

**RULES AND REGULATIONS**

**Adopted 8/18/2010**

**SOUTH VALLEY WATER  
RECLAMATION FACILITY**

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# GENERAL PROVISIONS

## Short Title

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

## Purpose of Provisions

* + - 1. It is necessary for the health, safety and welfare of the residents of the South Valley Water Reclamation Facility (“SVWRF”) service area to regulate the collection of wastewater and treatment thereof to provide for maximum public benefit. The SVWRF is a political subdivision of the State of Utah created under authority of the Interlocal Cooperation Act, Utah Code Ann. 11-13-1 et.seq. 1953, by interlocal agreement between the five (5) Member Entities, which are: Midvale City, City of West Jordan, Midvalley Improvement District, South Valley Sewer District and, Sandy Suburban Improvement District. Pursuant to U.C.A. Sec. 11-13-205, the SVWRF was created as an administrative entity, a political subdivision of the State of Utah, to be known as the South Valley Water Reclamation Facility (SVWRF).
      2. In 2003 the Member Entities of the SVWRF approved Amendment No. 2 to the facility Interlocal Agreement pursuant to which the facility became a separate legal entity, a political subdivision of the State of Utah.
      3. The objectives of these Rules and Regulations are:
         1. To prevent the introduction of Pollutants into SVWRF which will interfere or potentially interfere with the operation of the system or contaminate any resulting sludge;
         2. To prevent the introduction of Pollutants into SVWRF which will pass through the system, inadequately treated, into the receiving waters or the atmosphere or otherwise be incompatible with the system;
         3. To improve the ability of SVWRF to recycle monitor, treat and reclaim wastewaters and sludges from the system;
         4. To provide for the equitable distribution of operation and maintenance costs among Users of the SVWRF;
         5. To prevent the introduction of Pollutants into SVWRF, which may compromise the safety of the collection system operators and treatment plant operators;
         6. To promote the general health, safety and welfare of those individuals residing and working within the SVWRF service area.
         7. To enable SVWRF to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the SVWRF is subject.
      4. These Rules and Regulations shall apply to all Users of the SVWRF. The SVRWF Rules and Regulations authorize the issuance of individual and general wastewater discharge permits, provide for monitoring, provides for requiring the installation of pretreatment equipment as needed, compliance, monitoring, and enforcement activities; establishes administrative review procedures; requires Users reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

## Administration

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

## Definitions

* + - 1. Unless a provision explicitly states otherwise, the following terms and phrases, as used in these Rules and Regulations, shall have the meanings hereinafter designated.
         1. **Absolve.** To excuse; to free from an obligation or the consequence of guilt or liability.
         2. **Act or “The Act”.** The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. Section 1251 et seq. and any subsequent amendments.
         3. **Administrative Action.** An enforcement action pursued by SVWRF in accordance with the SVWRF Rules and Regulations.
         4. **Administrative Order.** A document which orders the violator to perform a specific act or refrain from an act. For example, the order may require User(s) to attend a Show Cause Hearing, cease and desist discharging, or undertake activities pursuant to a compliance schedule.
         5. **Admissible Evidence.** Evidence which can be admitted in a court of law or administrative proceeding.
         6. **Approval Authority**. State of Utah.
         7. **Arbitrary or Capricious Allegation.** An assertion that a decision or action taken by SVWRF was unreasonable or not founded upon sound judgment.
         8. **Authorized Representative of User(s).** An authorized representative of the User(s) may be:

If the User is a Corporation:

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 level decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; has authority to ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit and general permit requirements; and where authority to sign documents has been assigned or delegated to a manager in accordance with corporate procedures.

If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.

If the User is a limited liability company: the managing partner or member.

If the User is a federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his/her designee.

The individuals described in paragraphs (8)(a), (8)(b), (8)(c), and (8)(d) above may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company and the written authorization is submitted to SVWRF.

A member of the Utah State Bar.

* + - * 1. **Biochemical Oxygen Demand (“BOD”).** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20° centigrade expressed in terms of weight and concentration (milligrams per liter [mg/l]. Laboratory determinations shall be made in accordance with approved EPA methods (reference 40 CFR 136).
        2. Best Management Practices (BMP’s). Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 2.2.1 and 2.2.2 [40CFR 403.5 (a)(1) and (b)]. BMP’s include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
        3. **Board.** The SVWRF Board of Directors.
        4. **Burden of Proof.** The duty of proving a disputed assertion or charge in a court of law or administrative proceeding.
        5. **Bypass.** The intentional diversion of wastestreams from any portion of an Industrial User’s treatment facility.
        6. **Categorical Industrial User.** An industrial User subject to National Categorical Pretreatment Standards.
        7. **Cease and Desist Order.** An Administrative Order directing the Us**er(s)** to immediately halt illegal or unauthorized activities, processes, and/or discharges which are in violation of the Discharge Permit and/or SVWRF Rules and Regulations.
        8. **Chain of Custody.** A written record of sample possession for all person(s) who handle, collect, transport, analyze, or dispose of a sample, including names, dates, times, and procedures followed.
        9. **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.
        10. **Civil Litigation.** A lawsuit filed in a civil court. If the court rules that the defendant has violated the law, the court may impose civil penalties, injunctions, legal or other equitable remedies and/or cost recovery.
        11. **Civil Penalty.** A punitive monetary award granted by a court of law to SVWRF against a defendant.
        12. **Code of Federal Regulations.** The Code of Federal Regulations is a codification of general and permanent rules published in the Federal Register by the Executive departments and agencies of the Federal Government.

* + - * 1. **Commercial User.** A non-residential User creating discharge into the SVWRF system for business purposes, not subject to National Categorical Pretreatment Standards.
        2. **Compatible Pollutant.** Biochemical oxygen demand, suspended solids and fecal coliform bacteria; plus any additional Pollutants identified in SVWRF’s UPDES permit, where SVWRF treatment plant is designed to treat such Pollutants and, in fact, does treat such Pollutants to the degree required by SVWRF’s UPDES permit.
        3. **Compliance Order.** An Administrative Order directing the non-compliant User(s) to achieve or restore compliance by a date specified in the Order.
        4. **Compliance Schedule.** A schedule of required activities (also called milestones) necessary for the User(s) to achieve compliance with all SVWRF Pretreatment Program requirements.
        5. **Consent Decree.** A court or administrative proceeding approved settlement agreement, the violation of which may be considered contempt of court.
        6. **Consent Order.** An Administrative Order embodying a legally enforceable agreement between SVWRF and the non-compliant User(s) and is designed to restore the User(s) to compliance status.
        7. **Construction Standards.** The general construction requirements adopted by the SVWRF for installation of sewerage facilities.
        8. **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.
        9. **Control Authority.** SVWRF under provisions of 40 CFR Part 403.3.
        10. **Cooling Water.** The water discharged from any use such as air conditioning, cooling or refrigeration, to which the only Pollutant added is heat.
        11. **Criminal Intent.** A state of mind which is a necessary element of all crimes. Criminal Intent may be general (intent to perform an act) or specific (intent to break a law).
        12. **Criminal Negligence.** Negligence of such a character, or occurring under such circumstances, as to be punishable as a crime (such flagrant and reckless disregard of the safety of others or willful indifference to the injury likely to follow).
        13. **Criminal Prosecution.** A criminal charge brought by SVWRF against accused violator. The alleged criminal action may be a misdemeanor or a felony and is defined as willful, negligent, knowing, and/or intentional violations. A court trial-by-jury is generally required and upon conviction, punishment may include a monetary penalty, imprisonment, or both.
        14. **Daily Maximum.** The arithmetic average of all effluent samples for a Pollutant collected during a calendar day.
        15. **Daily Maximum Limit.** The maximum allowable discharge limit of a Pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the Pollutant concentration derived from all measurements taken that day.
        16. **Defendant.** The party against whom relief or recovery is sought
        17. **Deterrent Value.** A threat of reprisal which is sufficient to discourage the User(s) from future violation(s).
        18. **Director of Operations.** The person designated by SVWRF to supervise the operation of the SVWRF, and who is charged with certain duties and responsibilities by these Rules and Regulations. The term also means a duly authorized designee of the Director of Operations.
        19. **Direct Discharge.** The discharge of treated or untreated wastewater directly to the waters of the State.
        20. **District Clerk.** The person appointed by the SVWRF Board of Directors to record and retain official correspondence, meeting minutes, resolutions, agreements and contracts.
        21. **Environmental Protection Agency or EPA.** The United States Environmental Protection Agency, or where appropriate, the term may be used as a designation for the Administrator or other duly authorized official of said agency.
        22. **Existing Business.** Any business holding a valid business license and actually conducting business at one or more locations within the SVWRF service area as of June 1, 1991.
        23. **Existing Source.** Any source of discharge that is not a “New Source.”
        24. **Fees.** A schedule of charges imposed to recover treatment costs (not punitive in nature).
        25. **Felony.** Generally an offense of a more serious nature that misdemeanor. A crime punishable by imprisonment in a penitentiary.
        26. **Fine.** A punitive monetary charge for a violation. Often used synonymously with “penalty”, although the term “fine” generally implies the use of administrative rather than civil (judicial) procedures.
        27. **Garbage.** Solid wastes from the preparation, cooking and dispensing of food and from handling, storage, and sale of produce.
        28. **General Manager.** Shall mean the chief executive officer of SVWRF or his/her designated representative, subject to the advice, oversight, authority and general supervision of the SVWRF Board.
        29. **Good Faith Effort.** Prompt and vigorous pollution control measure undertaken by the User(s) which shows that extraordinary efforts (not “business-as-usual” approach) have been made to achieve compliance.
        30. **Governing Authority (SVWRF Board).** The SVWRF Board which is comprised of one representative from each of the five (5) Member Entities.
        31. **Grab Sample.** An individual sample collected from the waste stream in less than 15 minutes without regard for flow or time.
        32. **Grease Interceptor.** A tank containing at least one baffle in which solids, greases, and oils are separated from wastewater, located outside the User’s building and accessible through a manhole cover.
        33. **Grease Trap.** A device, generally located directly under a sink or drain, designed to retain grease.
        34. **Holding Tank Sewage.** Any wastewater from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, sealed vaults, and vacuum-pump tank trucks.
        35. **Inadmissible.** Evidence not allowed to be presented in a court of law or administrative proceeding.
        36. **Incompatible Pollutant**. All Pollutants other than Compatible Pollutants as defined herein.
        37. **Indictment.** A written accusation of criminal conduct by a grand jury
        38. **Indirect Discharge.** The discharge or the introduction of Pollutants into the SVWRF from any non-domestic source.
        39. **Industrial Park**. A parcel of real property designated for activities that apply to the producing of commodities by manufacturing or processing (usually on a large scale). It may include the receiving, storage, warehousing, or distribution of commodities.
        40. **Industrial User.** A source of industrial discharge into SVWRF.
        41. **Industrial Wastewater.** Liquid and water carried industrial waste and sewage from commercial buildings, industrial manufacturing facilities, and institutions whether treated or untreated, which are contributed to SVWRF.
        42. **Injunction, Injunctive Relief.** A court order or administrative order which restrains or compels action by the User(s).
        43. **Instantaneous Limit.** The maximum concentration of a Pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
        44. **Interference**. A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the SVWRF, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the SVWRF UPDES Permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued there under, or any more stringent State or local regulations: section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Act; and the Marine Protection, Research, and Sanctuaries Act.
        45. **Judicial Action or Case.** An enforcement action that involves a court of law. The action may be civil or criminal in nature.
        46. **Local Limit**. Specific discharge limits developed and enforced by SVWRF upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).
        47. **Member Entity or Member Entities.** One or more of the following political subdivisions of the State of Utah:

