

## CHAPTER 13.18

### WASTEWATER SYSTEM USER REGULATIONS

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## GENERAL PROVISIONS

**13.18.010: PURPOSE AND POLICY:**

This chapter sets forth uniform requirements for users of the publicly owned treatment works (POTW) for the city of Jerome (city) and enables the city to comply with all applicable state and federal laws, including the clean water act (33 USC 1251 et seq.) and the general pretreatment regulations (40 CFR part 403). The objectives of this chapter are:

- A. To prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW;
- B. To prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated, into receiving waters or otherwise be incompatible with the POTW;
- C. To ensure that the quality of the wastewater treatment plant sludge is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations;
- D. To protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public; and
- E. To improve the opportunity to recycle and reclaim wastewater and sludge from the POTW.

This chapter shall apply to all users of the POTW. This chapter authorizes the issuance of wastewater discharge permits; authorizes monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein. (Ord. 806 §1, 1996)

**13.18.020: ADMINISTRATION:**

Except as otherwise provided herein, the city administrator shall administer, implement, and enforce the provisions of this chapter. Any powers granted to or duties imposed upon the city administrator may be delegated by the city administrator to other city personnel. (Ord. 806 §1, 1996)

**13.18.030: DEFINITIONS:**

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

**ACT OR THE ACT:** The federal water pollution control act, also known as the clean water act, as amended, 33 USC 1251 et seq.

**APPLICABLE PRETREATMENT STANDARDS:** For any specified pollutant, city prohibitive standards, city specific pretreatment standards (local limits), state of Idaho pretreatment standards, or EPA's categorical pretreatment standards (when effective), whichever standard is appropriate or most stringent.

**APPROVAL AUTHORITY:** The Idaho Department of Environmental Quality (DEQ).

**AUTHORIZED REPRESENTATIVE OF THE USER:**

- A. If the user is a corporation: 1. The president, secretary, treasurer, or a vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or 2. The manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty five million dollars (\$25,000,000.00) (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
- B. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively;
- C. If the user is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his/her designee.

D. The individuals described in subsections A through C of this definition may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the city.

**BEST MANAGEMENT PRACTICES (BMP):** Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in section 13.18.100. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal or drainage from raw materials storage.

**BIOCHEMICAL OXYGEN DEMAND (BOD):** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at twenty degrees centigrade (20°C), usually expressed as a concentration (milligrams per liter (mg/l)).

**CATEGORICAL PRETREATMENT STANDARD OR CATEGORICAL STANDARD:** Any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with sections 307(b) and (c) of the act (33 USC 1317) which apply to a specific category of users and which appear in 40 CFR chapter I, subchapter N, parts 405–471.

**CATEGORICAL USER:** A user regulated by one of EPA's categorical pretreatment standards.

**CITY:** The city of Jerome or the city council of Jerome or the city administrator for Jerome or any authorized representatives of these entities/individuals.

**CITY ADMINISTRATOR:** The person designated by the city to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this chapter, or a duly authorized representative.

**COLOR:** The optical density at the visual wavelength of maximum absorption, relative to distilled water. One hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.

**COMPOSITE SAMPLE:** The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

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

**DOMESTIC USER (RESIDENTIAL USER):** Any person who contributes, causes, or allows the contribution of wastewater into the POTW that is of a similar volume and/or chemical makeup as that of a residential dwelling unit. Discharges from a residential dwelling unit typically include up to one hundred (100) gallons per capita per day, 0.2 pounds of BOD per capita, and 0.17 pounds of TSS per capita.

**ENVIRONMENTAL PROTECTION AGENCY (EPA):** The U.S. environmental protection agency or, where appropriate, the director of the region 10 office of water, or other duly authorized official of said agency.

**EXISTING SOURCE:** For a categorical industrial user, an "existing source" is any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with section 307 of the act.

**EXISTING USER:** For noncategorical users, an "existing user" is defined as any user which is discharging wastewater prior to the effective date of this chapter.

**GRAB SAMPLE:** A sample consisting of either a single discrete sample or individual samples collected over a period of time not to exceed fifteen (15) minutes. The grab sample should be representative of the wastewater conditions at the time of sample collection. The sample volume depends on the type and number of analyses to be performed.

**INDIRECT DISCHARGE OR DISCHARGE:** The introduction of pollutants into the POTW from any nondomestic source regulated under section 307(b), (c), or (d) of the act. The discharge into the POTW is normally by means of pipes, conduits, pumping stations, force mains, constructed drainage ditches, surface water intercepting ditches, and all constructed devices and appliances appurtenant thereto.

**INTERFERENCE:** A discharge which alone or in conjunction with a discharge or discharges from other sources, either: a) inhibits or disrupts the POTW, its treatment processes or operations; b) inhibits or disrupts its sludge processes, use or disposal; or c) is a cause of a violation of the city's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder (or more stringent state or local regulations): section 405 of the clean water act; the solid waste disposal act (SWDA), including title II commonly referred to as the resource conservation and recovery act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to subtitle D of the SWDA; the clean air act; the toxic substances control act.

**MAXIMUM ALLOWABLE DISCHARGE LIMIT:** The maximum concentration (or loading) of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

**MEDICAL WASTES:** 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.

## NEW SOURCE:

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

1. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
2. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
3. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

B. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of subsection A2 or A3 of this definition but otherwise alters, replaces, or adds to existing process or production equipment.

C. Construction of a new source as herein defined has commenced if the owner or operator has:

1. Begun, or caused to begin as part of a continuous on site construction program: a. Any placement, assembly, or installation of facilities or equipment; or b. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
2. Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this subsection.

**NEW USER:** A new user is a user that is not regulated under federal categorical pretreatment standards but that applies to the city for a new building permit or occupies an existing building and plans to commence discharge of wastewater to the city's collection system after the effective date of this chapter. Any person that buys an existing facility that is discharging nondomestic wastewater will be considered an existing user if no significant changes are made in the manufacturing operation.

**PASS-THROUGH:** A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the city's IPDES permit (including an increase in the magnitude or duration of a violation).

**PERMITTEE:** A person or user issued a wastewater discharge permit.

**PERSON:** Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, or local governmental entities.

**pH:** A measure of the acidity or alkalinity of a substance, expressed in standard units.

**POLLUTANT:** Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes, and the characteristics of the wastewater including, but not limited to, pH, temperature, TSS, turbidity, color, BOD, chemical oxygen demand (COD), toxicity, or odor.

**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).

**PRETREATMENT REQUIREMENT:** Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

**PRETREATMENT STANDARDS OR STANDARDS:** Prohibited discharge standards, categorical pretreatment standards, and local limits established by the city.

**PROHIBITED DISCHARGE STANDARDS OR PROHIBITED DISCHARGES:** Absolute prohibitions against the discharge of certain substances; these prohibitions appear in subsections 13.18.100A and B of this chapter.

**PUBLICLY OWNED TREATMENT WORKS (POTW):** A "treatment works", as defined by section 212 of the act (33 USC 1292) which is owned by the city. 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. The term also means the city.

**SEPTIC TANK WASTE:** Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic

tanks.

**SEWAGE:** Human excrement and gray water (household showers, dishwashing operations, etc.).

**SEWER:** Any pipe, conduit ditch, or other device used to collect and transport sewage from the generating source.

**SHALL, MAY:** "Shall" is mandatory, "may" is permissive.

**SIGNIFICANT INDUSTRIAL USER:**

A. A user subject to categorical pretreatment standards; or

B. A user that:

1. Discharges an average of twenty five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater); or

2. Contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

3. Is designated as such by the city on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

C. Upon a finding that a user meeting the criteria in subsection B of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any applicable pretreatment standard or requirement, the city may at any time, on its own initiative or in response to a petition received from a 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.

**SLUG LOAD:** Any discharge at a flow rate or concentration which could cause a violation of the discharge standards in sections 13.18.100 through 13.18.130 of this chapter or any discharge of a nonroutine, episodic nature, including, but not limited to, an accidental spill or a noncustomary batch discharge.

**STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODE:** A classification pursuant to the standard industrial classification manual issued by the United States office of management and budget.

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

**TOTAL SUSPENDED SOLIDS:** The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

**TREATMENT PLANT EFFLUENT:** The discharge from the POTW into waters of the United States.

**USER OR INDUSTRIAL USER:** A source of indirect discharge. The source shall not include "domestic user" as defined herein.

**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.

**WASTEWATER DISCHARGE PERMIT:** An authorization or equivalent control document issued by the city to users discharging wastewater to the POTW. The permit may contain appropriate pretreatment standards and requirements as set forth in this chapter.

**WASTEWATER TREATMENT PLANT OR TREATMENT PLANT:** That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use. (Ord. 1203, 2021: Ord. 806 §1, 1996)

### **13.18.040: ABBREVIATIONS:**

The following abbreviations shall have the designated meanings:

ASPP	-	Accidental spill prevention plan
BOD	-	Biochemical oxygen demand
CFR	-	Code of federal regulations
COD	-	Chemical oxygen demand
DEQ	-	Idaho Department of Environmental Quality
EPA	-	U.S. environmental protection agency
gpd	-	Gallons per day
IPDES	-	Idaho Pollutant Discharge Elimination System
l	-	Liter
LEL	-	Lower explosive limit
mg	-	Milligrams
mg/l	-	Milligrams per liter

NPDES	-	National pollutant discharge elimination system
O&M	-	Operation and maintenance
POTW	-	Publicly owned treatment works
RCRA	-	Resource conservation and recovery act
SIC	-	Standard industrial classifications
SWDA	-	Solid waste disposal act (42 USC 6901 et seq.)
TSS	-	Total suspended solids
USC	-	United States Code

(Ord. 1203, 2021: Ord. 806 §1, 1996)

**13.18.050: CONFIDENTIAL INFORMATION:**

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from city 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 city, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable state law. When requested and demonstrated by the user 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 IPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR section 2.302 will not be recognized as confidential information and will be available to the public without restriction. (Ord. 1203, 2021: Ord. 806 §7, 1996)



**GENERAL REQUIREMENTS**

**13.18.100: 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. Any liquids, solids, or gases which by reason of their nature or quantity are or may be sufficient, either alone or by interaction with other substances, to cause a fire or explosive hazard in the POTW, including, but not limited to, any gasoline, benzene, naphtha, or fuel oil; and, in no case wastestreams with a closed cup flashpoint of less than one hundred forty degrees Fahrenheit (140°F) (60°C) using the test methods specified in 40 CFR section 261.21, as amended; and, in no case pollutants which produce readings on an explosion meter, at the point of discharge into the POTW or at any point in the POTW, greater than five percent (5%) of the lower explosive limit of the meter for any two (2) successive readings nor greater than ten percent (10%) of the lower explosive limit for the meter for any single reading;
2. Wastewater having a pH less than 6.0 or more than 9.0, or having any other corrosive property capable of causing damage or hazards to the POTW structures, equipment, processes, or personnel;
3. Grease, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dusts, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood, plastics, gas, tar asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes; and, in no case any other solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference; and, in no case solid substances of such character or quantity that special and unusual attention is required for their handling;
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. Wastewater having a temperature which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed one hundred four degrees Fahrenheit (104°F) (40°C) unless the approval authority, upon the request of the POTW, approves alternate temperature limits;
6. Petroleum oil, nonbiodegradable 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. Trucked or hauled pollutants, except at discharge points designated by the city;

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 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 city's IPDES permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than ten percent (10%) from the seasonably established norm for aquatic life;

11. Wastewater containing any radioactive wastes or isotopes except as specifically approved by the city administrator in compliance with applicable state or federal regulations;

12. Stormwater, 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 city administrator;

13. Any sludges, screenings, or other residues from the pretreatment of industrial wastes or from industrial processes, unless specifically authorized by the city administrator;

14. Medical wastes;

15. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;

