

- a) Enter upon the Permittee's premises where Permittee's facilities or activities are located or conducted, or where records must be kept under the conditions of this Permit;
- b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Permit;
- c) Inspect at reasonable times any of Permittee's facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit;
- d) Sample or monitor, for the purposes of assuring Permit compliance, any substances or parameters at any location; and
- e) Inspect any production, manufacturing, fabricating or storage area where pollutants, regulated under this Permit, could originate, be stored, or be discharged to the sewer system.

5. Retention of Records

- a) The Permittee must retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Permit, and records of all data used to complete the application for this Permit, for a period of at least three years from the date of the sample, measurement, report or application.

This period may be extended by request of the SVWRF at any time.

- b) All records that pertain to matters that are the subject of administrative orders or any other enforcement or related activities brought by the SVWRF must be retained and preserved by the Permittee until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

6. Record Contents

Records of sampling information and chain of custody shall include:

- a) The date, exact place, time, and methods of sampling or measurements, and sample preservation techniques or procedures;
- b) Who performed the sampling or measurements;
- c) The date(s) analyses were performed;
- d) Who performed the analyses;
- e) The analytical techniques or methods used; and
- f) The results of such analyses.

S

7. Falsifying Information

Knowingly making any false statement on any report or other document required by this Permit or knowingly rendering any monitoring device or method inaccurate, may result in punishment under criminal proceedings as well as being subjected to civil penalties and injunctive relief.

SECTION C - ADDITIONAL REPORTING REQUIREMENTS

1. Change in Discharge

All discharges authorized herein shall be consistent with the terms and conditions of this Permit. The discharge of any pollutant identified in this Permit more frequently than or at a level in excess of that authorized shall constitute a violation of the Permit. Any anticipated facility expansions, production increases, or process modifications, which will result in new, different, or increased discharges must not violate the effluent limitations specified in this Permit, and Permittee shall give prompt notice of such changes to SVWRF. Following such notice, the Permit may be re-opened and modified to specify and limit any pollutants not previously limited.

2. Noncompliance Notification

If, for any reason, the Permittee does not comply with or will be unable to comply with any maximum effluent limitations specified in this Permit, the Permittee shall orally provide the SVWRF with the following information, immediately and in writing, within five (5) days of becoming aware of such condition:

- a) A description of the discharge and cause of noncompliance;
- b) The period of noncompliance, including exact dates and times; or
- c) If not corrected, the anticipated time the noncompliance is expected to continue until; and
- d) Steps being taken to reduce, eliminate, and prevent recurrence of noncomplying discharge.

Such notification does not relieve Permittee from possible enforcement action by the SVWRF or its Member Entity for actual or potential violations described in the notification.

3. Duty to Provide Information

The Permittee must furnish to the SVWRF within a reasonable time, any information that the SVWRF may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Permit, or to determine compliance with this Permit. The Permittee must also furnish to the SVWRF, upon request, copies of records required to be kept by this Permit. These records include but are not limited to water usage records or logs, manifests for wastes hauled offsite for disposal or recycling, and grease trap or grease interceptor cleaning bills or logs.

4. Discharge of Pollutants

In the event that a User discharges pollutants which causes the SVWRF to violate any conditions of its UPDES Permit and the SVWRF or any of its Member Entities are fined by

any authority for such violation, the Permittee shall be fully liable to the SVWRF and its Member Entities for the total amount of the fine assessed against them, together with administrative costs to the fullest extent allowed and permitted by applicable law.

In any enforcement proceeding, the Permittee seeking to establish the occurrence of an upset constituting an affirmative defense to an action brought for noncompliance with categorical pretreatment standards shall have the burden of proof of 40 CFR Section 403.16(c).

5. Facilities Operation

The Permittee shall control production on all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of Permittee's treatment facilities until such facilities are restored or an alternative method of treatment is provided.

The Permittee must at all times maintain in good working order and operate as efficiently as possible, all treatment or control facilities or systems installed or used by Permittee to achieve compliance with the terms and conditions of this Permit.