Midvale City

Midvalley Improvement District

South Valley Sewer District

City of West Jordan

Sandy Suburban Improvement District

* + - * 1. **Misdemeanor.** An offense other than a felony punishable by fine or imprisonment other than in a penitentiary.
        2. **Medical Waste**. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
        3. **Monthly Average.** The sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.
        4. **Monthly Average Limit.** The highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.
        5. **National Categorical Pretreatment Standard or Categorical Pretreatment Standard.** Any regulation containing Pollutant discharge limits promulgated by the EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1311) which applies to a specific category of Industrial User.
        6. **National Pollutant Discharge Elimination System Permit (NPDES)**. A permit issued pursuant to section 402 of the Act (33 U.S.C. 1342). (See also UPDES Permit in this section)
        7. **National Prohibitive Discharge Standard or Prohibitive Discharge Standard.** Any regulation developed under the authority of 307 (b) of the Act and 40 CFR part 403.5.
        8. **New Source.**

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

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

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

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;

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

Construction of a New Source as defined under paragraph (75)(a) and (b) has commenced if the owner or operator has:

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

Any placement, assembly, or installation of New Source facilities or equipment; or

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

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.

* + - * 1. **Non-Contact Cooling Water.** Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
        2. **Notice of Violation.** A document notifying User(s) that action(s) of the User(s) have violated requirements of their discharge permit and/or provision(s) of the SVWRF Rules and Regulations. Generally used as an initial enforcement action when the violation is relatively minor and SVWRF expects that the violation will be corrected within a short period of time.
        3. **Pass Through**. A discharge which exits SVWRF into waters of the State of Utah, the quantities or concentrations of which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of SVWRF’s UPDES permit (including an increase in the magnitude or duration of a violation).
        4. **Penalty.** A monetary or other punitive measure usually associated with a court action. For the purposes of these Rules and Regulations, the term is used synonymously with Fine.
        5. **Person.** Any individual, partnership, co-partnership, firm, limited liability company, company, corporation, association, joint stock company, trust, estate, governmental entity or other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by context.
        6. **pH.** A measure of the acidity or alkalinity of a solution, expressed in standard units.
        7. **Plaintiff.** A person or entity seeking remedy in a court of law. For purposes of these Rules and Regulations, the plaintiff is SVWRF.
        8. **Plumbing Code.** The International Plumbing Code as adopted by the State of Utah.
        9. **Pollutant**. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
        10. **Pretreatment.** The reduction of the amount of Pollutants, the elimination of Pollutants, or the alteration of the nature of Pollutant properties in wastewater prior to, or in lieu of, introducing such Pollutants into the SVWRF. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the Pollutants unless allowed by an applicable Pretreatment Standard.
        11. **Pretreatment Director.** The duly authorized agent of the SVWRF General Manager to perform all duties related to the SVWRF Pretreatment Program as directed.
        12. **Pretreatment Requirements**. Any substantive or procedural requirement related to pretreatment, imposed on a User other than a Pretreatment Standard.
        13. **Pretreatment Standards or Standards.** Pretreatment Standards shall mean Prohibited Discharge Standards, National Categorical Pretreatment Standards, and Local Limits.
        14. **Priority Pollutants.** A list of 126 Pollutants established by EPA and considered hazardous to the environment and to humans.
        15. **Process Wastewater**. Any wastewater generated from commercial or industrial processes; including, but not limited to wash water, dish water, rinse water, mop water, quench water, recirculation water, blow down water and clean-up water.
        16. **Prohibited Discharge Standards or Prohibited Discharges**. Absolute prohibitions against the discharge of certain substances, these prohibitions appear in Section 2.2 of these Rules and Regulations.
        17. **Proprietary Information.** Information about a commercial chemical, product, or process which is considered to be confidential business information or a trade secret by User(s) because, if divulged, the information could jeopardize the business’ competitive advantage within the same industry.
        18. **Publicly Owned Treatment Works (“POTW”).** A treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292) which is owned by SVWRF and having statutory authority to collect and treat sewage. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage and industrial wastes of a liquid nature at any conveyances, which convey wastewater to SVWRF. For the purposes hereof, SVWRF shall also include any sewer that conveys wastewater to SVWRF from persons outside the SVWRF service area and who are by permit or agreement actual Users of SVWRF.
        19. **Receiving Water Quality.** Requirements for the SVWRF’s treatment plant effluent established by SVWRF or by applicable State or Federal regulatory agencies for the protection of receiving water quality. Such requirements shall include effluent limitations, and waste discharge standards, requirements, limitations, or prohibitions which may be established or adopted from time to time by State or Federal agencies or other regulatory agencies.
        20. **Reportable Non-Compliance.** Criteria for identifying when SVWRF should be reported in the UPDES Quarterly Non-Compliance Report for failure to implement its approved Pretreatment Program.
        21. **Rules and Regulations.** The wastewater control Rules and Regulations adopted by SVWRF and/or the Governing Authority as amended from time to time.
        22. **Sampling Manhole.** A manhole into which a person or equipment may be lowered to sample wastewater. (Specifications are on file at SVWRF).
        23. **Sanitary Sewer.** The pipe or conduit system and appurtenances, used for the collection, transportation, pumping, and treatment of sewage. This definition shall also include the terms “public sewer”, “sewer system”, “Member Entity’s sewer”, and “sewer”.
        24. **Sanitary Wastewater**. Any wastewater that originates from toilets, urinals, sinks, wash basins, showers, or bathtubs that are specifically used to maintain sanitary conditions for human habitation only.
        25. **Self-Monitoring.** Sampling and analysis of wastewater performed by the User(s).
        26. **Septic Tank Waste**. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
        27. **Sewage.** The water-borne wastes discharged to the sanitary sewer from buildings used for residential, commercial, institutional, and industrial purposes. As used herein, wastewater and sewage are synonymous; thus, they are interchangeable.
        28. **Shall and Will** is mandatory; **May** is permissive.
        29. **Strip Mall, Mall, or Industrial Complex.** A grouping of establishments in the same geographic area which are rented or leased from a common owner.
        30. **Show Cause Hearing.** An enforcement response used by SVWRF to address non-compliance issues of the User(s). May be formal or informal in nature. Formal hearings are conducted according to the rules of evidence, with written transcripts and cross-examination of witnesses, and open to the public. Informal hearings are closed to the public. May be conducted by the Pretreatment Director or General Manager, and can be used as a forum to investigate, examine evidence, interview potential witnesses, and/or negotiate with the User(s) a resolution to User(s) non-compliance issue(s).
        31. **Show Cause Order.** An Administrative Order directing a non-compliant User(s) to appear before SVWRF explaining his/her non-compliance, and to show cause why more severe enforcement actions against the User(s) should not be pursued.
        32. **Significant Industrial User (SIU).** Except as provided in paragraphs (a)(iii) and (b) of this Section, a Significant Industrial User is:

an Industrial User that:

Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the SVWRF per average work day (excluding sanitary, non-contact cooling and boiler blow down wastewater);or

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

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

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

The Industrial User, prior to SVWRF’s finding, has consistently complied with all applicable National Categorical Pretreatment Standards and Requirements;

The Industrial User annually submits the certification statement required in Section 4.4B(3) [See 40 CFR 403.12(q)], together with any additional information necessary to support the certification statement; and

The Industrial User never discharges any untreated concentrated wastewater.

Upon finding that a User meeting the criteria in Section 2.2.7 has no reasonable potential for adversely affecting the SVWRF’s operation or for violating any Pretreatment Standard or Requirement, SVWRF may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.

* + - * 1. **Significant Noncompliance.** One or more of the following:

Chronic violations (exceedances sixty-six percent (66%) of the time during a 6-month period) of the same Pollutant parameters;

Technical Review Criteria (TRC) violations [Thirty-three percent (33%) or more of measurements for each Pollutant parameter taken during a 6-month period equal or exceed the product of the applicable limit and the TRC value (1.4 times the limit for a conventional Pollutant or 1.2 times the limit for a toxic Pollutant)];

A violation of pass through or interference;

A discharge of imminent endangerment to human health under 40 CFR 403.8 (f) (vi) (B);

Violations of a compliance schedule milestone by 90 days;

Violations of report submittal deadlines by 30 days;

Failure to report noncompliance; and

Any other violation deemed significant by the Control Authority [40 CFR 403.8 (f) (2) (vii)].

