WASTEWATER CONTROL
RULES AND REGULATIONS FOR
THE CENTRAL DAVIS SEWER DISTRICT
CHAPTER 1
GENERAL PROVISIONS

SECTION 1.1 SHORT TITLE
These regulations shall be known as the "WASTEWATER CONTROL RULES AND REGULATIONS FOR THE CENTRAL DAVIS SEWER DISTRICT".

SECTION 1.2 PURPOSE
It is necessary for the health, safety and welfare of the residents of the Central Davis Sewer District (the "District") to regulate the collection of wastewater and treatment thereof to provide for maximum public benefit. The provisions herein set forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the District, and enable the District to comply with all applicable local, state and federal laws; specifically including the Federal Water Pollution Control Act (33 U.S.C. 1251 et. seq.) and Rules and Regulations adopted pursuant to the foregoing.

The objectives are:
(a) To prevent the introduction of pollutants into the wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
(b) To prevent the introduction of pollutants into the wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
(c) To improve the opportunity to recycle and reclaim wastewater and sludge from the system.
(d) To provide for equitable distribution among users of the cost of the wastewater system; and
(e) To provide for and promote the general health, safety and welfare of the citizens served by the wastewater system.
(f) To provide uniform standards for construction, maintenance, testing and use of sewage facilities within the District and municipalities and entities served by the District.

The provisions herein provide for the regulation of direct and indirect contributors to the wastewater system through the issuance of permits and through enforcement of general requirements for all users; authorize monitoring and enforcement activities; require user reporting; assume that existing user's capability will not be pre-empted; and provide for the setting of fees for the equitable distribution of costs resulting from the program established herein.

The provisions herein apply to the District, municipalities served by the District and all other users of the District.

The provisions herein shall provide for enforcement and penalties for violations.

SECTION 1.3 DEFINITIONS

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated:

(1) Act or "The Act". The Federal Water Pollution Control Act, P.L. 92-500 also known as the Clean Water Act, including the amendments made by the Clean Water Act of 1977, P. L. 95-217, and any subsequent amendments.

(2) Approval Authority. The Utah Division of Water Quality which has an approved state pretreatment program and the Administrator for EPA.

(3) Authorized Representative of Industrial User. An authorized representative of an industrial user may be:

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

(b) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively.

(c) If the User is a Federal, State, or local governmental facility a director or the highest official appointed or designated to oversee the operation and performance of the activities of the government facility or their designee.

(d) The individuals described in paragraphs (a) through (c), above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the District.

(4) **Biochemical Oxygen Demand (BOD).** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20 degrees centigrade expressed in terms of weight and concentration (milligrams per liter (mg/l)). Laboratory determinations shall be made in accordance with procedures set forth in Standard Methods.

(5) **Building or Lateral Sewer.** A sewer conveying the wastewater of a user from a residence building or other structure to a sewer, including direct
connections to a sewer where permitted. A lateral sewer is a building sewer.


(7) **Categorical Standards.** National Categorical Pretreatment Standards or Pretreatment Standard as set forth in the Code of Federal Regulations.

(8) **Chemical Oxygen Demand (COD).** The oxygen equivalent of that portion of organic matter in a wastewater sample that is susceptible to oxidation by a strong chemical oxidant.

(9) **City.** Any City or any part thereof located within the Central Davis Sewer District or any part of the unincorporated area of Davis County located in the District discharging into the District's wastewater collection system.

(10) **Contamination.** An impairment of the quality of the waters of the State by waste to a degree which creates a hazard to the environmental and/or public health through poisoning or through the spread of disease, as described in Standard Methods.

(11) **Control Authority.** The term "control authority" shall refer to the "Approval Authority," defined herein above; or the Manager, if the District has an approved Pretreatment Program.

(12) **Cooling Water.** The water discharged from any use such as air conditioning, cooling or refrigeration, to which the only pollutant added is heat.

(13) **Direct Discharge.** The discharge of treated or untreated wastewater directly to the waters of the State of Utah.

(14) **Discharger.** Any person who discharges or causes the discharge of wastewater to a District or other Publicly Owned Treatment Works (POTW) sewer system.

(15) **District.** The Central Davis Sewer District which has a POTW.
(16) **Environmental Protection Agency, or EPA.** The U.S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of said agency.

(17) **Garbage.** Shall mean putrescible animal and vegetable waste resulting from the preparation, cooking and dispensing of food and from handling, storage, and sale of produce.

(18) **Grab Sample.** A sample, which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.

(19) **Holding Tank Sewage.** Any wastewater from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, sealed vaults and vacuum-pump tank trucks.

(20) **Indirect Discharge.** The discharge or the introduction of non-domestic pollutants from any source into the District wastewater system (including holding tank waste discharged into the system).

(21) **Industrial User.** Shall mean any user that discharges wastewater from commercial, governmental and/or industrial processes.

(22) **Interference.** The inhibition or disruption of the District treatment processes or operations or which contributes to a violation of any requirement of the District NPDES Permit. The term includes prevention of sewage sludge use or disposal by the POTW, any criteria, guidelines or regulations developed pursuant to the solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any State sludge management plan) applicable to the method of treatment employed by the District.

(23) **Manager.** Shall mean the chief executive officer of the District or his designated representative.

(24) **National Categorical Pretreatment Standard or Pretreatment Standard.** Pretreatment Standards shall mean prohibited discharge standards,
categorical Pretreatment Standards, and Local Limits.

(25) **National Prohibitive Discharge Standard or Prohibitive Discharge Standard.** Any prohibitive regulation developed under the authority of the Act.

(26) **New Source.**

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

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

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

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

(a) Begun, or caused to begin, as part of a continuous onsite construction program
   (i) any placement, assembly, or installation of facilities or equipment; or
   (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

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

(27) **National Pollution Discharge Elimination System or NPDES Permit.** A permit issued pursuant to the Act.

(28) **Pass-Through Pollutants.** The Discharge of pollutants which pass through the District’s Wastewater Treatment facilities into waters of the State in quantities or concentrations which cause or significantly contribute to a violation of any requirement of the District’s UPDES permit including an increase in duration or magnitude of the violation.

(29) **Person.** Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by context.
(30) **pH.** The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of the solution.

(31) **Pollution or Pollutant.** The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water. Including, but not limited to, any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

(32) **Pretreatment or Treatment.** The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes by other means, unless prohibited by State or Federal regulations.

(33) **Pretreatment Requirements.** Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.

(34) **Publicly Owned Treatment Works (POTW).** A treatment works which is owned by the State of Utah or one or more political subdivisions having statutory authority to collect and treat sewage, specifically including the District. This definition includes any sewers that convey wastewater to the POTW treatment plant. For the purposes of this regulation, POTW shall also include any sewers that convey wastewater to the POTW from persons outside the POTW boundaries who are by contract or agreement with the POTW actually users of the POTW.

(35) **POTW Governing Authority.** The term "POTW Governing Authority" shall refer to the Board of Trustees of the District.

