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WEST BOUNTIFUL CITY

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- AMENDED -

THE WEST BOUNTIFUL CITY COUNCIL WILL HOLD ITS REGULAR MEETING AT 7:30 PM ON TUESDAY, DECEMBER 15, 2020

Meeting will be held ONLY electronically via Zoom (see info below)

Mayor Romney has determined that due to the COVID-19 pandemic and the physical distancing needed to prevent the spread of infection, public meetings present a substantial risk to the health and safety of those who may be present. That risk can be substantially mitigated by holding City Council meetings through electronic means that allow for public participation without an anchor location. A copy of the Mayor's determination and order is available at www.wbcity.org

AGENDA: Invocation/Thought – James Bruhn; Pledge of Allegiance – Kelly Enquist

1. Approve Agenda.
2. Public Comment - two minutes per person, or five minutes if speaking on behalf of a group.
3. Introduction of Chief Dane Stone of South Davis Metro Fire.
4. Presentation of Audited FY 2019/2020 Financial Statements.
5. Ordinance 437-20 Establishing Uniform Requirements and Regulations for the Discharge of Effluents into the Sanitary Sewer System of the South Davis Sewer District.
6. Resolution 488-20 Reaffirming Culinary Water Rates Until July 1, 2021.
7. Minutes from November 17, 2020.
8. Staff Reports – Police, Public Works, Community Development/Engineering, Administration.
9. Mayor/Council Reports.
10. Closed Session for the Purpose of Discussing Items Allowed Pursuant to UCA § 52-4-205.
11. Adjourn.

This agenda was posted on the State Public Notice website, the City website, emailed to the Mayor and City Council, and sent to the Salt Lake Tribune on December 14, 2020.

Join Zoom Meeting:

<https://us02web.zoom.us/j/82067360376>

Meeting ID: **820 6736 0376**

Dial by your location:

+1 346 248 7799 US (Houston)

+1 408 638 0968 US (San Jose)

+1 669 900 6833 US (San Jose)

MEMORANDUM



TO: Mayor & City Council

DATE: December 11, 2020

FROM: Staff

RE: South Davis Sewer District Updates Regarding Discharge of Effluents

South Davis Sewer District ("SDSD") periodically amends its rules and regulations that deal with the discharge of effluents to comply with federal EPA requirements. The attached SDSD Resolution, No. 123-2 Industrial Pretreatment Program – Effluent Requirements Rules and Regulations, is the latest update.

These proposed rules and regulations authorize the issuance of individual wastewater discharge permits where applicable; provide for monitoring, compliance, and enforcement activities; establish administrative review procedures and require user reporting; and provide for the setting of fees for the equitable distribution of costs resulting from the program.

The Utah Division of Utah Water Quality requires each of the municipalities contained within the Sewer District's boundaries and served by the District to adopt rules and regulations identical to the District's Resolution 123-2, making violations Class B misdemeanors.

Ordinance 437-20 incorporates by reference SDSD Resolution No. 123-2 and establishes that violations of the rules and regulations in the Resolution shall be punishable as Class B misdemeanors.

WEST BOUNTIFUL CITY

ORDINANCE #437-20

AN ORDINANCE ESTABLISHING UNIFORM REQUIREMENTS FOR THE DISCHARGE OF EFFLUENTS INTO THE SANITARY SEWER SYSTEM OF THE SOUTH DAVIS SEWER DISTRICT, ESTABLISHING REGULATIONS REGARDING THE INTRODUCTION OF POLLUTANTS INTO THE WASTEWATER SYSTEM, PROVIDING FOR EFFLUENT MONITORING AND THE INSTALLATION AND MAINTENANCE OF PRETREATMENT FACILITIES WHERE NECESSARY, AND PROVIDING PENALTIES FOR VIOLATING THE PROVISIONS HEREOF BY ADOPTING BY REFERENCE SOUTH DAVIS SEWER DISTRICT RESOLUTION NO. 123-2, INDUSTRIAL PRETREATMENT PROGRAM – EFFLUENT REQUIREMENTS RULES AND REGULATIONS.

WHEREAS, West Bountiful City is situated within the boundaries of the South Davis Sewer District (the “**District**”), which furnishes sanitary sewer collection and treatment services to the inhabitants of the City and to the public buildings and commercial and industrial enterprises located therein;

WHEREAS, the District is subject to the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 United State Code Section 1251 *et. seq.* and any subsequent amendments thereto, and the Water Quality Act found in Title 19, Chapter 5 of the Utah Code, and to rules promulgated thereunder; and to the requirements of one or more Utah Pollutant Discharge Elimination System (UPDES) Permits issued to the District from time to time by the Utah Division of Water Quality (the “**Division**”);

WHEREAS, the United States Environmental Protection Agency (EPA) has issued a Required Pretreatment Streamlining Rule which contains required and optional provisions that are applicable to the District;

WHEREAS, the Division requires each of the municipalities contained within the District’s boundaries and served by the District to adopt rules and regulations identical in all respects to the District’s Resolution No. 123-2, making violations of such rules and regulations Class B misdemeanors;

WHEREAS, the City Council has determined that the public health, welfare, necessity and convenience require that an ordinance be adopted to adopt and approve and incorporate by reference the District’s Resolution No. 123-2 in all respects within the corporate boundaries of the City to prevent the introduction of pollutants into the sanitary sewer system which will interfere with the operation of the system;

WHEREAS, the City Council has determined that the District, as the owner and operator of the sanitary sewer collection and treatment facilities which service users within the City, is the body most qualified to monitor, evaluate and determine whether users of the sanitary sewer

system are complying with the provisions of this Ordinance and applicable State and Federal laws, rules and regulations; and

WHEREAS, this Ordinance has been placed on the agenda of an official meeting of the City Council and the City Council has taken action on this Ordinance during that meeting in accordance with requirements of the Utah Open and Public Meetings Act.

NOW, THEREFORE, BE IT ORDAINED by the City Council of West Bountiful City, Davis County, Utah, as follows:

1. South Davis Sewer District Resolution No. 123-2, Industrial Pretreatment Program – Effluent Requirements Rules and Regulations, a copy of which is attached as **Exhibit A**, is hereby incorporated by reference into this Ordinance. Any violation of the provisions of such Resolution shall be punishable as a Class B misdemeanor.

2. In order to conform to South Davis Sewer District Resolution No. 123-2, Chapter 13.16 of the West Bountiful Municipal Code is hereby amended as shown in the attached **Exhibit B** (replacing Sections 13.16.080 through 13.16.400 with amended Section 13.16.080).

3. This Ordinance supersedes conflicting provisions of any previous resolution or ordinance of the City, including Ordinance Nos. 188-84 and 231-93.

4. This Ordinance shall take effect immediately upon its passage and adoption, and no further notice thereof need be given.

Adopted this 15th day of December 2020.

Kenneth Romney, Mayor

<u>Voting by the City Council:</u>	Aye	Nay
Councilmember Ahlstrom	_____	_____
Councilmember Bruhn	_____	_____
Councilmember Enquist	_____	_____
Councilmember Preece	_____	_____
Councilmember Wood	_____	_____

ATTEST:

Cathy Brightwell, City Recorder

SOUTH DAVIS SEWER DISTRICT
WEST BOUNTIFUL, UTAH

INDUSTRIAL PRETREATMENT PROGRAM – EFFLUENT REQUIREMENTS

ADOPTED 6/25/20

[illegible]

RESOLUTION NO. 123-2
INDUSTRIAL PRETREATMENT PROGRAM – EFFLUENT REQUIREMENTS
RULES AND REGULATIONS

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RESOLUTION NO. 123-2

A RULES AND REGULATIONS ESTABLISHING UNIFORM REQUIREMENTS FOR THE DISCHARGE OF EFFLUENTS INTO THE SANITARY SEWER SYSTEM OF THE SOUTH DAVIS SEWER DISTRICT. ESTABLISHING REGULATIONS REGARDING THE INTRODUCTION OF POLLUTANTS INTO THE WASTEWATER SYSTEM, PROVIDING FOR EFFLUENT MONITORING AND THE INSTALLATION AND MAINTENANCE OF PRETREATMENT FACILITIES OR CONTROL DEVICES WHERE NECESSARY, AND PROVIDING PENALTIES FOR VIOLATING THE PROVISIONS HEREOF.

AMENDING SOUTH DAVIS SEWER DISTRICT'S RULES AND REGULATIONS BY REPEALING EXISTING RESOLUTION NOS. 105, 105-1, 105-2, 105-3 AND 123-1 AND ADOPTING A NEW RULES AND REGULATIONS RESOLUTION NO. 123-2 CONTAINING STREAMLINING PRETREATMENT RULES AND REGULATIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the South Davis Sewer District ("District") furnishes sewer treatment and trunk line service to the residents of the District and to the public buildings and commercial and industrial enterprises located therein, and also furnishes collection facilities for all its residents; and,

WHEREAS, it is necessary and advisable to establish regulations for use of the public sewer to safeguard public interest and to adequately protect the District's investment in sewer collection lines and treatment facilities.

WHEREAS, the District operates and maintains an Industrial Pretreatment Program as required by the Environmental Protection Agency ("EPA"); and,

WHEREAS, the EPA has issued a Required Pretreatment Streamlining Rule which contains required and optional provisions; and,

WHEREAS, it is necessary and desirable for the District to amend the South Davis Sewer District Rules and Regulations to comply with EPA requirements; and,

WHEREAS, said amendments to the South Davis Sewer District Rules and Regulations will provide the District with a continuing, up-to-date and effective Industrial Pretreatment Program,

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF TRUSTEES OF THE SOUTH DAVIS SEWER DISTRICT, AS FOLLOWS:

SECTION 1 - GENERAL PROVISIONS

1.1 PURPOSE AND POLICY.

These RULES AND REGULATIONS set forth uniform requirements for Users of the Publicly Owned Treatment Works (POTW) for the South Davis Sewer District ("District") and enable the District to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code, [U.S.C.] section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the Code of Federal Regulations [CFR] Part 403). The objectives of these RULES AND REGULATIONS are:

- A. To prevent the introduction of pollutants into the Publicly Owned Treatment Works ("POTW") that will interfere with its operation or contaminate the resulting biosolids;
- B. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the POTW, inadequately treated, into receiving waters, the atmosphere or otherwise be incompatible with the Publicly Owned Treatment Works;
- C. To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and biosolids in the course of their employment, and the general public;
- D. To promote reuse and recycling of industrial wastewater and biosolids from the Publicly Owned Treatment Works;
- E. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and
- F. To enable the District to comply with its Utah Pollutant Discharge Elimination System permit conditions, biosolids use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

These RULES AND REGULATIONS shall apply to all Users of the Publicly Owned Treatment Works. These RULES AND REGULATIONS authorize the issuance of individual wastewater discharge permits where applicable; provide for monitoring, compliance, and enforcement activities; establish administrative review procedures; and require User reporting; and provide for the setting of fees for the equitable distribution of costs resulting from the program established herein.

1.2 ADMINISTRATION.

Except as otherwise provided herein, the District's General Manager ("General Manager") shall administer, implement, and enforce the provisions of these RULES AND REGULATIONS. Any powers granted to or duties imposed upon the General Manager may be delegated by the General Manager to a duly authorized District employee or consultant.

1.3 AUTHORITY.

Duly authorized employees of the District bearing proper credentials and identification shall be authorized to enter on all properties utilizing District services for the purpose of inspection, observation, measurement, sampling, terminating or restoring service and testing in accordance with the provisions of these RULES AND REGULATIONS.

1.4 ABBREVIATIONS.

The following abbreviations, when used in these RULES AND REGULATIONS, shall have the designated meanings:

AGRD	=	Automatic Grease Removal Device
ASE	=	Automotive Service Establishment
BOD	=	Biochemical Oxygen Demand
BMP	=	Best Management Practice
BMR	=	Baseline Monitoring Report
CFR	=	Code of Federal Regulations
CIU	=	Categorical Industrial User
COD	=	Chemical Oxygen Demand
EPA	=	U.S. Environmental Protection Agency
FOG	=	Fats, Oils and Grease
FSE	=	Food Service Establishment
gpd	=	gallons per day
GGI	=	Gravity Grease Interceptor
HGI	=	Hydromechanical Grease Interceptor
IU	=	Industrial User
mg/l	=	milligrams per liter
NPDES	=	National Pollutant Discharge Elimination System
NSCIU	=	Non-significant Categorical Industrial User
POTW	=	Publicly Owned Treatment Works
RCRA	=	Resource Conservation and Recovery Act
SIU	=	Significant Industrial User
SNC	=	Significant Noncompliance
SWDA	=	Solid Waste Disposal Act, 42 USC Section 6901 et seq.
TSS	=	Total Suspended Solids
UPDES	=	Utah Pollutant Discharge Elimination System
U.S.C.	=	United States Code
UCA	=	Utah Code Annotated, 1953

1.5 **DEFINITIONS.**

Unless the context specifically indicates otherwise, the following terms and phrases, as used in these RULES AND REGULATIONS, shall have the meanings hereinafter designated:

- A. **Act or "The Act"**. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. sections 1251 et seq. and any subsequent amendments thereto.
- B. **Approval Authority**. Director of the Utah Division of Water Quality or its successor agency.
- C. **Authorized or Duly Authorized Representative of the User**. An authorized representative of an Industrial User may be:
 - (1) If 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 major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - (2) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
 - (3) If the User is a Federal, State, or Local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
 - (4) The individuals described in paragraphs (1) through (3) above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the General Manager.