6. Bypassing

Any diversion from or by-pass of facilities necessary to maintain compliance with the terms and conditions of this Permit is prohibited, except where unavoidable to prevent loss of life or severe property damage. The Permittee shall promptly take production control and reporting actions as outlined in PART IV, Section C, Paragraph 2 "Noncompliance Notification Requirements" of this Permit.

7. Annual Publication

A list of all industries that were subject to enforcement proceedings during the twelve (12) previous months shall be annually published by the SVWRF in a daily newspaper having general circulation within its service area.

8. Civil and Criminal Liability

Nothing in this Permit shall be construed to relieve the Permittee from civil and/or criminal penalties for noncompliance; or from any responsibilities, liabilities, or penalties established pursuant to any applicable Federal, State, or local laws, ordinances or regulations.

Any person who willfully or with gross negligence:

- a) Discharges pollutants in violation of the "Utah Water Pollution Control Act" or the SVWRF Rules and Regulations or in violation of any condition or limitation included in this Permit; or
- b) Violates any pretreatment standard or toxic effluent standards of the City of **** shall be assessed a fine not exceeding \$25,000 per day. Any person convicted a second time shall be punished by a fine not exceeding \$50,000 per day and/or possible termination of sewer service; or
- c) Violates this Permit or SVWRF's Rules and Regulations is subject to a civil penalty not to exceed \$10,000 per day.

9. Recovery of Costs Incurred

In addition to civil and criminal liability, the Permittee violating any of the provisions of this Permit or SVWRF's Rules and Regulations or causing damage to or otherwise inhibiting the SVWRF's wastewater treatment plant or related facilities shall be liable to the SVWRF for any expense, loss, or damage caused by such violation or discharge. The SVWRF shall bill the Permittee for the costs incurred by the SVWRF for any cleaning, repair, or replacement work caused by the violation or discharge. Refusal to pay the assessed costs shall constitute a separate violation of SVWRF's Rules and Regulations.

10. Permit Fee

If this Permit is approved, there will be a fee as determined by the SVWRF Board with Permits being in effect for either 1 or 5 years depending on type of business or industry.

11. Action by State

Nothing in this Permit shall be construed to preclude the institution of any legal action by the State or to relieve the Permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State or Federal law or regulation.

END

14 APPROVED FORMS

14.1 NOTICE OF VIOLATION

SOUTH VALLEY WATER RECLAMATION FACILITY

IN THE MATTER OF

NOTICE OF VIOLATION

INDUSTRY NAME
INDUSTRY ADDRESS

LEGAL AUTHORITY

The following findings are made and notice issued pursuant to the authority vested in the Pretreatment Director of South Valley Water Reclamation Facility, under the provisions of the South Valley Water Reclamation Facility's Rules and Regulations. This Notice is based on findings of violation of the conditions of the wastewater discharge permit issued pursuant to South Valley Water Reclamation Facility's Rules and Regulations.

1. South Valley Water Reclamation Facility (hereafter referred to as "SVWRF") is charged with construction, maintenance, and control of the Sewer Treatment Works.
2. To protect the sewer treatment works, SVWRF administers a Pretreatment Program.
3. Under this Pretreatment Program, INDUSTRY NAME was issued a discharge permit.
4. The discharge permit issued to INDUSTRY NAME contained numerical limits on the quality of pollutants, which could discharge and self-monitoring requirements.
5. On Collection Dates, pollutant analysis revealed that the quality of Pollutant(s) exceeded the permit limitation(s).

NOTICE

THEREFORE, BASED ON THE ABOVE FINDINGS, INDUSTRY NAME IS HEREBY NOTIFIED THAT:

1. It is in violation of its discharge permit and SVWRF's Rules and Regulations.
2. INDUSTRY NAME must respond in writing to this Notice of Violation within Due Date days of the date of this Notice.
3. Failure to respond to this Notice will result in further enforcement actions.

Date of Notice

November 4, 2021

Spencer Parkinson, Pretreatment Director
South Valley Water Reclamation Facility
7495 South 1300 West
West Jordan, UT 84084
(801) 495-5452

14.2 ADMINISTRATIVE SHOW CAUSE ORDER

SOUTH VALLEY WATER RECLAMATION FACILITY

IN THE MATTER OF
INDUSTRY NAME
INDUSTRY ADDRESS.