(36) **POTW Treatment Plant.** That portion of the Publicly Owned Treatment
Works designed to provide treatment for wastewater including specifically the Treatment Plant and facilities of the District.

(37) **Receiving Water Quality Requirements.** Requirements for the District's treatment plant effluent established by the District or by applicable State or Federal regulatory agencies for the protection of receiving water quality. Such requirements shall include effluent limitations, and waste discharge standards, requirements, limitations, or prohibitions which may be established or adopted from time to time by State or Federal laws or regulatory agencies.

(38) **Rules and Regulations.** The Wastewater Rules and Regulations adopted from time to time by the POTW Governing Authority.

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

(40) **Sewage.** The water-borne wastes discharged to the sanitary sewer from buildings for residential, business, institutional, governmental, and industrial purposes. Wastewater and sewage are synonymous; thus, they are interchangeable.

(41) **Shall** and **Will** are mandatory; **May** is permissive.

(42) **Significant Industrial User.** Any industrial user of the wastewater collection or treatment system who (i) is subject to any Categorical Pretreatment Standard, or (ii) has a discharge flow of 25,000 gallons or more within a 24-hour period (excluding sanitary, non-contact cooling and boiler blow-down wastewater), or (iii) has a process wastestream greater than 5% of the design average dry weather hydraulic or organic capacity of the District's wastewater treatment plant, or (iv) has in its wastes, toxic pollutants as defined pursuant to the Act or Utah Statutes and Regulations, or (v) is found by the District, the Water Quality Board, or the U.S.
Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment plant, the quality of the sludge, the system's effluent quality, or air emissions generated by the system.

(43) **Significant Non-Compliance.** An industrial user is in significant noncompliance (SNC) if its violation meets one or more of the following criteria:

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

(b) Technical Review Criteria (TRC) violations defined here as those in which thirty-three percent or more of all the measurements for each pollutant parameter taken during a six month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats oil and grease, and 1.2 for all other pollutants except pH).

(c) Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the Control Authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public).

(d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or to the environment, or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.

(e) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a discharge permit or enforcement order for starting construction, completing
construction, or attaining final compliance.

(f) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self monitoring reports, and reports on compliance with compliance schedules.

(g) Failure to accurately report noncompliance.

(h) Any other violation or group of violations which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.

(44) Slug. Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge. Slug discharges shall include the discharge of any pollutant in quantities sufficient to cause the District to exceed its NPDES discharge limitations.

(45) Standard Methods. Procedures described in the latest edition of "Standard Methods for the Examination of Water and Wastewater" as published by the American Public Health Association, the American Water Works Association and the Water Environment Federation or such other procedures as may be adopted by the District.


(48) Storm Sewer. Shall mean a sewer that carries only storm, surface and ground water drainage.

(49) Stormwater. Any flow occurring during or following any form of natural precipitation and resulting therefrom.

(50) Subdivision. The division of a tract, or lot, or parcel of land into two or more lots, plots, sites, or other divisions of land for the purpose, whether immediate or future, of sale or of building development or redevelopment,
provided, however, that divisions of land for agricultural purposes shall be exempt. The word subdivide and any derivative thereof shall have reference to the term subdivision as herein defined.

(51) **Total Suspended Solids.** The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids, and which is removable by laboratory filtering in accordance with procedures set forth in Standard Methods.

(52) **Toxic Pollutant.** Any pollutant or combination of pollutants found to be toxic or stipulated as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the Act.

(53) **User.** Any person who contributes, causes or permits the contribution of wastewater into the District wastewater system.

(54) **Utah Pollutant Discharge Elimination System Permit ("UPDES" Permit).** A permit issued by the Water Quality Board of the State of Utah pursuant to Title 26, Chapter 11 of the Utah Code Annotated 1953, as amended.

(55) **Wastewater.** The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, governmental facilities, industrial facilities, and institutions, together with any infiltrating groundwater, surface water, and storm water that may be present, whether treated or untreated, which enters the District wastewater system.

(56) **Waters of the State.** All streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the State or any portion thereof.

(57) **Wastewater Discharge Permit.** As set forth in Section 4 herein.

(58) **Wastewater Treatment Facilities.** The District wastewater collection and treatment lines, facilities and equipment or those of any other POTW.

(59) **Viscosity.** The property of a fluid that resists internal flow by releasing
counteracting forces.

(60) **Wastewater Strength.** The quality of wastewater discharged as measured by its elements, including its constituents and characteristics.

**SECTION 1.4 ABBREVIATIONS**

The following abbreviations shall have the designated meanings:

- **BOD** - Biochemical Oxygen Demand (Five Day)
- **CFR** - Code of Federal Regulations
- **cp** - Centipoise = 0.01 poise = c.g.s. unit of absolute viscosity \( \text{gm} \text{ sec x cm} \).
- **COD** - Chemical Oxygen Demand
- **EPA** - United States Environmental Protection Agency or its successor
- **I** - Liter
- **mg** - Milligrams
- **mg/l** - Milligrams per liter
- **NPDES** - National Pollutant Discharge Elimination System
- **POTW** - Publicly Owned Treatment Works
- **SIC** - Standard Industrial Classification
- **SWDA** - Solid Waste Disposal Act, 42 USC 6901, et seq.
- **USC** - United States Code
- **UCA** - Utah Code Annotated, 1953, as amended
- **TSS** - Total Suspended Solids
CHAPTER 2
GENERAL REGULATIONS

SECTION 2.1 SUPERVISION
The District shall be supervised and directed by the Manager subject to control and direction by the POTW Governing Authority.

SECTION 2.2 GENERAL PROHIBITIONS

2.2.1 DISCHARGE INTO DISTRICT WASTEWATER SYSTEM
All sewage shall be discharged to a public sewer except as provided hereinafter.

2.2.2 DISCHARGE OF SEWAGE
No person shall discharge any sewage from any premises within the District into and upon any public right of way, stream, water course, or public place, or into any drain, cesspool, storm or private sewer, except as provided for hereafter.

2.2.3 PROHIBITED DISCHARGE-SANITARY SEWER
No person shall cause to be discharged or make a connection which would allow any storm water, surface drainage, groundwater, roof runoff, cooling water or other water to be discharged into any sanitary sewer. No person shall cause any of the above mentioned waters to be mixed with that person's sewage in order to dilute said sewage.

2.2.4 PROHIBITED DISCHARGE
Storm water, surface drainage, subsurface drainage, groundwater, roof runoff, cooling water or unpolluted water shall not be admitted to or allowed in the sanitary sewers.

2.2.5 PROHIBITED DISCHARGES-SPECIFIC CATEGORIES
No user shall contribute or cause to be discharged directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the District's wastewater collection or treatment system. These general prohibitions apply to all users, whether or not the user is subject to National Categorical Pretreatment Standards or any other national, state, or local Pretreatment Standards or requirements. A user may not discharge the following substances to the District facilities:
(1) **Explosives.** Any liquids, solids, or gases which by reason of their nature or quantity are or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way. This prohibition includes but is not limited to wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the tests methods specified in 40 CFR 261.21.