* + - * 1. **Significant Violation.** A violation which remains uncorrected 45 days after notification of noncompliance; which is part of a pattern of noncompliance over a twelve-month period; which involves a failure to accurately report noncompliance; or which resulted in the SVWRF exercising its emergency authority under 40 CFR.403.8 (f) (1) (vi) (B).
        2. **Slug Load or Slug Discharge**. Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 2.2 of these Rules and Regulations. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the SVWRF’s regulations, Local Limits or Permit conditions.
        3. **South Valley Water Reclamation Facility (“SVWRF”).** A wastewater treatment plant, POTW, and its related facilities, as a political subdivision of the State of Utah.
        4. **Standard Industrial Classification (“SIC”).** A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.
        5. **Standard Methods.** Procedures described in the latest edition of “Standard Methods for the Examination of Water and Wastewater” as published by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation or other procedures as may be adopted by the SVWRF Board.
        6. **Strict Liability.** Liability which attaches without regard to the User(s) “negligence” or “intent” to violate. Non-compliant User(s) will be found liable for violations if SVWRF proves that a violation has occurred.
        7. **State.** State of Utah.
        8. **Statute of Limitations.** A law which prescribes the period within which an enforcement action may be pursued by SVWRF.
        9. **Stipulation.** A voluntary agreement between opposing parties as to facts or issues in controversy.
        10. **Storm Sewer.** Shall mean a pipe, conduit system, or a sewer that carries only storm, surface and ground water drainage.
        11. **Storm Water.** Any flow occurring during or following any form of natural precipitation and resulting there from.
        12. **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 or for commercial, manufacturing, or industrial purposes shall be exempt. Further, the above definition shall not apply to the sale or conveyance of any parcel of land which may be shown as one of the lots of a subdivision of which a plat has been recorded in the office of the county recorder. The word “subdivide”, and any derivative thereof shall have reference to the term “subdivision” as herein defined.
        13. **Surcharge.** The charge for treating excessive Pollutant loadings.
        14. **Termination of Service.** A physical blockage or disconnection of the sewer connection to a non-compliant User(s), or issuance of a formal Notice of Termination to the User(s).
        15. **Total Suspended Solids or Suspended Solids (TSS).** The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.
        16. **UPDES Permit.** A permit issued by the State of Utah pursuant to U.C.A Sec. 19-5-101 et seq.1953 as amended.
        17. **Upset.** An exceptional incident in which there is unintentional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the industrial User.
        18. **User or Industrial User.** Any individual, partnership, co-partnership, firm, limited liability company, company, corporation, association, joint stock company, trust, estate, governmental entity, or other legal entity, or their legal representative(s), agent(s), or assigns who contributes, causes, or permits the contribution of wastewater into the SVWRF wastewater treatment plant and/or related facilities or any Member Entity’s sewer system.
        19. **Viscosity**. The property of a fluid that resists flow as a result of counteracting forces.
        20. **Wastehauler.** Any individual, partnership, co-partnership, firm, limited liability company, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns, that obtains wastewater from one location and transports it for disposal to another location.
        21. **Wastewater.** Liquid and water-carried industrial wastes, and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the SVWRF wastewater treatment plant and/or related facilities.
        22. **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.
        23. **Wastewater Strength.** The quality of wastewater discharged as measured by its elements, including its constituents and characteristics.

## Abbreviations

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

|  |  |
| --- | --- |
| **Abbreviation** | **Description** |
| AO | Administrative Order |
| ASPP | Accidental Spill Prevention Plan |
| BCC | Business Classification Code |
| BMP | Best Management Plan |
| BMR | Baseline Monitoring Report |
| BOD | Biochemical Oxygen Demand |
| BPJ | Best Professional Judgment |
| CERCLA | Comprehensive Environmental Response |
| CFR | Code of Federal Regulations |
| CIU | Categorical Industrial User |
| COD | Chemical Oxygen Demand |
| CU | Commercial User |
| CWA | Clean Water Act |
| CWF | Combined Wastestream Formula |
| EDD | Enforcement Decision Document |
| EPA | U.S. Environmental Protection Agency |
| FR | Federal Register |
| FS | Feasibility Study |
| FWA | Flow Weighted Average |
| GC | Gas Chromatography |
| GC/MS | Gas Chromatography/Mass Spectroscopy |
| GM | General Manager |
| gpd | Gallons Per Day |
| HRS | Hazard Ranking System |
| IPC | International Plumbing Code |
| IU | Industrial User |
| LEL | Lower Explosive Limit |
| Lbs/day | Pounds Per Day |
| mgd | Million Gallons Per Day |
| mg/l | Milligrams Per Liter |
| NCP | National Contingency Plan |
| NOV | Notice of Violation |
| NPDES | National Pollutant Discharge Elimination System |
| NSCIU | Non-Significant Categorical User |
| PC | Pretreatment Coordinator |
| PD | Pretreatment Director |
| PI | Pretreatment Inspector |
| POTW | Publicly Owned Treatment Works |
| RCRA | Resource Conservation and Recovery Act |
| SI | Site Investigation |
| SIC | Standard Industrial Classification |
| SIU | Significant Industrial User |
| SNC | Significant Non-Compliance |
| SV | Significant Violation |
| SVWRF | South Valley Water Reclamation Facility |
| SWDA | Solid Waste Disposal Act |
| TOMP | Toxic Organic Management Plan |
| TRC | Technical Review Criteria |
| TSS | Total Suspended Solids |
| TSDF | Treatment, Storage, and Disposal Facility |
| TTO | Total Toxic Organics |
| UPDES | Utah Pollution Discharge Elimination System |

# GENERAL SEWER REGULATIONS

## Supervision of SVWRF

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

## Wastewater Discharge Prohibitions and Limitations

### General Discharge Prohibitions and Limitations

* + - * 1. **Discharge of Sewage.** All sewage shall be discharged to public sewers except as provided hereinafter. No User shall discharge any sewage from any premises within the SVWRF service area into or upon any public highway, stream, water course, or public place, or into any drain, cesspool, storm or private sewer, except as provided hereafter.
        2. **Prohibited Discharge Into Sanitary Sewer.** No User shall introduce or cause to be introduced into the SVWRF any Pollutant or wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the SVWRF whether or not they are subject to National Categorical Pretreatment Standards or any other federal, state or local Pretreatment Standards or Requirements.
        3. **Discharge into Storm Sewers.** Storm water, surface drainage, subsurface drainage, groundwater, roof-water run-off, non-contact cooling water or unpolluted water may be admitted to specifically designated storm sewers which have adequate capacity for the transmission of said waters. However, this may be done, after obtaining the proper permit from the governmental entity regulating storm sewers. No User shall connect to and/or use sanitary sewers for the purposes of discharging any of the discharges named herein.

### Specific Prohibitions

* + - 1. No User shall introduce or cause to be introduced into the SVWRF the following Pollutants, substances, or wastewater:
         1. Pollutants which create a fire or explosive hazard in the SVWRF, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140° F (60° C) using the test methods specified in 40 CFR 261.21;
         2. Wastewater having a pH level outside of limits as set forth in User’s Permit or outside the limits of SVWRF’s Rules and Regulations as set forth in SVWRF’s Local Limits.
         3. Solid or viscous substances in amounts which will cause obstruction of the flow in the SVWRF resulting in Interference but in no case solids greater than 1/4 inch(s) in any dimension, animal guts or tissues, paunch, manure, bones, hair, hides, or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grindings or polishing wastes ;
         4. Pollutants, including oxygen-demanding Pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other Pollutants, will cause Interference with the SVWRF;
         5. Wastewater having a temperature greater than 140° F (60° C), or which will inhibit biological activity in the treatment plant resulting in Interference, but in no case Wastewater which causes the temperature at the introduction into the treatment plant to exceed 104° F (40° C);
         6. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through but not to exceed 100 mg/l;
         7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the SVWRF in a quantity that may constitute a hazard to worker health or create safety problems;
         8. Trucked or hauled Pollutants, except at discharge points designated by the Pretreatment Director in accordance with Section 2.8 of these Rules and Regulations;
         9. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for the maintenance or repair;
         10. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the SVWRF plant’s effluent, thereby violating SVWRF’s UPDES permit;
         11. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
         12. Storm Water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, condensate, deionized water, Noncontact Cooling Water, and unpolluted wastewater, unless specifically authorized by the Pretreatment Director;
         13. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
         14. Medical Wastes, except as specifically authorized by the Pretreatment Director in an individual wastewater discharge permit or general permit issued by SVWRF;
         15. Wastewater causing, alone or in conjunction with other sources, the treatment plant’s effluent to fail toxicity test;
         16. Detergents, surface-active agents, or other substances which might cause excessive foaming in the SVWRF;
         17. Fats, oils, or greases of animal or vegetable origin in concentrations greater than 1000 mg/l;
         18. Wastewater causing two readings on an explosion hazard meter at the point of discharge into the SVWRF, or at any point in the SVWRF, of more than five percent (5%) or any single reading over ten percent (10%) of the lower explosive limit of the meter.
         19. Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the SVWRF.

### National Categorical Pretreatment Standards (NCPS)

* + - 1. Users shall comply with the National Categorical Pretreatment Standards found at 40 CFR Chapter 1 Subchapter N, Parts 405-471.
      2. Where a National Categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a Pollutant in wastewater, the Pretreatment Director may impose equivalent concentration or mass limits in accordance with these Rules and Regulations.
      3. When the limits in a National Categorical Pretreatment Standard are expressed only in terms of mass of Pollutant per unit of production, the Pretreatment Director may convert the limits to equivalent limitations expressed either as mass of Pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.
      4. When wastewater subject to a National Categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the Pretreatment Director shall impose an alternate limit in accordance with 40 CFR 403.6(e).
      5. A CIU may obtain a net/gross adjustment to a National Categorical Pretreatment Standard in accordance with the following paragraphs of this Section. [See 40 CFR 403.15]
         1. National 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 SVWRF. Upon request of the Industrial User, the applicable Standard will be calculated on a “net” basis (i.e. adjusted to reflect credit for Pollutants in the intake water if the requirements of paragraph 2.2.7 of this Section are met.
         2. Criteria.

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

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

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

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 SVWRF discharges. SVWRF may waive this requirement if it finds that no environmental degradation will result.

### Local Limits Development

The Pretreatment Director is authorized to establish Local Limits pursuant to 40 CFR 403.5(c). The Pretreatment Director may also impose mass limitations in addition to the concentrations set forth in the Local Limits in Sections 9 and 10 of these Rules and Regulations, or any amendments thereto.

### Specific Pollutant Limitations

* + - 1. No User shall discharge wastewater into SVWRF which contains an excess of the Controlled Limited and Controlled Admissible Pollutants, as established by the SVWRF Board from time to time as set forth in Sections 9 and 10 of these Rules and Regulations, or any amendments thereto. Dilution Prohibited
      2. No User shall increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. The Pretreatment Director may impose mass limitation on Users who are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases when the imposition of mass limitations is appropriate.

### Treatment Bypasses

* + - 1. For the purposes of this Section,
         1. Bypass means the intentional diversion of wastestreams from any portion of a User’s treatment facility.
         2. Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
      2. A bypass of the Permitee’s treatment system is prohibited and the Pretreatment Director may take enforcement action against a User for a bypass, unless all of the following conditions are met:

The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

There was no feasible alternative to the bypass, including the use of auxiliary treatment or retention of the wastewater; and

The User responsible for the bypass properly notified the Pretreatment Director as described in paragraph (2) below.

Users must provide immediate notice to the Pretreatment Director upon discovery of an unanticipated bypass. The Pretreatment Director may require the User to submit a written report as he/she directs explaining the cause(s), nature, and duration of the bypass, and the steps being taken to prevent its recurrence.