ADMINISTRATIVE
SHOW CAUSE ORDER

LEGAL AUTHORITY

The following findings are made and notice issued pursuant to the authority vested in the Pretreatment Director of South Valley Water Reclamation Facility, under the provisions of the South Valley Water Reclamation Facility's Rules and Regulations. This Order is based on findings of violation of the conditions of the wastewater discharge permit issued pursuant to South Valley Water Reclamation Facility's Rules and Regulations.

FINDINGS

6. INDUSTRY NAME discharges nondomestic wastewater containing pollutants into the sanitary sewer system of South Valley Water Reclamation Facility (hereafter, "SVWRF").
7. INDUSTRY NAME is a "Significant Industrial User" as defined by SVWRF's Rules and Regulations.
8. INDUSTRY NAME was issued a wastewater discharge permit on Permit Date, which contains prohibitions, restrictions, and other limitations on the quality of the wastewater it discharges to the sanitary sewer.
9. Pursuant to the SVWRF Rules and Regulations and the above referenced permit, data is routinely collected or submitted on the compliance status of INDUSTRY NAME.

-
-
10. This data shows that INDUSTRY NAME has violated its wastewater discharge permit in the following manner:
- a. INDUSTRY NAME has violated its permit limits for Pollutant(s) in each sample collected between Collection Begin Date and Collection End Date for a total of Number of Violations separate violations of the permit.
 - b. INDUSTRY NAME has failed to submit periodic compliance report(s) due Due Date.
 - c. All of these violations satisfy SVWRF's definition of significant violation.

ORDER

THEREFORE, BASED ON THE ABOVE FINDINGS, INDUSTRY NAME IS HEREBY ORDERED TO:

4. Appear at a meeting with the Pretreatment Director of SVWRF to be held Date of hearing. at Time of hearing. in SVWRF's Administration Building at 7495 South 1300 West, West Jordan, Utah.
5. At this meeting, INDUSTRY NAME must show cause why SVWRF should not pursue further enforcement action against INDUSTRY NAME at this time.
6. This meeting will be closed to the public.
7. Representatives of INDUSTRY NAME may be accompanied by legal counsel if they so choose.
8. Failure to comply with this order shall also constitute a further violation of SVWRF's Rules and Regulations and may subject INDUSTRY NAME to monetary penalties and/or termination of service as may be appropriate.
9. This Order, entered into this _____ day of _____, shall be effective upon receipt by INDUSTRY NAME.

Spencer Parkinson, Pretreatment Director
South Valley Water Reclamation Facility
7495 South 1300 West
West Jordan, UT 84084
(801) 495-5442

14.3 CONSENT ORDER

SOUTH VALLEY WATER RECLAMATION FACILITY

IN THE MATTER OF

INDUSTRY NAME

CONSENT ORDER

CONSENT ORDER

WHEREAS, South Valley Water Reclamation Facility (hereafter, "SVWRF) pursuant to the powers, duties and responsibilities vested in and imposed upon the General Manager by provisions INDUSTRY NAME of SVWRF's Rules and Regulations have conducted an ongoing investigation of and its discharge, and has implemented a pretreatment program to control such discharge(s) as follows:

11. SVWRF owns and operates a wastewater treatment plant, which is adversely impacted by discharges from industrial users, including INDUSTRY NAME, and has implemented a pretreatment program to control such discharges.
12. INDUSTRY NAME has consistently violated the pollutant limits specified in its wastewater discharge permit as set forth in Exhibit A, attached hereto.
13. Therefore, to ensure that INDUSTRY NAME is brought into compliance with its permit limits at the earliest possible date, IT IS HEREBY AGREED AND ORDERED, BETWEEN INDUSTRY NAME AND THE PRETREATMENT DIRECTOR OF SVWRF, INDUSTRY NAME shall:
 - a. By Compliance Date, obtain the services of a licensed professional engineer specializing in wastewater treatment for the purpose of designing a pretreatment system, which will bring INDUSTRY NAME into compliance with its wastewater discharge permit.