- D. **Automatic Grease Removal Device (AGRD)**. A type of hydromechanical grease interceptor that automatically, mechanically removes non-petroleum fats, oils and grease (FOG) from the interceptor. See also "Grease & Grit Interceptor".
- E. **Automotive Service Establishment (ASE)**. Any facility where automobiles, trucks or equipment are serviced or maintained, including but not limited to car washes, wash racks, service centers, repair shops, detailing centers, garages, and any other facility that the District determines to need a grease & grit interceptor by virtue of its operation. Establishments that solely sell automotive parts are not included.
- F. **Board or Board of Trustees**. The governing body of South Davis Sewer District.
- G. **Biological Oxygen Demand (BOD)**. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).
- H. **Best Management Practices (BMPs)**. Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 2.6 A and B. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, biosolids or waste disposal, or drainage from raw materials storage.
- I. **Biosolids**. A product which has been prepared, partially or wholly, from municipally derived sludges for beneficial use as an organic soil amendment and fertilizer. Biosolids meet applicable EPA regulations for distribution and use.
- J. **Building Sewer or Sewer Lateral Service**. A sewer pipe conveying wastewater from a residence building or other structure to a sewer main line, including direct connections to a sewer where permitted. A building sewer is a sewer lateral service.
- K. **Categorical Pretreatment Standard or Categorical Standard**. Any regulation containing pollutant discharge limits promulgated by 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 CFR Chapter 1, Subchapter N, Parts 405-471.
- L. **Categorical Industrial User**. An industrial User subject to a categorical Pretreatment Standard or Categorical Standard.
- M. **Chemical Oxygen Demand (COD)**. A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.
- N. **City**. Any city or contracted entity discharging sewage into the District's wastewater collection system.
- O. **Control Authority**. The District. South Davis Sewer District.

P. **Daily Maximum.** The arithmetic average of all effluent samples for a pollutant collected during a calendar day.

Q. **Daily Maximum Limit.** The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limit 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.

R. **Discharger.** Any person who discharges or causes the discharge of wastewater to a District or other POTW sewer system.

S. **District.** The South Davis Sewer District or the Board of Trustees of the District, which owns and operates a Publicly Owned Treatment Works (POTW) or employees of the District.

T. **Environmental Protection Agency or EPA.** The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.

U. **Existing Source.** Any source of discharge that is not a "New Source."

V. **Fats, Oils and Grease (FOG).** Any substance such as a vegetable or animal product that is used in, or is a byproduct of food processing, drink bottling and/or the food preparation process, and that turns or may turn viscous or solidifies with a change in temperature or other conditions. This includes used cooking oil (also referred to as "waste oil" or "yellow grease") from sources such as deep frying. It also includes "brown grease", which is floatable fats, oils and grease, settled solids and associated wastewater retained by grease interceptors.

W. **Food Service Establishment.** Any commercial facility discharging kitchen or food preparation (raw, pre-cooked, or cooked) wastewater including bakeries, delicatessens, restaurants, motels, hotels, cafeterias, hospitals, schools, bars, fish markets, coffee shops, etc. and any other facility that, in the District's opinion, would require a grease interceptor installation by virtue of its operation. Such definition normally includes any establishment that is required to have a Davis County Environmental Health or Utah Department of Agriculture food service permit.

X. **Garbage.** Solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

Y. **General Manager.** The person designated by the District to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by these RULES AND REGULATIONS. The term also means a Duly Authorized Representative of the District.

Z. **Gravity Grease Interceptor (GGI).** A large, two-compartment retention tank installed outside, below ground that uses gravity to intercept and separate grease, oils and grit from wastewater effluents. See also "Grease & Grit Interceptor".

AA. **Grease & Grit Interceptor.** A device utilized to affect the separation of grease, oils and grit in wastewater effluents from food service establishments, automotive service establishments or other establishments. The standard is a gravity grease interceptor (GGI). In limited cases, food service establishments may also have an automatic grease removal device (AGRD) or a hydromechanical grease interceptor (HGI), both of which are indoor “under-the-counter” units that are located under or near the sink. For purposes of these RULES AND REGULATIONS, the words “grease interceptor” and “interceptor” may be used to represent any type of grease & grit interceptor.

BB. **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.

CC. **Hazardous Waste.** As defined in 40 CFR 261.3 and this reference is incorporated herein and made a part hereof.

DD. **Hydromechanical Grease Interceptor (HGI).** A type of indoor “under-the-counter” interceptor that uses gravity separation aided by vented flow control to accumulate fats, oils and grease (FOG). HGIs that are not automatic grease removal devices (AGRDs) are not allowed in new installations. See also “Grease & Grit Interceptor”.

EE. **Indirect Discharge or Discharge.** The introduction of pollutants into the POTW from any nondomestic source.

FF. **Industrial User.** A source of indirect discharge.

GG. **Industrial Waste.** The wastes from industrial processes as distinct from sanitary/domestic sewage.

HH. **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.

II. **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 biosolids processes, use or disposal; and therefore, is a cause of a violation of the District’s UPDES permit or of the prevention of sewage biosolids 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 regulation contained in any State biosolids management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

JJ. **Local Limit.** Specific discharge limits developed to protect the POTW in accordance with 40 CFR 403.5 and enforced by the District upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in Section 2.6 A and B. The development documents are kept on file at the District’s office and can be reviewed if requested.

KK. **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.

LL. **Monthly Average.** The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

MM. **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.

NN. **New Source.**

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

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

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

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

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

(3) Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:

a. Begun, or caused to begin, as part of a continuous onsite construction program

(i) any placement, assembly, or installation of facilities or equipment; or

(ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

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

OO. **Noncontact Cooling Water.** Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

PP. **Pass Through.** A discharge which exits the POTW into waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the District's UPDES permit, including an increase in the magnitude or duration of a violation.

QQ. **Person.** Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.

RR. **pH.** A measure of the acidity or basicity of a solution expressed in standard units.

SS. **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).

TT. **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.

UU. **Pretreatment Requirements.** Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.

VV. **Pretreatment Standards, National Pretreatment Standards or Standards.** Pretreatment Standards shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307 (b) and (c) of the Act, which applies to Industrial Users, which includes but is not limit to prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.

WW. **Prohibited Discharge Standards or Prohibited Discharges.** Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2.6 of these RULES AND REGULATIONS.

XX. **Properly Shredded Garbage.** The wastes from the preparation, cooking and dispensing of food that has been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewer, with no particle greater than 3/8" in any dimension.

YY. **Publicly Owned Treatment Works or POTW.** A treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), which is owned by the District. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant. It also includes sewers, pipes and other conveyances if they convey wastewater to a POTW Treatment Plant. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over Indirect Discharges to and the discharges from such a treatment works.

ZZ. **Sanitary Sewer.** The pipe or conduit system and appurtenances for the collection, transportation, pumping, and treatment of sewage. The definition shall also include the terms "public sewer", "sewer system", "POTW sewer", "sewer", "District Sewer" and "Collection System".

AAA. **Septic Tank Waste.** Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

BBB. **Sewage.** Human excrement and gray water (household showers, dishwashing operations, etc.)

CCC. **Shall and Will are mandatory; May is permissive.**

DDD. **Significant Industrial User (SIU).**

Except as provided in paragraphs (3) and (4) of this Section, a Significant Industrial User is:

- (1) An Industrial User subject to Categorical Pretreatment Standards; or
- (2) An Industrial User that:
 - a. Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
 - b. Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

c. Is designated as such by the District on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.

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

a. The Industrial User, prior to District's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;

b. The Industrial User annually submits the certification statement required in Section 6.13B, together with any additional information necessary to support the certification statement; and

c. The Industrial User never discharges any untreated concentrated wastewater.

(4) Upon a finding that a User meeting the criteria in Subsection (2) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the District may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.

EEE. **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 2.6 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 POTW's regulations, Local Limits or Permit conditions.

FFF. **Storm Sewer.** A sewer line which carries storm and surface waters and drainage, but excludes sanitary/domestic and industrial wastes. The definition shall also include the term "storm drain".

GGG. **Storm Water.** Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

HHH. **Total Suspended Solids or Suspended Solids.** 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.

III. **User or Industrial User.** A source of indirect discharge.

JJJ. **Wash Rack.** A platform, floor or slab that is used to wash vehicles, heavy equipment, tools and/or parts.

KKK. **Wastewater.** Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

LLL. **Wastewater Treatment Plant or Treatment Plant.** That portion of the POTW which is designed to provide treatment of municipal sewage and compatible industrial waste.

MMM. **Waters of the State.** Waters of the State means all streams, lakes, ponds, marshes, water-courses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through, or border upon this state or any portion thereof, except that bodies of water confined to and retained within the limits of private property, and which do not develop into or constitute a nuisance, or a public health hazard, or a menace to fish and wildlife, shall not be considered to be "waters of the state" under this definition (Section 19-5-102 of the Utah Code).

SECTION 2 - GENERAL SEWER USE REQUIREMENTS

2.1 PROTECTION FROM DAMAGE.

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the District sewage works. Any person violating this provision shall be prosecuted in accordance with applicable laws and ordinances.

2.2 REQUIRED USE OF PUBLIC SEWERS.

Each City within the District and Davis County has adopted an Ordinance which provides for any building discharging sanitary/domestic or industrial wastewater to be connected to the public sewer if the building is abutting on any street, alley or right-of-way in which there is a public sewer within three hundred (300) feet of the property line.

2.3 SEWER USE AND CONNECTIONS.

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance or remove any manhole covers for any reason without first obtaining permission from the District.

There shall be an application obtained from the District for each connection to the public sewer. The owner or his agent shall make application on a form furnished by the District. The application shall be supplemented by plans, specifications or other information considered pertinent by the District. The impact and inspection fees established by Resolution No. 110, as amended, shall be paid in full before connection can be made to the District's sewer system. Building sewers shall be installed in accordance with Resolution No. 114, as amended, and shall meet minimum District standards. It is the policy of the

District that a separate and independent building sewer or sewer lateral service be provided for each single "living or building" unit connected to the public sewer.

Illegal building sewer connections may be prosecuted as theft of services. These will be charged an impact fee plus the accumulated sewer service fee. The accumulated sewer service fee shall be based on the period commencing with the issuance of a building permit or other documentary evidence of occupancy to the present.

Sewer service may be terminated by plugging the building sewer until the unpaid impact fee and accumulated sewer service fees are paid. Further, if fees and penalty are not paid within sixty (60) days from the date of billing, the fees and penalty shall be certified to the County Assessor as prescribed in Resolution No. 110, as amended.

Old building sewers may be used in connection with new building only when they are found, upon examination and test by the District, to meet all requirements of Resolution No. 114, as amended.

2.4 FOOD DISPOSAL UNITS.

A. Policy. It is the declared policy of the District to discourage and prevent discharge of food wastes into the sanitary sewer system when such food wastes could be disposed of in another manner.

B. Commercial Grinders. Where installed, commercial-type food grinders shall be connected to the grease interceptor.

2.5 WASH RACKS.

A private or public wash rack used for cleaning vehicles, heavy equipment, machinery or machine parts shall be adequately protected against storm or surface water and shall drain or discharge into an approved grease & grit interceptor as described in Section 3.2 E. At a minimum, wash racks should have a roof with curb wall or be located indoors.