* + - 1. A User may allow a Bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it is for essential maintenance to ensure efficient operation to the treatment system. Users anticipating a bypass shall submit notice to the Pretreatment Director no less than 10 days in advance. The General Manager may only approve the anticipated bypass if the written notice satisfies all of the conditions set forth in paragraphs (1)(a), (b), (c), (d), above.

### State of Utah Requirements

State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those limitations contained herein.

### Right of Revision

* + - 1. SVWRF reserves the right at its sole discretion with or without notice to establish more stringent limitations or requirements on discharges to the Wastewater Disposal System if deemed necessary to comply with the objectives set forth in Section 1.2 hereof.
      2. The Member Entities may establish Pretreatment Requirements that are more stringent than the limits set forth in this section for their respective collection systems.

## Special Permits and/or Contracts

### Special User Permits and/or Contracts

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

### Permits and/or Contracts with Other POTW's

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

## Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with these Rules and Regulations and shall achieve compliance with all National Categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Section 2.2 of these Rules and Regulations, within the time limitations specified by EPA, the State, or the Pretreatment Director of SVWRF, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User’s expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Pretreatment Director for review, and shall be approved by the Pretreatment Director before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to SVWRF under the provisions of these Rules and Regulations. The Pretreatment Director is authorized to mandate changes to such plans and operating procedures to meet the provisions of these Rules and Regulations.

### Additional Pretreatment Measures

* + - 1. Whenever deemed necessary, the Pretreatment Director may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the SVWRF and determine the User’s compliance with the requirements of these Rules and Regulations.
      2. The Pretreatment Director may require any User discharging into the SVWRF to install and maintain, on their property and at their sole expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit or general permit may be issued solely for flow equalization.
      3. Grease interceptors, oil and sand interceptors, and any other SVWRF approved pretreatment equipment, and sampling manholes, shall be provided when, in the opinion of the Pretreatment Director, they are necessary for the proper handling of wastewater containing excessive amounts of grease, oil, or sand; except that such interceptors shall not be required for residential users. All interception units and sampling manholes shall be constructed according to specifications on file at SVWRF and shall be installed as shown on the specification(s) and as instructed. Said manholes and interceptors shall be inspected by SVWRF prior to backfilling to ensure they are installed as required by the SVWRF specifications. The size of the interceptors shall be approved by the Pretreatment Director, and shall comply with SVWRF’s Rules and Regulations. The User shall be solely responsible for any expense incurred.
      4. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

### Accidental Discharge/Slug Discharge Control Plans

The Pretreatment Director shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control Slug Discharges. the Pretreatment Director may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. The Pretreatment Director may develop such a plan for any User. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

* + - 1. Description of discharge practices, including non-routine batch discharges;
      2. Description of stored chemicals;
      3. Procedures for immediately notifying the Pretreatment Director of any accidental or Slug Discharge, as required by Section 4.9 of these Rules and Regulations; and
      4. Procedures to prevent adverse 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.

### Grease Interceptors

* + - 1. Grease interceptors, as described by the International Plumbing Code, shall be required of any User when, in his/her discretion the Pretreatment Director determines they are necessary for the proper handling of wastewater containing grease in excessive amounts; except that such interceptors shall not be required for residential dwelling units. All interceptors shall be of a type and capacity approved by SVWRF according to plans on file in the SVWRF's office. All interceptors shall be located as to be readily accessible for cleaning by the User and inspection by SVWRF or Member Entity employees. All plans for grease interceptors shall be submitted to SVWRF and Member Entity for review and approval prior to installation. Immediately after installation and prior to backfilling the User shall request inspection from SVWRF and Member Entity.
      2. All grease interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, water tight and equipped with easily removable covers.
      3. Where installed, all grease interceptors shall be maintained by the User in efficient operation at all times. Grease interceptors shall be maintained at User’s sole expense.
      4. Grease interceptors shall be required of all new commercial or industrial establishments upon construction where deemed necessary by SVWRF.
      5. All existing commercial or industrial businesses shall have one year upon notification by SVWRF to install a grease interceptor where required per SVWRF standards.
      6. A grease interceptor shall be installed outside of the commercial or industrial business which it serves. Access to a grease interceptor shall not be placed in the flow of automotive, vehicle, or pedestrian traffic and shall be accessible at all times.
      7. Emulsifiers or degreasers shall not be added to any plumbing that leads directly or indirectly to the grease interceptor.
      8. Sizing criteria set forth in the IPC shall be used when the minimum approved size interceptor on file at SVWRF will not adequately service a commercial or industrial establishment.
      9. Grease interceptors of restaurants or other establishments which have closed shall be de-watered and cleaned by or under the authorization of the owner of said establishment. A representative of the SVWRF shall inspect and verify this process has been completed to the satisfaction of SVWRF.

### Grease Traps

* + - 1. Grease Traps are only allowed in place of a Grease Interceptor when it is physically impossible to install a grease interceptor outside of the building or business. A variance request from the owner of the property must be made to SVWRF with a letter from a Utah State licensed plumber or engineer.
      2. Grease traps, as described by the International Plumbing Code, shall be required of any User when, in his/her discretion, the Pretreatment Director determines they are necessary for the proper handling of wastewater containing grease in excessive amounts except that such grease traps shall not be required for residential dwelling units. All grease traps shall be of a type and capacity approved by the SVWRF Pretreatment Director.
      3. Where installed, all grease traps shall be fully maintained by the User at User’s sole expense, in a continuous, efficient manner at all times subject to SVWRF inspection and approval.
      4. All existing commercial or industrial businesses shall have one year upon written notification from SVWRF to install a grease trap where required. Existing businesses having operable grease traps may continue to utilize said traps unless otherwise required herein.
      5. Emulsifiers or degreasers shall not be added to any plumbing that leads to, directly or indirectly to the grease trap.

### Requirements for Malls

* + - 1. It is the responsibility of the Owner of a Mall, to require that any mall business, tenant, or user that is found to be surchargeable or a Significant Industrial User fully meet the requirements of these Rules and Regulations and any other federal, State or local regulation.
      2. It is the responsibility of each owner, tenant, or user located in a Mall, to obtain from SVWRF pretreatment permits, licenses and separate approval to discharge into the sewer collection system.
      3. All existing Malls shall have one year from written notification from SVWRF to fully comply with these Rules and Regulations, and other applicable rules and regulations pertaining to these matters.

### Business Parks

A Business Park is intended for the establishment of areas designed for research, development, scientific, and business endeavors conducted in a park-like setting. It is the responsibility of the owner of a Business Park, to comply with the requirements of these Rules and Regulations and any other applicable federal, State or local regulations if said owner leases, rents, sublets, etc. to any business, tenant or user that would be surchargeable or is a Significant Industrial User.

### Industrial Parks

It is the responsibility of the owner of an Industrial Park to comply with the requirements of these Rules and Regulations and any other applicable federal, State or local regulations if said owner leases, rents, sublets, etc. to any business, tenant, or user that would be surchargeable or is a Significant Industrial User.

### Medical Facilities

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

### Dental Offices

Dental Offices that do not use digital x-ray equipment must adhere to the above stated requirement as well as install an amalgam removal system using the best available technology on all piping and sinks where amalgam can be captured or discharged into the sewer system as recommended by the American Dental Association. They will also submit a BMP (Best Management Practice) Plan to SVWRF stating that they will maintain this equipment in operable order and will maintain manifests showing where the amalgam was disposed of.

### Commercial and Institutional Swimming Pools

Commercial and Institutional Swimming Pools must install a flow restriction device that will assure that the volume of discharge of the swimming pool does not cause the sewer system to surcharge due to the sudden hydraulic flow to the sewer system. SVWRF will indicate what time of day this discharge can take place. The owner of the swimming pool will submit a BMP (Best Management Practice) Plan to SVWRF stating that the owner agrees to these requirements.

### Commercial User

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

## Monitoring Facilities

### Significant Industrial Users

* + - 1. Each Significant Industrial User shall provide and operate, at its sole expense, monitoring equipment and facilities approved by the SVWRF Pretreatment Director, sufficient to allow inspection, sampling and flow measurement of the User sewer systems. The monitoring equipment and facilities shall be situated on the User’s premises or such other location as approved by the SVWRF Pretreatment Director, and shall be the size and type set forth in the specifications on file at SVWRF.
      2. There shall be ample room in or near such monitoring manhole or facility to allow the taking of accurate sampling and preparation of samples for analysis. The User’s, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the User.
      3. Whether constructed on public or private property, the sampling and monitoring equipment and facilities shall be constructed and operated in accordance with the SVWRF’s requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification to User by SVWRF requiring such monitoring facilities.

### Food Preparation Establishments

* + - 1. Sampling manholes shall be required of all Significant Industrial Users and all food preparation establishments which may be surcharged. All sampling manholes shall be of a type and capacity approved by the SVWRF in accordance with the specifications on file at the SVWRF office. All plans for sampling manholes shall be submitted to SVWRF for review. After installation and prior to backfilling, an inspection by SVWRF shall be scheduled by the User.
      2. Where installed, sampling manholes shall be maintained continually by the User at Users sole expense, in an efficient, clean, and workable condition.
      3. A sampling manhole shall be installed outside of the establishment which it serves. The sampling manhole shall be readily accessible at all times by SVWRF personnel and shall not be placed within the flow of vehicle traffic and vehicle parking area.
      4. All sampling manholes shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction and equipped with easily removable covers.

## Inspections

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

### Failure to Permit Inspection

In the event a duly authorized officer or agent of the SVWRF is refused admission to conduct an inspection, the SVWRF General Manager may cause sewer service to the premises in question to be discontinued until the SVWRF official and/or agent are allowed access to the premises and User‘s sewer system to accomplish the inspection and/or sampling.

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

## Pretreatment

* + - 1. Users shall provide necessary wastewater treatment as required to comply herewith. Any monitoring equipment and facilities required to pretreat wastewater to a level acceptable to the SVWRF shall be provided, operated, and maintained at the User's expense. Such facilities required by the SVWRF shall include the requirement for separate systems to handle sanitary and Industrial Wastewater so that both can be discharged into the Member Entity's collection system independently of each other. Detailed plans detailing the pretreatment facilities and operating procedures shall be submitted to the SVWRF for review, and shall be approved in writing by the SVWRF Pretreatment Director prior to construction of such facilities. The Pretreatment Director has the authority to require modifications or revision to meet the provisions of these Rules and Regulations. The review of such plans and operating procedures will in no way relieve the User from the responsibility of modifying User's facility as necessary to produce an effluent acceptable to the SVWRF under the provisions hereof. Any subsequent changes in Users pretreatment facilities or method of operation shall be reported to and approved by SVWRF prior to the User's initiation of the changes.
      2. The SVWRF shall annually publish, in a newspaper of general circulation within the service area of the SVWRF, a list of the CIU or SIU Users who were in significant noncompliance with any Pretreatment Requirements or Standards during the 12 previous months. The notification shall also summarize any enforcement actions taken against the CIU or SIU Users during the same 12 months. All records relating to compliance with Pretreatment Standards shall be made available to officials of the EPA or Approval Authority upon written request.