- b. By Due Date1, submit plans and specifications for the proposed pretreatment system to SVWRF for review.
 - c. By Due Date2, install the pretreatment system in accordance with the plans and specifications submitted in item (b) above.
 - d. By Due Date3, achieve compliance with the limits set forth in Exhibit A.
 - e. INDUSTRY NAME shall pay \$ per day for each and every day it fails to comply with the schedule set out in items (a) through (d) above. The \$Penalty Amount per day penalty shall be paid to SVWRF Pretreatment Department within five (5) days of being demanded by SVWRF.
14. In the event INDUSTRY NAME fails to comply with any of the deadlines set forth, INDUSTRY NAME shall, within one (1) working day after expiration of the deadline, notify the SVWRF Pretreatment Administrator in writing. This notice shall describe the reasons for INDUSTRY NAME's failure to comply, the additional amount of time needed to complete the remaining work, and the steps to be taken to avoid future delays. This notification in no way excuses INDUSTRY NAME from its responsibility to meet any later milestones required by this Consent Order.
15. Compliance with the terms and conditions of this Consent Order shall not be construed to relieve INDUSTRY NAME of its obligation to comply with its wastewater discharge permit, which remains in full force and effect. SVWRF reserves the right to seek any and all remedies available to it under SVWRF's Rules and Regulations for any violation cited by this order.
16. Violation of this Consent Order shall constitute a further violation of SVWRF's Rules and Regulations and subjects INDUSTRY NAME to all penalties described by SVWRF's Rules and Regulations.
17. Nothing in this Consent Order shall be construed to limit any authority of SVWRF to issue any other orders or take any other action, which it deems necessary to protect the wastewater treatment plant, the environment or the public health and safety.

18. None of the foregoing agreements, statements, and actions by INDUSTRY NAME shall be deemed an admission by INDUSTRY NAME of the allegations in the Notice of Violation or this Order. Such agreements, statements, and action shall not be for any purpose except for proceeding to enforce the provisions of this Consent Order.

SIGNATORIES

FOR INDUSTRY NAME

Date _____

By: _____

Title:

FOR: South Valley Water Reclamation Facility

Date _____

By: _____

Title:

14.4 CEASE AND DESIST ORDER

SOUTH VALLEY WATER RECLAMATION FACILITY

IN THE MATTER OF

[Company]

CEASE AND DESIST ORDER

LEGAL AUTHORITY

The following findings are made and order issued pursuant to the authority vested in the Pretreatment Director of South Valley Water Reclamation Facility, under the provisions of the South Valley Water Reclamation Facility's Rules and Regulations. This order is based on findings of violation of the conditions of the wastewater discharge permit issued pursuant to the South Valley Water Reclamation Facility's Rules and Regulations.

FINIDINGS

1. [Industry] discharges nondomestic wastewater containing pollutants into the wastewater treatment system of South Valley Water Reclamation Facility (hereafter, "SVWRF").
2. [Industry] is a "Significant Industrial User" as defined by SVWRF's Rules and Regulations.
3. [Industry] was issued a wastewater discharge permit on [Date], which contains prohibitions, restrictions, and other limitations on the quality of the wastewater it discharges to the sanitary sewer.
4. Pursuant to the Rules and Regulations above-referenced permit, data is routinely collected or submitted on the compliance status of [Industry].
5. This data shows that [Industry] has violated SVWRF's Rules and Regulations in the following manner:

- a. [Industry] has continuously violated its permit limits for [pollutant] and [pollutant] in each sample collected between [Dates].
- b. [Industry] has also failed to comply with an Administrative Compliance Order requiring the installation of a pretreatment system and the achievement of compliance with its permit limits by [Date].
- c. [Industry] has failed to appear at a Show Cause Hearing pursuant to an order requiring said attendance.