2.6 PROHIBITED DISCHARGE STANDARDS.

A. General Prohibitions. No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.

B. Specific Prohibitions. No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

- (1) 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 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21;

- (2) Pollutants having a pH less than 5.0 or more than 10.5, or otherwise causing corrosive structural damage to the POTW or equipment;
- (3) 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" (0.64 centimeters) in any dimension;
- (4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the POTW;
- (5) Heat in amounts which will inhibit biological activity in the POTW resulting in Interference, but in no case heat in such quantities that the temperature at the POTW Treatment Plant exceeds 104 degrees F (40 degrees C) unless the Approval Authority, upon request of the POTW, approves alternate temperature limits;
- (6) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through;
- (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- (8) Any trucked or hauled pollutants, except at discharge points designated by the POTW; see Section 3.6 of these Rules and Regulations;
- (9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
- (10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the District's UPDES permit;
- (11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
- (12) Storm Water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, Noncontact Cooling Water, and unpolluted wastewater, unless specifically authorized by the General Manager;
- (13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- (14) Medical Wastes, except as specifically authorized by the General Manager in an individual wastewater discharge permit;

- (15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail the Whole Effluent Toxicity (WET) test;
- (16) Detergents, surface-active agents, or other substances that might cause excessive foaming in the POTW;
- (17) Fats, oils, or greases of animal or vegetable origin in concentrations greater than 100 mg/l;
- (18) Any garbage that has not been properly shredded.
- (19) Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than thirty-three percent 33% or any single reading over fifty percent 50% of the Lower Explosive Limit (LEL) 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 POTW.

The District may immediately, and without notice, discontinue service to any person or facility violating any of the provisions of this Section by any means necessary.

No statement contained in this Section shall be construed as preventing any special agreement or arrangement between the District and any industrial user whereby an industrial waste of unusual strength or character may be accepted or not accepted by the District for treatment, subject to agreed payment by the industrial user if accepted.

2.7 NATIONAL CATEGORICAL PRETREATMENT STANDARDS.

- A. National Categorical Pretreatment Standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged to a POTW by existing or new industrial users in specific industrial subcategories have been established by EPA in 40 CFR Chapter I, Subchapter N, Parts 405–471 and are hereby incorporated.
- B. Users subject to categorical standards must comply with the categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405–471.
- C. When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the General Manager shall impose an alternate limit in accordance with 40 CFR 403.6(e).

2.8 STATE PRETREATMENT STANDARDS.

Users must comply with Utah Pretreatment Standards codified at R317-8-8 in the Utah Administrative Code.

2.9 LOCAL LIMITS.

- A. The General Manager is authorized to establish Local Limits pursuant to 40 CFR 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. The General Manager may impose mass limitations in addition to the concentration-based limitations as stated in the Local Limits Development Report. Such report is on file at the District's office and can be reviewed if requested.
- C. The General Manager may develop Best Management Practices (BMPs), by RULES AND REGULATIONS or in individual wastewater discharge permits, to implement Local Limits and the requirements of Section 2.6.
- D. No person shall discharge wastewater containing pollutants in excess of the specific local limits as established by the District from time to time. The local limits are developed and implement per the requirements of 40 CFR 403. The development documents can be found at the District's office and can be reviewed if requested.

2.10 DISTRICT'S RIGHT OF REVISION.

The District reserves the right to establish, by these RULES AND REGULATIONS or in individual wastewater discharge permits, more stringent Standards or Requirements on discharges to the POTW consistent with the purpose of these RULES AND REGULATIONS. In addition, the General Manager is authorized to 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. The General Manager shall also have the right to deny new or increase contributions or to set additional conditions on such contributions to protect the POTW, including limits that may be more stringent than the approved local limits.

2.11 DILUTION.

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. The General Manager 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.

2.12 CATEGORICAL PRETREATMENT STANDARDS.

Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial sub-category, the Categorical Pretreatment Standards, if more stringent than limitations imposed under these RULES AND REGULATIONS for sources in that sub-category, shall immediately supersede the limitations imposed under these RULES AND REGULATIONS.

2.13 DISTRICT'S RIGHT OF REVISION.

The District reserves the right to establish by RULES AND REGULATIONS more stringent limitations of requirements or discharges to the POTW if deemed necessary to comply with the objectives presented in Section 1.1 of these RULES AND REGULATIONS.

SECTION 3 - PRETREATMENT OF WASTEWATER

3.1 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 2.6 and in these RULES AND REGULATIONS within the time limitations specified by EPA, the State, or the General Manager, 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 General Manager for review, and shall be acceptable to the General Manager 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 the District under the provisions of these RULES AND REGULATIONS.

3.2 ADDITIONAL PRETREATMENT MEASURES.

- A. **Discharge Restrictions.** Whenever deemed necessary, the General Manager 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. **Storage and Flow-Control Facilities.** The General Manager may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit may be issued solely for flow equalization.
- C. **Combustible Gas Detection Meters.** Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.
- D. **Sampling Manholes.** When required by the District, Users who discharge or have the ability to discharge shall install a sampling manhole in the building sewer to facilitate observation, sampling and measurement of the discharge. The sampling manhole shall be accessible and safely located (as close to the property line as possible) and shall be constructed in accordance with minimum District requirements (See approved District detail, Sheet 123-1) unless otherwise approved in writing by the District. The sampling manhole shall be installed, maintained, repaired and replaced by the User, at his/her sole expense, and shall be maintained by said User so as to be safe and accessible at all times. If located in a parking area parking shall not be allowed on the sampling manhole.

All measurements, tests and analysis of the characteristics of the discharge to which reference is made herein shall be determined in accordance with "Standard Methods for the Examination of Water and Sewage." Samples shall be taken at the sampling manhole as provided above.

E. **Grease & Grit Interceptors.** Grease & grit interceptors shall be required of automotive service establishments, food service establishments and any other user that, in the opinion of the District, generates or has the ability to generate significant amounts of fats, oils and grease, or sand or other harmful ingredients. Interceptors may be required for residential users that have facilities that generate or have the potential to generate significant amounts of FOG or grit. All automotive service establishments and food service establishments shall submit an application to install a grease & grit interceptor that includes all information necessary to calculate interceptor size based on the current Uniform Plumbing Code or other method. Interceptors shall be of a type and capacity approved by the District. No interceptor shall be installed without prior written approval by the District.

(1) **General.** Except as provided below in paragraph (4)a, at a minimum, automotive service establishments and food service establishments shall install a two-compartment, one thousand (1,000) gallon gravity grease interceptor (GGI) outside the building at User's expense so as to be readily and easily accessible for cleaning and inspection (See approved District detail, Sheet 123-2). Exceptions may be considered on a case-by-case basis. All gravity grease interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, water-tight and equipped with District-approved covers.

Each establishment shall have a grease & grit interceptor installation. Multiple establishments manifolded to one (1) interceptor are not allowed. All interceptors shall be installed by properly licensed contractors and inspected by a District representative during the installation process.

All interceptors shall be maintained by the user at his/her sole expense, in continuous efficient operation at all times. User shall also be responsible for all repair and replacement costs to ensure the interceptor is functional, safe and accessible at all times.

(2) **Use of Chemicals, Bacteria, Enzymes or Other Additives Prohibited.** The introduction of chemicals, bacteria, enzymes or other additives into a grease & grit interceptor, directly or indirectly, that cause grease or other prohibited substances to pass through the interceptor is prohibited.

(3) **Specific Grease & Grit Interceptor Regulations for Automotive Service Establishments.** Toilets, urinals, and other similar fixtures shall not drain into or through the gravity grease interceptor (GGI). All waste shall enter the interceptor through the inlet pipe only. A sampling manhole (See Paragraph D) shall be located at the outlet end of the interceptor to allow for periodic sampling of effluent quality by the District. The interceptor shall be vented back through the inlet plumbing and to a roof vent, which shall be sized appropriately.

a. **Cleaning and Inspection.** Gravity grease interceptors shall be cleaned a minimum of bi-annually at the User's expense. More frequent cleaning may be required if the interceptor capacity is insufficient to handle the load from the establishment. Notwithstanding the foregoing, any time the combination of solids on the bottom of the interceptor and floatables on the surface of the water in the interceptor exceed 25% of the liquid volume of the interceptor it is deemed no longer efficient and must be pumped and cleaned as soon as practicable.

The District may inspect gravity grease interceptors while the interceptor is being pumped. The User's contract pumper shall contact the District when pumping. Maintenance and pumping records shall be kept onsite for a minimum of three (3) years and shall be made available to District personnel upon request.

b. **Violations.** If an existing automotive service establishment causes excessive sand/grease or inorganic solids buildup in the collection system or if sampling shows excessive levels of sand/grease or inorganic solids being discharged, then the District shall require additional grease control measures that shall be implemented at the User's expense. Exceptions may be considered on a case-by-case basis.

If sand/grease or inorganic solids from an establishment cause a blockage or necessitate excessive cleaning of the sewer line, the User will receive a Notice of Violation and a fine. The fine for the first incident is \$250.00 plus all costs associated with the cleaning of the sewer line. This includes, but is not limited to, time and materials, man hours, vehicle and equipment rental, etc. The fine will double for each subsequent incident and the establishment will still be responsible for all costs associated with the cleaning of the sewer line.

Establishments are responsible for any and all damage to their property and/or that of others flooded by any sewer backup caused by a discharge from the establishment.

The District reserves the right to terminate service to establishments by plugging the building sewer if there are repetitive violations of these RULES AND REGULATIONS.

(4) **Specific Grease & Grit Interceptor Regulations for Food Service Establishments.** Toilets, urinals, and other similar fixtures shall not drain into or through the gravity grease interceptor (GGI). All waste shall enter the interceptor through the inlet pipe only. A double-sweep cleanout (See approved District detail, Sheet 123-3) shall be located downstream of the interceptor to allow for cleaning. The interceptor shall be vented back through the inlet plumbing and to a roof vent, which shall be sized appropriately.

a. **Exceptions.** At the District's discretion, food service establishments with little to no onsite food preparation may have the option of installing a District-approved automatic grease removal device (AGRD) in place of the gravity grease interceptor. Examples of these food service establishments are; takeout sandwich shops, ice cream shops, candy/chocolate shops and coffee shops. The system shall be sized according to manufacturer's recommendations and approved by the District prior to installation.

In the event that an existing building is converted into a food service establishment and it is not possible to reasonably locate a two-compartment gravity grease interceptor outside the building, the District may allow installation of a District-approved automatic grease removal device.

b. **Prohibitions.** Under no circumstance shall a hydromechanical grease interceptor (HGI) that is not an automatic grease removal device be allowed for new installations. If for any reason, including insufficient maintenance, a hydromechanical grease interceptor in an existing establishment fails to provide adequate FOG removal, the District will require installation of an outdoor gravity grease interceptor or automatic grease removal device at the User's expense.

Wastewater with temperatures in excess of 140 degrees F (60 degrees C) shall not be discharged to any grease & grit interceptor.

No dishwasher shall be connected to or discharge into any grease & grit interceptor.

Any prohibitions in Section 2.6 apply.

c. **Best Management Practices (BMPs).** All food service establishments shall follow kitchen best management practices (BMPs) including, but not limited to, the following:

1. Regularly train all employees on fats, oil and grease control and management.
2. Display kitchen BMP signs or posters prominently in the kitchen.
3. Prevent grease from entering drainage fixture units.
4. Scrape excess food and solidified grease from pots, pans, fryers, utensils, plates, etc. prior to washing.
5. Dispose of excess food and solidified grease in the garbage.
6. Install drain screens on all drainage fixture units.
7. Collect and recycle all used cooking oil (waste oil or yellow grease).

d. **Cleaning and Inspection.** All new and existing food service establishments are subject to periodic review, evaluation and inspection by District representatives at any time. The District may provide inspection results to establishment owners with overall ratings and requirements for corrections/improvements.

Gravity grease interceptors shall be cleaned a minimum of quarterly at the User's expense. More frequent cleaning may be required if the interceptor capacity is insufficient to handle the load from the establishment. Notwithstanding the foregoing, any time the combination of solids on the bottom of the interceptor and floatables on the surface of the water in the interceptor exceed 25% of the liquid volume of the interceptor it is deemed no longer efficient and must be pumped and cleaned as soon as practicable.

The District may inspect gravity grease interceptors at least once each calendar year while the interceptor is being pumped. The User's contract pumper shall contact the District when pumping. Maintenance and pumping records shall be kept onsite for a minimum of three (3) years and shall be made available to District personnel upon request.

Automatic grease removal devices and other hydromechanical grease interceptors shall be maintained per manufacturer's recommendations. Maintenance records shall be kept onsite for a minimum of three (3) years and shall be made available to District personnel upon request.

e. **Violations.** If an existing food service establishment causes excessive grease buildup in the collection system or if sampling shows excessive levels of fats, oils and grease being discharged, then the District shall require additional grease control measures that shall be implemented at the User's expense. Exceptions may be considered on a case-by-case basis.

If fats, oils or grease from a food service establishment cause a blockage or necessitate excessive cleaning of the sewer line, the User will receive a Notice of Violation and a fine. The fine for the first incident is \$250.00 plus all costs associated with the cleaning of the sewer line. This includes, but is not limited to, time and materials, man hours, vehicle and equipment rental, etc. The fine will double for each subsequent incident and the establishment will still be responsible for all costs associated with the cleaning of the sewer line.