16. Detergents, surface active agents, or other substances which may cause excessive foaming in the POTW;

17. Any substance which will cause the POTW to violate its IPDES and/or other disposal system permits;

18. Any wastewater, which in the opinion of the city administrator can cause harm either to the sewers, sewage treatment process, or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance, unless allowed under special agreement by the city administrator (except that no special waiver shall be given from categorical pretreatment standards);

19. The contents of any tank or other vessel owned or used by any person in the business of collecting or pumping sewage, effluent, septic tank waste, or other wastewater unless said person has first obtained testing and approval as may be generally required by the city and paid all fees assessed for the privilege of said discharge;

20. Any hazardous wastes as defined in IDAPA 58.01.05 "Rules & Standards for Hazardous Waste" or in EPA rules 40 CFR part 261;

21. Persistent pesticides and/or pesticides regulated by the federal insecticide fungicide rodenticide act (FIFRA).

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. (Ord. 1203, 2021: Ord. 806 §2, 1996)

### **13.18.110: FEDERAL CATEGORICAL PRETREATMENT STANDARDS:**

The national categorical pretreatment standards as amended and promulgated by EPA pursuant to the act and as found at 40 CFR chapter I, subchapter N, parts 405–471, are applicable to all users and are hereby incorporated and shall be enforceable under this chapter. (Ord. 1203, 2021: Ord. 806 §2, 1996)

### **13.18.120: STATE REQUIREMENTS:**

State requirements and limitations on discharges to the POTW contained in "Rules Regulating the Idaho Pollutant Discharge Elimination System Program" as amended and promulgated by DEQ, and as found at IDAPA 58.01.25, shall be met by all users which are subject to such standards and are hereby incorporated and shall be enforceable under this chapter. (Ord. 1203, 2021: Ord. 806 §2, 1996)

### **13.18.130: LOCAL LIMITS:**

The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following daily maximum allowable discharge limits:

0.186	mg/l arsenic
0.260	mg/l cadmium
3.103	mg/l chromium
3.37	mg/l copper
0.65	mg/l cyanide
0.43	mg/l lead
0.002	mg/l mercury
2.17	mg/l nickel
0.24	mg/l silver
1.48	mg/l zinc

These apply at the point where the wastewater is discharged to the POTW (end of the pipe). All concentrations for metallic



substances are for "total" metal unless indicated otherwise. The city administrator may impose mass limitations in addition to (or in place of) the concentration based limitations above. Where a user is subject to a categorical pretreatment standard and a local limit for a given pollutant, the more stringent limit or applicable pretreatment standard shall apply. (Ord. 1203, 2021: Ord. 806 §2, 1996)

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

The city reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW. (Ord. 806 §2, 1996)

**13.18.150: SPECIAL AGREEMENT:**

The city reserves the right to enter into special agreements with users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a categorical pretreatment standard or federal pretreatment requirement. However, users may request a net gross adjustment to a categorical standard in accordance with 40 CFR section 403.15. They may also request a variance from the categorical pretreatment standard from the approval authority in accordance with 40 CFR section 403.13. (Ord. 806 §2, 1996)

**13.18.160: 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 an applicable pretreatment standard or requirement unless expressly authorized by an applicable pretreatment standard or requirement. The city administrator may impose mass limitations on users which he believes may be using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate. (Ord. 806 §2, 1996)

**13.18.170: PRETREATMENT FACILITIES:**

Users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all applicable pretreatment standards and requirements set out in this chapter within the time limitations specified by the EPA, the DEQ, or the city administrator, whichever is more stringent. Any facilities required to pretreat wastewater to a level acceptable to the city shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the city for review, and shall be acceptable to the city before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an acceptable discharge to the city under the provisions of this chapter. (Ord. 1203, 2021: Ord. 806 §2, 1996)

**13.18.180: DEADLINE FOR COMPLIANCE WITH APPLICABLE PRETREATMENT REQUIREMENTS:**

Compliance by existing sources covered by categorical pretreatment standards shall be within three (3) years of the date the standard is effective unless a shorter compliance time is specified in the appropriate standard. The city shall establish a final compliance deadline date for any existing user not covered by categorical pretreatment standards or for any categorical user when the local limits for said user are more restrictive than the federal categorical pretreatment standards.

New sources and new users are required to comply with applicable pretreatment standards within the shortest feasible time (not to exceed 90 days from the beginning of discharge). New sources and new users shall install, shall have in operating condition, and shall start up all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge.

Any wastewater discharge permit issued to a categorical user shall not contain a compliance date beyond any deadline date established in EPA's categorical pretreatment standards. Any other existing user or a categorical user that must comply with a more stringent local limit which is in noncompliance with any local limits shall be provided with a compliance schedule placed in an industrial wastewater permit to ensure compliance within the shortest time feasible. (Ord. 806 §2, 1996)

**13.18.190: ADDITIONAL PRETREATMENT MEASURES:**

A. Whenever deemed necessary, the city administrator 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 this chapter.

B. Each user discharging into the POTW greater than one hundred fifty thousand (150,000) gallons per day or greater than ten percent (10%) of the average daily flow in the POTW, whichever is less, shall install and maintain, on the user's property and at the user's expense, a suitable storage and flow control facility to ensure equalization of flow over a twenty four (24) hour period. The facility shall have a capacity for at least one hundred percent (100%) of the daily discharge volume and shall be equipped with alarms and a rate of discharge controller, the regulation of which shall be directed by the city administrator. A wastewater discharge permit may be issued solely for flow equalization.

C. Grease, oil, and sand interceptors shall be provided when, in the opinion of the city administrator, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the city administrator and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at his expense.

D. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter. (Ord. 806 §2, 1996)

**13.18.200: ACCIDENTAL SPILL PREVENTION PLANS:**

The city administrator may require any user to develop and implement an accidental spill prevention plan (ASPP) or slug

control plan. Where deemed necessary by the city, facilities to prevent accidental discharge or slug discharges of pollutants shall be provided and maintained at the user's cost and expense. An accidental spill prevention plan or slug control plan showing facilities and operating procedures to provide this protection shall be submitted to the city for review and approval before implementation. The city shall determine which user is required to develop a plan and require said plan to be submitted within ninety (90) days after notification by the city. The city shall have sixty (60) days from receipt of same to review and comment on the plan and the compliance schedule and to mandate any changes in either. Each user shall implement its ASPP as submitted or as modified after such plan has been reviewed and approved by the city. Review and approval of such plans and operating procedures by the city shall not relieve the user from the responsibility to modify its facility as necessary to meet the requirements of this chapter.

A. Any user required to develop and implement an accidental spill prevention plan shall submit a plan which addresses, at a minimum, the following:

1. Description of discharge practices, including nonroutine batch discharges;
2. Description of stored chemicals;
3. Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the standards in sections 13.18.100 through 13.18.130 of this chapter; and
4. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic chemicals (including solvents), and/or measures and equipment for emergency response.

B. Users shall notify the city wastewater treatment plant immediately after the occurrence of a slug or accidental discharge of substances regulated by this chapter. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume, and corrective actions.

Any affected user shall be liable for any expense, loss, or damage to the POTW, in addition to the amount of any fines imposed on the city on account thereof under state or federal law.

C. Within five (5) days following an accidental discharge, the user shall submit to the city administrator 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 chapter or other applicable law.

D. Signs shall be permanently posted in conspicuous places on the user's premises advising employees whom to call in the event of a slug or accidental discharge. Employers shall instruct all employees who may cause or discover such a discharge with respect to emergency notification procedures. (Ord. 806 §2, 1996)

#### **13.18.210: SEPTIC TANK WASTES:**

A. Septic tank waste may be introduced into the POTW only at a designated receiving structure within the treatment plant area, and at such times as are established by the city administrator. Such wastes shall not violate this section or any other requirements established or adopted by the city. Wastewater discharge permits for individual vehicles to use such facilities shall be issued by the city administrator.

B. Septic tank waste haulers may only discharge loads at locations specifically designated by the city administrator. No load may be discharged without prior consent of the city administrator. The city administrator may collect samples of each hauled load to ensure compliance with applicable pretreatment standards. The city administrator may require the hauler to provide a waste analysis of any load prior to discharge.

C. Septic tank waste haulers must provide a waste tracking form for every load. This form shall include, at a minimum, the name and address of the waste hauler, permit number, truck identification, sources of waste, and volume and characteristics of waste.

D. Fees for dumping hauled wastes will be established as part of the user fee system as authorized in section 13.18.1300 of this chapter. (Ord. 806 §2, 1996)

## **WASTEWATER DISCHARGE PERMIT REQUIREMENTS**

#### **13.18.300: GENERAL PERMIT REQUIREMENTS:**

No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the city administrator. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this chapter and subjects the wastewater discharge permittee to the sanctions set forth in this chapter. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, and local law.

The city administrator may require other users, including septic tank waste haulers, to obtain wastewater discharge permits (as necessary) to carry out the purposes of this chapter. (Ord. 806 §3, 1996)

**13.18.310: EXISTING SIU:**

Any SIU that was discharging wastewater into the POTW prior to the effective date of this chapter and that wishes to continue such discharges in the future shall, within ninety (90) days after notification by the city administrator, submit a permit application to the city in accordance with section 13.18.340 of this chapter and shall not cause or allow discharges to the POTW to continue after one hundred eighty (180) days of the effective date of this chapter except in accordance with a wastewater discharge permit issued by the city administrator. (Ord. 806 §3, 1996)

**13.18.320: NEW SOURCE AND NEW USER:**

At least ninety (90) days prior to the anticipated startup, new sources, sources that become a user subsequent to the promulgation of an applicable categorical pretreatment standard, and new users considered by the city to fit the definition of SIU, shall apply for a wastewater discharge permit and will be required to submit to the city at least the information listed in subsections 13.18.340A through E of this chapter. A new source or new user cannot discharge without first receiving a wastewater discharge permit from the city. New sources and new users shall also be required to include in their application information on the method of pretreatment they intend to use to meet applicable pretreatment standards. New sources and new users shall give estimates of the information requested in subsections 13.18.340D and E of this chapter. (Ord. 806 §3, 1996)

**13.18.330: EXTRAJURISDICTIONAL USERS:**

Any existing user who is located beyond the city limits and who is required to obtain a wastewater discharge permit shall submit a wastewater discharge permit application as outlined in section 13.18.310 of this chapter. New sources and new users who are located beyond the city limits and who are required to obtain a wastewater discharge permit shall comply with section 13.18.320 of this chapter. (Ord. 806 §3, 1996)

**13.18.340: APPLICATION CONTENTS:**

The city administrator shall approve a form to be used as a permit application. All users required to obtain a wastewater discharge permit must submit, at a minimum, the following information (categorical users submitting the following information shall have complied with 40 CFR section 403.12(b)):

- A. Identifying Information: The user shall submit the name and address of the facility including the name of the operator and owners.
- B. Permits: The user shall submit a list of all environmental control permits held by or for the facility.
- C. Description Of Operations: The user shall submit a brief description of the nature, average rate of production, and standard industrial classification of the operation(s) carried out by such industrial user, including 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; number and type of employees; hours of operation; each product produced by type, amount, process or processes, and rate of production; type and amount of raw materials processed (average and maximum per day) and the time and duration of discharges. This description should also include a schematic process diagram which indicates points of discharge to the POTW from the regulated or manufacturing processes. Disclosure of site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, inspection manholes, sampling chambers and appurtenances by size, location and elevation.
- D. Flow Measurement:
  - 1. Categorical User: The user shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:
    - a. Regulated or manufacturing process streams; and
    - b. Other streams as necessary to allow use of the combined wastestream formula of 40 CFR section 403.6(e).
  - 2. Noncategorical User: The user shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:
    - a. Total process flow, wastewater treatment plant flow, total plant flow or individual manufacturing process flow as required by the city administrator.