ORDER

THEREFORE, BASED ON THE ABOVE FINDINGS, [INDUSTRY] IS HEREBY NOTIFIED TO:

1. Within twenty-four (24) hours of receiving this order, cease all nondomestic discharges into the Member Entity's sanitary sewer system. Such discharges shall not recommence until such time as [Industry] is able to demonstrate that it will comply with its current permit limits.
2. Failure to comply with this order may subject [Industry] to having its connection to the sanitary sewer disconnected by the Member Entity and assessed the costs thereof.
3. Failure to comply with this order shall also constitute a further violation of SVWRF's Rules and Regulations and may subject [Industry] to civil or criminal penalties or such other enforcement response as may be appropriate.
4. This order, entered this _____ day of _____, _____ shall be effective upon receipt by [Industry].

Spencer Parkinson, Pretreatment Director
South Valley Water Reclamation Facility
7495 South 1300 West
West Jordan, UT 84084

14.5 ADMINISTRATIVE COMPLIANCE ORDER

SOUTH VALLEY WATER RECLAMATION FACILITY

IN THE MATTER OF

Industry Name
Industry Address

ADMINISTRATIVE
COMPLIANCE ORDER

LEGAL AUTHORITY

The following findings are made and notice issued pursuant to the authority vested in the Pretreatment Director of South Valley Water Reclamation Facility, under the provisions of the South Valley Water Reclamation Facility's Rules and Regulations. This Order is based on findings of violation of the conditions of the wastewater discharge permit issued pursuant to South Valley Water Reclamation Facility's Rules and Regulations.

FINDINGS

19. INDUSTRY NAME discharges nondomestic wastewater containing pollutants into the sanitary sewer system of South Valley Water Reclamation Facility (hereafter, "SVWRF").
20. INDUSTRY NAME is a "Significant Industrial User" as defined by SVWRF's Rules and Regulations.
21. INDUSTRY NAME was issued a wastewater discharge permit on Permit Date, which contains prohibitions, restrictions, and other limitations on the quality of the wastewater it discharges to the sanitary sewer.
22. Pursuant to the ordinances and the above referenced permit, data is routinely collected or submitted on the compliance status of INDUSTRY NAME .
23. This data shows that INDUSTRY NAME has violated its wastewater discharge permit in the following manner:

- d. INDUSTRY NAME has violated its permit limits for Pollutant(s) in each sample collected between Collection dates for a total of Number of Violations separate violations of the permit.
- e. INDUSTRY NAME has failed to submit periodic compliance report(s) due Due Date.
- f. All of these violations satisfy SVWRF's definition of significant violation.

ORDER

THEREFORE, BASED ON THE ABOVE FINDINGS, INDUSTRY NAME IS HEREBY ORDERED TO:

10. Within 180 days, install pretreatment technology, which will adequately treat INDUSTRY NAME's wastewater to a level that will comply with its wastewater discharge permit.
11. Within five (5) days, submit all periodic compliance reports due since Due Date.
12. Within ten (10) days, pay to the Pretreatment Department of SVWRF, the sum of \$Penalty Amount for the above-described violations as a stipulated penalty.
13. Report, on a monthly basis, the wastewater quality and the corresponding flow and production information as described on page number page number of the wastewater discharge permit for a period of one (1) year from the effective date of this order.
14. All reports and notices required by this order shall be sent, in writing, to the following address:
Pretreatment Director
South Valley Water Reclamation Facility
7495 South 1300 West
West Jordan, UT 84084
15. This Order does not constitute a waiver of any provisions of the wastewater discharge permit, which shall remain in full force and effect. SVWRF reserves the right to seek any and all remedies available to it under SVWRF's Rules and Regulations for any violation cited by this order.
16. Failure to comply with the requirements of this Order shall constitute a further violation of SVWRF's Rules and Regulations and may subject INDUSTRY NAME to civil or criminal penalties or such other appropriate enforcement response as may be appropriate.
17. This Order, entered into this _____ day of _____, _____, shall be effective upon receipt by INDUSTRY NAME.

Spencer Parkinson, Pretreatment Director
South Valley Water Reclamation Facility
7495 South 1300 West
West Jordan, UT 84084
(801) 495-5446

15 ATTORNEY'S STATEMENT

Sasha Brown
Michael K. Green
Heather Waite-Grover
David S. Lassetter

Tracy S. Cowdell



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Niel H. Lund
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COWDELL WOOLLEY

ATTORNEYS AT LAW

32 E. Main Street | Sandy, Utah 84070 | Phone 801.550.3988 | Fax 800.388.7054

May 17, 2021

I am the attorney for South Valley Water Reclamation Facility (“SVWRF”). I have represented SVWRF for more than ten (10) years. The following Statement is submitted pursuant to the requirements articulated in 40 C.F.R. § 403.9(b)(1) regarding the legal authority for the SVWRF to implement its pretreatment program.