Establishments are responsible for any and all damage to their property and/or that of others flooded by any sewer backup caused by a discharge from the establishment.

The District reserves the right to terminate service to food service establishments by disconnecting the building sewer if there are repetitive violations of these RULES AND REGULATIONS.

3.3 ACCIDENTAL DISCHARGE/SLUG CONTROL PLANS.

The General Manager shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control Slug Discharges. The General Manager 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:

- A. Description of discharge practices, including non-routine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying the General Manager of any accidental or Slug Discharge, as required by Sections 3.4 and 6.6 of these RULES AND REGULATIONS; and
- D. Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

Review and approval of such plans and operating procedures shall not relieve the Industrial's User from the responsibility to notify the User's facility as necessary to meet the requirements of these RULES AND REGULATIONS. In the case of an accidental or slug discharge, it is the responsibility of the User to immediately telephone and notify the District of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective action.

3.4 WRITTEN NOTICE.

Within five (5) days following an accidental discharge, the User shall submit to the District a detailed written report describing the cause 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 may be incurred as a result of damage to the POTW, fish kills or any other damage to person or property, nor shall such notification relieve the User of any fines, civil penalties or other liability which may be imposed by this article or other applicable law.

3.5 NOTICE TO EMPLOYEES.

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

3.6 HAULED WASTEWATER.

A. Septic tank waste may be introduced into the POTW only at locations designated by the General Manager, and at such times as are established by the General Manager. Such waste shall not violate Section 2 of these RULES AND REGULATIONS or any other requirements established by the District. Only septage from residential units located within the boundaries of South Davis Sewer District may be discharged to District facilities.

The General Manager may require septic tank waste haulers to obtain individual wastewater discharge permits from South Davis Sewer District. Permitted haulers shall be responsible for complying with all the terms and conditions contained in the Permit. Any person discharging to the POTW without a Permit or in violation of a valid Permit will be subject to the penalties provided for in Section 11 of these RULES AND REGULATIONS.

B. The discharge of hauled industrial waste is prohibited except with the express permission of the General Manager.

SECTION 4 - INDIVIDUAL WASTEWATER DISCHARGE PERMITS

4.1 WASTEWATER ANALYSIS.

When requested by the General Manager, a User must submit information on the nature and characteristics of its wastewater within sixty (60) days of the request. The General Manager 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 General Manager 30 days prior to the process being changed or added.

4.2 INDIVIDUAL WASTEWATER DISCHARGE PERMIT REQUIREMENT.

A. No Significant Industrial User shall discharge wastewater into the POTW without first completing a BMR and obtaining an individual wastewater discharge permit from the General Manager, except that a Significant Industrial User that has filed a timely application pursuant to Section 4.3 of these RULES AND REGULATIONS may continue to discharge for the time period specified therein.

B. The General Manager may require other Users to obtain individual wastewater discharge 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 shall be deemed a violation of these RULES AND REGULATIONS and subjects the wastewater discharge permittee to the sanctions set out in Chapters 10 through 12 of these RULES AND REGULATIONS. Obtaining an individual wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

4.3 INDIVIDUAL WASTEWATER DISCHARGE PERMITTING: EXISTING CONNECTIONS.

Any User required to obtain an individual wastewater discharge 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 thirty (30) days after said date, apply to the General Manager for an individual wastewater discharge permit in accordance with Section 4.5 of these RULES AND REGULATIONS.

4.4 INDIVIDUAL WASTEWATER DISCHARGE PERMITTING: NEW CONNECTIONS.

Any User required to obtain an individual wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to beginning or recommencing such discharge. An application for this individual wastewater discharge permit, in accordance with Section 4.5 of these RULES AND REGULATIONS, must be filed at least forty-five (45) days prior to the date upon which any discharge will begin or recommence.

4.5 INDIVIDUAL WASTEWATER DISCHARGE PERMIT APPLICATION CONTENTS.

A. All Users required to obtain an individual wastewater discharge permit must submit a permit application. All permittees that will be continuing to discharge are required to complete an application 30 days prior to the permit expiring. The General Manager may require Users to submit all or some of the following information as part of a permit application:

(1) Identifying Information.

- a. The name and address of the facility, including the name of the operator and owner.
- b. Contact information for the authorized representative and the duly authorized representative for the facility, and
- c. The description of activities, facilities, and plant production processes on the premises;

(2) Environmental Permits. A list of any environmental control permits held by or for the facility.

(3) Description of Operations.

- a. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
- b. 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;

- c. Number and type of employees, hours of operation, and proposed or actual hours of operation;
 - d. Type and amount of raw materials processed (average and maximum per day); and
 - e. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- (4) Time and duration of discharges;
- (5) The location for monitoring all wastes covered by the permit;
- (6) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula determined as set out in Section 2.7C (40 CFR 403.6(e)).
- (7) Measurement of Pollutants.
 - a. The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
 - b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the General Manager, of regulated pollutants in the discharge from each regulated process.
 - c. Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.
 - d. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 6.9 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 General Manager or the applicable Standard to determine compliance with the Standard.
 - e. Sampling must be performed in accordance with procedures set forth in Section 6.10 of these RULES AND REGULATIONS.
- (8) Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on Section 6.4B.
- (9) Any other information as may be deemed necessary by the General Manager to evaluate the permit application.

B. Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.

C. Based on information provided by the permittee, as provided in Section 4.5A, the District will, within 30 days, determine if additional information is needed, if a permit is not necessary, or if a permit will be required to be issued before the IU discharge is allowed to the POTW.

D. Should any of the 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 8 of these RULES AND REGULATIONS. Information regarding sampling and analysis of the discharge is not considered confidential information.

4.6 APPLICATION SIGNATORIES AND CERTIFICATIONS.

A. All wastewater discharge permit applications, User reports and certification statements must be signed by an Authorized Representative of the User and contain the certification statement in Section 6.13A.

B. If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the User, a new written authorization satisfying the requirements of this Section must be submitted to the General Manager 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 General Manager pursuant to Section 1.5 DDD(3) must annually submit the signed certification statement as required in Section 6.13B.

4.7 INDIVIDUAL WASTEWATER DISCHARGE PERMIT DECISIONS.

The General Manager will evaluate the data furnished by the User and may require additional information. Within forty-five (45) days of receipt of a complete permit application, the General Manager will determine whether to issue an individual wastewater discharge permit. The General Manager may deny any application for an individual wastewater discharge permit.

SECTION 5 - INDIVIDUAL WASTEWATER DISCHARGE PERMIT ISSUANCE

5.1 INDIVIDUAL WASTEWATER DISCHARGE PERMIT DURATION.

An individual wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. An individual wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the General Manager. Each individual wastewater discharge permit will indicate a specific date upon which it will expire. The User shall apply for Permit reissuance a minimum of one hundred eighty (180) days prior to the expiration of the User's existing Permit. The terms and conditions of the Permit may be subject to modification by the District during the term of the Permit as limitations or requirements, as identified in Section 2 and Section 5.3, are modified or other just cause exists. The User shall be informed of any proposed changes in the User's Permit at

least thirty (30) days prior to the effective date of change. Any changes or new conditions in the Permit shall include a reasonable time schedule for compliance.

5.2 INDIVIDUAL WASTEWATER DISCHARGE PERMIT CONTENTS.

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

A. Individual wastewater discharge 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 nontransferable without prior notification to the District in accordance with Section 5.4 of these RULES AND REGULATIONS, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
- (3) Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;
- (4) Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.
- (5) The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the Discharge in accordance with Section 6.4B.
- (6) A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
- (7) Requirements to control Slug Discharge, if determined by the General Manager to be necessary.
- (8) Any grant of the monitoring waiver by the General Manager (Section 6.4B) must be included as a condition in the User's permit [or other control mechanism].
- (9) Requirements to report to the General Manager any slug discharge.
- (10) Requirements to notify the General Manager of changes to the Industrial User's discharge thirty (30) days prior to the change. The General Manager may deny or conditionally approve the change prior to the user making a change at the facility that may impact the discharge from the facility to the POTW.

B. Individual wastewater discharge permits may contain, but need not be limited to, the following 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 management practices necessary to adequately prevent accidental, unanticipated, or nonroutine 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 flow measurement devices;
- (7) A statement that compliance with the individual wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective or are modified during the term of the individual wastewater discharge permit; and
- (8) Other conditions as deemed appropriate by the General Manager to ensure compliance with these RULES AND REGULATIONS, and local, State and Federal laws, rules, and regulations.

5.3 INDIVIDUAL WASTEWATER DISCHARGE PERMIT MODIFICATION.

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

- (1) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
- (2) To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;
- (3) A change in the POTW that requires either a temporary or a permanent reduction or elimination of the authorized discharge;

- (4) Information indicating that the permitted discharge poses a threat to the District's POTW, District personnel, the treatment of 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 CFR 403.13;
- (8) To correct typographical or other errors in the individual wastewater discharge permit; or
- (9) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 5.4.

5.4 INDIVIDUAL WASTEWATER DISCHARGE PERMIT TRANSFER.

Individual wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least forty-five (45) days advance notice to the General Manager and the General Manager approves the individual wastewater discharge permit transfer. The notice to the General Manager must include a written certification by the new owner or operator which:

- A. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- B. Identifies the specific date on which the transfer is to occur; and
- C. Acknowledges full responsibility for complying with the existing individual wastewater discharge permit.
- D. The conditions of the permit will not change.

Failure to provide the required advance notice of a transfer renders the individual wastewater discharge permit void as of the date of facility transfer.

5.5 INDIVIDUAL WASTEWATER DISCHARGE PERMIT REVOCATION.

The General Manager may revoke an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- A. Failure to notify the General Manager of significant changes to the wastewater prior to the changed discharge;
- B. Failure to provide prior notification to the General Manager of changed conditions pursuant to Section 6.5 of these RULES AND REGULATIONS;

- C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- D. Falsifying self-monitoring reports;
- E. Falsifying certification statements;
- F. Tampering with monitoring equipment;
- G. Refusing to allow the General Manager timely access to the facility premises and records;
- H. Failure to meet effluent limitations;
- I. Failure to pay fines;
- J. Failure to pay sewer charges;
- K. Failure to meet compliance schedules;
- L. Failure to complete a wastewater survey or the wastewater discharge permit application;
- M. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- N. Violation of any Pretreatment Standard or Requirement, or any terms of the wastewater discharge permit or these RULES AND REGULATIONS.

Individual wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All individual wastewater discharge permits issued to a User are void upon the issuance of a new individual wastewater discharge permit to that User.

5.6 INDIVIDUAL WASTEWATER DISCHARGE PERMIT REISSUANCE.

A User with an expiring individual wastewater discharge permit shall apply for individual wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 4.5 of these RULES AND REGULATIONS, a minimum of one hundred eighty (180) days prior to the expiration of the User's existing individual wastewater discharge permit.

SECTION 6 - REPORTING REQUIREMENTS

6.1 BASELINE MONITORING REPORTS.

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

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

(1) All information required in Section 4.5A(1)(a), Section 4.5A(2), Section 4.5A(3)(a), and Section 4.5A(6).

(2) Measurement of pollutants.

a. The User shall provide the information required in Section 4.5A(7)(a) through (d).

b. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.

c. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;

d. Sampling and analysis shall be performed in accordance with Sections 6.9 and 6.10;

e. The General Manager may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures; and

f. The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.

(3) Compliance Certification. A statement, reviewed by the User's Authorized Representative as defined in Section 1.5C and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.

(4) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set out in Section 6.2 of these RULES AND REGULATIONS.

(5) Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 6.13A of these RULES AND REGULATIONS and signed by an Authorized Representative as defined in Section 1.5C.

6.2 COMPLIANCE SCHEDULE PROGRESS REPORTS.

The following conditions shall apply to the compliance schedule required by Section 6.1(B)(4) of these RULES AND REGULATIONS:

A. 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);

B. No increment referred to above shall exceed nine (9) months;

C. The User shall submit a progress report to the General Manager no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and

D. In no event shall more than nine (9) months elapse between such progress reports to the General Manager.

6.3 REPORTS ON COMPLIANCE WITH CATEGORICAL PRETREATMENT STANDARD DEADLINE.

Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any User subject to Pretreatment Standards and Requirements shall submit to the General Manager a report containing the information described in Section 4.5 A(6) and (7) and 6.1(B)(2) of these RULES AND REGULATIONS. For Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 6.13A of these RULES AND REGULATIONS. All sampling will be done in conformance with Section 6.10.

6.4 PERIODIC COMPLIANCE REPORTS.

A. Except those SIU's that are sampled by the District, all Significant Industrial Users must, at a frequency determined by the General Manager submit no less than twice per year on or before July 28th and January 28th for all the previous six (6) month period 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 General Manager or the Pretreatment Standard necessary to determine the compliance status of the User.