### Pretreatment Administrative Options

* + - 1. SVWRF may contract with any government or private entity to provide such administrative services as it deems necessary. SVWRF may contract for, but is not limited to contracting for, the following services:
         1. Permit Processing;
         2. Monitoring Facilities;
         3. Inspection and Sampling;
         4. Pretreatment Processing;
         5. Enforcement Action;
         6. Laboratory Analysis.

## Hauled Wastewater

* + - 1. Septic tank waste may be introduced into the SVWRF only at locations designated by the Pretreatment Director, and at such times as are established by the Pretreatment Director. Such waste shall not violate Section 2.2.1 and 2.2.2 of these Rules and Regulations or any other requirements established by SVWRF. The Pretreatment Director shall require septic tank waste haulers to obtain individual wastewater discharge permits or general permits.
      2. The Pretreatment Director may require haulers of industrial waste to obtain individual wastewater discharge permits or general permits. The Pretreatment Director also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of these Rules and Regulations.
      3. Industrial waste haulers may discharge loads only at locations designated by the Pretreatment Director. No load may be discharged without prior consent of the Pretreatment Director. The Pretreatment Director or his designee may collect samples of each hauled load to ensure compliance with applicable Standards. The Pretreatment Director may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
      4. Industrial waste haulers must provide SVWRF a detailed manifest tracking form provided by SVWRF for every load. This form shall include, at minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

## Car Washes

* + - 1. Prior to operating a business it is the responsibility of any person owning a car wash to apply for and obtain a permit from SVWRF, for a term of (5) years and may be renewed for an additional period upon approval by SVWRF.
      2. All car wash facilities must comply with all SVWRF Rules and Regulations.
      3. All car washes shall have one oil and sand separator for each bay, and one common oil and sand separator located just prior to the sampling manhole and discharge point to the sewer.
      4. It shall be the responsibility of the person owning a car wash to post appropriate signs in areas open to the public prohibiting the discharge of the following:
         1. Flammable or Explosive Materials with a flash point less than 140° F;
         2. Solid or viscous Materials;
         3. Any Toxic Material;
         4. Any Hazardous Material;
         5. Any Material having a pH level outside the limits as set forth in the User’s Permit;
         6. Any Noxious or Malodorous Material.
      5. Any person owning and/or operating a car wash is liable for damages suffered by SVWRF if it is established that car wash discharges into the sewer of the type mentioned in paragraph D above emanates from User’s car wash. User shall be liable to pay all costs associated therewith, including costs of investigation, sampling, analysis, damages, fines, and any other costs that arise out of said discharges. All sums must be paid in full within thirty (30) days after receipt of Notice from SVWRF.
      6. It is prohibited for persons owning and/or operating a car wash to allow wastehaulers, tanker trucks, or similar vehicles, to discharge load contents or portions thereof to the sewer system, or wash the interior of such vehicles and allow the runoff to enter the sewer system.

## Recreational Vehicle (RV) Dump Stations

* + - 1. It is the responsibility of each person owning a RV dump station to apply for and obtain a permit from SVWRF, for a term of five (5) years and may be renewed for an additional period upon approval by SVWRF.
      2. The person owning and/or operating a RV dump station is responsible for complying with all federal, state, and local wastewater discharge standards, including, but not limited to 40 CFR and SVWRF Local Limits.
      3. It shall be the responsibility of the person owning a RV dump station to post appropriate signs in areas viewable by its customers prohibiting the discharge of the following:
         1. Flammable or Explosive Materials with a flash point less than 140°F;
         2. Solid or Viscous Materials;
         3. Any Toxic Material;
         4. Any Hazardous Material;
         5. Any Material having a pH level outside of limits as set forth in User’s Permit;
         6. Any Noxious or Malodorous Material.
      4. The person owning and/or operating a RV dump station is liable for damages or losses to SVWRF if it is established that a discharge into the sewer of the type mentioned in C above emanates from Users RV dump station. It shall be User’s sole responsibility to pay all costs associated therewith, including but not limited to costs of investigation, sampling, analysis, damages, fines, and any other costs that arise out of said discharge.
      5. It is prohibited for persons owning and/or operating a RV dump station to allow wastehaulers, tanker trucks, or similar vehicles to discharge load contents of such vehicles and allow the runoff to enter the sewer system.
      6. RV dump stations will only accept wastes from recreational vehicles.

## Motor Vehicle Repair Shops

* + - 1. It is the responsibility of each person owning a Motor Vehicle Repair Shop to apply for and obtain a permit from SVWRF, for a term of five (5) years and may be renewed for an additional period upon approval by SVWRF.
      2. All motor vehicle repair shops may be required to install a sand and oil separator and sampling manhole of the type approved by SVWRF at the discretion of SVWRF's Pretreatment Director.
      3. All Motor Vehicle Repair Shop owners and operators shall comply with all Federal, State, and local wastewater discharge standards, including, but not limited to 40 CFR and SVWRF Local limits.
      4. It shall be the responsibility of the person owning a Motor Vehicle Repair Shop to post appropriate signs in areas viewable by customers prohibiting the discharge of the following:
         1. Flammable or Explosive Materials with a flash point of less than 140 Degrees Fahrenheit;
         2. Solid or Viscous Materials;
         3. Any Toxic Material;
         4. Any Hazardous Material;
         5. Any Material having a pH level outside of limits as set forth in User’s Permit;
         6. Any Noxious or Malodorous Material.
      5. The person owning and/or operating a Motor Vehicle Repair Shop is liable for damages or losses suffered by SVWRF if it is established that a discharge into the sewer of the type mentioned in D above emanates from Users Motor Vehicle Repair Shop. It shall be User’s sole responsibility to pay all costs associated therewith, including but not limited to costs of investigation, sampling, analysis, damages, fines, and any other costs that arise out of said discharge.

## Variances for Existing Business

* + - 1. It is not SVWRF policy to be detrimental to the business community of SVWRF's service area. However, SVWRF is obligated to follow the mandates of Federal and State Regulations. It is necessary therefore for those using the SVWRF's treatment facility to pay their fair share of the cost of treatment, however, there may be cases where strict compliance with the Rules and Regulations of Sections 2.7, 2.8, 2.9 and 2.11 might be physically impossible or cause undue financial hardship. To assist businesses who fall under these criteria, any owner of a business that believes they are physically or financially unable to meet the requirements of the Sections cited in this subsection, may request a Variance from the Pretreatment Director. The owner requesting the Variance shall supply the Pretreatment Director with any and/all information the Pretreatment Director deems necessary to make a decision. The Pretreatment Director may grant only the following Variances:
         1. If the variance request is based solely on financial hardship the Pretreatment Director may award an extension of time to come into full compliance up to a maximum of five (5) years. The Pretreatment Director may also designate a procedure to be followed by the business to come into compliance with Permit requirements.
         2. If the variance request is based solely on the physical impossibility to install the required equipment, then the Pretreatment Director may grant a variance stating that the business will pay a flat rate charge each quarter to help offset the cost of treating the User’s wastes. The User will continue to be subject to all other requirements of the User’s discharge permit. This variance and fee may be reviewed periodically at the discretion of the Pretreatment Director.
         3. Any user(s) or person(s) may appeal a decision of the Pretreatment Director by filing a Notice of appeal with the SVWRF District Clerk within thirty (30) days of the decision of the Pretreatment Director.
      2. The following are the conditions that the User must meet upon receiving a variance:
         1. The User shall immediately pay a surcharge in the amount of the standard fee which is charged to all surchargeable Users of SVWRF.
         2. The User shall apply for and receive a discharge permit from SVWRF and will abide by all conditions of said Permit.

# WASTEWATER DISCHARGE

## Authorization Required to Discharge

It shall be unlawful and a violation of these Rules and Regulations for anyone to discharge Pollutants or wastewater into the sewer system of a Member Entity or the SVWRF without first obtaining authorization in accordance with these Rules and Regulations.

## Permit for Sewer Services

### Generally

* + - 1. Residential Users properly authorized by a Member Entity to discharge domestic wastes into the Member Entity’s collection system may continue to do so upon compliance with the responsible Member Entity's Sewer Regulations and Ordinances.
      2. An Industrial User may be required by the SVWRF Pretreatment Director to obtain an Individual Wastewater Discharge Permit or General Permit in accordance with the procedures as set forth in this Section. Any Industrial User required by these Rules and Regulations to obtain a Permit is authorized to discharge Pollutants or wastewater to a Member Entity’s collection system and into SVWRF upon the effective date of the Permit when issued. Industrial Users not required by the Pretreatment Director to obtain a Permit are authorized to discharge Pollutants or wastewater to SVWRF only when properly authorized to do so by the responsible Member Entity.
      3. The Pretreatment Director shall establish an Industrial User classification system for the purpose of properly and objectively classifying Industrial Users for permitting purposes.

## Wastewater Discharge Permit and General Permit Issuance

### Wastewater Discharge Permit Application

All Users required to obtain an individual wastewater discharge permit or general permit must submit a permit application. Permit applications shall contain the following information as required by the Pretreatment Director:

* + - 1. Identifying Information.
         1. The name and address of the facility, including the name of the operator and owner.
         2. Contact information, description of activities, facilities, and plant production processes on the premises;
      2. Environmental Permits. A list of any environmental control permits held by or for the facility.
      3. Description of Operations.
         1. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description shall include a schematic process diagram, which indicates points of discharge to the SVWRF from the regulated processes.
         2. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the SVWRF;
         3. Number and type of employees, hours of operation, and proposed or actual hours of operation;
         4. Type and amount of raw materials processed (average and maximum per day);
         5. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
      4. Time and duration of discharges;
      5. The location for monitoring all wastes covered by the permit;
      6. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the SVWRF from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in Section 2.2.3 D of these Rules and Regulations (40 CFR 403.6(e)).
      7. Measurement of Pollutants.
         1. The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
         2. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the Pretreatment Director, of regulated pollutants in the discharge from each regulated process.
         3. Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.
         4. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 4.13 of these Rules and Regulations. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Pretreatment Director or the applicable Standards to determine compliance with the Standard.
         5. Sampling must be performed in accordance with procedures set out in Section 4.14 of these Rules and Regulations.
      8. Any other information as may be deemed necessary by the Pretreatment Director to evaluate the permit application.