It is my opinion that the SVWRF has adequate authority to carry out the program described in 40 C.F.R. § 403.8 based upon the authority granted to the SVWRF pursuant to the provisions of Title 17B and Title 19 of the Utah Code Annotated, 1953, as amended, and as implemented by the SVWRF Wastewater/Pretreatment Rules and Regulations adopted by Resolution dated May 19, 2021 (“Pretreatment Rules and Regulations”), together with related ordinances adopted by Bluffdale City, Draper City, Herriman City, Midvale City, Riverton City, Sandy City, South Jordan City, West Jordan City and Salt Lake County.

The following references to the legal authority requirements of 40 C.F.R. § 403.8(f)(1) and (2) are correlated with the appropriate sections of the Pretreatment Rules and Regulations and Pretreatment Program:

Section 403.8(f)(1)(i) –Method for Ensuring Contributions of Pollutants Meet Pretreatment Standards and Requirements

A permit is required prior to the time that an industrial user is allowed to connect to the SVWRF system pursuant to Section 3.3 of the Pretreatment Rules and Regulations. The permitting procedure is described in Section 3.8 of the SVWRF Pretreatment Program. Permits issued will contain restrictions and conditions in accordance with the pretreatment program and specifically Section 3.7.6 of the Pretreatment Rules and Regulations. In accordance with Section 3.8.6, permit transfers are prohibited. In accordance with Section 3.7.5 discharge permit are issued for a specified period of not to exceed five years. Permit may be modified under Section 3.8.3 upon enactment of national categorical pretreatment standards and are further subject to modification where just cause exists. The SVWRF’s enablement to issue permits to deny or condition new or increased contributions of pollutants is found in Title 19, Chapter 5 of the Utah Code Annotated, 1953, as amended. Specifically, Section 19-5-115(10) provides that any political subdivision of the State of Utah may enact and enforce ordinances or rules for the implementation of Chapter 5 of Title 19 which are not inconsistent with that chapter. Title 17B, Chapter 1, Part 3 of the Utah Code Annotated, 1953, as amended, authorizes the SVWRF’s Board of Trustees to adopt regulations for the orderly operation of the SVWRF and generally to do all things and perform, or caused to be performed, all acts that are necessary or desirable



in the conduct of its affairs and in the operation of the properties of the SVWRF including its treatment facilities. The SVWRF may require pretreatment of industrial and commercial wastes and sewage that would otherwise place an undue burden on the collection system or the treatment facilities of the SVWRF. By ordinance, the member cities of the SVWRF have adopted ordinances enacting wastewater discharge prohibitions and limitations and pretreatment requirements in order to comply with the requirements of 40 C.F.R. § 403.8. The authority of the cities to adopt such an ordinance is found in Section 10-3-702 of the Utah Code Annotated, 1953, as amended. All operative provisions are contained in the Pretreatment Rules and Regulations and respective Sections of the SVWRF's Pretreatment Program.

Section 403.8(f)(1)(ii) – Compliance with Pretreatment Standards and Requirements by Industrial Users Required

The authority to require industrial users to comply with national pretreatment standards, prohibitive discharge standards and local limits is based upon exactly the same sources as the SVWRF's authority to deny or condition new or increased contributions of pollutants. The sources of authority are set forth in the preceding paragraphs.

Section 403.8(f)(1)(iii) – Control of Industrial Users' Contribution of Pollutants

The SVWRF Board of Trustees will control, through permit, the contributions to its treatment facilities by each significant industrial user. The SVWRF's enablement to enter into such permits is found in Title 19, Chapter 5, the Utah Code Annotated, 1953, as amended. Permits will be issued pursuant to the provisions of the Pretreatment Rules and Regulations adopted by Resolution of the SVWRF Board of Trustees on May 19, 2021.