The city may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

**E. Measurements Of Pollutants:**

- 1. Categorical User:
  - a. The user shall identify the applicable pretreatment standards for each regulated or manufacturing process.
  - b. In addition, the user shall submit the results of sampling and analysis identifying the nature and concentration (or mass where required by the categorical pretreatment standard or as required by the city) of regulated pollutants (including standards contained in sections 13.18.100 through 13.18.130 of this chapter, as appropriate) in the discharge from each regulated or manufacturing process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall conform to sampling and analytical procedures outlined in sections 13.18.600 through 13.18.620 of this chapter.
  - c. The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this subsection E1.

d. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR section 403.6(e) for a categorical user covered by a categorical pretreatment standard, this adjusted limit along with supporting data shall be submitted as part of the application.

2. Noncategorical User:

a. The user shall identify the applicable pretreatment standards for its wastewater discharge.

b. In addition, the user shall submit the results of sampling and analysis identifying the nature and concentration in the discharge (or mass where required by the city) of regulated pollutants contained in sections 13.18.100 through 13.18.130 of this chapter, as appropriate. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall conform to sampling and analytical procedures outlined in sections 13.18.600 through 13.18.620 of this chapter.

c. The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this subsection E2.

d. Where the city administrator developed alternate concentration or mass limits because of dilution, this adjusted limit along with supporting data shall be submitted as part of the application.

F. Certification: The user shall submit a statement, reviewed by an authorized representative of the user and certified by a qualified professional as outlined in section 13.18.350 of this chapter, indicating whether the applicable 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 for the user to meet the applicable pretreatment standards and requirements.

G. Compliance Schedule: If additional pretreatment and/or O&M will be required to meet the applicable pretreatment standards, the user shall submit the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The user's schedule shall conform with the requirements of section 13.18.520 of this chapter. The completion date in this schedule shall not be later than the compliance date established pursuant to section 13.18.180 of this chapter.

1. Where the user's categorical pretreatment standard has been modified by a removal allowance (40 CFR section 403.7), the combined wastestream formula (40 CFR section 403.6(e)), and/or a fundamentally different factors variance (40 CFR section 403.13) at the time the user submits the report required by subsection F of this section and this subsection G, the information required by subsection F of this section and this subsection G shall pertain to the modified limits.

2. If the categorical pretreatment standard is modified by a removal allowance (40 CFR section 403.7), the combined wastestream formula (40 CFR section 403.6(e)), and/or a fundamentally different factors variance (40 CFR section 403.13) after the user submits the report required by subsections F and G of this section, then a report containing modified information shall be submitted by the user within sixty (60) days after the new limit is approved.

H. Other Information: The user shall submit any other information as may be deemed necessary by the city administrator to evaluate the wastewater discharge permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision. (Ord. 806 §3, 1996)

**13.18.350: SIGNATORY AND CERTIFICATION REQUIREMENT:**

All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

*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.*

(Ord. 806 §3, 1996)

**13.18.360: DECISIONS:**

The city administrator will evaluate the data furnished by the user and may require additional information. Within sixty (60) days of receipt of a complete wastewater discharge permit application, the city administrator will determine whether or not to issue a wastewater discharge permit. Upon a determination to issue, the permit shall be issued within thirty (30) days of full evaluation and acceptance of the data furnished. The city administrator may deny any application for a wastewater discharge permit. (Ord. 806 §3, 1996)

**13.18.370: CONTENTS:**

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

A. Wastewater discharge permits must contain the following conditions:

1. A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years;
2. A statement that the wastewater discharge permit is nontransferable without prior notification to and approval from the

city, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

3. Effluent limits, including Best Management Practices, based on applicable general pretreatment standards in 40 CFR 403, categorical pretreatment standards, local limits and State and local law;
4. Self-monitoring, sampling, reporting, notification, and record keeping requirements, including an identification of pollutants to be monitored (including the process for seeking a waiver for a pollutant neither present nor expected to be present in the discharge in accordance with § 403.12(e)(2), or a specific waived pollutant in the case of an individual control mechanism), sampling location, sampling frequency, and sample type, based on the applicable pretreatment standards, local limits and state and local law; and submittal of technical reports, compliance schedules, and record keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law; and
5. Requirement for immediate notification to the city where self- monitoring results indicate noncompliance;
6. Requirement to report a bypass or upset of a pretreatment facility;
7. Requirement for the SIU who reports noncompliance to repeat the sampling and analysis and submit results to the city within thirty (30) days after becoming aware of the violation;
8. A statement of applicable civil, criminal, and administrative penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule.

B. 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 treatment works;
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 routine discharges;
4. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
5. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
6. Requirements for installation and maintenance of inspection and sampling facilities and equipment;
7. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit;
8. Any special agreements the city administrator chooses to continue or develop between the city and user;
9. Other conditions as deemed appropriate by the city administrator to ensure compliance with this chapter, and state and federal laws, rules, and regulations. (Ord. 1203, 2021: Ord. 806 §3, 1996)

**13.18.380: APPEALS:**

The city shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the city to reconsider the terms of a wastewater discharge permit within thirty (30) days of its issuance.

- A. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- B. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
- C. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
- D. If the city fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit, shall be considered final administrative actions for purposes of judicial review.
- E. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the 5th district judicial court within thirty (30) days of the city's written decision. (Ord. 806 §3, 1996)

**13.18.390: DURATION:**

Wastewater discharge permits shall be issued for a specified time period, not to exceed five (5) years. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the city administrator. Each wastewater discharge permit will indicate a specific date upon which it will expire. (Ord. 806 §3, 1996)

**13.18.400: MODIFICATION:**

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

- A. To incorporate any new or revised federal, state, or local pretreatment standards or requirements;
- B. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance. The administrator may deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants to the POTW by industrial users where such contributions do not meet the pretreatment standards and requirements or where such contributions would cause the POTW to violate its NPDES permit;
- C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- D. Information indicating that the permitted discharge poses a threat to the city's POTW, city personnel, or the receiving waters;
- E. Violation of any terms or conditions of the wastewater discharge permit;
- F. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required report;
- G. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR section 403.13;
- H. To correct typographical or other errors in the wastewater discharge permit; or
- I. To reflect a transfer of the facility ownership and/or operation to a new owner/operator. (Ord. 1203, 2021: Ord. 806 §3, 1996)

**13.18.410: TRANSFER:**

Wastewater discharge permits may be reassigned or transferred to a new owner and/or operator only if the permittee gives at least ninety (90) days' advance notice to the city administrator and the city administrator approves the wastewater discharge permit transfer. The notice to the city administrator must include a written certification by the new owner and/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 wastewater discharge permit.

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

Provided that the above occurs and that there were no significant changes to the manufacturing operation or wastewater discharge, the new owner will be considered an existing user and be covered by the existing limits and requirements in the previous owner's permit. (Ord. 806 §3, 1996)

**13.18.420: REVOCATION:**

Wastewater discharge permits may be revoked for, but not limited to, the following reasons:

- A. Failure to notify the city of significant changes to the wastewater prior to the changed discharge;
- B. Failure to provide prior notification to the city of changed conditions;
- C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- D. Falsifying self-monitoring reports;
- E. Tampering with monitoring equipment;
- F. Refusing to allow the city timely access to the facility premises and records;
- G. Failure to meet discharge limitations;
- H. Failure to pay fines;
- I. Failure to pay sewer charges;
- J. Failure to meet compliance schedules;
- K. Failure to complete a wastewater survey or the wastewater discharge permit application;
- L. Failure to provide advance notice of the transfer of a permitted facility;
- M. If the city has to invoke its emergency provision as cited in section 13.18.860 of this chapter; or
- N. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this chapter.

Wastewater discharge permits shall be voidable upon cessation of operations. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user. (Ord. 806 §3, 1996)

**13.18.430: REISSUANCE:**

A user who is required to have a wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete wastewater discharge permit application, in accordance with section 13.18.340 of this chapter, a minimum of ninety (90) days prior to the expiration of the user's existing wastewater discharge permit. A user whose existing wastewater discharge permit has expired and who has submitted its reapplication in the time period specified herein shall be deemed to have an effective wastewater discharge permit until the city issues or denies the new wastewater discharge permit. A user whose existing wastewater discharge permit has expired and who failed to submit its reapplication in the time period specified herein will be deemed to be discharging without a wastewater discharge permit. (Ord. 806 §3, 1996)

## REPORTING REQUIREMENTS

### **13.18.500: FINAL COMPLIANCE REPORT (INITIAL COMPLIANCE REPORT):**

A. Within ninety (90) days following the date for final compliance of an existing significant industrial user with applicable pretreatment standards and requirements set forth in this chapter, in federal categorical standards, or in a wastewater discharge permit, or, in the case of a new source or a "new user" considered by the city to fit the definition of SIU, within ninety (90) days following commencement of the introduction of wastewater into the POTW, the affected user shall submit to the city a report containing the information outlined in subsections 13.18.340D through F of this chapter.

B. For users subject to equivalent mass or concentration limits established by the city in accordance with procedures established in 40 CFR section 403.6(c), this report shall contain a reasonable measure of the user's long term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. (Ord. 806 §4, 1996)

### **13.18.510: PERIODIC COMPLIANCE REPORT:**

A. Any user that is required to have an industrial waste discharge permit and performs self-monitoring shall submit to the city during the months of June and December, unless required on other dates or more frequently by the city, a report indicating the nature of the effluent over the previous reporting period. The frequency of monitoring shall be as prescribed within the industrial waste discharge permit. At a minimum, users shall sample their discharge at least twice per year.

B. The report shall include a record of the concentrations (and mass if specified in the wastewater discharge permit) of the pollutants listed in the wastewater discharge permit that were measured and a record of all flow measurements (average and maximum) taken at the designated sampling locations and shall also include any additional information required by this chapter or the wastewater discharge permit. Production data shall be reported if required by the wastewater discharge permit. Both daily maximum and average concentration (or mass, where required) shall be reported. If a user sampled and analyzed more frequently than what was required by the city or by this chapter, using methodologies in 40 CFR part 136, it must submit all results of sampling and analysis of the discharge during the reporting period.

C. Any user subject to equivalent mass or concentration limits established by the city or by unit production limits specified in the applicable categorical standards, shall report production data as outlined in subsection B of this section.

D. If the city calculated limits to factor out dilution flows or nonregulated flows, the user will be responsible for providing flows from the regulated process flows, dilution flows and nonregulated flows.

E. Flows shall be reported on the basis of actual measurement, provided, however, that the city may accept reports of average and maximum flows estimated by verifiable techniques if the city determines that an actual measurement is not feasible.

F. Discharges sampled shall be representative of the user's daily operations and samples shall be taken in accordance with the requirements specified in sections 13.18.600 through 13.18.620 of this chapter.

G. The city may require reporting by users that are not required to have an industrial wastewater discharge permit if information or data is needed to establish a sewer charge, determine the treatability of the effluent, or determine any other factor which is related to the operation and maintenance of the sewer system.

H. The city may require self-monitoring by the user or, if requested by the user, may agree to perform the periodic compliance monitoring needed to prepare the periodic compliance report required under this section. If the city agrees to perform such periodic compliance monitoring, it may charge the user for such monitoring, based upon the costs incurred by the city for the sampling and analyses. Any such charges shall be added to the normal sewer charge and shall be payable as part of the sewer bills. The city is under no obligation to perform periodic compliance monitoring for a user. (Ord. 806 §4, 1996)

### **13.18.520: COMPLIANCE SCHEDULES FOR MEETING APPLICABLE PRETREATMENT STANDARDS:**

A. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

B. No increment referred to in subsection A of this section shall exceed nine (9) months.

C. Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the city including, at a minimum, whether or not it complied with the increment of progress to be

met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports. (Ord. 806 §4, 1996)

**13.18.530: NOTIFICATION OF SIGNIFICANT PRODUCTION CHANGES AND NOTIFICATION OF CHANGES AT AN SIU FACILITY:**

Any user operating under a wastewater discharge permit incorporating equivalent mass or concentration limits shall notify the city within two (2) business days after the user has a reasonable basis to know that the production level will significantly change within the next calendar month. Any user not providing a notice of such anticipated change will be required to comply with the existing limits contained in its wastewater discharge permit.