### Wastewater Discharge Permit and General Permit Duration

An individual wastewater discharge Permit or general Permit shall be issued for a specified time period, not to exceed five (5) years, from the effective date of the Permit and may be renewed for an additional period upon approval of SVWRF. An individual wastewater discharge Permit or general Permit may be issued for a period less than five (5) years at the discretion of the Pretreatment Director. Each individual wastewater discharge Permit or general Permit will indicate a specific date upon which it will expire.

### Wastewater Discharge Permit and General Permit Contents

* + - 1. An individual wastewater discharge Permit or general Permit shall include such conditions as are deemed reasonably necessary by the Pretreatment Director to prevent Pass Through or Interference, protect the quality of the water body receiving SVWRF’s effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the SVWRF.
      2. Individual wastewater discharge Permit and general Permits must contain:
         1. A statement that indicates the wastewater discharge Permit issuance date, expiration date and effective date;
         2. A statement that the wastewater discharge Permit is nontransferable in accordance with section 3.4.7 of these Rules and Regulations.
         3. Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;
         4. Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of Pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and SVWRF’s Rules and Regulations.
         5. The process for seeking a waiver from monitoring for a Pollutant neither present nor expected to be present in the discharge in accordance with 40 CFR 403.12(e)(2), which includes an instruction to the Permit Holder to include requests for a new (or renewal of an existing) monitoring waiver for a Pollutant neither present nor expected to be present in the discharge;
         6. A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or SVWRF’s Rules and Regulations;
         7. Requirements to control Slug Discharge, if determined by the Pretreatment Director to be necessary; and
         8. Any grant of the monitoring waiver by the Pretreatment Director must be included as a condition in the User's discharge Permit.
      3. Individual wastewater discharge Permit and general Permit may contain, but need not be limited to, the following conditions:
         1. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
         2. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of Pollutants into the SVWRF;
         3. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
         4. Development and implementation of waste minimization plans to reduce the amount of Pollutants discharged to the SVWRF;
         5. The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the SVWRF;
         6. Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
         7. A statement that compliance with the individual wastewater discharge Permit or general Permit does not relieve the Permit Holder of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the individual wastewater discharge Permit or general Permit; and
         8. Other conditions as deemed appropriate by the Pretreatment Director to ensure compliance with these Rules and Regulations, and State and Federal laws, rules, and regulations.

## Permit Issuance Process

### Permit Appeals

Any person, including the User, may petition the Pretreatment Director to reconsider the terms of an individual wastewater discharge Permit or general Permit within thirty (30) days of notice of its issuance.

* + - 1. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
      2. In its petition, the Petitioner must indicate the individual wastewater discharge Permit or general Permit provisions objected to, the reasons for this objection, and the alternative condition, if any, the Petitioner seeks to place in the individual Categorical or Significant Industrial User wastewater discharge Permit.
      3. The requirements of the individual wastewater discharge Permit or general Permit shall not be stayed pending the appeal.
      4. If the Pretreatment Director fails to act within thirty (30) days after the Petition is filed, the request for reconsideration shall be deemed to be denied. Decisions not to issue, modify or reconsider an individual wastewater discharge Permit or general Permit, shall be considered final administrative actions for purposes of judicial review.
      5. Aggrieved parties seeking judicial review of the final administrative action for issuance of an individual Categorical of Significant wastewater discharge Permit decision must do so by filing a complaint with the Court of competent jurisdiction for Salt Lake County, State of Utah within thirty (30) days of the date of final action.

### Permit Modification

* + - 1. The Pretreatment Director may modify an individual wastewater discharge Permit or general Permit for good cause, including, but not limited to, the following reasons:
         1. To incorporate any new or revised Federal, State, or SVWRF Rules and Regulations.
         2. To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge Permit or general Permit issuance;
         3. A change in SVWRF that requires either a temporary or permanent reduction or elimination of the authorized discharge;
         4. Information indicating that the permitted discharge poses a threat or potential threat to SVWRF, SVWRF personnel, or the receiving waters;
         5. Violation of any terms or conditions of the individual wastewater discharge Permit or general Permit;
         6. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge Permit application or in any required reporting;
         7. Revision of or a grant of variance from National Categorical Pretreatment Standards pursuant to 40 CFR 403.13;
         8. To correct typographical or other errors in the individual wastewater discharge Permit or general Permit; or
         9. To reflect a transfer of the facility ownership or operation to a new owner or operator.

### Individual Wastewater Discharge Permit and General Permit Revocation

* + - 1. The Pretreatment Director may revoke an individual wastewater discharge Permit and general Permit for good cause, including, but not limited to, the following reasons:
         1. Failure to notify the Pretreatment Director of significant changes to the wastewater prior to the changed discharge;
         2. Failure to provide prior notification to the Pretreatment Director of changed conditions pursuant to section 4.8 of these Rules and Regulations;
         3. Misrepresentation or failure to fully disclose all relevant facts, information, and data in the wastewater discharge Permit application;
         4. Falsifying self-monitoring reports and certification statements, either intentionally or unintentionally;
         5. Tampering with monitoring equipment;
         6. Refusal to allow the Pretreatment Director or SVWRF employees or agents timely access to the Permit Holder facility premises and records;
         7. Failure to meet effluent limitations;
         8. Failure to pay fines;
         9. Failure to pay surcharges, laboratory fees, or entities sewer charges;
         10. Failure to meet compliance schedules;
         11. Failure to complete and submit a wastewater survey or the wastewater discharge Permit application;
         12. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
         13. Violation of any Pretreatment Standard or Requirement, or any terms of the wastewater discharge Permit or these Rules and Regulations;
         14. Failure to obtain written approval.
      2. Individual wastewater discharge Permits and general Permits shall be voidable upon cessation of business operations or transfer of business ownership. All individual wastewater discharge Permits and general Permits are void upon the issuance of a new individual wastewater discharge Permit or general Permit to the User.

### Individual Wastewater Discharge Permit and General Permit Reissuance

A User with an expiring individual wastewater discharge Permit or general Permit shall apply for individual wastewater discharge Permit or general Permit reissuance by submitting a complete Permit application, in accordance with the SVWRF Rules and Regulations, a minimum of sixty (60) days prior to the expiration date of the User's existing individual wastewater discharge Permit or general Permit.

### Permit Duration

All Permits 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 User shall apply for a new Permit a minimum of sixty (60) 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 contained in the Rules and Regulations.

### Permit Transfer Prohibited

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

# REPORTING REQUIREMENTS

## Reporting Requirements for Industrial User

* + - 1. Each Industrial User shall, upon request of the Pretreatment Director, complete and file with the Pretreatment Director, in a form prescribed by him/her, all Industrial User technical information including, but not limited to, the following:
         1. Name, address, and location of discharge (if different from the address);
         2. Standard Industrial Classification (SIC) number according to the Standard Industrial Classification Manual, Bureau Of The Budget (1972), as amended;
         3. Wastewater quantity and quality. Quality characteristics include, but are not limited to, those set forth in Section 2.2 herein as determined by a State certified analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(h) of the Act and contained in 40 CFR Part 136, as amended;
         4. Time(s) and duration of discharge;
         5. Average daily and peak wastewater flow rates, including daily, monthly and seasonal variations, if any;
         6. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections and appurtenances by size, location and elevation. If deemed necessary by the SVWRF, such plans shall provide for separate systems for handling sanitary and industrial wastewater;
         7. Description of activities, facilities and plant processes on all of User's premises including all materials which are or could be discharged;
         8. Where known, the quantity and specific nature of any Pollutants in the discharge which are limited by SVWRF, State or federal Pretreatment Standards, and a signed statement regarding whether or not the pretreatment standards are being met on a consistent basis and, if not, whether additional O&M and/or additional pretreatment is required for the User to meet applicable Pretreatment Requirements.
         9. If additional pretreatment and/or O&M will be required to meet Pretreatment Standards, the User shall prepare and submit a schedule which shall indicate when the additional treatment will be implemented. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standards. The following conditions shall apply to this schedule:

The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards;

No increment referred to in paragraph (a) shall exceed nine months;

Not later than 14 days following each date in the schedule and the final date for compliance, the User shall submit a written progress report to the Pretreatment Director which shall include, at a minimum, whether or not the User complied with the increment of progress to be met on such date and, if not, the reason for delay and steps being taken by the User to return the construction and operation to the schedule established.

Any other information as required by the Pretreatment Director to evaluate the Permit application. After evaluation and acceptance of the data furnished, the SVWRF may issue a Permit and if appropriate, enter into an agreement with the User.

## Initial and Modified Discharge Reports

* + - 1. New Source Industrial Users (including existing Users who propose to modify their processes and/or wastewater characteristics) shall provide to the Pretreatment Director at least ninety (90) days prior to actual discharge, an estimate of all the User's proposed wastewater constituents and characteristics including, but not limited to, materials identified in Section 2. Within ninety (90) days after the discharge is introduced into the SVWRF, the Industrial User shall provide to the Pretreatment Director a disclosure of wastewater constituents and characteristics in sufficient detail to enable the Pretreatment Director to determine compliance with Section 2, and also provide a verified statement stating whether compliance with these Rules and Regulations, in particular Section 2, is being achieved on a consistent basis, and if not, whether additional operation and maintenance activities and/or additional pretreatment is required.
      2. Existing Industrial Users shall provide to the Pretreatment Director at least ninety (90) days prior to actual discharge, an estimate of the proposed wastewater constituents and characteristics including, but not limited to, materials identified in Section 2. Within ninety (90) days after the discharge is introduced into the SVWRF, the Industrial User shall provide to the Pretreatment Director a disclosure report of wastewater constituents and characteristics in sufficient detail to enable the Pretreatment Director to determine compliance with Section 2, and also provide a verified statement stating whether compliance with these Rules and Regulations, in particular Section 2 is being achieved on a consistent basis, and if not, whether additional operation and maintenance activities and/or additional pretreatment is required.