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

(1) The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical Standard and otherwise includes no process wastewater.

(2) The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than 5 years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit. See Section 4.5A(8).

(3) In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.

(4) The request for a monitoring waiver must be signed in accordance with Section 1.5C, and include the certification statement in Section 6.13A.

(5) Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.

(6) Any grant of the monitoring waiver by the General Manager must be included as a condition in the User's permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the General Manager for 3 years after expiration of the waiver.

(7) Upon approval of the monitoring waiver and revision of the User's permit by the General Manager, the Industrial User must certify on each report, using the statement in Section 6.13C below, that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User.

(8) In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the User's operations, the User must immediately: Comply with the monitoring requirements of Section 6.4A, or other more frequent monitoring requirements imposed by the General Manager, and notify the General Manager.

(9) This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard.

C. All periodic compliance reports must be signed and certified in accordance with Section 6.13A of these RULES AND REGULATIONS.

D. 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.

E. 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 General Manager, using the procedures prescribed in Section 6.10 of these RULES AND REGULATIONS, the results of this monitoring shall be included in the report.

6.5 REPORTS OF CHANGED CONDITIONS.

A. Each User must notify the General Manager of any significant change to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least fourteen (14) days before the change, including changes that may affect slug discharges to the POTW.

(1) The General Manager 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 4.5 of these RULES AND REGULATIONS.

(2) The General Manager may issue an individual wastewater discharge permit under Section 5.6 of these RULES AND REGULATIONS or modify an existing wastewater discharge permit under Section 5.3 of these RULES AND REGULATIONS in response to changed conditions or anticipated changed conditions.

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

6.6 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 telephone and notify the General Manager of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.

B. Within five (5) days following such discharge, the User shall, unless waived by the General Manager, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the 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 who to call in the event of a discharge described in paragraph A, above. Employers shall ensure that all employees, who could cause or be responsible for such a discharge to occur, are advised of the emergency notification procedure.

D. Significant Industrial Users are required to notify the General Manager immediately of any change at its facility that may affect the potential for a Slug Discharge.

6.7 REPORTS FROM UNPERMITTED USERS.

All Users not required to obtain an individual wastewater discharge permit shall provide appropriate reports to the General Manager as the General Manager may require.

6.8 NOTICE OF VIOLATION/REPEAT SAMPLING AND REPORTING.

If sampling performed by a User indicates a violation, the User must notify the General Manager 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 General Manager within thirty (30) days after becoming aware of the violation. Resampling by the Industrial User is not required if the District performs sampling at the User's facility at least once a month, or if the District performs sampling at the User's facility between the time when the initial sampling was conducted and the time when the User or the District receives the results of this sampling, or if the District has performed the sampling and analysis in lieu of the Industrial User.

6.9 ANALYTICAL REQUIREMENTS.

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

B. All laboratory samples collected in accordance with 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 General Manager.

6.10 SAMPLE COLLECTION.

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

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

B. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

C. For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 6.1 and 6.3, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the General Manager may authorize a lower minimum. For the reports required by Section 6.4, the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

6.11 DATE OF RECEIPT OF REPORTS.

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

6.12 RECORDKEEPING.

A. Users subject to the reporting requirements of these RULES AND REGULATIONS shall retain, and make available for inspection and copying:

- (1) All records of information obtained pursuant to any monitoring activities required by these RULES AND REGULATIONS,
- (2) any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and
- (3) documentation associated with Best Management Practices established under Section 2.9C.

B. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses.

C. 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 District, or where the User has been specifically notified of a longer retention period by the General Manager.

6.13 CERTIFICATION STATEMENTS.

A. Certification of Permit Applications, User Reports and Initial Monitoring Waiver — The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 4.6; Users submitting baseline monitoring reports under Section 6.1B(5); Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section 6.3; Users submitting periodic compliance reports required by Section 6.4A–C, and Users submitting an initial request to forego sampling of a pollutant on the basis of Section 6.4B(4). The following certification statement must be signed by an Authorized Representative as defined in Section 1.5C:

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

B. Annual Certification for Non-Significant Categorical Industrial Users — A facility determined to be a Non-Significant Categorical Industrial User by the General Manager pursuant to Sections 1.5 DDD(3) and 4.6C must annually submit the following certification statement signed in accordance with the signatory requirements in Section 1.5C. This certification must accompany an alternative report required by the General Manager:

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

(a) The facility described as _____ [facility name] met the definition of a Non-Significant Categorical Industrial User as described in Section 1.5 DDD(3);

(b) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period;

(c) The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period; and

(d) The facility during the reporting period never discharged untreated concentrated wastewater.

This compliance certification is based on the following information:

_____ "

C. Certification of Pollutants Not Present

Users that have an approved monitoring waiver based on Section 6.4B must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the User.

"Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR _____ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under Section 6.4A."

6.14 NOTIFICATION OF THE DISCHARGE OF HAZARDOUS WASTE.

A. Any User who commences the discharge of hazardous waste shall notify the POTW (the District), the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the User discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 6.5 of these RULES AND REGULATIONS. The notification requirement in this Section does not apply to pollutants already reported by Users subject to categorical Pretreatment Standards under the self-monitoring requirements of Sections 6.1, 6.3 and 6.4 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 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. 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 General Manager, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

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

E. This This provision does not create a right to discharge any substance not otherwise permitted to be discharged by these RULES AND REGULATIONS, a permit issued thereunder, or any applicable Federal or State law.

SECTION 7 - COMPLIANCE MONITORING

7.1 RIGHT OF ENTRY: INSPECTION AND SAMPLING.

The General Manager or delegate 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 order issued hereunder. Users shall allow the General Manager 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. Monitoring and inspections shall be conducted at a frequency as determined by the District and may be announced or unannounced.

- 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 General Manager shall be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The General Manager shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.
- C. The General Manager may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated per the manufacturer's required frequency, but at a minimum 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 General Manager and shall not be replaced. The costs of clearing such access shall be borne by the User.
- E. Unreasonable delays in allowing the General Manager access to the User's premises shall be a violation of these RULES AND REGULATIONS.
- F. The District may use a camera to photograph areas of the facility as necessary for carrying out the duties of the Industrial Pretreatment Program 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.

7.2 SEARCH WARRANTS.

If General Manager 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 a routine inspection and sampling program of the District designed to verify compliance with these RULES AND REGULATIONS or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, General Manager may seek issuance of a search warrant from a Court which has jurisdiction over Industrial User.

SECTION 8 - CONFIDENTIAL INFORMATION

Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge permits, and monitoring programs, and from the District's inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the General Manager, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets, commercial information or nonindividual financial information under Utah Code Ann. § 63G-2-305(1) and (2) or other applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES UPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302, shall not be recognized as confidential information and shall be available to the public without restriction.

SECTION 9 - PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

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

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in 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 criteria (1.4 for BOD, TSS, fats, oils and grease, and 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 General Manager 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 General Manager's exercise of emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance; or
- H. Any other violation(s), which may include a violation of Best Management Practices, which the General Manager determines will adversely affect the operation or implementation of the local pretreatment program.

SECTION 10 - ADMINISTRATIVE ENFORCEMENT REMEDIES

10.1 NOTIFICATION OF VIOLATION.

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

10.2 CONSENT ORDERS.

The General Manager may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 10.4 and 10.5 of these RULES AND REGULATIONS and shall be judicially enforceable.

10.3 SHOW CAUSE HEARING.

The General Manager may order a User which has violated, or continues to violate, any provision of these RULES AND REGULATIONS, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the General Manager and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least twenty (20) days prior to the hearing. Such notice may be served on any Authorized Representative of the User as defined in Section 1.5C. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

10.4 COMPLIANCE ORDERS.

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

10.5 CEASE AND DESIST ORDERS.

When the General Manager finds that a User has violated, or continues to violate, any provision of these RULES AND REGULATIONS, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the General Manager may issue an order to the User directing it to cease and desist all such violations and directing the User to:

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

10.6 ADMINISTRATIVE FINES.

A. When the General Manager finds that a User has violated, or continues to violate, any provision of these RULES AND REGULATIONS, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the General Manager may fine such User in an amount not to exceed Ten Thousand Dollars (\$10,000.00). Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.

B. Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of \$4.00 re-billing charge plus one percent (1%) of the unpaid balance, and interest shall accrue thereafter at a rate of one percent (1%) per month. A lien against the User's property shall be sought for unpaid charges, fines, and penalties.

C. Users desiring to dispute such fines must file a written request for the General Manager to reconsider the fine along with full payment of the fine amount within ten (10) days of being notified of the fine. Where a request has merit, the General Manager may convene a hearing on the matter. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. The General Manager may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

D. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

10.7 EMERGENCY SUSPENSIONS.

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. The General Manager may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

A. Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the General Manager may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The General Manager may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the General Manager that the period of endangerment has passed, unless the termination proceedings in Section 10.8 of these RULES AND REGULATIONS are initiated against the User.

B. A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the General Manager prior to the date of any show cause or termination hearing under Sections 10.3 or 10.8 of these RULES AND REGULATIONS.

Nothing in this Section shall be interpreted as requiring a hearing prior to any Emergency Suspension under this Section.

10.8 TERMINATION OF DISCHARGE.

In addition to the provisions in Section 5.5 of these RULES AND REGULATIONS, any User who violates the following conditions will be subject to discharge termination:

- A. Violation of individual wastewater discharge permit conditions;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- D. Refusal of access to the User's premises for the purpose of inspection, monitoring, or sampling; or
- E. Violation of the Pretreatment Standards in Chapter 2 of these RULES AND REGULATIONS.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 10.3 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.

SECTION 11 - JUDICIAL ENFORCEMENT REMEDIES

11.1 INJUNCTIVE RELIEF.

When the General Manager finds that a User has violated, or continues to violate, any provision of these RULES AND REGULATIONS, an individual wastewater discharge permit, or an order issued hereunder, or any other Pretreatment Standard or Requirement, the General Manager may petition the District Court of Davis County or any other court of competent jurisdiction through the District's 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, order, or other requirement imposed by these RULES AND REGULATIONS on activities of the User. The General Manager may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

11.2 CIVIL PENALITIES.

- A. A User who has violated, or continues to violate, any provision of these RULES AND REGULATIONS, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable for a maximum civil penalty of Ten Thousand Dollars (\$10,000.00) per day per violation as provided in Utah Code Ann. § 19-5-115(2). In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- B. The General Manager may seek to recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the District.
- C. In determining the amount of civil liability, the Court will take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.
- D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

11.3 CRIMINAL PROSECUTION.

- A. A User who, willfully or negligently, violates any provision of these RULES AND REGULATIONS, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$25,000 per violation, per day, or imprisonment for not more than one year, or both.
- B. A User who, with criminal negligence, introduces any substance into the POTW which causes personal injury or property damage or violates a pretreatment standard or toxic effluent standard for the POTW shall, upon conviction, be guilty of Class A misdemeanor and be subject to a fine of not to exceed \$25,000 per day or be subject to imprisonment for not more than one year, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.
- C. A User who knowingly makes a false material statement, representation, or certification in any application, record, report, plan, or other document filed, or required to be maintained, pursuant to the Water Quality Act found in Title 19, Chapter 5 of the Utah Code, these RULES AND REGULATIONS, an individual wastewater discharge permit, or an order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under the Water Quality Act and/or these RULES AND REGULATIONS shall, upon conviction, be guilty of a Third Degree Felony and be punished by a fine of not more than \$10,000 per violation, per day, or imprisonment for not more than five years, or both.
- D. In the event of a second or subsequent conviction, a User shall be punished by a fine or imprisonment, or both, as specified by law.

E. As of the effective date of these RULES AND REGULATIONS, the law containing criminal sanctions that arise under or pursuant to the Water Quality Act are found in Utah Code Ann. §§ 19-5-115, 76-3-203, and 76-3-204. The governing statutory provisions will control in the event of a conflict between these RULES AND REGULATIONS and the applicable statutory provision, including subsequent amendments to the Utah Code and the adoption of different or additional Utah Code provisions.

11.4 REMEDIES NONEXCLUSIVE.

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

11.5 ADOPTION OF PRETREATMENT RULES AND REGULATIONS BY MEMBER CITIES AND DAVIS COUNTY.

The District has secured passage by the governing body of each of the municipalities contained within the District's boundaries of RULES AND REGULATIONS identical in all respects with these RULES AND REGULATIONS and making violations of said RULES AND REGULATIONS Class B misdemeanors, and the Board of County Commissioners of Davis County, Utah, has passed RULES AND REGULATIONS making it unlawful for any person, corporation, association, partnership or governmental instrumentality to violate rules or regulations adopted by any Sewer District within the County. The District shall investigate and report all violations of the provision of these RULES AND REGULATIONS within a reasonable time. When not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense. The charging of a criminal offense, conviction and/or imposition of sentence shall not in any way preclude the District from pursuing civil remedies.