(2) **Solids.** Solid or viscous substances which will or may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-quarter inch (1/4") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides, or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.

(3) **Corrosion.** Any wastewater containing toxic/corrosive pollutants in sufficient quantity either singly or by interaction with other substances to injure or interfere with any wastewater treatment collection system or treatment process, constitute a hazard to humans or animals, or exceed the limitations set forth in the categorical standards. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the act. In no case shall a discharge have a pH lower than 5.0 or higher than 13.0 unless the treatment works is specifically designed to accommodate such discharges.

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

(5) **Untreatable Substances.** Any substance which may cause the effluent or
any other product of the District such as residues, sludge, or scum, to be unsuitable for reclamation and reuse or to interfere with any reclamation process. In no case shall a substance discharged cause the District to be in non-compliance with sludge use or disposal criteria, guidelines, or regulations developed under the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.

(6) **UPDES Permit Violation.** Any substances which will cause the District to violate its UPDES Permit or the receiving water quality standards.

(7) **Objectionable Color.** Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

(8) **Temperature.** Any wastewater having a temperature which will inhibit biological activity in the treatment plant resulting in interference, or cause temperature at the headworks of the treatment plant to exceed 40 degrees Centigrade.

(9) **Slug Loads.** Any pollutants, including oxygen demanding pollutants (BOD, etc.) released in a single extraordinary discharge episode of such volume or strength as to cause interference or pass through to the District.

(10) **Radioactive.** Any wastewater containing any radioactive wastes or isotope of such half-life or concentration as may exceed limits established in compliance with applicable State or Federal regulations.

(11) **Hazards or Nuisances.** Any wastewater which causes a hazard to human life or creates a public nuisance in the opinion of the District. This includes any pollutants which result in the presence of toxic gases, vapor or fumes within the POTW in a quantity that may cause acute worker health or safety problems.

(12) **Petroleum Oil and Grease.** Any petroleum oil, non-biodegradable cutting oil or products of mineral oil origin in amounts which cause interference or
pass through.

(13) **Trucked Pollutants.** Any trucked or hauled pollutants except at discharge points designated by the POTW and in accordance with the District’s policy concerning such wastes.

(14) **Pollutants Which Pass Through or Interfere.** Any pollutant which passes through or interferes with the District’s wastewater treatment facilities or harms or violates the receiving water quality.

**SECTION 2.3 NATIONAL CATEGORICAL PRETREATMENT STANDARDS**

Users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter I. Upon the promulgation of new National Categorical Pretreatment Standard for a particular industrial subcategory, developed pursuant to the Act, the National Standard, if more stringent than limitations imposed herein for sources in that subcategory, shall immediately supersede the limitations imposed herein. In addition, the following conditions apply:

A. Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the District Manager may impose equivalent concentration or mass limits.

B. When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the District Manager may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.

C. When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the District Manager shall impose an alternate limit in accordance with 40 CFR 403.6(e).

D. A CIU may obtain a net/gross adjustment to a categorical Pretreatment Standard in accordance with the following paragraphs of this Section. [Note: See 40 CFR 403.15]

   (1) Categorical Pretreatment Standards may be adjusted to reflect the presence of pollutants in the Industrial User's intake water in accordance with this Section. Any Industrial User wishing to obtain credit for intake pollutants must
make application to the District. Upon request of the Industrial User, the applicable Standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the requirements of paragraph (2) of this Section are met.

(2) Criteria.

a. Either (i) The applicable categorical Pretreatment Standards contained in 40 CFR subchapter N specifically provide that they shall be applied on a net basis; or (ii) The Industrial User demonstrates that the control system it proposes or uses to meet applicable categorical Pretreatment Standards would, if properly installed and operated, meet the Standards in the absence of pollutants in the intake waters.

b. Credit for generic pollutants such as biochemical oxygen demand (BOD), total suspended solids (TSS), and oil and grease should not be granted unless the Industrial User demonstrates that the constituents of the generic measure in the User's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.

c. Credit shall be granted only to the extent necessary to meet the applicable categorical Pretreatment Standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with Standard(s) adjusted under this Section.

d. Credit shall be granted only if the User demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The District may waive this requirement if it finds that no environmental degradation will result.

SECTION 2.4 MODIFICATION OF NATIONAL CATEGORICAL PRETREATMENT STANDARDS

Where the wastewater treatment system achieves consistent removal of pollutants limited by National Pretreatment Standards, the District may apply to the Approval Authority for modification of specific limits in the National Pretreatment
Standards. "Consistent removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system in 95 percent of the samples taken. Removal credits may then be granted to industries at the discretion of the District and subject to Federal guidelines.

SECTION 2.5 SPECIFIC POLLUTANT LIMITATIONS
No person shall discharge wastewater containing pollutants in excess of the specific local limits as established by the District from time to time.

SECTION 2.6 STATE REQUIREMENTS
State requirements and limitations on discharges shall apply in any case where they are more stringent than National requirements and limitations or those contained herein.

SECTION 2.7 RIGHT OF REVISION
The District reserves the right to establish more stringent limitations or requirements on discharges to the wastewater treatment facilities if deemed necessary to comply with the objectives presented in Section 1.2 hereof.

SECTION 2.8 DILUTION PROHIBITED
No user shall ever dilute a discharge as a partial or complete substitute for adequate pretreatment to achieve compliance with the limitations contained in the National Categorical Pretreatment Standards, or in any other pollutant specific limitation.

SECTION 2.9 INJURING SEWER PROHIBITED
No person shall injure, break or remove any part or portion of any of the wastewater treatment facility of the District.

SECTION 2.10 MAN-HOLE COVERS
No person (except city personnel) shall open any District sewer man-hole without permission from the Manager or authorized agents.

SECTION 2.11 MANDATORY CONNECTIONS

2.11.1 CONNECTION REQUIRED
The owner or his agent of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the District
boundaries and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a sewer line, is hereby required, at his expense, to install suitable toilet facilities therein, and to connect such facilities directly into the sewer line of the District in accordance with the provisions herein set forth within thirty (30) days after date of official notice to do so, provided that said line is within three hundred (300) feet of the owner's property line.

2.11.2 DISCONTINUANCE OF PRIVY VAULTS, CESSPOOLS, AND SEPTIC TANKS

(a) No owner, or his agent, or any other person occupying any property within 300 feet of a sewer shall maintain or use or cause or permit to exist any privy vault, septic tank, or cesspool upon said property.

(b) In no case shall any plumbing in any house or building not complying with subparagraph (a) above remain unconnected to any public sewer for more than thirty (30) days after such a sewer is available.

2.11.3 OUTHOUSES PROHIBITED

No person shall erect or maintain any outhouse or privy within the District provided however, temporary chemical toilets for special circumstances may be permitted.

2.12 SPECIAL AGREEMENTS AND CONTRACTS

2.12.1 SPECIAL USER AGREEMENT

No statement contained in this section shall be construed as prohibiting special written agreements between the District and any other person allowing industrial waste or wastewater of unusual strength or character to be admitted to the District, provided said person compensates the District for any additional costs of treatment. Such agreement, however, may not violate any of the specific prohibitions provided herein.