Section 403.8(f)(1)(iv) – Compliance Schedule by Industrial Users Required

A user who is not in compliance with the requirements of the Pretreatment Rules and Regulations concerning pretreatment standards is required to be in compliance within a stated time in order to enjoy the continued use of the facilities. Compliance is required under the terms of the Permit and the Pretreatment Rules and Regulations. Compliance reports are required under Section 4.1 of the Pretreatment Rules and Regulations. Sections 4.4 and 4.18 pertaining to reporting and monitoring for industrial users provides requirements for sampling, self-monitoring, compliance schedules, submission of technical reports and the maintenance of appropriate records. Enabling authority for these rules, regulations and the related permit are set forth in the preceding paragraphs.

Section 403.8(f)(1)(v) – Method for Inspecting, Surveilling, and Monitoring Compliance

Authority to conduct all inspections, surveillance, or monitoring procedures necessary to determine compliance with applicable pretreatment standards and regulations is provided



in the Pretreatment Rules and Regulations and in the applicable sections of the SVWRF's Pretreatment Program. Provisions relating to monitoring, inspections, etc., are contained in Section 4.18 of the Pretreatment Rules and Regulations. Sources of enabling authority are set forth in the preceding paragraphs. The control mechanism to assure pretreatment standards will be met is the permit issued to industrial users.

Section 403.8(f)(1)(vi) – Remedies for Noncompliance

SVWRF may seek legal and equitable remedies for non-compliance with its pretreatment standards and requirements in accordance with the provisions of Sections 6.2, 6.6, 6.9 of the Pretreatment Rules and Regulations and pursuant to the SVWRF's enforcement Response Plan contained within section 6.12 of the SVWRF Pretreatment Program. An injunction, including a temporary restraining order, will be available for violation of the pretreatment requirements pursuant to Utah Rules of Civil Procedure 65A. In addition to the foregoing, pursuant to Section 6.5.6 of the Pretreatment Rules and Regulations the SVWRF may terminate or cause to be terminated, sewage treatment service to any user for a violation of any provisions of the Pretreatment Rules and Regulations. Title 19, Chapter 5 provides enabling authority which may be used by the SVWRF through the state in seeking civil penalties not to exceed \$10,000.00 per day and criminal fines not exceeding \$25,000.00 per day against any person who willfully or with gross negligence, discharges pollutants in violation of the provisions of Title 19, Chapter 5 or violates any conditions or limitations included in a permit issued pursuant thereto, etc. Section 6.3 of the Pretreatment Rules and Regulations allows the SVWRF to suspend sewer service to stop an actual or threatened discharge which does or may present an endangerment to person or the environment or interference with the SVWRF's facilities or a violation of its UPDES Permit. Damages are also available at common law for persons injuring the property and facilities of the SVWRF.

Section 403.8(f)(1)(vii) – Confidentiality Requirements

Confidentiality requirements are met in Section 4.21 of the Pretreatment Rules and Regulations.

Section 403.8(f)(2)(i) – Identification of Industrial Users Subject to Pretreatment Program Requirements

SVWRF will implement the Pretreatment Program Requirements set forth in 40 C.F.R. § 403.8 by issuing a discharge permit to all significant industrial users now connected or proposing to connect to the system and by identifying users which are subject to the pretreatment program through inspections, etc. The industrial waste survey is contained in Section 4.1 of the SVWRF's Pretreatment Program. Industrial user identification, review and permit development procedures are contained in the Program.



Section 403.8(f)(2)(ii) – Identification of Character and Volume of Pollutants

Each industrial user, when obtaining a permit, is required pursuant to Section 3 of the Pretreatment Rules and Regulations, to identify the character and volume of pollutants contributed to the SVWRF's facilities by such industrial user. Disclosure includes the quantity and quality characteristics of the discharge together with the quality and specific nature of any pollutants in the discharge which are limited by any federal, state or local pretreatment standards or requirements. Monitoring and testing by the industrial user or the SVWRF may also provide for the identification of character and volume of pollutants contributed by such industrial users.