SECTION 12 - SUPPLEMENTAL ENFORCEMENT ACTION

12.1 PENALTIES FOR LATE REPORTS.

A penalty of \$100.00 shall be assessed to any User for each day that a report required by these RULES AND REGULATIONS, a permit or order issued hereunder is late, beginning five days after the date the report is due. Actions taken by the General Manager to collect late reporting penalties shall not limit the authority to initiate other enforcement actions that may include penalties for late reporting violations.

12.2 PERFORMANCE BONDS.

The General Manager may decline to issue or reissue an individual wastewater discharge permit to any User who has failed to comply with any provision of these RULES AND REGULATIONS, a previous individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or requirement, unless such User first files a satisfactory bond, payable to the District, in a sum not to exceed a value determined by the General Manager to be necessary to achieve consistent compliance.

12.3 LIABILITY INSURANCE.

The General Manager may decline to issue or reissue an individual wastewater discharge permit to any User who has failed to comply with any provision of these RULES AND REGULATIONS, a previous individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, unless the User first submits proof satisfactory to the District that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

12.4 PAYMENT OF OUTSTANDING FEES AND PENALTIES.

The General Manager may decline to issue or reissue an individual wastewater discharge permit to any User who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of these RULES AND REGULATIONS, a previous individual wastewater discharge permit, or order issued hereunder.

12.5 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 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.

12.6 PUBLIC NUISANCES.

A violation of any provision of these RULES AND REGULATIONS, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement is hereby declared to be a public nuisance and shall be corrected or abated as directed by the General Manager. Any person(s) creating a public nuisance shall be subject to the provisions of applicable law governing such nuisances, including reimbursement for any costs incurred in removing, abating, or remedying said nuisance.

12.7 INFORMANT REWARDS.

The Board of Trustees may by RULES AND REGULATIONS, authorize payment of not to exceed \$500.00 for information leading to the discovery of noncompliance by an industrial user or any person violating any District, local, State or Federal regulation. If the information provided results in an administrative fine or civil penalty levied against the User, the Board of Trustees may, by RULES AND REGULATIONS, authorize disbursement of not to exceed \$10,000 to the person who provided the information. This Section does not constitute an offer of reward and no reward shall be considered to be made or be paid except in accordance with the terms and provisions of a written "Offer of Reward" previously authorized, made and issued by the District in connection with specific violations.

12.8 CONTRACTOR LISTING.

Users which have not achieved compliance with applicable Pretreatment Standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the District. Existing contracts for the sale of goods or services to the District held by a User found to be in Significant Noncompliance with Pretreatment Standards or Requirements may be terminated at the discretion of the General Manager.

SECTION 13 - AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

13.1 UPSET.

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

B. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical Pretreatment Standards if the requirements of paragraph (C), 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 at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
- (3) The User submitted the following information to the General Manager 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 noncompliance;
 - b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - c. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

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

E. Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical Pretreatment Standards.

F. 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 of the treatment facility is reduced, lost, or fails.

13.2 PROHIBITED DISCHARGE STANDARDS.

A User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the General Prohibitions in Section 2.6(A) of these RULES AND REGULATIONS or the Specific Prohibitions in Sections 2.6(B)3-7 and/or (B)9-18 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:

- A. A Local Limit exists for each pollutant discharged and the User was in compliance with each limit directly prior to, and during, the Pass Through or Interference; or
- B. No Local Limit exists, but the discharge did not change substantially in nature or constituents from the User's prior discharge when the District was regularly in compliance with its UPDES permit and, in the case of Interference, was in compliance with applicable biosolids use or disposal requirements.

13.3 BYPASS.

- A. For the purposes 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 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 it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (C) and (D) of this Section.
- C. Bypass Notification
 - (1) If a User knows in advance of the need for a bypass, it shall submit prior notice to the General Manager at least ten (10) days before the date of the bypass, if possible.
 - (2) A User shall submit oral notice to the General Manager of an unanticipated bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The General Manager may waive the

written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

D. Bypass

(1) Bypass is prohibited, and the General Manager may take an enforcement action against a User for a bypass, unless

a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

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

c. The User submitted notices as required under paragraph (C) of this Section.

(2) The General Manager may approve an anticipated bypass, after considering its adverse effects, if the General Manager determines that it will meet the three conditions listed in paragraph (D)(1) of this Section.

SECTION 14 - MISCELLANEOUS PROVISIONS

14.1 PRETREATMENT CHARGES AND FEES.

The District may adopt reasonable fees for reimbursement of costs of setting up and operating the District's Pretreatment Program, which may include:

A. Fees for wastewater discharge permit applications, including the cost of processing such applications;

B. Fees for monitoring, inspection, and surveillance procedures, including the cost of collecting and analyzing a User's discharge, and reviewing monitoring reports and certification statements submitted by Users;

C. Fees for reviewing and responding to accidental discharge procedures and construction;

D. Fees for filing appeals;

E. Fees to recover administrative and legal costs (not included in Section 14.1B) associated with the enforcement activity taken by the General Manager to address Industrial User noncompliance;

F. Fees or charges for the special treatment of industrial wastes whose volume or characteristics exceed the normal wastewater standards of the District or would impose an unreasonable burden upon the District's collection system or treatment facilities;

G. Fees for consistent removal by the District of pollutants that otherwise would be subject to Pretreatment Standards; and

H. Other fees as the District may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by these RULES AND REGULATIONS and are separate from all other fees, fines, and penalties chargeable by the District.

14.2 SEVERABILITY.

If any provision, paragraph, word, section or article of these RULES AND REGULATIONS 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.

The imposition of one penalty shall not excuse the violation or permit it to continue, and such User shall be required to correct or remedy all such violations and/or defects within a reasonable time. When not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

SECTION 15 – BUILDING PERMITS

For the more efficient administration of the provisions of these RULES AND REGULATIONS and to assist the District in the administration of its wastewater control program, the District shall endeavor to secure from the Building Inspector in each City within the District and from Davis County, within thirty (30) days of the issuance thereof, a copy of each commercial or industrial Building Permit and/or Business License issued by said authority.

SECTION 16 – CONFLICT

These RULES AND REGULATIONS No. 123-2 shall supersede Resolution No. 123-1, as amended, heretofore adopted by the Board of Trustees of the District and all motions of the Board adopting procedures or standards at variance with those herein set forth.

All other RULES AND REGULATIONSs and parts of other Resolutions that are inconsistent or conflict with any part of these RULES AND REGULATIONS are hereby repealed to the extent of such inconsistency or conflict.

SECTION 17 – EFFECTIVE DATE

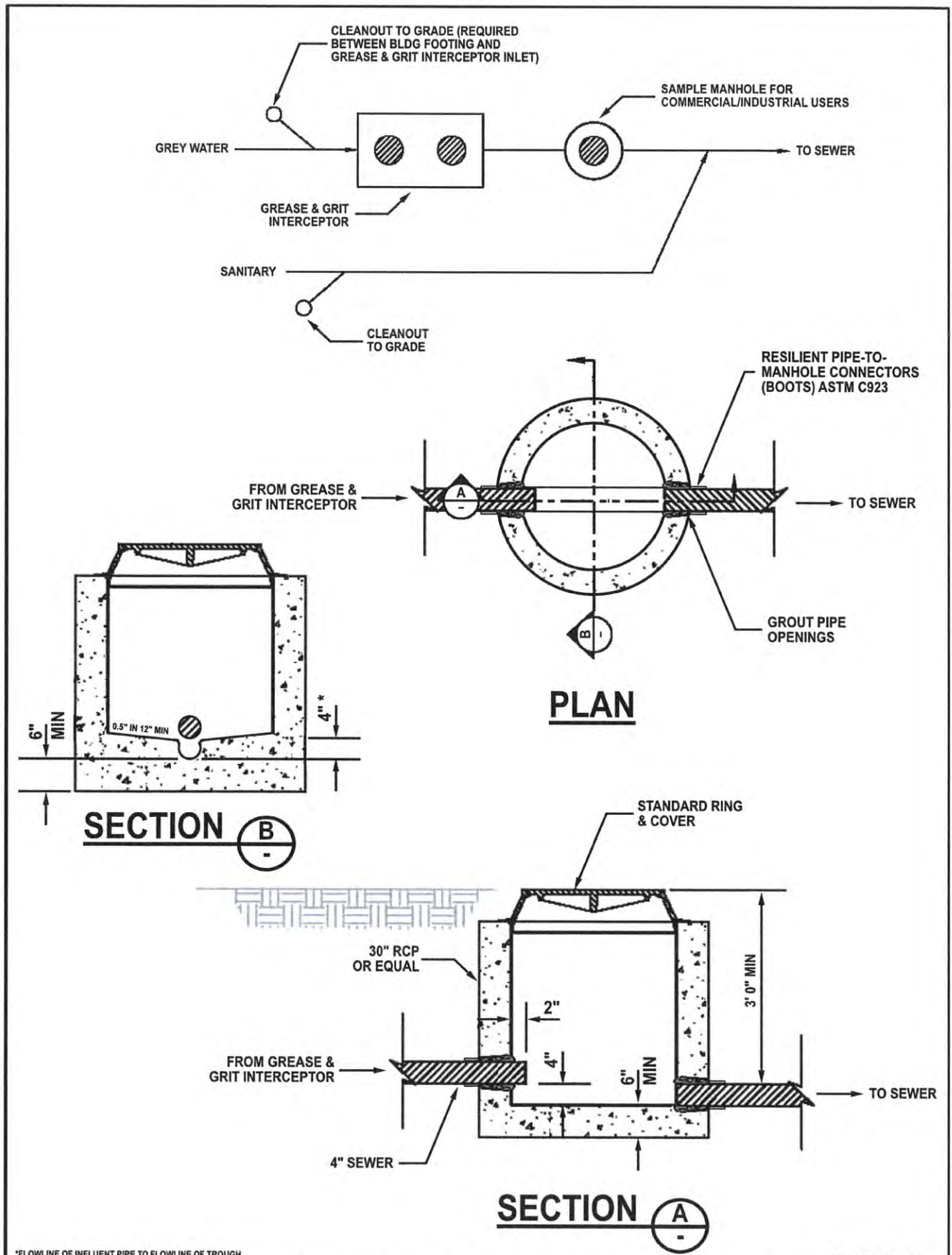
These RULES AND REGULATIONS shall be in full force and effect from and after their approval and passage.

PASSED AND ADOPTED by the Board of Trustees of South Davis Sewer District, Davis County, State of Utah on the 25th day of June 2020.


Vice-Chairman, Board of Trustees


Clerk





*FLOWLINE OF INFLUENT PIPE TO FLOWLINE OF TROUGH

SCALE: NONE

ORIGINAL		
04/02/2019	LBH	
REVISIONS		

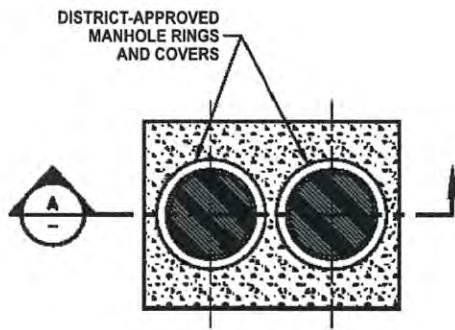
SOUTH DAVIS SEWER DISTRICT

SAMPLE MANHOLE DETAIL

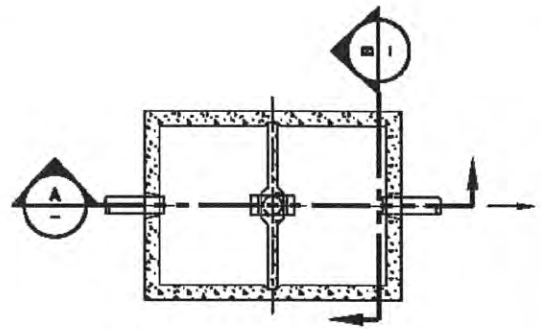


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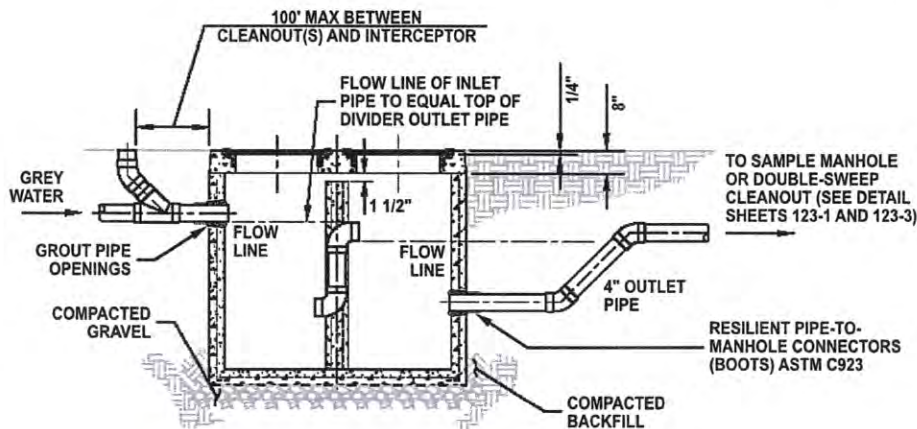
123-1