2.12.2 CONTRACTS WITH OTHER POTW'S

Whenever the existing sewage treatment capacity is adequate therefore, the District may contract with any other organized and established POTW or with any other governmental agency or with private enterprise, for the discharge into the District facilities from any part or parts of such POTW, or person or persons living outside the
boundaries of the District, upon such terms and conditions and for such periods of time as may be deemed reasonable provided that the contracts entered into comply with these regulations.

SECTION 2.13   GREASE, OIL AND SAND INTERCEPTORS

(a) Grease, oil, and sand interceptors, as described by the Utah Plumbing Code, shall be required of any user when, in the opinion of the Manager, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required for dwelling units. All interceptors shall be of a type and capacity approved by the Manager and shall be located as to be readily accessible for cleaning and inspection.

(b) All grease, oil, and sand interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, water tight and equipped with easily removable covers which, when bolted in place, shall be gas and water tight.

(c) Where installed, all grease, oil, and sand interceptors shall be maintained by the user at his sole expense, in continuous efficient operation at all times.

SECTION 2.14   PROHIBITED CONNECTIONS

No person, either in person or through an agent, employee, or contractor, shall make, allow or cause to be made any sewer connection for service for the purpose of servicing property outside the boundaries of the District, except upon recommendation of the Manager and the express approval of the POTW Governing Authority. Such connection shall be made by a person who is either a bonded, state licensed sewer contractor or plumber who has obtained the necessary permits.

SECTION 2.15   SLUG CONTROL REQUIREMENTS

Certain industrial users and all significant industrial users will be evaluated to determine if a slug control plan is required. Those industrial users where a potential slug discharge exists will be required to develop a slug discharge control plan. This plan will be required of industries which have a potential to discharge a slug load which could be detrimental to the District, as determined by the District Manager. The plan
must be in accordance with guidance provided in the District's Pretreatment program. As a minimum, the plan must contain information sufficient to convince the District that the wastewater system will be protected from damaging discharges. The plan shall address, at a minimum, the following:

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

The plan must be approved and implemented after 90 days from the date the industry is notified that a plan is needed or, if a new connection, the plan must be approved before the facility begins to operate. Any unavoidable slug discharges which may occur must be reported immediately to the District. A follow up report, in a format approved by the District, must be filed within 5 days of slug discharge. The District may periodically review any industrial user to insure that conditions which exempted them from the need for a plan have not changed.

SECTION 2.16 GREASE TRAPS

2.16.1 WHEN GREASE TRAP REQUIRED

Grease traps, as described by the Uniform Plumbing Code (1988) Section 711, shall be required of any User when, in his discretion, the Manager determines they are necessary for the proper handling of wastewater containing grease in excessive amounts; except that such grease traps shall not be required for residential dwelling units. All grease traps shall be of a type and capacity approved by the District Manager.

2.16.2 MAINTENANCE COSTS

Where installed, all grease traps shall be maintained by the User at his sole expense, in
continuous, efficient operation at all times.

2.16.3 **EXISTING INDUSTRIES COMPLIANCE**
All existing commercial or industrial establishments shall have one year upon notification to install a grease trap where required.

2.16.4 **USE OF DEGREASING AGENTS PROHIBITED**
Emulsifiers or degreasers shall not be added to any plumbing leading to, nor directly to the grease trap.

2.16.5 **GREASE AND SAND INTERCEPTOR CLEANING REPORTS**
Industrial Users required to install grease and/or sand interceptors shall periodically submit cleaning reports to the Manager as required by the Manager. The report shall, at a minimum, list the dates of cleaning, contractor's name, and shall include a copy of the payment receipts or invoices for cleaning.
CHAPTER 3
BUILDING SEWERS, CONNECTIONS AND REPAIRS

SECTION 3.1  DESIGN AND CONSTRUCTION

The size, slope, alignment, materials or construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling of the trench shall all conform to the requirements of the building and plumbing code or other applicable laws, rules and regulations of federal, state, and local entities, and applicable construction standards.

SECTION 3.2  BUILDING SEWER ELEVATION

In all building where the elevation is too low to permit gravity flow to the sewer, sanitary sewage discharge from such building shall be lifted by an approved means, including installation of an approved backwater valve in problem areas, and discharged to the sewer and operated and maintained by the user.

SECTION 3.3  INSTALLATION EXPENSES

All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the applicant. The applicant shall retain or employ a licensed and bonded sewer contractor or plumber to make connection to and install a sewer.

SECTION 3.4  CONNECTION REQUIREMENT

The applicant for the building sewer permit shall notify the Building Inspector of the municipal corporation or body politic in which the applicant is situated when the building sewer is ready for inspection and connection to the sewer. The connection of the building sewer to the sewer shall conform to the requirements of the applicable building and plumbing code or other applicable laws, rules and regulations of Federal, State and local entities. All such connections shall be made water tight.

SECTION 3.5  EXCAVATION SAFEGUARDS FOR PUBLIC

All excavations for building sewer installation shall be adequately guarded by the owner or his representative with barricades and lights so as to protect the public from
hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored by the owner or his representative in a manner satisfactory to the District and the street owner.

SECTION 3.6 SEPARATION FROM OTHER UTILITIES
All utility lines or conduits shall be separated from the building sewer as required by law.

SECTION 3.7 MAINTENANCE EXPENSE
All building sewers, including connection to the sewer, shall be maintained by the property owner.

SECTION 3.8 CONNECTION OF UNLIKE PIPE
Any connection of pipes of unlike materials shall comply with the Utah Plumbing Code and the applicable Construction Standards.

SECTION 3.9 SEWER SPECIFICATIONS
The size of building sewers, type of pipe allowed, bed and grade of pipe and changes in direction of pipe shall conform to the Utah Plumbing Code and applicable construction standards.

SECTION 3.10 PIPE TO BE FREE OF DEFECTS
All pipe shall be sound, free from holes or cracks, without traps, valves or other obstruction which might prevent or retard the free passage of air and sewage.

SECTION 3.11 CLEANOUTS
The cleanout "wye" must be located immediately inside the property lines. In all cases, the cleanout pipe from the "wye" to the surface of the finished grade must be iron or other material approved by the Manager, and on a slope of 45 degrees. The cover must be fitted with an electronic marker disk available through the District. Additional cleanouts shall be placed a minimum of 50 feet apart along any 4 inch building sewer, and every 100 feet along any 6 inch building sewer, and at all other changes in direction greater than 45 bend. Cross supports for cleanouts shall be 18 inches below the cleanout tops. No waste or soil shall enter cleanout pipes. A test tee may be required at or near the property line.

SECTION 3.12 TEST FOR LEAKS
All building sewers shall be tested for leaks in the manner prescribed by the District and in the presence of its inspector or the Building Inspector of the municipality or body politic in which the sewer is located. Every joint shall be water tight before acceptance by the District.