Section 403.8(f)(2)(iii) – Notification to Industrial Users

Provisions of the discharge permit issued to each industrial user and the permit conditions contained in Section 3.7 of the Pretreatment Rules and Regulations, requires notification of each industrial user the applicable pretreatment standards and requirements. Under Section 6.2.1 of the Pretreatment Rules and Regulations, Industrial users are notified of any violation of their wastewater discharge permit or any limitations or requirements contained in the Pretreatment Rules and Regulations. The Resource Conservation and Recovery Act (RCRA) notification procedures are contained in Section 4.12 of the Pretreatment Program along with other notification procedures. The RCRA notice requirement is also set forth in the industrial wastewater discharge permit. Section 11.1.1 of the Pretreatment Rules and Regulations requires identification of those that may be significant industrial users. Section 11.2 defines the term significant industrial users and requires that notice of such classification be identified in the permit issued to the user.

403.8(f)(2)(iv) – Industrial Users Self-Monitoring Requirements

Each industrial user is required to comply with self-monitoring requirements and procedures contained in Section 4.2 of the of the Pretreatment Program and to submit appropriate self-monitoring and compliance reports as provided in the Permit, Program and the Pretreatment Rules and Regulations.

403.8(f)(2)(v) – Surveillance of Industrial Users through Sampling and Analysis

SVWRF's Treatment Facility Manager and his or her representatives have authority to conduct random sampling and to analyze effluent from industrial users and to conduct surveillance inspection activities in order to identify, independent of information supplied by the industrial user, occasional and continuing non-compliance with pretreatment standards. Section 4.18.1 of the Pretreatment Rules and Regulations allow the Treatment Facility Manager or his or her representatives ready access at all reasonable times to all parts of the premises for the purpose of conducting such monitoring and inspections. Failure to allow admission to the premises may result in sewer services to those premises being discontinued pursuant to Section 6.5.6. Section



2.6.1 outlines monitoring requirements for significant industrial users, and Section 2.8D states that compliance will be evaluated on an annual basis.

403.8(f)(2)(vi) – Evaluation of Significant Industrial Users Regarding Slug Discharges

Pursuant to Section 11.1.4, SVWRF will inspect businesses applying for a license to determine their status under the Pretreatment Program and investigate Industrial Users to determine if they should be evaluated under the slug control program. Pursuant to Section 3.7.6 of the Pretreatment Rules and Regulations, an individual wastewater discharge permit and general permits must contain requirements to control slug discharge if determined by the Pretreatment Director to be necessary. This section also conditions any permit on an industrial user's immediate report any slug discharges or any changes at its facility affecting potential for slug discharge. Section 4.8 requires these reports to be made no less than 60 days before any significant change affecting slug discharges. Section 4.9 requires immediate notice of any slug discharge or slug load, including accidental or nonroutine discharges. Section 11.3.6 outlines the procedures for giving notice of slug discharge.

403.8(f)(2)(vii) – Investigation of Noncompliance

The Treatment Facility Manager and his or her representatives investigate noncompliance as recorded by the reports provided by industrial users. Non-compliance may be indicated by analysis, inspection and surveillance activities of the industrial users by SVWRF personnel. Sampling and chain of custody procedures are contained in Section 11.5 of the SVWRF's Pretreatment Program. Inspection and sampling provisions are contained Section 4.18 the Pretreatment Rules and Regulations.

403.8(f)(2)(viii) – Compliance with Public Participation Requirements

Participation, including annual publication of users violating the standards, is provided through the SVWRF's newspaper notification procedure contained in Section 11.11 of the Pretreatment Program and in accordance with the provisions of Section 6.10 of the Pretreatment Rules and Regulations which provides that a list of users caught violating any pretreatment requirements or standards during the previous twelve months be published annually in a newspaper of general circulation within the boundaries of the SVWRF.

My phone number is 801-550-9864 and my email is tcowdell@cwutah.com. Please feel free to contact me with any questions or concerns.



Respectfully Submitted,

COWDELL & WOOLLEY, P.C.

A handwritten signature in black ink, appearing to read "Tracy Soctt Cowdell".

Tracy Soctt Cowdell
Attorney at Law