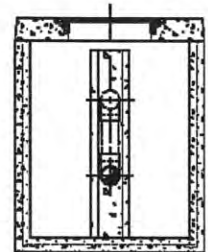
INTERCEPTOR LID PLAN



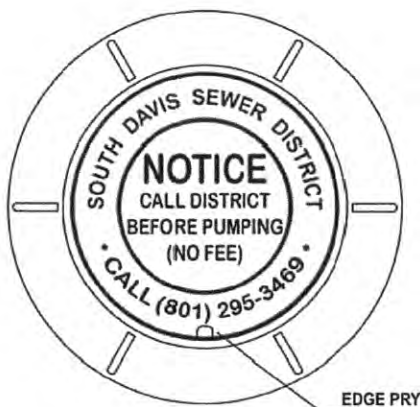
INTERCEPTOR PLAN



SECTION A



SECTION B



"NOTICE" COVER

NOTES:

- 1 - INTERCEPTOR CAPACITY - 1,000 GAL MIN.
- 2 - INTERCEPTORS SHALL BE PRECAST ONLY AND SHALL BE MANUFACTURED IN ACCORDANCE WITH ASTM C1613. INTERCEPTORS SHALL NOT BE POURED IN PLACE.
- 3 - INTERCEPTOR LID SHALL BE DESIGNED FOR H-20 HIGHWAY LOADING.
- 4 - INTERCEPTOR LOCATION REQUIRES DISTRICT APPROVAL.
- 5 - INTERCEPTORS ARE TO BE EASILY ACCESSIBLE FOR CLEANING BY THE USER AND FOR INSPECTION BY THE DISTRICT.
- 6 - INTERCEPTORS ARE TO BE LOCATED TO PREVENT SURFACE WATER FROM ENTERING COVERS.
- 7 - A 12" MINIMUM BASE OF WELL-GRADED GRAVEL (1"-MINUS) IS TO BE PLACED AND COMPACTED TO SUPPORT THE INTERCEPTOR. 2" GRADED GRAVEL MAY BE REQUIRED WHERE BASE MATERIAL IS UNSTABLE. INSPECTION OF THE COMPACTED GRAVEL IS REQUIRED BY THE DISTRICT INSPECTOR PRIOR TO PLACEMENT OF INTERCEPTOR.
- 8 - ALL INLET AND OUTLET PIPES REQUIRE RESILIENT PIPE-TO-MANHOLE CONNECTORS (BOOTS) AND SHALL BE GROUTED (SEE DETAIL SHEET 114-3).
- 9 - INTERCEPTOR LID SHOULD BE FITTED WITH ONE "SOUTH DAVIS SEWER DISTRICT" COVER (SEE DETAIL SHEET 114-5) AND ONE "NOTICE" COVER (DETAIL SHEET 123-2).

ORIGINAL	
04/08/2019	LBH
REVISIONS	

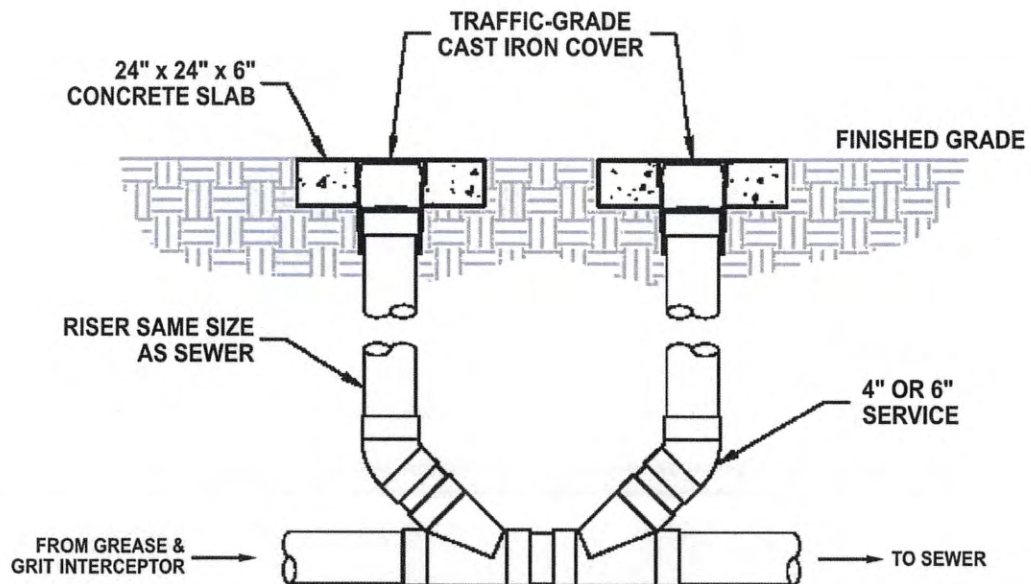
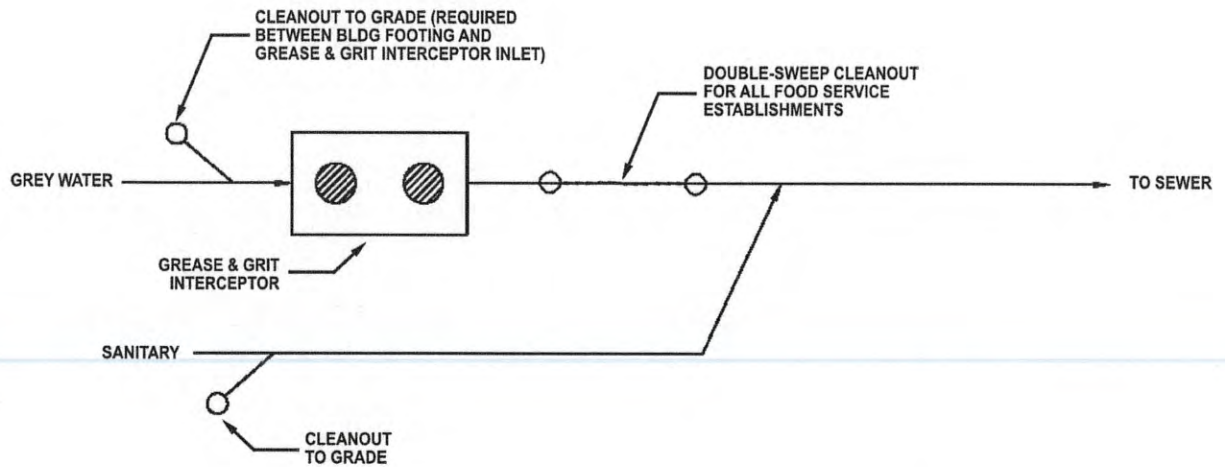
**SOUTH DAVIS SEWER DISTRICT
GRAVITY GREASE INTERCEPTOR
DETAIL**



SCALE: NONE

SHEET:

123-2



DOUBLE-SWEEP CLEANOUT

ORIGINAL		
04/01/2019	LBH	
REVISIONS		

SOUTH DAVIS SEWER DISTRICT

DOUBLE-SWEEP CLEANOUT DETAIL



SCALE: NONE

SHEET:

123-3

EXHIBIT B

Amendments to Chapter 13.16 of the West Bountiful Municipal Code

13.16 Sewer System

~~Article 1 Sewer Regulations~~

~~Article 2 Effluent Discharge And Monitoring~~

~~Article 1 Sewer Regulations~~

13.16.010 Owner Required to Connect to Sewer [unchanged]

13.16.020 Permit Required [unchanged]

13.16.030 Independent Service Lines Necessary [unchanged]

13.16.040 Discharging Excessive Water into Sewer [unchanged]

13.16.050 Damage to Sewer System [unchanged]

13.16.060 Authorization Necessary to Reconnect [unchanged]

13.16.070 Authorized Representatives to Have Free Access [unchanged]

13.16.080 Effluent Discharge and Monitoring [amended as set forth below]

~~Article 2 Effluent Discharge And Monitoring~~

13.16.080 Effluent Discharge and Monitoring

This section incorporates by reference requirements for users of the publicly owned treatment works (POTW) of the South Davis Sewer District (the “***District***”) in accordance with applicable state and federal law. The District’s Resolution No. 123-2, Industrial Pretreatment Program – Effluent Requirements Rules and Regulations, as incorporated in West Bountiful City Ordinance No. 437-20, is hereby incorporated in this Code and made applicable to all users within the city of the District’s publicly owned treatment works. Any violation of the provisions of the District’s Resolution No. 123-2, as incorporated in this section, shall be punishable as a Class B misdemeanor.

[Sections 13.16.90 through 13.16.400 are hereby deleted.]

WEST BOUNTIFUL CITY

RESOLUTION #488-20

A RESOLUTION REAFFIRMING CULINARY WATER RATES UNTIL JULY 1, 2021

WHEREAS, West Bountiful City owns and operates a culinary water system, and;

WHEREAS, Section 10-8-22 of Utah Code authorizes the city to set rates to be paid for use of water furnished by the city; and

WHEREAS, per Resolution #468-20, the Capital Improvement portion of the culinary water rate expires June 30, 2020, unless renewed by the City Council, and;

WHEREAS, the current Covid-19 pandemic has created increased economic uncertainty and strains on the city's ability to adequately forecast needs within the water system, with more time being necessary for staff to make recommendations of any rate changes, and;

WHEREAS, there is value to residents and businesses to have stable and predictable utility rates:

NOW THEREFORE, BE IT RESOLVED by the City Council of West Bountiful, Utah that Consolidated Fee Schedule be adopted as follows for culinary water rates:

WATER BASE RATE	Current Monthly	Renewed Monthly
First 8,000 gallons	\$22.00	\$22.00
Bond Repayment	\$18.00	\$18.00
Capital Improvement ¹	\$10.00	\$10.00
Monthly Residential Base Rate²	\$50.00	\$50.00

¹ The Capital Improvement portion of the rate expires **July, 2021**, unless renewed by the City Council.

² There is no change to monthly overages. These will be billed separately, per the attached fee schedule.

EFFECTIVE DATE. This resolution shall take effect immediately upon passage.

Passed and approved by the City Council of West Bountiful City this 15th day of December 2020.

Voting by the City Council:	<u>Aye</u>	<u>Nay</u>
Council member Ahlstrom	_____	_____
Council member Bruhn	_____	_____
Council member Enquist	_____	_____
Council member Preece	_____	_____
Council member Wood	_____	_____

Ken Romney, Mayor

ATTEST:

Cathy Brightwell, Recorder

PENDING – NOT YET APPROVED

Minutes of the West Bountiful City Council meeting held on **Tuesday, November 17, 2020** at West Bountiful City Hall, 550 N 800 West, Davis County, Utah.

Mayor Romney has determined that due to the current COVID-19 pandemic and the physical distancing required to prevent the spread of infection, public meetings present a substantial risk to the health and safety of those who may be present at the meetings. That risk can be substantially mitigated by holding City Council meetings through electronic means that allow for public participation without an anchor location. A copy of the Mayor's determination and order in this regard is available at www.wbcity.org.

All participants were on Zoom. Those in attendance:

MEMBERS: Mayor Kenneth Romney, Council members James Ahlstrom, James Bruhn, Kelly Enquist, Mark Preece and Rod Wood.

STAFF: Duane Huffman (City Administrator), Steve Doxey (City Attorney), Steve Maughan (Public Works), Chief Brandon Erikson, Cathy Brightwell (City Recorder), Kris Nilsen (City Engineer), and Terri Hensley (Secretary).

PUBLIC: Alan Malan, Gary Jacketta, Carson Gillett, Mark and Grey Garza.

Mayor Romney called the meeting to order at 7:32 pm. James Ahlstrom gave an Invocation and the Pledge of Allegiance was led by James Bruhn.

1. Approve the Agenda.

MOTION: *Mark Preece made a motion to approve the agenda. James Ahlstrom seconded the Motion which PASSED by unanimous vote of all members present.*

2. Public Comment

There was no public comment. However, Steve Doxey expressed his thanks for the kindness he received after the passing of his mother. He commented how grateful he is for the friendships he has made while serving West Bountiful for the past 22 years. Alan Malan offered his condolences to Steve Doxey.