SECTION 3.13  EARTH COVER REQUIRED
No sewer line shall have less than two (2) feet of earth cover at finished grade.

SECTION 3.14  FEE FOR OPENING SEWER IF JUNCTION PIPE NOT AVAILABLE
Where there is no junction pipe in the sewer at the point where the connection is desired to be made, the opening of the said sewer and the installation of the junction pipe will be made by the District or its designee, if deemed necessary by the District, upon payment of a fee to cover the cost of the work.

SECTION 3.15  FEE FOR REPLACING DAMAGED JUNCTION PIPE
In case the junction pipe to the sewer is broken off or damaged, it must be replaced. The installing of a new junction pipe will be made by the District or its designee upon payment of a fee by the owner to cover the cost of the work.
CHAPTER 4
WASTEWATER DISCHARGE PERMITS

SECTION 4.1 AUTHORIZATION REQUIRED TO DISCHARGE
No Industrial User shall discharge into any sewer outlet within the District any sewage, industrial wastes or other wastes without a permit issued by the District or business license issued by member cities or the county as specifically explained in this chapter.

SECTION 4.2 WASTEWATER DISCHARGE PERMITS
4.2.1 GENERAL PERMITS
All Significant Industrial Users now connected or proposing to connect to the system shall obtain a Wastewater Discharge Permit before connection to and/or discharging to the system. All other industrial users shall be inspected by District representatives and a determination made as to whether they are significant, individually or in combination with other industries. Those determined not to be significant shall have their business license act as their Discharge Permit.

4.2.2 PERMIT APPLICATION
Each month the city manager or his designee or the Davis County business license department shall provide to the District copies of all business licenses issued by the city or county. The Manager or his designee shall contact each such business, person, firm or corporation and determine whether the business will be a significant industrial user, as that term is defined in these Rules and Regulations. If it is determined that the business will be a significant industrial user, then the Manager shall give to the person, firm or corporation a significant industrial user permit application. In support of the application, the significant industrial user shall submit, in units and terms appropriate for evaluation, the following information:

(a) Name, address, and location of discharge (if different from address);
(b) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
(c) Wastewater quantity and quality. Quality characteristics include, but are
not limited to, those mentioned in appropriate Pretreatment Categorical Standards as set forth in the Code of Federal Regulations or any other characteristics as determined appropriate by the District Manager.

(d) Time(s) and duration of discharge;

(e) Average daily and peak wastewater flow rates, including daily, monthly, and seasonal variations, if any;

(f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by size, location and elevation. If deemed necessary by the District, such plans shall provide for separate systems for handling sanitary and industrial wastewater;

(g) Description of activities, facilities and plant processes;

(h) Disclosure of the nature and concentration of any pollutants or materials prohibited by these regulations in the discharge, together with a statement regarding whether or not compliance is being achieved with these regulations on a consistent basis and if not, whether additional operation and maintenance activities and/or additional pretreatment is required for the Discharger to comply with these regulations;

(i) Where additional pretreatment and/or operation and maintenance activities will be required to comply with these regulations, the Significant Industrial User shall provide a declaration of the shortest schedule by which the Significant Industrial User will provide such additional pretreatment activities.

(j) Disclosure of each product produced by type, amount, process or processes and rate of production;

(k) Disclosure of the type and amount of raw materials utilized (average and maximum per day):

(l) All reports submitted to the Manager in accordance with and as required by these Rules and Regulations shall be signed by:

1) an authorized officer of the Industrial User, if a corporation;

2) a general partner, if a general or a limited partnership;
3) the proprietor, if a sole proprietorship;
4) the owner of the Industrial User, if other than a corporation, partnership, or sole proprietorship;
5) a duly authorized employee, if such employee is responsible for overall operation of the Industrial User;
6) the owner of the real property when reports are required of such owner.

All reports required by these Rules and Regulations shall be subject to the Utah Water Quality Act, as amended and all other State and Federal laws pertaining to fraud, misrepresentation, and false statements.

(m) Industrial Users shall submit to the Manager upon his or her request a list of all environmental control permits issued to or held by the Industrial User.

If it is determined that the industrial user is not a Significant Industrial User as that term is defined in the Regulations of the District, then the District Manager will notify the governmental entity in which the business is located of that fact and the sewer connection application of the business filed with the governmental entity shall become the Wastewater Discharge Permit for the non-significant industrial user.

All existing Significant Industrial Users shall apply for a Wastewater Discharge Permit within ninety (90) days after their receipt of a copy of these adopted Rules and Regulations and proposed new significant industrial users shall submit application at least ninety (90) days prior to connecting to or contributing to the sewer system.

SECTION 4.2.3 PERMIT MODIFICATIONS

Upon enactment of a National Categorical Pretreatment Standard and within the time prescribed thereby, the Wastewater Discharge Permit of Industrial Users subject to such standards shall be revised to require compliance therewith. Where an Industrial User, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a Wastewater Discharge Permit, the Industrial User shall apply for a Wastewater Discharge Permit within thirty (30) days after notice of the enactment of the applicable National Categorical Pretreatment Standard. The
Industrial User with an existing Wastewater Discharge Permit shall submit to the District within thirty (30) days after such notice, the information required by paragraphs (h) and (i) of Section 4.2.2. In addition to the foregoing, the terms and conditions of the permit shall be subject to modification by the District during the term of the permit as limitations or requirements are modified or other just cause exists. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance, as determined by the District.

SECTION 4.2.4 PERMIT CONDITIONS

Wastewater Discharge Permits shall be expressly subject to all provisions hereof and all other applicable regulations, user charges and fees established by the District or the governmental entity in which it is situated. Permits may contain, but are not limited to, the following:

(a) Payment of the then current unit charge or schedule of user charges and fees for the wastewater to be discharged to the sewer;

(b) Limits on the average and maximum wastewater constituents and characteristics. Limits may be expressed as averages over a specified period such as, but not limited to, daily or monthly, or limits may be expressed as instantaneous limits which is the maximum concentration of a pollutant at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of sampling;

(c) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;

(d) Requirements for installation and maintenance of inspection and sampling facilities;

(e) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;

(f) Compliance schedules;
(g) Requirements for submission of technical reports or discharge reports;

(h) Requirements for maintaining and retaining records relating to wastewater discharge as specified by the District, and affording District access thereto;

(i) Requirements for notification of the District of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;

(j) Requirements for notification of slug discharges;

(k) Requirements for separate systems to handle sanitary and industrial wastewater, such that in the event that the Industrial User's industrial wastewater is or could cause an interference or a potential interference with the District, that the industrial wastewater could be severed, preventing discharge into the District and still allowing the user's sanitary wastewater to discharge into the District;

(l) Best Management Practice Plan ("BMPP"). Each Industrial User shall provide protection from accidental discharge of prohibited materials or other substances regulated herein. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the Industrial User's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted for review, and shall be approved before construction of the facility. All existing Industrial Users shall complete such plan within ninety (90) days from the effective date of this regulation. No Industrial User who commences discharges to the District after the effective date hereof shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved. Review and approval of such plans and operating procedures shall not relieve the Industrial User from the responsibility to modify the Industrial User's facility as necessary to meet the requirements hereof. In the case of an accidental discharge, it is the responsibility of the Industrial User to immediately telephone and notify
the District of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

(1) Written Notice. Within five (5) days following an accidental discharge, the Industrial User shall submit to the Manager a detailed written report describing the cause of the discharge and the measures to be taken by the Industrial User to prevent similar future occurrences. Such notification shall not relieve the Industrial User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the District, fish and wildlife kills, or any other damage to person or property; nor shall such notification relieve the Industrial User of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

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

(m) Other conditions as deemed appropriate by the District.