## Pretreatment Compliance Schedule for SIU and CIU Users

* + - 1. When pretreatment and/or operation and/or maintenance activities will be required to comply with discharge prohibitions and limitations established in Section 2 hereof, the Industrial User shall submit to the Pretreatment Director a proposed reasonable schedule by which the pretreatment and/or additional operation and maintenance activities will be implemented. The schedule shall be subject to the approval of the Pretreatment Director but shall not exceed two (2) years. Any compliance schedule related to a National Categorical Pretreatment Standard shall not exceed the time limit established in the applicable federal regulations.
      2. An Industrial User submitting a proposed compliance schedule shall provide at a minimum, milestone dates for commencement and completion of construction and start of operations required for the Industrial User to comply with National Categorical Pretreatment Standards and/or SVWRF Local Limits. Said schedule shall include details such as completing preliminary and final plans, executing construction or purchase contract(s) for major components, commencing and completing construction or installation, and any and all other steps necessary to assure the Industrial Users are in compliance with the SVWRF Rules and Regulations.
      3. The Pretreatment Director will not approve a time increment for any single milestone date that exceeds nine (9) months.
      4. Not later than fourteen (14) days following each milestone date approved and the final date for compliance in the approved compliance schedule, the Industrial User shall submit a progress report to the Pretreatment Director. The progress reports shall include a sworn statement of compliance with the milestone deadline if such compliance was achieved. If not, the progress report shall state the date on which compliance with the milestone is expected, the reason for the failure to timely complete the increment progress, and the steps taken to return the compliance to the approved schedule. In no event shall more than nine (9) months elapse between such progress reports.
      5. When additional pretreatment and/or operation and maintenance activities are placed in operation, the Industrial User shall disclose within ninety (90) days of start-up the nature and concentrations of discharged substances limited or prohibited in Section 2 hereof, together with a statement as provided in indicating whether compliance is being achieved on a consistent basis.
      6. It shall be a violation of these Rules and Regulations for an Industrial User to fail to meet approved compliance schedule deadlines.

## Baseline Monitoring Reports for SIU and CIU Users

* + - 1. Within either one hundred eighty (180) days after the effective date of a National Categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to SVWRF shall submit to the Pretreatment Director 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 Pretreatment Director 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.
      2. Users described above shall submit the information set forth below:
         1. All information required in Section 3.3 of these Rules and Regulations [see 40 CFR 403.12(b)(1)-(7).
         2. Measurement of Pollutants for SIU and CIU Users

The User shall provide the information required in Section 4.2.

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

Samples shall be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User shall measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 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 SVWRF.

Sampling and analysis shall be performed in accordance with Section 4.13 and 4.14 of these Rules and Regulations and with 40 CFR 136.

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

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 SVWRF.

* + - * 1. Compliance Certification For SIU and CIU Users

A statement, reviewed by the Authorized Representative of User 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.

* + - * 1. Compliance Schedule For SIU and CIU Users

If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set forth in Section 4.5 of the SVWRF Rules and Regulations.

* + - * 1. Signature and Report Certification For SIU and CIU Users

All baseline monitoring reports must be certified and signed by an Authorized Representative of User in accordance with the SVWRF Rules and Regulations as defined in Sections 1.4 A(8).

## Compliance Schedule Progress Reports For SIU and CIU Users

* + - 1. The following conditions shall apply to the compliance schedule required by the SVWRF Rules and Regulations:
         1. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards. Such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation;
         2. No increment referred to above shall exceed nine (9) months;
         3. The User shall submit a progress report to the Pretreatment Director no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and
         4. In no event shall more than nine (9) months elapse between such progress reports to the Pretreatment Director.

## Reports on Compliance with National Categorical Pretreatment Standard Deadline

* + - 1. Within ninety (90) days following the date for final compliance with applicable National Categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the SVWRF, any User subject to such Pretreatment Standards and Requirements shall submit to the Pretreatment Director a report containing the information required by these Rules and Regulations. For Users subject to equivalent mass or concentration limits established in accordance with the procedures set forth in 40 CFR 403.6(c), this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to National Categorical Pretreatment Standards expressed in terms of allowable Pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with these Rules and Regulations. All sampling will be done in conformance with 40 CFR 136.

## Periodic Compliance Reports For SIU and CIU Users

* + - 1. All Significant Industrial Users must, at a frequency determined by the Pretreatment Director submit no less than four (4) times per year, on dates specified, reports indicating the nature, concentration of Pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Pretreatment Director or the Pretreatment Standard necessary to determine the compliance status of the User.
      2. All periodic compliance reports must be signed and certified in accordance with Section 4.4 B(5) of these Rules and Regulations.
      3. All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.
      4. If a User subject to the reporting requirement in this section monitors any regulated Pollutant at the appropriate sampling location more frequently than required by the Pretreatment Director, using the procedures prescribed in 40 CFR 403.12(g)(6), the results of this monitoring shall be included in the report.

## Reports of Changed Conditions

Each User must notify the Pretreatment Director of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least sixty (60) days before the change.

* + - 1. The Pretreatment Director may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge Permit application under these Rules and Regulations.
      2. The Pretreatment Director may issue an individual wastewater discharge Permit or general Permit, or modify an existing individual wastewater discharge Permit or general Permit in accordance with Section 3.4.2 of these Rules and Regulations in response to changed conditions or anticipated changed conditions.

## Reports of Potential Problems

* + - 1. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the SVWRF, the User shall immediately notify the Pretreatment Director or his/her authorized representative(s) of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.
      2. Within five (5) days following such discharge, the User shall, unless waived by the Pretreatment Director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage to SVWRF, or other liability which might be incurred as a result of damage to the SVWRF, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to these Rules and Regulations.
      3. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to contact in the event of a discharge described in paragraph A, above. The User shall ensure that their employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.
      4. Significant Industrial Users are required to notify the Pretreatment Director immediately of any changes at the SIU’s facility having the potential for a Slug Discharge..

## Reports from Unpermitted Users

All Users not required to obtain an individual wastewater discharge Permit or general Permit shall provide appropriate reports to the Pretreatment Director as the Pretreatment Director may require.

## Notice of Violation Repeat Sampling and Reporting

* + - 1. If sampling performed by a User indicates a violation, the User must notify the Pretreatment Director within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Pretreatment Director within thirty (30) days after becoming aware of the violation. Re-sampling by the Industrial User is not required if SVWRF performs sampling at the User's facility at least once a month, or if SVWRF performs sampling at the User between the time when the initial sampling was conducted and the time when the User or SVWRF receives the results of this sampling, or if SVWRF has performed the sampling and analysis in lieu of the Industrial User.
      2. If the SVWRF performed the sampling and analysis in lieu of the Industrial User, the SVWRF will perform the repeat sampling and analysis unless it notifies the User of the violation and requires the User to perform the repeat sampling and analysis. See 40 CFR 403.12(g) (2).

## Notification of the Discharge of Hazardous Waste

**SVWRF prohibits the discharge of hazardous wastes**.

* + - 1. Any User who commences the discharge of hazardous waste shall notify the SVWRF, EPA Regional Waste Management Division Director and State hazardous waste authorities, in writing, of any discharge into the SVWRF of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). The notification requirement in this Section does not apply to Pollutants already reported by Users subject to National Categorical Pretreatment Standards under the self-monitoring requirements of these Rules and Regulations.
      2. In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify the Pretreatment Director, EPA Regional Waste Management Division Director and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
      3. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by these Rules and Regulations, a discharge Permit issued there under, or any applicable Federal or State law.

## Analytical Requirements

All Pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge Permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable National Categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the Pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the Pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Pretreatment Director, SVWRF Laboratory Director, or other parties approved by State of Utah.

## Sample Collection

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period. SVWRF will indicate the frequency of monitoring necessary to assess and assure compliance by the User with applicable Pretreatment Standards and Requirements.

* + - 1. 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 Pretreatment Director. Where time-proportional composite sampling or grab sampling is authorized by SVWRF, 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 SVWRF, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits. See 40 CFR 403.12(g)(3).
      2. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
      3. For sampling required in support of baseline monitoring and 90-day compliance reports required in 40 CFR 403. 12(b) and (d), a minimum of four 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 Pretreatment Director may authorize a lower minimum. For the reports required by 40 CFR 403.12(e) and 403.12(h), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance with applicable Pretreatment Standards and Requirements.

## Date of Receipt of Reports

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

## Recordkeeping

* + - 1. Users subject to the reporting requirements in Section 4.1 of these Rules and Regulations shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by Section 4.7 of these Rules and Regulations, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices as defined in Section 1.4 A(10). Records shall include:
         1. The date, exact place, method, and time of sampling, and the name of the person(s) taking the samples;
         2. The dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses.
      2. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or SVWRF, or where the User has been specifically notified of a longer retention period by the Pretreatment Director.

## Certification of Permit Applications, User Reports and Initial Monitoring Waiver

* + - 1. The following certification statement is required to be signed and submitted by Users submitting Permit Applications; Users submitting baseline monitoring reports; Users submitting reports on compliance with the National Categorical Pretreatment Standard deadlines under 40 CFR 403.12(d); Users submitting periodic compliance reports required by 40 CFR 403.12(e) and (h), in accordance with Section 4.4B(5) of these Rules and Regulations,.
      2. The following certification statement must be signed by an Authorized Representative of User as defined in Section 4.4B(5) of these Rules and Regulations:

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

## Compliance Monitoring

### Right of Entry: Inspection and Sampling

* + - 1. The Pretreatment Director or his/her authorized representatives shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of these Rules and Regulations and any individual wastewater discharge Permit or general Permit or order issued hereunder. Users shall allow the Pretreatment Director or his/her authorized representative(s) ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties. Such entry shall not be conditioned upon the signing of releases or waivers.
      2. Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Pretreatment Director or his/her authorized representative(s) shall be permitted to enter without delay for the purposes of performing specific responsibilities.
      3. The Pretreatment Director or his/her authorized representative(s) shall have the authority to set up on the User's property such devices as are necessary to conduct sampling and/or metering of the User's operations.
      4. The Pretreatment Director may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated semi-annually to ensure their accuracy.
      5. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the Pretreatment Director or authorized designee and shall not be replaced. The costs of clearing such access shall be borne by the User.
      6. Unreasonable delays in allowing the Pretreatment Director or his/her authorized representative(s) access to the User's premises shall be a violation of these Rules and Regulations.
      7. The monitoring facility shall provide ample room in or near the monitoring facility to allow accurate sampling and preparation of samples and analysis and whether constructed on public or private property, the monitoring facilities shall be provided in accordance with the Pretreatment Director’s requirements and all applicable constructions codes, standards and specifications, and such facilities shall be constructed and maintained in such manner so as to enable the Pretreatment Director or his/her authorized representative(s) to perform independent monitoring activities.