3. Public Hearing – Vacate/Reduce Public Utility/Drainage Easements for the Gillett's at 759 W 1450 North.

The purpose of the hearing is to receive public comment regarding requested changes to the south and west public utility and drainage easements on the property located at 759 W 1450 North. The south portion of the west easement is proposed to be reduced from 7 feet to 3 feet and the south easement reduced from 10 feet to 6 feet.

Cathy Brightwell explained that the request stemmed from the Gillett's desire to build a garage in the southwest corner of their property. She added that the south easement contains a rear yard drain which will need to be moved a few feet to the south. Steve Maughan and Kris Nilsen have provided the necessary information to Mr. Gillett, a licensed plumber, so he can make the appropriate changes.

MOTION: *James Bruhn made a motion to open the public hearing. Rod Wood seconded the Motion which PASSED by unanimous vote of all members Present.*

Alan Malan stated his property shares a border with the subject property and he is in favor the proposed change. He added that there are phone and internet facilities in the south easement.

MOTION: *Kelly Enquist made a motion to close the public hearing. Mark Preece seconded the Motion which PASSED by unanimous vote of all members present*

4. Ordinance 436-20, Vacate/Reduce South & West Public Utility Easements at 759 W 1450 North.

The Gillett's have requested the city reduce the south portion of the west easement from 7 feet to 3 feet, and to reduce the rear (south) easement from 10 feet to 6 feet so a garage can be built on the property. Releases have been received from all major public utility agencies.

MOTION: *Rod Wood made a Motion to Approve Ordinance 436-20 to Vacate/Reduce South and West Public Utility Easements at 759 W 1450 North subject to review by legal counsel. James Ahlstrom seconded the Motion.*

The Motion PASSED with a vote as follows:

James Ahlstrom – aye	James Bruhn – aye
Kelly Enquist – aye	Mark Preece – aye
Rod Wood – aye	

5. Public Hearing – Vacate Public Utility/Drainage Easement for MVE-239 Subdivision - CANCELED.

6. Plat Amendment for MVE-239 Subdivision at 2015 N 1000 West.

Day Lay One, LLC, and DEV Group, LLC, the owners of Lot 139 in Mountain View Estates and the old Lot 36 in Kinross Estates, have requested to combine plat boundaries to form a new property designated as MVE-239. As this adjustment affects the boundaries of both plats, a plat amendment is required. There are no new lots being created, simply combining two lots into one. Staff is recommending approval of the MVE-239 Plat Amendment.

Rod Wood disclosed a conflict of interest as he is purchasing this property on December 7th and would prefer to abstain from voting.

MOTION: *James Ahlstrom made a Motion to Approve the Plat Amendment for MVE-239 Subdivision at 2015 N 1000 West. James Bruhn seconded the Motion.*

The Motion PASSED with a vote as follows:

James Ahlstrom – aye	James Bruhn – aye
Kelly Enquist – aye	Mark Preece – aye
Rod Wood – abstain	

7. Award 2020 Pickle Ball Project to Parkin Tennis Courts for up to \$206,866.00.

In conjunction with the rebuild of the West Bountiful Elementary School, the city worked with the Davis School District to arrange and design available city land for pickle ball courts just to the south of the City Hall building and in front of the new school. It was agreed that West Bountiful City will pay for the court construction.

After the city advertised and solicited proposals, two sealed bids were received. After careful review of both bids, the city Engineer, Kris Nilsen recommends awarding the project to Parkin Tennis Courts. Duane Huffman noted that the bid package included several items that may not ultimately be needed, and staff expects final costs to come in lower than this amount.

Council member Ahlstrom asked how long the construction period for this project would take. Kris Nilsen said it will likely take approximately six weeks, with a two to three week curing time for post tension concrete. Steve Maughan added that even if concrete work is completed early in the year, the weather still needs to be at least 70 to 80 degrees and dry to be able to add final surface material. This could alter the total time to complete the project.

Mayor Romney shared he has been contacted by neighbors bordering the property with concerns about the type of lighting to be used along with the hours the lights will be on. There was discussion about ensuring the city installs lights that can have a targeted light stream so as not to illuminate neighbors' property. Also, the city will utilize a timer mechanism so lights will not be on past a specified time in the evenings.

MOTION: *James Ahlstrom made a Motion to Award the 2020 Pickle Ball Project to Parkin Tennis Courts for up to \$206,866.00. Mark Preece seconded the Motion which PASSED by unanimous vote of all members present.*

8. Resolution 486-20 Authorizing the Mayor to Execute a Quit Claim Deed Accepting Land at 400 N Water Tank.

The city's water tank near 400 N is bordered on the south by Stone Creek. Based on deeds, the city has always claimed the land to the creek and has fenced it. However, there have been conflicting property descriptions related to properties south of the creek.

Recently, neighboring property owners Mr. and Mrs. Noakes commissioned a survey of the land. They would like to stop paying property taxes on land claimed by West Bountiful City and have proposed to record a new quit claim deed to clean-up the issue. To prevent property owners from

off-loading problematic land parcels to cities, the City Council must consent before a quit claim deed will be recognized.

MOTION: *Rod Wood made a motion to Approve Resolution 486-20 Authorizing the Mayor to Execute a Quit Claim Deed Accepting Land at 400 N Water Tank. James Bruhn seconded the Motion.*

The Motion PASSED with a vote as follows:

James Ahlstrom – aye	James Bruhn – aye
Kelly Enquist – aye	Mark Preece – aye
Rod Wood – aye	

9. 2020 Moderate Income Housing Report.

Duane Huffman summarized the Moderate Income Housing report as is required by SB-34. He explained the report must contain the progress we are making toward the goals in the general plan which includes:

- The city's plan to protect current low income housing;
- The city's plan to eliminate or maintain the elimination of impact fees for ADU's;
- The city's plan to research options to create an employee housing assistance program.

The city has made good progress on the above items with some having more focus than others during this difficult year.

Council member Wood recommended that the city pay close attention to what the legislature does with SB-34 as we move forward. Mr. Huffman said he has been on several on the topic and that housing is a top tier issue in the next legislative session.

Council member Ahlstrom asked for clarification about whether there is a mandated goal or quota as part of SB-34. Mr. Huffman confirmed there is none at this time.

MOTION: *James Ahlstrom made a motion recognizing the Moderate Income Housing report and its compliance with legislative requirements. Rod Wood seconded the Motion which PASSED by unanimous vote of all members present.*

10. Resolution 487-20 Recommending Re-Appointment of Mark Preece to South Davis Sewer District Board.

Council Member Preece has served as a capable and conscientious representative for the interests of West Bountiful City on the South Davis Sewer Board since January of 2013. His current term expires in January of 2021. This Resolution will re-appoint him for a second term commencing January 2021 through December 2025.

MOTION: *James Ahlstrom made a motion to Approve Resolution 487-20 Recommending Re-Appointment of Mark Preece to South Davis Sewer District Board. James Bruhn seconded the Motion.*

The Motion PASSED with a vote as follows:

James Ahlstrom – aye James Bruhn – aye
Kelly Enquist – aye Mark Preece – aye
Rod Wood – aye

11. Minutes from November 3, 2020.

MOTION: *Kelly Enquist made a motion to approve the Minutes from November 3, 2020. Rod Wood seconded the Motion which PASSED by unanimous vote of all members present.*

12. Staff Reports

Police – Brandon Erikson

- Chief Erikson is reviewing the Wholesome Direct's business license application for home delivery of medical marijuana and has some concerns around their operational and delivery plans. He will review his concerns with Cathy Brightwell and Steve Doxey to clarify the specifics outlined in these plans.

Public Works – Steve Maughan

- Reconstruction of the back parking lot is expected to be completed by Thanksgiving.
- Stop signs that were blown down during the windstorm have been replaced.
- New holiday banners will be put up this week.

Community Development / Engineering – Cathy Brightwell

- Doug Coons filed a subdivision application for the west side of his property located at 1000 N 550 W. Staff is also reviewing the Beverly Estates subdivision located at Pages Lane and Olsen Way. Staff has had some contact with representatives of the Equestrian Partners as they work on their proposal.
- The Davis Clipper announced that after 129 years in business the December 4th publication will be its last. The Salt Lake Tribune and Deseret News will be going to weekly publications in January. These changes impact public notice requirements so ULCT will work with legislature on updating outdated laws.

Administrative Report – Duane Huffman

- CARES funding – the city's total disbursement of federal Coronavirus Aid, Relief, and Economic Security (CARES) Act funds was \$490,322. This is slightly less than originally expected as the state changed the formula of the final disbursements to help offset communities disproportionately affected by the pandemic. The money may only be used for eligible expenses through December 30, 2020 and must be carefully tracked. The state is requiring funds not spent by November 30th to be returned to the State unless an extension is requested. We have carefully planned and tracked internal expenditures from the pandemic, under obligation to the state to designate expenditures by the end of November and spend by the end of December. With that in mind, staff proposes the final disposition of funds be designated as follows: 1) Interlocal agreements \$54,535, 2) UTOPIA, \$101,000, (city park is expected to be online next week), and 3) Public Safety payroll 334,796.89.

- Water rates – Duane has arranged to work with business students from the School of Business at a local university to help review water rates. They will assist the city to update our current water rates model, our infrastructure model and modeling large business users to ensure they are paying their proportional share. This gets more complex as we start looking at our tiered rates. This project begins in January so the city council will be seeing a request from staff for extension of current within the next couple of meetings. Council member Wood asked if Holly Refinery was one of our larger uses of water in the city. Mr. Huffman explained while they certainly can be, they also have their own water source. It is the green houses on the system that really use a significant amount of culinary water.
- COVID-19 – with the COVID-19 numbers escalating, and the new health orders in place, we are now requiring the of wearing masks at all time indoors and out with very limited exceptions. The city has also put on hold all city building rentals such as renting city hall for family Christmas parties. These changes will continue to be evaluated as the COVID situation unfolds.

13. Mayor / Council Reports

Mayor Romney – The city will not be doing its annual Elf Tree this year because of limited staff resources. We are recommending participation in the Bountiful Food Pantry’s Sub-For-Santa program instead as they assist families in need in a variety of ways. Duane Huffman will send a link for the Bountiful Food Pantry to the City Council so they can pass along to those who are asking.

Fire Chief Jeff Bassett has now retired and the interim Fire Chief, Dane Stone, has been appointed to the position. He lives in North Salt Lake and has been with the Fire Department for 27 years.

We are averaging sixteen to twenty COVID-19 cases in West Bountiful per week which is currently the lowest in the county.

James Ahlstrom – Youth City Council is working on Christmas on Onion St. They are making adjustments due to COVID-19 and the focus will be on the Santa parade. They require several trucks and a portable sound system so they can incorporate Christmas music. In the past, Todd Hixson’s sound system has been used for city events. Duane Huffman said the city can purchase a new portable sound system that can be used at a variety of city functions and will look into the best option.

Council member Ahlstrom suggested adding green space, pickle ball courts, covered picnic tables or other outdoor amenities employees could benefit from at the new public works west yard. This would also allow funding from RAP tax. Council member Wood asked about park needs on the west side of the city. Mr. Huffman stated we do have a study that shows we need an additional park on the west side and the expectation is that it will be tied to west side development. He said while it makes sense to add some green space, he believes a pickle ball court is best suited to be combined with a larger park rather than a stand-alone space. Staff will look at options for this at the west yard area.

James Bruhn – All is going very well at Wasatch Integrated.

Kelly Enquist – Work is slowing down at Mosquito Abatement. Salt Lake Mosquito Abatement and Davis County Mosquito Abatement work together on aerial spraying as it is far more cost efficient.

They made a proposal that a Bell helicopter be purchased for this use (\$1.9 million) to do our own spraying rather than use a contractor. A vote with 15 out of the 16 city representatives involved said no to this proposal so we will continue contract spraying.

Mark Preece – no report

Rod Wood – Asked if there were any updates on the public works building. Duane Huffman said staff is working to finalize financial statements and while there is not an update for tonight, one will be provided soon.

14. Closed Session for the Purpose of Discussing Items Allowed Pursuant to UCA § 52-4-205(a), Discussion of the Character, Professional Competence, or Physical or Mental Health of an Individual. Performance of individuals and exchange of property.

No closed session.

15. Adjourn

MOTION: *James Ahlstrom made a motion to adjourn this meeting of the West Bountiful City Council at 8:52 pm. Mark Preece seconded the Motion which PASSED by unanimous vote of all members present.*

The foregoing was approved by the West Bountiful City Council by unanimous vote of all members present on Tuesday, December 1, 2020.

Cathy Brightwell, City Recorder