In addition to the foregoing notification of production changes, all SIUs must immediately notify the POTW of any changes at an SIU facility that may affect the potential for a slug discharge. Such notification is sufficient grounds for the POTW to re-evaluate the notifying SIU's need for a slug control plan or any other actions the POTW deems necessary to prevent slug discharges. (Ord. 1203, 2021: Ord. 806 §4, 1996)

**13.18.540: HAZARDOUS WASTE NOTIFICATION:**

A. Required; Content:

1. Any user that is discharging more than fifteen kilograms (15 kg) of hazardous wastes as defined in 40 CFR 261 (listed or characteristic wastes) in a calendar month or any facility discharging any amount of acutely hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e) is required to provide a onetime notification in writing to the city, EPA Regional Waste Management Division Director, Idaho Department of Environmental Quality. Any existing user exempt from this notification shall comply with the requirements contained herein within thirty (30) days of becoming aware of a discharge of fifteen kilograms (15 kg) of hazardous wastes in a calendar month or any discharge of acutely hazardous wastes to the city sewer system.

Such notification shall include:

- a. The name of the hazardous waste as set forth in 40 CFR part 261;
- b. The EPA hazardous waste number; and
- c. The type of discharge (continuous, batch, or other).

2. If an industrial user discharges more than one hundred kilograms (100 kg) of such waste per calendar per month to the sewer system, the notification shall also contain the following information to the extent it is known or readily ascertainable to the industrial user:

- a. An identification of the hazardous constituents contained in the wastes,
- b. An estimation of the mass and concentration of such constituents in the wastestreams discharged during that calendar month, and
- c. An estimation of the mass of constituents in the wastestreams expected to be discharged during the following twelve (12) months.

B. Exception For Self-Monitoring:

These notification requirements do not apply to pollutants already reported under the self-monitoring requirements.

Whenever the EPA publishes final rules identifying additional hazardous wastes or new characteristics of hazardous waste, a user shall notify the city of the discharge of such a substance within ninety (90) days of the effective date of such regulations.

In the case of any notification made under this section, an industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical. (Ord. 1203, 2021: Ord. 806 §4, 1996)

**13.18.550: NOTICE OF POTENTIAL PROBLEMS, INCLUDING ACCIDENTAL SPILLS, SLUG LOADS:**

Any user shall notify the city immediately of all discharges that could cause problems to the POTW, including any slug loads, as defined in section 13.18.030 of this chapter. The notification shall include the concentration and volume and corrective action. Steps being taken to reduce any adverse impact should also be noted during the notification. Any user who discharges a slug load(s) of pollutants shall be liable for any expense, loss, or damage to the POTW, in addition to the amount of any fines imposed on the city under state or federal law. (Ord. 806 §4, 1996)

**13.18.560: NONCOMPLIANCE REPORTING:**

If sampling performed by a user indicates a violation, the user shall notify the city within eight (8) hours of becoming aware of the violation. The user shall also repeat the sampling within five (5) days and submit the results of the repeat analysis to the city within thirty (30) days after becoming aware of the violation. Where the city has performed the sampling and analysis in lieu of the user, the city must perform the repeat sampling and analysis unless it notifies the user of the violation and requires the user to perform the repeat analysis. Re-sampling is not required if:

- A. The city performs sampling at the user at a frequency of at least once per month, or
- B. The city performs sampling at the user between the time when the user performs its initial sampling and the time when



the user receives the results of this sampling. (Ord. 1203, 2021: Ord. 806 §4, 1996)

**13.18.570: NOTIFICATION OF CHANGED DISCHARGE:**

All users shall promptly notify the city in advance of any substantial change in the volume or character of pollutants in their discharge, including significant manufacturing process changes, pretreatment modifications, and the listed or characteristic hazardous wastes for which the user has submitted initial notification under 40 CFR 403.12(p). (Ord. 806 §4, 1996)

**13.18.580: REPORTS FROM UNPERMITTED USERS:**

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the city as the city administrator may require. (Ord. 806 §4, 1996)

**13.18.590: RECORD KEEPING:**

Users subject to the reporting requirements of this chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this chapter, including documentation associated with best management practices, and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or POTW, or where the user has been specifically notified of a longer retention period by the city administrator. (Ord. 1203, 2021: Ord. 806 §4, 1996)

## SAMPLING AND ANALYTICAL REQUIREMENTS

**13.18.600: SAMPLING REQUIREMENTS FOR USERS:**

A. A minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. The city administrator will determine on a case by case basis whether the user will be able to composite the individual grab samples. For all other pollutants, twenty four (24) hour composite samples must be obtained through flow proportional composite sampling techniques where feasible. The city may waive flow proportional composite sampling for any user that demonstrates that flow proportional composite sampling is infeasible. In such cases, samples may be obtained through time proportional composite sampling techniques or through a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged.

B. Samples shall be taken immediately downstream from pretreatment facilities if such exist, immediately downstream from the regulated or manufacturing process if no pretreatment exists, or at a location determined by the city and specified in the user's wastewater discharge permit. For categorical users, if other wastewaters are mixed with the regulated wastewater prior to pretreatment, the user shall measure the flows and concentrations necessary to allow use of the combined wastestream formula of 40 CFR section 403.6(e) in order to evaluate compliance with the applicable categorical pretreatment standards. For other SIUs, for which the city has adjusted its local limits to factor out dilution flows, the user shall measure the flows and concentrations necessary to evaluate compliance with the adjusted pretreatment standard(s).

C. All sample results shall indicate the time, date and place of sampling, and methods of analysis, and shall certify that the wastestream sampled is representative of normal work cycles and expected pollutant discharges from the user. If a user sampled and analyzed more frequently than what was required in its wastewater discharge permit, using methodologies in 40 CFR part 136, it must submit all results of sampling and analysis of the discharge as part of its self-monitoring report. (Ord. 806 §5, 1996)

**13.18.610: ANALYTICAL REQUIREMENTS:**

All pollutant analyses, including sampling techniques, shall be performed in accordance with the techniques prescribed in 40 CFR part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the EPA and DEQ. (Ord. 1203, 2021: Ord. 806 §5, 1996)

**13.18.620: CITY MONITORING OF USER'S WASTEWATER:**

The city will follow the same procedures as outlined in sections 13.18.600 and 13.18.610 of this chapter. (Ord. 806 §5, 1996)

## COMPLIANCE MONITORING

**13.18.700: INSPECTION AND SAMPLING:**

The city shall have the right to enter the facilities of any user to ascertain whether the purpose of this chapter, and any wastewater discharge permit or order issued hereunder, is being met and whether the user is complying with all requirements thereof. Users shall allow the city administrator ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

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 city administrator will be permitted to enter without delay for the purposes of performing specific responsibilities.

B. The city administrator 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. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the city administrator and shall not be replaced. The costs of clearing such access shall be borne by the user.

D. Unreasonable delays in allowing the city administrator access to the user's premises shall be a violation of this chapter. (Ord. 806 §6, 1996)

**13.18.710: MONITORING FACILITIES:**

Each user shall provide and operate at its own expense a monitoring facility to allow inspection, sampling, and flow measurements of each sewer discharge to the city. Each monitoring facility shall be situated on the user's premises, except, where such a location would be impractical or cause undue hardship on the user, the city may concur with the facility being constructed in the public street or sidewalk area, providing that the facility is located so that it will not be obstructed by landscaping or parked vehicles. The city administrator, whenever applicable, may require the construction and maintenance of sampling facilities at other locations (for example, at the end of a manufacturing line or a wastewater treatment system).

There shall be ample room in or near such sampling facility to allow accurate sampling and preparation of samples for analysis. The facility, including the sampling and measuring equipment, shall be maintained at all times in a safe and proper operating condition at the expense of the user.

The city administrator may require the user to install monitoring equipment as necessary. All monitoring facilities shall be constructed and maintained in accordance with all applicable local construction standards and specifications.

All devices used to measure wastewater flow and quality shall be calibrated to ensure their accuracy. (Ord. 806 §6, 1996)

**13.18.720: SEARCH WARRANTS:**

If the city administrator 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 this chapter, or that there is a need to inspect as part of a routine inspection program of the city designed to verify compliance with this chapter or any wastewater discharge permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the city administrator shall seek issuance of a search and/or seizure warrant from the fifth district court of the city. Such warrant shall be served at reasonable hours by the city administrator in the company of a uniformed police officer of the city. (Ord. 806 §6, 1996)

**13.18.730: VANDALISM:**

No person shall wilfully or negligently break, damage, destroy, uncover, deface, tamper with, or prevent access to any structure, appurtenance or equipment, or other part of the POTW. Any person found in violation of this requirement shall be subject to the sanctions set out in this chapter. (Ord. 806 §6, 1996)

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

The city shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term "significant noncompliance" shall mean:

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

B. Technical review criteria (TRC) violations, defined here as those in which thirty three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the daily maximum limit or the average limit 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 discharge violation that the city believes has caused, alone or in combination with other discharges, interference or passthrough (including endangering the health of city personnel or the general public);

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

E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

F. Failure to provide within thirty (30) 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 the city determines will adversely affect the operation or implementation of the local pretreatment program. (Ord. 806 §8, 1996)

## ADMINISTRATIVE ENFORCEMENT REMEDIES

### **13.18.800: NOTIFICATION OF VIOLATION:**

When the city administrator finds that a user has violated (or continues to violate) any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the city administrator may serve upon that user a written notice of violation via certified letter. Within five (5) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the city administrator. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the city to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation. (Ord. 806 §9, 1996)

### **13.18.810: CONSENT ORDERS:**

The city administrator may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will 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 13.18.830 and 13.18.840 of this chapter and shall be judicially enforceable. Use of a consent order shall not be a bar against, or prerequisite for, taking any other action against the user. (Ord. 806 §9, 1996)

### **13.18.820: SHOW CAUSE HEARING:**

The city administrator may order via a certified letter a user which has violated or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the city administrator 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 fourteen (14) days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user. (Ord. 806 §9, 1996)

### **13.18.830: COMPLIANCE ORDERS:**

When the city administrator finds that a user has violated or continues to violate any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the city administrator may issue an order to the user responsible for the discharge directing that the user come into compliance within a time specified in the order. If the user does not come into compliance within the time specified in the order, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the noncompliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user. (Ord. 806 §9, 1996)

### **13.18.840: CEASE AND DESIST ORDERS:**

When the city administrator finds that a user has violated (or continues to violate) any provision of this chapter, a 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 city administrator 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. (Ord. 806 §9, 1996)

### **13.18.850: ADMINISTRATIVE FINES:**

A. When the city administrator finds that a user has violated or continues to violate any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the city administrator may fine such user in an amount not to exceed one thousand dollars (\$1,000.00). 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 ten percent (10%) of the unpaid balance, and interest shall accrue thereafter at a rate of ten percent (10%) per month. A lien against the user's property will be sought for unpaid charges, fines, and penalties.

C. Users desiring to dispute such fines must file a written request for the city administrator to reconsider the fine along with full payment of the fine amount within thirty (30) days of being notified of the fine. Where a request has merit, the city administrator shall convene a hearing on the matter within thirty (30) days of receiving the request from the user. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user.