4.2.5 PERMIT DURATION

A Wastewater Discharge Permit shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specified date. The Industrial User shall apply for permit re-issuance a minimum of 180 days prior to the expiration of the user's existing permit. Any permit may be canceled or terminated for failure to comply with the requirements hereof.

4.2.6 PERMIT TRANSFER PROHIBITED

A Wastewater Discharge permit shall not be sold, traded, assigned, transferred, or sublet.
SECTION 4.3 REPORTING REQUIREMENTS FOR PERMITTEE

4.3.1 COMPLIANCE DATE REPORT

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

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

(1) All information required in Section 4.2.2 [Note: See 40 CFR 403.12(b)(1)-(7)]

(2) Measurement of pollutants.
   a. The User shall provide the information required in Section 4.2.2(c).
   b. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
   c. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403.6(e)
to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;
d. Sampling and analysis shall be performed in accordance with Section 4.7;
e. The District Manager may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;
f. The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.

(3) Compliance Certification. A statement, reviewed by the User's Authorized Representative as defined in Section 1.3(C) and certified by a qualified professional engineer, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.

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

(5) Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 4.3.5 of this ordinance and
4.3.2 PERIODIC COMPLIANCE REPORTS

(a) Any Industrial User subject to a Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a new source, after commencement of the discharge into the District, shall submit to the Manager during the months of April and October, for the respective proceeding six (6) month period, unless required more frequently in the Pretreatment Standard or by the Manager, a report indicating the nature and concentration of Pollutants in the effluent which are limited by such Pretreatment Standards. In addition, this report shall include a record of all daily flows. At the discretion of the Manager and in consideration of such factors as local high or low flow rates, holidays, budget cycles etc., the Manager may alter the months during which the above reports are to be submitted.

(b) The Manager may impose mass limitations on Industrial Users which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subparagraph (a) of this paragraph shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the Industrial User. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the Manager, of pollutants contained therein which are limited by the applicable Pretreatment Standards. The frequency of monitoring shall be prescribed in the applicable Pretreatment Standard. All analysis shall be performed in accordance with procedures established by the EPA Administrator pursuant to the Act. Sampling shall be performed in accordance with the techniques approved by the EPA Administrator.

4.3.3 RECORDS ACCESS AND RETENTION

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

The Manager and/or his or her authorized representatives shall have access to all relevant records of Industrial Users for inspection and copying purposes. Access to such records shall not be denied upon request made by the Manager. Any denial of such records access shall be in violation of these Rules and Regulations.

4.3.4 SIGNATORIES AND CERTIFICATIONS

(a) All wastewater discharge permit applications, User reports and certification statements must be signed by an Authorized Representative of the User and contain the certification statement in section 4.3.5 or as approved by the District Manager.

(b) If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the District Manager prior to or together with any reports to be signed by an Authorized Representative.

4.3.5 CERTIFICATION STATEMENT

The following certification statement must be signed by an Authorized Representative and included with each report submitted to the District:

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.

SECTION 4.4 MONITORING FACILITIES

The Industrial User may be required to provide and operate, at its expense,
monitoring equipment and facilities approved by the Manager, sufficient to allow inspection, sampling, and flow measurement of the building sewer systems. The monitoring equipment and facilities shall be situated on the Industrial User's premises or such other location as allowed by the Manager.

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

Whether constructed on public or private property, the sampling and monitoring equipment and facilities shall be provided in accordance with the District's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the District.

SECTION 4.5 INSPECTION

All Industrial Users shall allow the Manager or his representatives ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, records examination or in the performance of any of its duties. The District, Approval Authority, State and EPA shall have the right to set up on the Industrial User's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where an Industrial User has security measures in force which would require proper identification and clearance before entry into their premises, the Industrial User shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the District will be permitted to enter, without unreasonable delay, for the purposes of performing their specific responsibilities.

SECTION 4.6 FAILURE TO ALLOW INSPECTION

In the event a duly authorized officer or agent of the District is refused admission for any purpose, the Manager may cause sewer service to the premises in question to be discontinued until the District agents have been afforded reasonable access to the premises and sewer system to accomplish the inspection and/or sampling.

SECTION 4.7 SAMPLING
All measurements, tests, and analyses of the characteristics of water and wastes to which reference is made herein shall be determined in accordance with 40 CFR Part 136 - Guidelines Establishing Test Procedures for Pollutants, as amended. In the event 40 CFR Part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, "Sampling and Analysis Procedures for Screening of Industrial Effluent for Priority Pollutants," April, 1977, as amended, or in accordance with other appropriate sampling or analytical procedures approved by the EPA. In the event that no special facility has been required, the point of inspection shall be considered to be the downstream man-hole in the public sewer nearest to the point at which the building sewer is connected to the public sewer. All sampling shall comply with the following requirements:

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

B. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
C. For sampling required in support of baseline monitoring and 90 day compliance reports[40 CFR 403.12(b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the District Manager may authorize a lower minimum.

SECTION 4.8 PRETREATMENT

Industrial Users shall provide necessary wastewater treatment as required to comply herewith. Any monitoring equipment and facilities required to pretreat wastewater to a level acceptable to the District shall be provided, operated, and maintained at the Industrial User's expense. Such facilities required by the District may include the requirement for separate systems to handle sanitary and industrial wastewater so that both can be discharged into the collection system independently of each other. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the District for review, and shall be approved in writing by the Manager before construction of the facility. The review of such plans and operating procedures will in no way relieve the Industrial User from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the District under the provisions hereof. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the District prior to the Industrial User's initiation of the changes.

The District shall annually publish in a newspaper of general circulation within the boundaries of the District, a list of the users which were "significantly violating" any Pretreatment Requirements or Standards during the previous 12 months. All records relating to compliance with Pretreatment Standards shall be made available to officials of the EPA or Approval Authority upon request.

SECTION 4.9 CONFIDENTIAL INFORMATION

Information and data on an Industrial User obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be
available to the public or other governmental agency without restriction unless the Industrial User specifically requests and is able to demonstrate to the satisfaction of the Manager that the release of such information would divulge information, processes or methods or production entitled to protection as trade secrets of the user.