The city 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. (Ord. 806 §9, 1996)

**13.18.860: EMERGENCY SUSPENSIONS:**

The city administrator 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 city administrator 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 city administrator shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The city administrator shall allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the city that the period of endangerment has passed, unless the termination proceedings in section 13.18.870 of this chapter 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 city administrator prior to the date of any show cause or termination hearing under sections 13.18.820 and 13.18.870 of this chapter.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section. (Ord. 806 §9, 1996)

**13.18.870: TERMINATION OF DISCHARGE (NONEMERGENCY):**

In addition to the provisions in section 13.18.420 of this chapter, any user that violates the following conditions is subject to discharge termination:

A. Violation of wastewater discharge permit conditions;

B. Failure to accurately report the wastewater constituents and characteristics of its discharge;

C. Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge;

D. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling; or

E. Violation of the pretreatment standards in sections 13.18.100 through 13.18.210 of this chapter.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under section 13.18.820 of this chapter why the proposed action should not be taken. Exercise of this option by the city shall not be a bar to, or a prerequisite for, taking any other action against the user. (Ord. 806 §9, 1996)

## JUDICIAL ENFORCEMENT REMEDIES

**13.18.900: INJUNCTIVE RELIEF:**

When the city administrator finds that a user has violated (or continues to violate) any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the city administrator may petition the 5th district judicial court through the city attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this chapter on activities of the user. The city 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. (Ord. 806 §10, 1996)

**13.18.910: CIVIL PENALTIES:**

A. A user which has violated or continues to violate any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the city for a maximum civil penalty of one thousand dollars (\$1,000.00) per violation, per day. In the case of a monthly or other long term average discharge limit, penalties shall accrue for each day during the period of the violation.

B. The city administrator may recover reasonable attorney fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the city.

C. In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user. (Ord. 806 §10, 1996)

**13.18.920: CRIMINAL PROSECUTION:**

A. A user which has wilfully or negligently violated any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000.00) per violation, per day, or imprisonment for not more than one hundred eighty (180) days, or both.

B. A user which has wilfully or negligently introduced any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least one thousand dollars (\$1,000.00) and/or be subject to imprisonment for not more than one hundred eighty (180) days. 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 which knowingly made any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this chapter, wastewater discharge permit, or order issued hereunder, or who falsified, tampered with, or knowingly rendered inaccurate any monitoring device or method required under this chapter shall, upon conviction, be punished by a fine of not more than one thousand dollars (\$1,000.00) per violation per day, or imprisonment for not more than one hundred eighty (180) days, or both. (Ord. 1203, 2021: Ord. 806 §10, 1996)

**13.18.930: REMEDIES NONEXCLUSIVE:**

The provisions in sections 13.18.740 through 13.18.1050 of this chapter are not exclusive remedies. The city reserves the right to take any, all, or any combination of these actions against a noncompliant user. Enforcement in response to pretreatment violations will generally be in accordance with the city's enforcement response plan. However, the city reserves the right to take other action against any user when the circumstances warrant. Further, the city is empowered to take more than one enforcement action against any noncompliant user. These actions may be taken concurrently. (Ord. 806 §10, 1996)

**SUPPLEMENTAL ENFORCEMENT ACTION**

**13.18.1000: PERFORMANCE BONDS:**

The city administrator may decline to issue or reissue a wastewater discharge permit to any user which has failed to comply with any provision of this chapter, a previous 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 city, in a sum not to exceed a value determined by the city administrator to be necessary to achieve consistent compliance. (Ord. 806 §11, 1996)

**13.18.1010: LIABILITY INSURANCE:**

The city administrator may decline to issue or reissue a wastewater discharge permit to any user which has failed to comply with any provision of this chapter, a previous wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge. (Ord. 806 §11, 1996)

**13.18.1020: WATER SUPPLY SEVERANCE:**

Whenever a user has violated or continues to violate any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply. (Ord. 806 §11, 1996)

**13.18.1030: PUBLIC NUISANCES:**

A violation of any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, is hereby declared a public nuisance and shall be corrected or abated as directed by the city administrator. Any person(s) creating a public nuisance shall be subject to any and all provisions of the city code governing such nuisances, including reimbursing the city for any costs incurred in removing, abating, or remedying said nuisance. (Ord. 806 §11, 1996)

**13.18.1040: INFORMANT REWARDS:**

The city administrator may pay up to five hundred dollars (\$500.00) for information leading to the discovery of noncompliance by a user. (Ord. 806 §11, 1996)

**13.18.1050: 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 city. Existing contracts for the sale of goods or services to the city held by a user found to be in significant noncompliance with pretreatment standards or requirements may be terminated at the discretion of the city. (Ord. 806 §11, 1996)

**AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS**

**13.18.1100: UPSET:**

A. For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with applicable 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 applicable pretreatment standards if the requirements of subsection C of this section are met.

C. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

1. An upset occurred and the user can identify the cause(s) of the upset;
2. The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures; and
3. The user has submitted the following information to the POTW and treatment plant operator within eight (8) hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within 5 days):
  - a. A description of the indirect discharge and cause of noncompliance;
  - b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
  - c. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

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

E. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with applicable pretreatment standards.

F. Users shall control production of all discharges to the extent necessary to maintain compliance with applicable 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. (Ord. 1203, 2021: Ord. 806 §12, 1996)

#### **13.18.1110: PROHIBITED DISCHARGE STANDARDS:**

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the prohibitions in subsections 13.18.100A and 13.18.100B3 through B7 of this chapter 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 city was regularly in compliance with its IPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements. (Ord. 1203, 2021: Ord. 806 §12, 1996)

#### **13.18.1120: BYPASS:**

A. Definitions: For the purposes of this section:

**BYPASS:** The intentional diversion of wastestreams from any portion of a user's treatment facility.

**SEVERE PROPERTY DAMAGE:** Substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

B. Bypass Permitted: A user may allow any bypass to occur which does not cause applicable pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of subsections C and D of this section.

C. Notice Of Bypass:

1. If a user knows in advance of the need for a bypass, it shall submit prior notice to the POTW, at least ten (10) days before the date of the bypass, if possible.
2. A user shall submit oral notice to the city 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 recurrence of the bypass. The POTW 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 Conditions:

1. Bypass is prohibited, and the POTW 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 backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

c. The user submitted notices as required under subsection C of this section.

2. The POTW may approve an anticipated bypass, after considering its adverse effects, if the POTW determines that it will meet the three (3) conditions listed in subsection D1 of this section. (Ord. 806 §12, 1996)

## GREASE MANAGEMENT

### 13.18.1200: DEFINITIONS AND ABBREVIATIONS:

A. Definitions: The definitions included herein are specific to this section and sections 13.18.1210 through 13.18.1290 of this chapter. Definitions of other terms used herein are the same as those contained in all sections of this chapter.

**CITY SERVICE AREA:** The area within the city limits of the city of Jerome, Idaho, and the area outside the city boundaries to which the city provides wastewater treatment services.

**FOOD SERVICE FACILITY OR FACILITY:** Any food service facility which prepares and/or packages food or beverages for sale or consumption, on or off site, with the exception of private residences. Food service facilities shall include, but are not limited to: food courts, food manufacturers, food packagers, restaurants, grocery stores, bakeries, lounges, hospitals, hotels, nursing homes, churches, schools and all other similar facilities.

**GARBAGE DISPOSAL:** A device which shreds or grinds up waste materials into small portions for discharge into the city's wastewater collection system.

**GRAY WATER:** All the liquid contained in a grease interceptor that lies below the floating grease layer and above the food solids layer.

**GREASE:** A material either liquid or solid, and composed primarily of fat, oil and grease from animal or vegetable sources. The terms "fats, oils, and grease (FOG)", "oil and grease", or "oil and grease substances" shall be included within this definition.

**GREASE DISCHARGE PERMIT:** A permit issued by the city of Jerome authorizing the discharge of wastewater to the wastewater collection system from a food service facility.

**GREASE HAULER:** A person or entity that collects the contents of the grease interceptor or trap and transports it to an approved recycling or disposal facility. A grease hauler may also provide other services to a food service facility related to grease interceptor maintenance.

**GREASE HAULER PERMIT (GHP):** A permit issued by the city of Jerome authorizing a grease hauler to collect grease and operate a grease hauling business in the city.

**GREASE INTERCEPTOR:** A device located underground and outside of a food service facility designed to collect, contain or remove food wastes and greases from the waste stream while allowing the balance of the liquid waste to discharge to the wastewater collection system by gravity. Grease interceptors shall have at least one inspection hatch on the top surface to facilitate inspection, cleaning and maintenance by grease hauler.

**GREASE TRAP:** A device located in a food service facility or under a sink designed to collect, contain or remove food wastes and grease from the waste stream while allowing the balance of a liquid waste to discharge to the wastewater collection system by gravity. Grease traps shall have a removable lid on the top surface to facilitate inspection, cleaning and maintenance.

**WASTEWATER DIRECTOR (DIRECTOR) OR DESIGNEE:** The city wastewater treatment plant manager or another person designated and appointed by the city administrator to implement a pretreatment and grease management program.

B. Abbreviations: For the purposes hereof, the following abbreviations shall have the following designated meanings:

Director	Wastewater director or designee
GDP	Grease discharge permit
GHP	Grease hauler permit
GMP	Grease management program
ISPWC	Idaho standards for public works construction
JMC	Jerome municipal code
mg/l	Milligrams per liter
NOV	Notice of violation
WWTP	City wastewater treatment plant

### **13.18.1210: PURPOSE AND APPLICABILITY:**

A. Purpose: These provisions establish uniform permitting, maintenance and monitoring requirements for controlling the discharge of grease from food service facilities discharging into the WWTP and from commercial grease haulers. These provisions are intended:

1. To prevent the introduction of excessive amounts of grease into the city of Jerome's wastewater collection system.
2. To prevent clotting or blocking of the city's sewer lines due to grease buildup causing backup and flooding of streets, residences and commercial buildings, resulting in potential liability to the city.
3. To implement a procedure to recover costs incurred in cleaning and maintaining its sewer lines and disposing of grease blockages.
4. To implement a procedure to recover costs for any liability incurred by the city for damages caused by grease blockages resulting in the flooding of streets, residences or commercial buildings.
5. To issue "grease discharge permits" (GDPs) to food service facilities requiring maintenance, monitoring, compliance, and enforcement activities.
6. To establish administrative review procedures and reporting requirements.
7. To establish fees for the recovery of costs resulting from the program established herein.
8. To issue "grease hauler permits" (GHPs) to grease haulers operating within the city's boundaries.
9. To establish enforcement procedures for violations of any requirements hereof.

B. Applicability: The provisions hereof shall apply to all existing food service facilities that are located within the municipal boundaries of the city of Jerome and to all food service facilities that begin operations within the municipal boundaries of the city of Jerome or by contract within the city service area outside the city limits on or after the effective date hereof. The provisions hereof shall also apply to all grease haulers providing service to any food service facility located within the city of Jerome. (Ord. 1045, 2008)

### **13.18.1220: GREASE TRAPS AND INTERCEPTORS:**

A. Requirements: All new food service facilities that cook with fats, oils, and greases (FOGs) are required to have a grease trap or grease interceptor. The requirements herein are in addition to any applicable requirements of the Idaho plumbing code and the standard plumbing code.

1. New Facilities: On or after the effective date hereof, food service facilities which are newly proposed or constructed or existing facilities which will be expanded or renovated to include a food service facility, where such facility did not previously exist, shall be required to install, operate and maintain a grease interceptor or grease trap according to the requirements contained herein. Grease interceptors or grease traps shall be installed and permitted prior to the issuance of a certificate of occupancy.

2. Existing Facilities: For the purpose of sizing and installation of grease interceptors, all food service facilities existing within the city prior to the effective date hereof shall be permitted to operate and maintain existing grease interceptors or grease traps provided their grease interceptors or grease traps are in efficient operating condition.

On or after the effective date hereof, the city may require an existing food service facility to install, operate and maintain a new grease interceptor or trap that complies with requirements hereof or to modify or repair any existing noncompliant plumbing, interceptor or trap within ninety (90) days of written notification by the city where any one or more of following conditions exist:

- a. The facility is found to be contributing oils and grease in quantities sufficient to cause line stoppages or necessitates increased maintenance on the wastewater collection system.
- b. The facility does not have grease interceptors or traps.
- c. The facility has an undersized, irreparable or defective grease interceptor or trap.
- d. Remodeling of the food preparation or kitchen waste plumbing system is performed which requires a permit to be issued by the city of Jerome.
- e. The existing facility is sold or undergoes a change of ownership.
- f. The existing facility does not have plumbing connections to a grease interceptor or trap in compliance with the requirements hereof.
- g. The facility fails to submit a completed application form for a GDP within sixty (60) days after the date of the receipt of an application form by the city of Jerome.
- h. The facility has not operated as a food service facility for twelve (12) consecutive months prior to receiving the GDP application form.

B. Plumbing Connections: Grease interceptors or traps shall be located in the food service facility's lateral sewer line between all fixtures which may introduce grease into the sewer system and the connection to the city's wastewater collection system. Such fixtures shall include, but not be limited to, sinks, dishwashers, garbage disposals, automatic hood and wash



units, floor drains in food preparation and storage areas, and any other fixture which is determined to be a potential source of grease. Wastewater from sanitary facilities and other similar fixtures shall not be introduced into the grease interceptor or trap under any circumstances.

C. Grease Traps: Grease traps shall be prohibited for new food service facilities. They may be approved for those facilities where inadequate space is available for the installation of a grease interceptor. Approval of the installation of a grease trap instead of a grease interceptor at a new food service facility shall meet the following criteria:

1. Trap Design And Location: Grease traps shall conform to the standards in the Idaho standards for public works construction 2005 (ISPWC). Grease traps shall be installed in strict accordance with the manufacturer's instructions. Grease traps shall be equipped with a cover that can be opened for inspection and sampling and mechanism for secure closing.
2. Trap Capacity: The capacity of the grease trap shall be related to the flow rate as indicated in table 1 and the appendix of the Idaho standards for public works construction 2005 (ISPWC) document.
3. Flow Through Rate: Flow through rates shall be calculated in accordance with procedures in the Idaho standards for public works construction 2005 (ISPWC).
4. Flow Control Device: Grease traps shall be equipped with a device to control the rate of flow through the unit. The rate of flow shall not exceed the manufacturer's rate capacity recommended in gallons per minute for the unit.
5. Venting: The flow control device and the grease trap shall be vented in accordance with the Idaho plumbing code current edition. The vent shall terminate not less than six inches (6") above floor rim level or in accordance with the manufacturer's instructions.
6. Inspection, Cleaning And Maintenance: Each food service facility shall be solely responsible for the cost of trap installation, inspection, cleaning and maintenance. Each food service facility may contract with a grease hauler who has been permitted by the city for cleaning services or it may develop a written protocol and perform its own grease trap cleaning and maintenance procedures. Cleaning and maintenance must be performed when the total volume of captured grease and solid material displaces more than twenty percent (20%) of the total volume of the unit. Each food service facility shall determine the frequency at which their grease trap shall be cleaned, but all grease traps shall be opened, inspected, cleaned and maintained at a minimum of once per week by the owner.
7. Inspection: Grease traps shall be inspected by director or his designee as necessary to assure compliance with the GMP and to assure proper cleaning and maintenance schedules are being adhered to.
8. Repairs: The food service facility shall be responsible for the cost and scheduling of all repairs to its grease trap(s). Repairs required by the director or his designated official shall be completed within fourteen (14) calendar days after the day of written notice of required repairs is received by the facility, unless the city approves a different schedule in writing.
9. Disposal: Grease and salt materials removed from grease traps shall be disposed of by the grease hauler at an approved site.
10. Recordkeeping: The food service facilities shall maintain records of the date and time of all cleaning and maintenance of each grease trap in a bound logbook and shall make this book available for inspection by the director or his designated official on demand.

D. Grease Interceptors: Grease interceptors shall be installed on all new food service facilities except where physical space is limited as described in this section. All new and existing grease interceptors shall meet the following criteria:

1. Interceptor Design And Location: Grease interceptors shall have a minimum of two (2) compartments and shall be capable of separation and retention of grease and storage of settled solids. Interceptor design shall conform to requirements of Idaho standards for public works construction 2005 (ISPWC). A control manhole over each compartment for monitoring purposes shall be required and installed at the owner's/operator's sole expense. Covers shall have a gastight fit and the lid shall say "SEWER" on it. The grease interceptor shall be designed, constructed and installed for adequate load bearing capacity. Flow control devices shall be required where the water flow through the interceptor may exceed its rated flow. Interceptors shall be installed in a location outside of the building which provides easy access at all times for inspections, cleaning and proper maintenance, including pumping.
2. Interceptor Capacity: Grease interceptor capacity calculations shall be performed by each food service facility based on size and type of operation according to the formula contained in the Idaho standards for public works construction 2005 (ISPWC). Minimum capacity in any one unit shall be at a minimum one thousand (1,000) gallons as required by Idaho plumbing code and maximum capacity shall be one thousand five hundred (1,500) gallons. Where sufficient capacity cannot be achieved with a single unit, installation of grease interceptors in series is required. Interceptor capacity calculations shall be approved by the director or his designated official prior to the installation of the interceptor(s). The capacity of the grease interceptor required for food manufacturing or processing facilities which are not covered by the Idaho plumbing code shall be approved by the director or his designated official according to the mass and type of food prepared, the wastewater volume produced from food preparation or manufacture, total hours of operation per day and load factor depending on the installed equipment.
3. Inspection, Pumping And Maintenance: Each food service facility shall be responsible for the cost of installing, inspecting, pumping, cleaning and maintaining its grease interceptor. All food service facilities that have grease interceptors shall utilize a grease hauler who has been permitted by the city for pumping services. Pumping services shall include the initial complete removal of all contents, including floating materials, wastewater and bottom sludges and solids from the

interceptor. The return of gray water into the grease interceptor from which the wastes were removed is allowable, provided that the grease and solids are not returned to the interceptor and further provided the grease hauler has written authorization from the food service facility to return the gray water. Grease interceptor cleaning shall include scraping excessive solids from the walls, floors, baffles and all pipe work. The grease hauler shall wait at least twenty (20) minutes to allow the interceptor waste to separate in the truck tank before attempting to reintroduce the gray water to the interceptor. It shall be the responsibility of each food service facility to inspect its grease interceptor during the pumping procedure to ensure that the interceptor is properly cleaned out and all fittings and fixtures inside the interceptor are in working condition and functioning properly.

4. Interceptor Pumping Frequency: Each food service facility shall have its grease interceptor(s) pumped at a minimum frequency of once every calendar month. There shall be a minimum period of two (2) weeks between each required pumping. In addition to required monthly pumping, each food service facility shall determine an additional frequency at which its grease interceptor(s) shall be pumped according to the following criteria:

- a. When the floatable grease layer exceeds six inches (6") in depth as measured by approved dipping method; or
- b. When the settleable solids later exceed eight inches (8") in depth as measured by approved dipping method; or
- c. When the total volume of capture grease and solid materials displaces more than twenty percent (20%) of the capacity of the interceptor as calculated using an approved dipping method; or
- d. During an inspection it is found that the interceptor is not retaining/capturing oils and greases. The director or his designee can require the interceptor to be pumped within twenty four (24) hours after the inspection.

5. Variance Procedure: If a food service facility determines that monthly pumping of their grease interceptor is unnecessary in order to remain in compliance with the criteria of subsection D4 of this section, the facility may make written application for a variance from the monthly pumping requirements to the city. The variance procedures shall be as follows:

- a. The food service facility shall submit an application for a variance form provided by the city along with the appropriate application fee. The application shall include the next day and time the facility intends to have its interceptor pumped and cleaned.
- b. The director or his designee shall observe the pump out procedure and inspect the interceptor on the specified day and time.
- c. If the interceptor is in good working condition during the initial inspection, the director or his designee shall reinspect the interceptor approximately one month after an initial inspection. If there are less than four inches (4") of surface grease and less than six inches (6") of bottom solids at the time of reinspection, the interceptor will not need to be pumped out at that time.
- d. After the initial reinspection, the director or his designee shall inspect the interceptor at intervals of approximately every ten (10) working days to determine degrees and solids level using a dipping method approved by the city.
- e. At the reinspection when either the level of grease reaches six inches (6") or the level of solids exceeds eight inches (8"), the director or his designee shall use the number of days from the initial pumping date to the final reinspection date as the new pumping frequency requirements to be included in a variance granted.
- f. If, at reinspection, the level of grease exceeds six inches (6") or the level of solids exceeds eight inches (8"), the director or his designee shall use the number of days from initial pumping date to the previous reinspection date as the new pumping frequency requirement to be included in the variance granted.

6. Inspections: Grease interceptors shall be inspected by the director or his designee as necessary to assure compliance with the GMP and to determine if proper cleaning and maintenance schedules are being adhered to.

7. Repairs: Each food service facility shall be responsible for the cost and scheduling of all repairs to its grease interceptor. Repairs required by the director or his designee shall be corrected within fourteen (14) calendar days after the date of written notice of requiring the repairs is received by the facility or unless notice from the city establishes a different compliance date.

8. Disposal: Wastes received from each grease interceptor shall be disposed of at a facility permitted to receive such wastes or a location designated by the city of Jerome for such purposes. Neither grease nor solid materials removed from interceptors shall be returned to any grease interceptor, private sewer line or to any portion of the city's wastewater collection system or wastewater treatment facilities without prior written permission from the city administrator or wastewater director.

9. Recordkeeping: Each food service facility shall maintain a bound logbook in which a record of all interceptor maintenance is entered, including the date and time of the maintenance, details of any repairs required and dates of repair completion and any other records pertaining to the interceptor. This logbook shall be made available for review upon request by the director or his designee. Each food service facility shall also maintain a file on site which contains the following information:

- a. The (as built) drawings of the plumbing system.
- b. A copy of the current grease discharge permit.
- c. Records of inspections.

- d. Copies of annual reports.
- e. Receipts.
- f. Log of pumping activities.
- g. Log of maintenance activities.
- h. Hauler information.
- i. Disposal information.
- j. Monitoring data.

The files shall be available at all times for inspection and review by the director or designated official.

10. Annual Reporting: Each food service facility shall submit an annual report to the city on a form provided by the city. Reports shall be submitted on or before September 30 each year. Each report shall record the number of times the interceptor trap has been cleaned since the last report and shall indicate the volume of liquids and solids removed on each occasion and the name and address of grease hauler. If a variance has been granted, the alternate cleaning frequency shall also be reported. Each report shall also note any repairs that have been made to the interceptor or trap including the dates that these repairs were affected. Reports shall be submitted to the address provided in the permit and shall be deemed to be late and subject to a late fee if they are received by the city more than thirty (30) days after the end of the month specified above.

11. Interceptor Additives: Any chemicals, enzymes, emulsifiers, live bacteria or other grease cutters or additives shall be approved by the director prior to their use by the food service facility or grease hauler. Material safety data sheets (MSDS) and any other applicable information concerning the composition, frequency of use and mode of action of the proposed additive shall be sent to the city together with their written statement outlining the proposed use of the additive(s). Based upon the information received and any other information solicited from the potential user or supplier, the city shall permit or deny the use of the additive in writing. Permission to use any specified additive may be withdrawn by the city at any time.

12. Alternative Grease Removal Devices Or Technologies: Alternative devices and technologies such as automatic grease removal systems shall be subject to approval by the director prior to installation. Approval of the device shall be based on demonstrated (proven) removal efficiencies and reliability of operation. The city may approve these types of devices depending on manufacturer's specifications on a case by case basis. The food service facility may be required to furnish analytical data demonstrating that grease discharge concentrations to the city's wastewater collection system will not exceed the limitation established in this code. (Ord. 1045, 2008)

**13.18.1230: FOOD SERVICE FACILITIES PERMITTING PROGRAM:**

A. Permitting Requirements For Food Service Facilities: Each food service facility shall be evaluated to determine whether it falls within the definition of a significant industrial user (SIU). Facilities classified as SIUs shall be subject to permitting as provided in section 13.18.300 of this chapter. All food service facilities shall be required to apply for and obtain a "grease discharge permit" or GDP, from the city. The city shall approve, deny, or approve with special conditions all applications for GDPs in accordance with the policies and regulations established herein. The GDP shall be in addition to any other permits, registrations, or occupational licenses which may be required by federal, state or local law. It shall be a violation hereof for any food service facility identified by the city to discharge wastewater containing fats, oils and grease to the city's wastewater collection system without a current GDP.