When requested by the Industrial User furnishing a report, 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 upon written request to governmental agencies for uses related hereto, the National Pollutant Discharge Elimination System (UPDES) Permit, and/or the pretreatment requirements; provided, however, that such portions of a report shall be available for use by EPA, the State or any state agency in judicial review or enforcement proceedings involving the user furnishing the report.
CHAPTER 5
FEES AND CHARGES

SECTION 5.1 PURPOSE
Each Industrial User shall pay all fees and charges required by the District or other assessing entity. Appropriate surcharges will be imposed. It is the purpose of this chapter to provide for the payment of all costs, maintenance and operation from the Industrial Users. The total annual cost of operation and maintenance shall include, but need not be limited to: labor, repairs, equipment replacement, maintenance, necessary modifications, power, sampling, laboratory tests, and a reasonable contingency fund. The charges will be based upon the quality and quantity of Industrial User's wastewater, and also upon the District's capital and operating costs to intercept, treat, and dispose of wastewater and plan for future needs. The applicable charges shall be set forth in a Schedule of rates for the District or assessing entity. The schedule of rates and charges shall be adjusted from time to time by the District or assessing entity as deemed necessary by the District or assessing entity.

SECTION 5.2 FEES AND CHARGES

5.2.1 CLASSIFICATION OF USERS
The users of the District may be divided into various classifications, including but not limited to: single dwelling units, duplexes, multiple dwelling units and nonresidential. Further classifications may be established for each nonresidential user class.

5.2.2 SURCHARGES
Industrial Users shall be subject to a surcharge for excessive BOD, suspended solids, biodegradable and non-biodegradable oil and grease, and for service outside the District boundaries.

5.2.3 FEES
The District may adopt fees which may include, but not be limited to, the following:

(a) Fees for all costs, including maintenance and operation.
(b) Fees for reimbursement of costs of setting up and operating the Pretreatment Program.
(c) Fees for monitoring, inspections and surveillance procedures to include, but not be limited to, laboratory analysis.
(d) Fees for reviewing accidental discharge procedures and construction.
(e) Fees for permit applications.
(f) Fees for filing appeals.
(g) Fees for consistent removal (by the District) of pollutants otherwise subject to National Pretreatment Standards.
(h) Fees for connection.
(i) Fees for repairs and disconnection.
(j) Fees for inspections and surveys.
(k) Fees for development and expansion.
(l) Other fees as the POTW Governing Authority may deem necessary.

5.2.4 DAMAGE TO FACILITIES

The user shall pay for the increased costs incurred when the Industrial User's discharge causes an obstruction or damage or when, because of the nature of the discharge, costs are increased as when toxic pollutants increase the costs for managing the effluent or the sludge.

5.2.5 REVIEW OF EACH INDUSTRIAL USER'S WASTEWATER SERVICE CHARGE

The District shall annually review the total cost of operation and maintenance, as well as each Industrial User's discharge, and will revise charges as necessary to assure equity and sufficient funds to adequately operate and maintain the District. If an Industrial User has completed in-plant modifications, which would change that user's discharge, the Industrial User can present at a regularly scheduled meeting of the POTW Governing Authority such factual information, and the POTW Governing Authority shall determine if the Industrial User's charge is to be changed.

SECTION 5.3 COLLECTION PROCEDURES
5.3.1 **CHARGES - RESPONSIBILITY OF OWNER**

All fees and charges made for sewer services shall be chargeable against and payable by the owner of the premises connected or to be connected with the sewer.

5.3.2 **PERIODIC BILLING STATEMENTS**

The District or other assessing entity shall cause billings for wastewater treatment to be rendered periodically at rates established by the District.

5.3.3 **DELINQUENCY**

Fees and charges levied in accordance with this chapter shall be a debt due to the District. If this debt is not paid within thirty (30) days after billing, it shall, at the District's option, be deemed delinquent and subject to penalties and may be recovered by civil action, and the District shall have the right to terminate sewer service and enter upon private property for accomplishing such purposes. At the District's option, it may also certify the delinquency to the County In accordance with law at which time it becomes a lien against the real property of the delinquent owner.

5.3.4 **COLLECTION, ACCOUNTING, COSTS**

The District or assessing entity shall receive and collect the sewer fees and charges levied under the provisions of this chapter. In the event of partial payment, the District may apply said payment to any sums due for sewer fees and charges.

5.3.5 **RESTORATION OF SERVICE**

Sewer service shall not be restored until all charges, including the expense of termination and restoration of service, shall have been paid.
CHAPTER 6
ENFORCEMENT AND PENALTIES

SECTION 6.1  ENFORCEMENT AUTHORITY

These Rules and Regulations and administrative procedures established subsequent are adopted by the District pursuant to State law, County and City ordinances, rules and regulations, including but not limited to Title 17A, Chapter 2, Part 3 and Title 26, Chapter 11 of the Utah Code Annotated 1953, as amended, for the purpose of enforcing the provisions contained herein.

The District may take appropriate enforcement actions in accordance with its enforcement response program as adopted and as amended from time to time.

SECTION 6.2  ADMINISTRATIVE ENFORCEMENT

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

SECTION 6.3  NOTIFICATION OF VIOLATION

Whenever the District finds that any Industrial User has violated or is violating its wastewater discharge permit, or any prohibition, limitation or requirement contained herein, the District shall serve upon such Industrial User a written notice stating the nature of the violation, which may include a cease and desist order. Other informal action may include telephone calls or meetings to show cause. If the Industrial User is in significant noncompliance (SNC), formal action against the industry shall be taken. Formal action may include administrative orders, administrative fines, civil suit for injunctive relief or termination of service. Industrial users who are in SNC may also be required to submit within the time specified therein, a plan for the satisfactory correction thereof shall be submitted to the District by the Industrial User.
SECTION 6.3 METHODS OF NOTIFICATION AND IU RESPONSE

Any notification required herein shall be served either personally or by registered or certified mail. Within 30 days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the District Manager. Submission of such a plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the District Manager to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

SECTION 6.4 SUSPENSION OF SERVICE

The District may, without notice or hearing, suspend wastewater treatment service and/or a Wastewater Discharge Permit when such suspension is necessary, in the opinion of the District, in order to stop an actual or threatened discharge which does or may present an endangerment to persons or the environment or interference with the District or a violation of its UPDES Permit. Any person notified of suspension of his permit or services shall immediately stop or eliminate the discharge. In the event of a failure of the user to comply voluntarily with the suspension order, the District shall take such steps as deemed necessary, including severance of the sewer connection, to prevent or minimize damage to the system or endangerment to any individuals. The District may reinstate the Wastewater Discharge Permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. The Industrial User shall pay all costs and expenses for any such suspension and restoration of service. A detailed written statement submitted by the Industrial User describing the causes of the harmful discharge and the measures taken to prevent any future occurrence shall be submitted to the District within fifteen (15) days of the date of occurrence.

SECTION 6.5 PERMIT REVOCATION

Any Industrial User who violates the following conditions hereof, or applicable state and National regulations, is subject to having Users permit revoked:

(a) Failure of an Industrial User to factually report the wastewater
constituents and characteristics of its discharge;
(b) Failure of the Industrial User to report significant changes in operations, or wastewater constituents and characteristics;
(c) Refusal of reasonable access to the Industrial User's premises for the purpose of inspection or monitoring;
(d) Violation of conditions of the permit;
(e) Failure to pay any fees or charges.