B. Application Form: The city shall provide an application form for a GDP. The appropriate form shall be sent to all food service facilities identified by the city. All food service facilities required under the terms of this program to obtain a GDP shall submit a completed application form for a GDP to the city at the address shown on the form within thirty (30) calendar days of receipt of the form. Each application form submitted shall include the following information:

1. Name, address, telephone number and location (if different from the address) of applicant, owner of the premises (if different from the tenant when property is leased) from which fat, oils and greases are discharged, and the name of a representative duly authorized to act on behalf of the food service facility.
2. A description of the activities, facilities, and plant processes on the premises, including a list of all equipment, raw materials and chemicals used or stored at the facility. Material safety data sheets (MSDS) of all such chemicals shall be included.
3. A drawing in sufficient detail to show the location of all kitchen equipment that produces wastewater, and all sewers, floor drains, sewer connections, grease interceptors and appurtenances in the user's premises if known or it may be readily ascertained.
4. Number of employees, number and times of shifts, and hours and days of facility operation.
5. Copies of recent water bills.
6. Details of all grease interceptor maintenance within the past year.
7. A signed statement of the information provided is accurate, and that the applicant agrees to abide by the regulations contained herein, as well as any other applicable federal, state or local regulations governing the food service facility.
8. Any information determined by the city administrator or wastewater director to be necessary in order to evaluate the

GDP application.

C. Application Procedure: Once a completed application form has been received, the food service facility will be inspected prior to the issuance of the GDP. During the prepermit inspection, the information contained in the application form will be verified, the average daily potable water use will be calculated and the permit fees determined, and the grease interceptor or trap will be inspected. If all information is verified and the grease interceptor or trap is in proper working condition, a GDP will be issued together with a copy of the ordinance codified herein. If the grease interceptor or trap requires any maintenance or repairs, or incorrect information has been given, the director or his designated official shall provide a written notice to correct any deficiencies, including a required time schedule for repairs to be effective prior to a second prepermit inspection. Second prepermit inspections shall be performed after a minimum of thirty (30) calendar days have elapsed to allow for corrective action by the food service facility to occur. If the facility is not in compliance at the second prepermit inspection, charges and fees will be levied for future inspections. An application for a permit shall be granted with conditions or denied within sixty (60) days after the date of last prepermit inspection which the applicant's facility is in compliance.

D. Grease Discharge Permit: The following criteria applied to all GDPs:

1. Each GDP shall be effective for a five (5) year period and shall have an effective and an expiration date.
2. The GDP must be displayed in a conspicuous place or can be seen by the staff of the food service facility and a copy of the GDP must be kept in the records file.
3. The GDP shall be issued to a specific user for a specific operation. A GDP shall not be transferred or sold to a new owner under any circumstances. A new owner is required to apply for a new GDP.
4. An application for renewal of the GDP shall be submitted at least sixty (60) days prior to the expiration date of the existing GDP by each applicant wishing to continue to discharge into the wastewater collection system. Failure to submit applications in a timely manner shall be a violation hereof.
5. The terms and conditions of the GDP are subject to modification by the city during the term of the permit, if limitations or requirements in this program are modified. The user shall be informed of any proposed changes in the issued permit at least sixty (60) days prior to the effective date of the change(s). Any changes or new conditions in the GDP shall include a reasonable schedule for achieving compliance.

E. Entry: Each food service facility shall allow the director or his designee and other duly authorized employees or agents of the city bearing proper credentials and identifications access at all reasonable times to all parts of the premises for the purpose of inspection, observation, records examination, measurement, sampling and testing in accordance with provisions hereof. The refusal of the food service facility to allow the director or his designee entry to or upon the facility's premises for purpose of inspection, sampling effluents or inspecting and copying records or performing such other duties as shall be required hereby shall constitute a violation hereof. The city administrator or his designee may seek a warrant or use such other legal procedures as may be advisable and reasonably necessary to discharge his duties pursuant hereto.

F. Inspection: Inspection of all food service facilities shall be inspected as follows:

1. Prepermit Inspections: Prepermit inspections shall be conducted by director or his designee as outlined in this section.
2. Inspections: The director or his designee shall inspect food service facilities on both an unscheduled and unannounced basis or on a scheduled basis after a GDP has been issued for compliance with the requirements hereof. All food service facilities with current GDPs shall be inspected. Inspections shall include all equipment, food processing and storage areas and shall include a review of the processes that produce wastewater discharged from the facility through the grease interceptor or trap. The director or his designee shall also inspect the interceptor or trap maintenance logbook and file, other pertinent data, and the grease and interceptor or trap and may check the level of the interceptor or trap contents and/or take samples as necessary. The director or his designee shall require all observations in a written report. Any deficiencies shall be noted, including, but not limited to:
  - a. Failure to properly maintain the grease interceptor or trap in accordance with provisions of the grease discharge permit and these provisions.
  - b. Failure to report changes in operations, or wastewater constituents and characteristics.
  - c. Failure to report pumping activities or keep copies of manifest forms or receipts.
  - d. Failure to maintain logs, files, records or access for inspection or monitoring activities.
  - e. Failure to obtain or renew the grease discharge permit in a timely manner.
  - f. Any other inconsistency which program requires correction by the food service facility is concerned.

If any deficiencies are recorded by the director or his designee during an inspection, the director or his designee shall provide the food service facility written notice to correct the deficiency within twenty one (21) calendar days, and a tentative date for a first reinspection.

3. Reinspections: The director or his designee shall reinspect food service facilities which receive deficiency notices after the original inspection. The director or his designee shall inspect any repairs or any deficiencies and shall provide written notice of compliance or noncompliance as the case may be. In the event that the food service facility has returned to compliance with all of the deficiencies, there shall be no charge for the reinspection. In the event of continuing

noncompliance, a successive reinspection will be scheduled and appropriate fees shall be charged to the food service facility concerned for the first and all successive reinspections. A first reinspection shall be performed after a minimum of twenty one (21) calendar days have elapsed to allow for corrective action by the food service facility to be completed.

G. Monitoring: The city shall have the right to sample and analyze the wastewater from any food service facility at any time to determine compliance with the requirements of this code. If violations of oil and grease limits are detected, enforcement action may be initiated and demand monitoring costs billed to the food service facility. (Ord. 1045, 2008)

### **13.18.1240: GREASE HAULER REGULATION PROGRAM:**

A. Administration And Permitting Of Grease Haulers: Any person, firm or business desirous of collecting, pumping or hauling grease interceptor wastes from businesses located within the municipal limits of Jerome, Idaho, who does not hold and maintain a current Jerome city "grease waste hauler permit" shall be required to apply for and obtain a "grease hauler permit (GHP)" from the city. The director shall approve, deny, or approve with special conditions all applications for GHPs in accordance with policies and regulations established herein. It shall be unlawful for any grease hauler to clean or pump out grease interceptors within the city limits or within the city wastewater treatment service area, without a current GHP.

B. Application Form: To obtain a GHP, a grease hauler shall submit a completed GHP application form together with the appropriate fee to the city. The grease hauler shall be issued a GHP within thirty (30) working days of the city's receipt of the completed application form and appropriate fees. The grease hauler shall obtain the GHP prior to providing grease hauling services within the city's wastewater collection system service area. Each application shall include the following information:

1. Name of applicant. If the applicant is a partnership, corporation or other business entity, the name of an individual who legally is able to act on behalf of the organization must be provided.
2. Applicant address and phone number, including information for person(s) to contact at times other than regular business hours.
3. The type, license tag number, and capacity of each vehicle which will be used to pump or haul liquid wastes from grease interceptors. New or replacement equipment acquired subsequent to the application shall be reported to the city prior to use.
4. A copy of the current state or the South Central Idaho health district or other appropriate regulatory license if the hauler pumps or hauls septic tank waste or portable toilet wastes.
5. A list of the disposal facilities that the applicant intends to use.
6. A signed statement that the information provided is accurate, and that the applicant agrees to abide by the regulations contained herein, as well as any other applicable federal, state or local regulations governing their activities.
7. Any other information determined by the director or his designated official to be necessary to evaluate the GHP application.

C. Grease Hauler Permit (GHP): Each GHP approved by the city shall be effective for a period of three (3) years, and may include special conditions as required by the city. The GHP required by the city shall be in addition to other permits, registrations, or occupational licenses which may be required by federal, state, local agencies having lawful jurisdiction.

1. Permit Content: All approved GHPs shall include a statement of the duration of the permit, including the effective and expiration dates; identification of all approved vehicles and liquid wastes which may be hauled by each; standard conditions relating to permit renewal and permit revision; a list of definitions; reporting requirements, spill procedures, and any other applicable special conditions. Special conditions may include, but are not limited to:

a. A statement that all grease interceptors shall initially be pumped completely empty. Excessive solids shall be scraped from the walls and baffles, and inlet, outlet and baffle ports shall be cleared. Reintroduction of gray water only into the interceptor shall be permitted, provided the grease hauler has written authorization to return the gray water from the food service facility concerned. The grease hauler shall wait at least twenty (20) minutes to allow the interceptor waste to separate in the truck tank before attempting to reintroduce the gray water to the interceptor. No grease or solids may be reintroduced into the interceptor.

b. A statement indicating that no grease or gray water will be accepted at any city owned facility and that the permittee should contract with other private or public food facilities to properly dispose of the grease and food solids.

c. A statement that the grease hauler is required to comply with all federal, state and local regulations concerning the pumping of grease interceptors and the hauling and disposal of their contents.

d. Any other statement or requirement that the city believes to be necessary meets the intent hereof.

2. Permit Renewal: An application for GHP renewal shall be submitted on the appropriate renewal form together with renewal fees at least sixty (60) days prior to the expiration date of the existing GHP by each applicant wishing to provide grease hauling services to permitted food service facilities located in the city's wastewater collection service area.

D. Spill Reporting: Any accident, spill, or other discharge of grease or gray water which occurs within the city shall be reported to the city by the grease hauler as soon as possible but not longer than twenty four (24) hours after the incident. The grease hauler shall comply with all procedures contained in applicable federal, state and local regulations. The grease hauler shall be responsible for all cleanup procedures and costs.

E. Recordkeeping: Grease haulers shall retain and make available for inspection and copying, all records related to grease interceptor pumping and grease disposal from businesses located in the Jerome wastewater collection service area. These records shall remain available for at least three (3) years. The city may require additional recordkeeping and reporting, as necessary, to ensure compliance with the terms hereof.

F. Vehicle Inspection: Grease haulers shall permit the city to inspect grease haulers' registered vehicles. (Ord. 1045, 2008)

**13.18.1250: FEES:**

A. Fees And Billing: The fees provided for herein are separate and distinct from all other fees chargeable by the city. All fees shall become immediately due and owing to the city upon receipt of invoice(s) for rendition of services or expenditure by the city and shall become delinquent if not fully paid within forty five (45) days after receipt. Any delinquent amount shall be subject to a late charge of fifteen percent (15%). These applicable hereto are as follows:

1. Grease Discharge Permit Fees: Grease discharge permit (GDP) fees shall be determined according to the computed average daily water usage by the food handling area (including sanitary wastewater) of the food service facility based on at least six (6) months' accumulated data from the potable water meter. Fees shall be charged annually throughout the duration of the three (3) year permit and shall be as follows:

0 to 100 gallons per day	\$25.00 per year
101 to 10,000 gallons per day	35.00 per year
Greater than 10,001 gallons per day	40.00 per year

In cases where more than twenty percent (20%) of potable water is used for purposes other than in the food handling area, at the prepermit inspection, the director or his designated official shall estimate the food handling area (including sanitary wastewater) water usage based on best professional judgment by taking at least, but not limited to, the following criteria into consideration:

- a. Size of food handling area and number of employees;
- b. Number of meals served per day if applicable;
- c. Number of seats or beds if applicable;
- d. Utensils used in food preparation and service;
- e. Types of washing the processes;
- f. Number of sinks, garbage disposals, dishwashers, floor drains, restrooms, etc.
- g. Total monthly potable water use for at least the previous six (6) month period; and
- h. Other uses of water within the facility.

In the case of a new facility, best professional judgment shall be applied by the director or his designated official to determine the projected average daily water usage by the food handling area using the above criteria without the water meter data.

2. Variance Fee: A food service facility applying for a variance shall submit an application fee of twenty five dollars (\$25.00).

3. Prepermit Inspection Fees: The charge for the initial prepermit inspection and the second inspection shall be included as part of a permit application fee. A fee of twenty five dollars (\$25.00) shall be charged to a food service facility for a third inspection prepermit inspection fee. If a fourth or more inspections are required, a fee of fifty dollars (\$50.00) shall be charged to the food service facility to recover the cost for each inspection. Such fees shall be in addition to any enforcement actions.

4. Inspection And Reinspection Fees: There shall be no charge for random inspections conducted by the GMP official on food service facilities with current GDPs. If a grease interceptor or trap has to be reinspected because of deficiencies found during the previous inspection by the GMP official, and all the deficiencies have been corrected, there shall be no charge for the reinspection. If all the deficiencies have not been corrected, a first inspection fee of twenty five dollars (\$25.00) shall be charged to the food service facility. If a second reinspection is required, a second reinspection fee of fifty dollars (\$50.00) shall be charged to the food service facility if all of the other deficiencies have still not been corrected. If a third or more reinspections are required a reinspection fee of one hundred dollars (\$100.00) for each successive reinspection shall be charged to the food service facility in addition to other enforcement actions if all of the other deficiencies have still not been corrected.

5. Demand Monitoring Fees: Fees for any demand monitoring, sampling, and analysis of wastewater discharges deemed necessary for the protection of the WWTP shall be charged to the food service facility in the amount established in subsection 13.18.1230G of this chapter.

6. Late Reporting Fee: Permitted food service facilities are required to submit an annual report to the city as outlined in subsection 13.18.1220D10 of this chapter. Reports submitted more than thirty (30) days after the end of each quarterly period shall be subject to a late fee of twenty five dollars (\$25.00).

7. Grease Hauler Permit Fee: Each GHP application filed pursuant hereto shall be accompanied by application fee of twenty five dollars (\$25.00) for an initial application together with a twenty five dollar (\$25.00) vehicle fee for each vehicle included on the application form. Renewal fees shall be the same as initial application fee.

8. Administrative Order Fee: A fee of five hundred dollars (\$500.00) shall be charged to any food service facility or grease hauler that is issued with an administrative order as required by section 13.18.1280 of this chapter. (Ord. 1045, 2008)

**13.18.1260: APPEAL OF PERMIT DENIAL OR REVOCATION:**

Any permit denial or revocation of a permit pursuant hereto may be appealed to the Jerome city council. The permit applicant or permittee shall have fifteen (15) days from date of notification of the permit denial or revocation to submit a written request for a hearing. Failure to file an appeal constitutes acceptance of the decision to approve or deny the permit and any conditions thereof. The city council shall conduct a public hearing and decide within sixty (60) days from receipt of the appeal, whether or not to grant the permit. The decision of the city council shall be final. The city council shall follow the same guidelines as established in this code with respect to permit issuance, and may impose reasonable conditions on any order granting the permit. The public hearing shall be conducted in accordance with the city's established hearing procedures. (Ord. 1045, 2008)

**13.18.1270: LEGAL PROCEEDINGS:**

A. Search Warrant: The city administrator or his designee may seek to obtain a search warrant from the appropriate authority to gain access to a food service facility for the purposes of inspection and monitoring if such lawful entry hereunder has previously been denied by the food service facility.

B. Injunctive And Other Relief: The city may file a petition in the name of the city in a court having jurisdiction seeking the issuance of an injunction, damages, or other appropriate relief to enforce the provisions hereof or other applicable law or regulation. Suit may be brought to recover any and all damages suffered by the city as a result of any action or inaction of any person who causes or suffers damage to occur to the city's WWTP or collection system, or for any other expense, loss or damage in the kind or nature suffered by the city.

C. Criminal Mischief: No person shall maliciously, wilfully or deliberately break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the WWTP's collection system. Any person violating this provision shall be subject to immediate arrest under charge of destruction of public property in accordance with this code.

D. Remedies Nonexclusive: The remedies provided for in the ordinances are not mutually exclusive. The city administrator may take any, all, or any combination of these actions against a noncompliant person. (Ord. 1045, 2008)

**13.18.1280: PENALTIES:**

A. Violations: Any violation hereof or any condition of a permit issued pursuant hereto, shall be a misdemeanor, subject to a penalty in an amount not to exceed five hundred dollars (\$500.00) or by imprisonment for not more than six (6) months, or by both, for each offense. Each separate violation shall constitute a separate offense, and upon conviction of a specified ordinance violation, each day of violation shall constitute a separate violation. In addition to the penalties provided herein, the city may recover reasonable attorney fees, court costs, court reporter fees and other expenses of litigation by appropriate suit at law against the person found to have violated these provisions or the orders, rules, regulations and permits issued hereunder.

B. Falsifying Information: A false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant hereto, or tampering with or knowingly rendering inaccurate any monitoring device or methods required herein, shall be a misdemeanor. Upon conviction, a penalty in an amount not to exceed five hundred dollars (\$500.00) or imprisonment for not more than six (6) months, or both, shall be imposed. Each day in which a violation shall occur or continue shall be deemed a separate and distinct offense. (Ord. 1045, 2008)

**13.18.1290: ADMINISTRATIVE ENFORCEMENT AND ABATEMENT:**

A. Food Service Facility Enforcement: Administrative action against food service facilities in violation hereof shall be as follows:

1. Notice Of Violation: A notice of violation (NOV) shall be issued to a food service facility for any one or more of the following reasons:

a. Failure to properly maintain the oil and/or grease interceptor or trap in accordance with the provisions of the grease discharge permit and these provisions.

b. Failure to report significant changes in operations, or wastewater constituents and characteristics.

c. Failure to maintain a file of records on site at all times.

d. Failure to report pumping activities.

e. Failure to provide logs, files, records or access for inspection or monitoring activities.

f. Failing to obtain or renew a GDP in a timely manner.

g. Any other failure to comply with the requirements hereof or conditions of a permit, or failure to obtain a GDP as required hereby.

2. Notice Of Violation Response: Any food service facility issued an NOV shall respond to the city in writing within ten

(10) calendar days of receipt of the NOV describing how the noncompliance occurred and what steps will be taken to prevent the reoccurrence of the noncompliance. Escalating enforcement procedures, demand monitoring and other penalties will be applied when continuing noncompliance is detected, including, but not limited to, revocation of the GDP or institution of civil or criminal proceedings. If a food service facility violates or continues to violate the provisions set forth herein or fails to initiate/complete corrective action in response to an NOV, the city may pursue one or more of the following options:

- a. Contract with a permitted grease hauler to pump the grease interceptor and bill the appropriate charges to the food service facility concerned.
- b. Impose an administrative fine.
3. Best Management Practice (BMP) Training: All food service facilities that receive notices of violation or administrative fine may be required to send both managerial and other staff to an approved training session regarding the BMPs. These training sessions will be held at locations and times that will be announced by the director or designated official.
4. Permit Revocation: Any GDP issued under the provisions hereof is subject to be modified, suspended or revoked in whole or in part during its term for cause shown after notice and a hearing, including, but not limited to, one of the following:
  - a. Falsification of any information submitted as part of application for the GDP.
  - b. Failure to comply with requirements or regulations concerning discharges to the city's WWTP or collection system as provided by this title (or any amendments thereto).
  - c. Failure to comply with any requirements or regulations concerning grease interceptors as provided for in this chapter.
  - d. Failure to pay required fees, or any assessed surcharges in a timely manner.
  - e. Failure to attend required BMP training courses.
  - f. When necessary to protect public health, safety and welfare in accordance with the terms set forth in this chapter.

B. Grease Hauler Enforcement: Failure of any grease hauler to comply with requirements hereof or with the provisions of any permit or approval granted or authorized hereunder shall constitute a violation hereof. Violations of the provisions hereof shall be subject to, but not limited to, the following procedures:

1. Notice Of Violation: A notice of violation (NOV) will be issued to any grease hauler which is found to be in noncompliance with the regulations and requirements hereof. Response to this NOV must be received by the city within ten (10) calendar days of its receipt by the grease hauler. The grease hauler will be required to describe how the noncompliance occurred, verification that the violation has been corrected, and shall provide assurance that steps will be taken to prevent the reoccurrence of the noncompliance.
2. Permit Revocation: Any GHP or notice of permission issued pursuant to the provisions of this program may be modified, suspended or revoked in whole or in part during its term for cause shown after notice and hearing including, but not limited to, any one of the following:
  - a. Falsification of any information submitted as part of the application for the GHP or the notice of permission.
  - b. Falsifying information required for a discharge manifest.
  - c. Discharging any liquid waste into an unauthorized location.
  - d. Failure to maintain financial assurance as required herein.
  - e. Failure to comply with any other permit condition.

C. Administrative Order: The city may enter into consent agreements, compliance agreements, and assurances of voluntary compliance, or other similar documents establishing an agreement with any person responsible for noncompliance. Such documents will include specific actions to be taken by the person to correct the noncompliance within a time period specified by the document. Such document shall be judicially enforceable. An administrative order may include, but shall not be limited to, the following items:

1. Required corrective actions, including, but not limited to, submittal of records for interceptor maintenance, immediate pump out of the grease interceptor, or establishment of an ongoing contract with a permitted grease hauler. When required by the city, the facility manager and/or other designated employees shall attend an educational program approved by the city. This program will cover kitchen practices, food handling and waste disposal procedures to minimize loading on the grease interceptor, as well as explaining grease interceptor design, operation and maintenance; and
2. Requirements for submittal of plans for installation or upgrade grease interceptors, including time frames for the preparation of plans, acquisition of necessary equipment, initiation of construction (including time for permit approval where required), completion of construction, and a date for achievement of final compliance with the provisions of the administrative order and these provisions; and
3. Payment of an administrative order fine.

D. Recovery Of Costs: When a discharge of waste causes an obstruction, damage or any other impairment to the facilities, or any expense of whatever character or nature to the city, the director shall assess the expenses incurred by the city to clear the obstruction, repair damage to the facility, and any other expenses or damage of any kind or nature suffered by the



city. The director shall file a claim with the user or any other person or entity causing such damages seeking reimbursement for any and all expenses or damages suffered by the city. If the claim is ignored or denied, the director shall notify the city attorney to initiate other legal proceedings authorized hereby.

E. Remedies Nonexclusive: The remedies provided for herein are not exclusive. The city may take any, all, or any combination of these actions against a person violating these provisions, as the city shall determine. (Ord. 1045, 2008)

## CHARGES AND FEES

### **13.18.1300: PRETREATMENT CHARGES AND FEES:**

The city may adopt reasonable fees for reimbursement of costs of setting up and operating the city'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 collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users;
- C. Fees for reviewing and responding to accidental discharge procedures and construction;
- D. Fees for filing appeals; and
- E. Other fees as the city may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this chapter and are separate from all other fees, fines, and penalties chargeable by the city. (Ord. 806 §14, 1996)