SECTION 6.6 CIVIL LIABILITY

6.6.1 JURISDICTION

All civil actions shall be brought in a court of competent jurisdiction in the name of the District as Plaintiff by the District's Attorney.

6.6.2 VIOLATORS LIABILITY

Any person violating the provisions herein shall be liable for any expense, loss or damage caused by reason of such violation, including the increased costs, if any, for managing effluent or sludge, when such increases are the result of the Industrial User's discharge of toxic pollutants. The Manager shall add such charge to the discharger's treatment charge. The District may also obtain injunctive relief against a violating user.

6.6.3 COURT COSTS

In addition to any other remedies provided herein, the District may recover reasonable attorney's fees, court costs, and other expenses of litigation by appropriate legal action against the User found to have violated any provision herein, or any order, rules, regulations, permits or contracts issued hereunder. The Attorney for the District, upon request of the POTW Governing Authority, shall bring an appropriate action in Court to impose, assess and recover such sums.

SECTION 6.7 ADMINISTRATIVE REMEDIES

6.7.1 SHOW CAUSE HEARING

The District may order any user to show cause before the POTW Governing Authority why enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the POTW Governing
Authority regarding the violation, the reasons why the action is to be or was taken, the enforcement action, and directing the Industrial User to show cause why the enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail at least ten (10) days before the hearing.

6.7.2 DESIGNATION OF HEARING ENTITY

The POTW Governing Authority may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the District, or contract with others to:

(1) Issue in the name of the District notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
(2) Take the evidence;
(3) Prepare a report of the evidence and hearing including transcripts where requested and other evidence, together with recommendations for action thereon.

6.7.3 TESTIMONY

At any hearing held pursuant thereto, testimony may be recorded.

6.7.4 CEASE AND DESIST ORDERS

After the POTW Governing Authority has reviewed the evidence, it may issue an order of cease and desist to the Industrial User responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed or existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

6.7.5 REFERRAL FOR STATE ACTION

The District may refer to the State of Utah violations of pretreatment or toxic effluent standards under the provisions of the Utah Water Pollution Control Act, Title 26, Chapter 11, Utah Code Annotated, 1953, as amended or other applicable laws. All cases involving criminal violations shall be referred to the State.
6.7.6 CONSENT AGREEMENTS

The Manager or his agent are hereby empowered to enter into Consent Agreements, assurances of voluntary compliance, or other similar documents establishing a agreement with the person responsible for the non-compliance. Such orders will include specific action to be taken by the person to correct the non-compliance within a time period also specified by the order.

SECTION 6.8 APPEAL PROCEDURE

Any permit applicant, permit holder, or other user affected by any decision, action, or determination, including cease and desist orders, made by the District in interpreting or implementing the provisions herein, or any permit issued hereunder, may file with the Manager a written request for reconsideration within ten (10) days of such decision, action, or determination, setting forth in detail the facts supporting the request. The Manager may elect to hold a hearing on the request. The request for reconsideration shall be acted upon by the Manager within then (10) days from the date of filing or the close of the reconsideration hearing. The decision, actions, or determination shall remain in effect during such period of review by the Manager.

If the decision of the Manager is unsatisfactory to the person appealing, he or she may file a written appeal to the POTW Governing Authority within ten (10) days after receipt of the decision. The POTW Governing Authority may hear the appeal and shall make a final ruling on the appeal within twenty (20) days of receipt of the User’s written appeal. The decision, action, or determination of the Manager shall remain in effect during such period of review by the POTW Governing Authority. The decisions of the POTW Governing Authority shall be binding on all entities and the User until and unless superseded by a Court Order.

SECTION 6.9 LEGAL ACTION AUTHORIZED

If any User discharges into the District contrary to the provisions hereof, National or state Pretreatment Requirements or any order of the District, the District’s attorney may commence an action for appropriate legal and/or equitable relief, including but not limited to seeking injunctive relief against an Industrial User for noncompliance. Each
day in which any violation shall continue shall be deemed a separate offense. In addition, the District shall have the authority to seek civil penalties in the amount of $1,000 per day for each violation by Industrial Users of any pretreatment standards or requirements as authorized by Davis County ordinance No. 08-84.

SECTION 6.10 TERMINATION OF SERVICE

The District may terminate or cause to be terminated sewage treatment service to any user for a violation of any provision herein.

SECTION 6.11 CIVIL FINE PASS THROUGH

In the event that an Industrial User discharges such pollutants which cause the District to violate any condition of its NUPDES Permit and the District is fined by EPA or the State for such violation, then such user shall be fully liable for the total amount of the fine assessed against the District by EPA or the State and administrative costs incurred.

SECTION 6.12 ADDITIONAL PENALTIES

In addition to the penalties provided herein, the District may seek to recover reasonable attorney's fees, court costs, court reporters' fees, and other expenses of litigation by appropriate legal action against the user found to have violated any provision herein, or the orders, Rules and Regulations and permits issued hereunder. The attorney for the District, upon request of the POTW Governing Authority, shall petition the District Court to recover such sums.

SECTION 6.13 EMERGENCY PROCEEDINGS

The Manager or the POTW Governing Authority may issue an order on an emergency basis without complying with the requirements of this Chapter if:

1) the facts known by the District or presented to the District show than an immediate and significant danger to the public's health, safety, or welfare exists;

2) the threat requires immediate action by the District.

In issuing an emergency order, the Manager or the POTW Governing Authority shall:

1) limit the order to require only the action necessary to prevent or avoid the danger to the public's health, safety, or welfare.
2) issue promptly a written order, effective immediately, that includes a brief statement of findings of fact, conclusions of law, and reasons for utilization of emergency action proceedings;

3) give immediate notice to the persons who are required to comply with the order.

If the emergency order issued under this section will result in the continued infringement or impairment of any legal right or interest of any party, the District shall thereafter commence a formal or informal proceeding in accordance with the other provisions of this Chapter.
CHAPTER 7
CONFLICT AND SEVERABILITY

SECTION 7.1  CONFLICT

All existing resolutions, rules, and regulations heretofore passed and adopted or any parts thereof which are in conflict or inconsistent with the provisions of this regulation are hereby repealed. All others shall remain in full force and effect. Particularly reserved from repeal are all contracts, covenants, resolutions and documents relating to bond issues and the outstanding unpaid bonds of the District and all contracts, resolutions and documents relating to the service contracts now existing between the District and all the municipalities lying within the District.

SECTION 7.2  SEVERABILITY

If any provision, paragraph, word, section or chapter hereof is invalidated by any court of competent jurisdiction, the remaining provisions paragraphs, words, sections, and chapters shall not be affected and shall continue in full force and effect.
CHAPTER 8

AMENDMENT PROCESS

The provisions herein may be amended or revised from time to time by a majority vote of the District Board of Trustees.