### Periodic Compliance Reports for Users with a General Permit

* + - 1. Any User subject to a Pretreatment Standard shall, after the compliance date of such Pretreatment Standard, or, in the case of a new source, after commencement of the discharge into the sewer, submit to the Pretreatment Director during the month of April, for the respective preceding fiscal year, unless required more frequently in the Pretreatment Standard, Permit, or by the Pretreatment Director, 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 which during the reporting period exceeded the average daily flow reported in the previous periodic compliance reports. At the discretion of the Pretreatment Director and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Pretreatment Director may alter the months during which the above reports are to be submitted.
      2. The Pretreatment Director may impose mass limitations on Users which are using dilution to meet applicable Pretreatment Standards or requirements or in other cases where the impositions of mass limitations are appropriate. In such cases, the report required by paragraph (A) of this Section shall indicate the mass of Pollutants regulated by Pretreatment Standards or Permit in the effluent of the 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 Pretreatment Director, of Pollutants contained therein which are limited by the applicable Pretreatment Standards or Permit. The frequency of monitoring shall be prescribed in the applicable Pretreatment Standard or Permit. All analysis shall be performed in accordance with procedures established by the State Pretreatment Coordinator pursuant to section 304 (h) of the Act and contained in 40 CFR Part 136 and amendments thereto, or with any other test procedures approved by the State Pretreatment Coordinator. Sampling shall be performed in accordance with the techniques approved by the State Pretreatment Coordinator.

### Compliance Schedule Progress Report for General Permit Users

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

### State and Other Governmental Requirements for General Permit Users

Industrial Users that discharge into the SVWRF shall meet all State reporting requirements or applicable requirements established by other governmental entities.

### RCRA Notification for General Permit Users

SVWRF requires all Users within its service area to report, discharges of hazardous wastes as required in 40 CFR 403.12(p), and that Industrial Users notify POTWs, State and EPA of the nature and mass of RCRA hazardous wastes that such Industrial Users introduce into the POTW.

## Required Notice for Accidental Releases and Upsets For General Permit Users

### Immediate Notice

Upon accidental release or upset resulting in a Prohibited Discharge’s and/or a discharge in excess of any National Categorical Pretreatment Standard or SVWRF's Local Limits into the SVWRF, the User shall immediately notify SVWRF of the incident. The notification shall include the date, time and location of the discharge, type of waste, concentration, and volume and the corrective actions taken.

### Written Notice

Within five (5) working days following any such accidental discharge or upset, the User shall file with the Pretreatment Director or authorized designee a detailed written report describing the following:

* + - * 1. Description of the discharge and its cause;
        2. Type of waste, concentration and volume;
        3. Duration of the discharge, including exact date and time it began and ceased, and if the discharge is continuing, the time when it will cease;
        4. All steps taken or to be taken to reduce, eliminate or prevent recurrence of the incident and to reduce or eliminate any adverse effect of the discharge on SVWRF.

### Notice to Employees of General Permit Users

A notice shall be permanently posted on the User's bulletin board or other prominent place advising User’s employees who to contact in the event of an accidental release or upset subject to these Rules and Regulations. Users shall ensure that all appropriate employees are advised of the emergency notification procedures.

## Environmental Control Permits for General Permit Users

Users shall submit to the Pretreatment Director upon his/her request a list of all environmental control Permits issued to or held by the User.

### Signatory Requirements of General Permit Users

* + - 1. All reports submitted to the Pretreatment Director in accordance with and as required by these Rules and Regulations shall be signed by:
         1. an authorized officer of the User, if a corporation;
         2. proprietor, if a sole proprietorship;
         3. a general partner, if a general or a limited partnership;
         4. the owner of the User, if other than a corporation, partnership, or sole proprietorship;
         5. the managing partner or member of a limited liability company;
         6. the authorized agent of a governmental facility;
         7. a duly authorized employee, if such employee is responsible for the overall operation of the User;
         8. The owner of the real property when reports are required of such owner.
      2. All reports required by these Rules and Regulations shall be subject to the Utah Water Pollution Control Act, as amended, and all other applicable State and federal laws pertaining to fraud, misrepresentation, and false statements.

### Sampling and Laboratory Analysis for General Permit Users

* + - 1. All measurements, tests and analyses required for submission of reports under this Section shall be conducted by a laboratory certified for such analysis in the State or as approved by the Pretreatment Director for laboratories outside the State.
      2. All sampling and laboratory analysis required under this Section shall be performed 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 Effluents for Priority Pollutants," April, 1977, as amended, or in accordance with other appropriate sampling or analytical procedures approved by the EPA.

### Records Access and Retention for General Permit Users

Users subject to this Section shall retain 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 SVWRF or at the request of SVWRF shall be kept by the Industrial User until the enforcement action has been concluded by SVWRF.

The Pretreatment Director and/or his/her authorized representatives shall have access to all relevant records of User’s for inspection and copying purposes. Denial of such records access requests shall be a violation of these Rules and Regulations and subject the User to appropriate sanctions.

### Confidential Information

* + - 1. Information and data on a User, obtained from reports, surveys, wastewater discharge Permit applications, individual wastewater discharge Permit or general Permits, and monitoring programs, and from Pretreatment Director or Pretreatment Staff inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the Pretreatment Director, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information shall be held confidential, the portions of a report which are protected records shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the UPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.
      2. Information deemed by the SVWRF as protected shall not be transmitted to any governmental agency by the SVWRF until and unless l0-day written notification is given to the User by certified mail or personal service.

# FEES AND CHARGES

## Purpose

Each User shall pay all fees and charges required by the SVWRF. Appropriate surcharges will be imposed. It is the purpose of this Section to provide for payment by the Users all pretreatment costs, of maintenance and operation. 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 User's wastewater, and also upon the SVWRF capital and operating costs to intercept, treat and dispose of wastewater. The applicable charges shall be set forth in a Schedule of Rates for the SVWRF. The schedule of rates and charges shall be adjusted from time to time by the SVWRF to accurately apportion such costs, including energy costs, among the Users of the SVWRF.

## Fees and Charges

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

## Classification of Users

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

## Surcharges

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

## Fees

* + - 1. The SVWRF may adopt fees from time to time which may include, but not be limited to, the following:
         1. Fees for all SVWRF costs, including maintenance and operation;
         2. Fees for reimbursement of costs of setting up and operating the SVWRF's Pretreatment Program;
         3. Fees for monitoring, inspections and surveillance procedures, to include but not limited to laboratory analysis;
         4. Fees for reviewing accidental discharge procedures and construction;
         5. Fees for processing Permit applications and any applicable contract applications;
         6. Fees for consistent removal (by the SVWRF) of Pollutants otherwise subject to State, federal, SVWRF Pretreatment Standards;
         7. Fees for inspections, surveys and investigations;
         8. Other fees as the SVWRF may deem necessary to carry out the requirements contained herein.

## Damage to Facilities

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

## Review of Each User's Wastewater Service Charge

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

## Notification To Member Entity

* + - 1. Each Member Entity will be provided, at least annually:
         1. A copy of any Resolution adopting the schedule of Rates and Fees and Charges attributed to the Pretreatment Program; and
         2. A copy of the SVWRF Financial Report which shall include the income attributed to the Pretreatment Program.

## USER FEE SCHEDULE

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

# 

# ENFORCEMENT

## Enforcement Authority

* + - 1. The following procedures, rules and regulations are adopted by the SVWRF pursuant to applicable State law, County and City ordinances, rules and regulations, including but not limited to Title II, Chapter 13, and Title 19, Chapter 5 of the Utah Code Annotated 1953, as amended, for the purpose of enforcing the provisions contained in these Rules and Regulations.
      2. The SVWRF may take appropriate enforcement action in accordance with its enforcement response guide as amended from time to time.
      3. Non-exclusive remedies. The remedies provided for in these Rules and Regulations are non-exclusive. SVWRF may take any, all, or any combination of these actions against a non-compliant User. Further, SVWRF is empowered to take more than one of these enforcement actions against any non-compliant User.

## Administrative Enforcement

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

### Notice of Violation

* + - 1. Whenever the Pretreatment Director determines that a User has violated or is violating any of these Rules and Regulations, or a discharge Permit, general Permit or order issued there under, the Pretreatment Director may serve upon said User a written Notice of Violation (NOV). Within fourteen (14) days of the receipt 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 to the Pretreatment Director. Submission of such a plan shall in no way relieve the User/Violator of liability for any violations occurring before or after receipt of the NOV.
      2. The NOV may require any reasonable measures, including proposed assessment of penalties, and/or a cease and desist order, which the Pretreatment Director deems necessary to timely resolve the violation and may order the violating User to appear before the Pretreatment Director at a time and place specified in the NOV and respond thereto. The User may file with the District Clerk in writing a request for a hearing within thirty (30) days of the date of the NOV.
      3. It shall be a further violation of these Rules and Regulations to fail to respond to, or implement, the recommendation(s) contained in a NOV.

### Administrative Orders

* + - 1. The SVWRF may issue administrative orders including the following:
         1. **Consent Orders.** The Pretreatment Director is hereby authorized to enter into Consent Orders, assurances of voluntary compliance, or other similar documents which establish an agreement with the User that is in non-compliance. Such orders will include specific action(s) to be taken by the User to correct the non­compliance within a time period specified by the Consent Order. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 6.8 of these Rules and Regulations and shall be judicially enforceable.
         2. **Show Cause Orders**. The Pretreatment Director may order any User which causes or contributes to a violation of these Rules and Regulations or a Discharge Permit or order issued hereunder, to Show Cause why a proposed enforcement action should not be taken. The Show Cause Order shall be served on the User specifying the time and place for the meeting, the proposed enforcement action(s), the reasons for such action(s), and a request that the User show cause why the proposed enforcement action(s) should not be taken. Notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least fourteen (14) days prior to the hearing. Such notice may be served on any authorized representative of User. Whether or not a duly notified User appears as noticed, immediate enforcement action may be pursued.
         3. **Compliance Order.** When the Pretreatment Director finds that a User has violated or continues to violate these Rules and Regulations or a Permit or order issued thereunder, he/she may issue an order to the User responsible for the discharge directing that the User will come into compliance within a specified time. If a User does not come into compliance within the time provided, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and are properly operated. Orders may also contain other requirements to address the non-compliance, to include the installation of pretreatment technology, additional self-monitoring actions and Best Management Practices (BMP) designed to come into full compliance with the User’s Permit. A Compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or prerequisite for, taking any other action against the User.
         4. **Cease and Desist Orders.** When the Pretreatment Director determines, after consultation with the SVWRF attorney, that a User has violated, or continues to violate, these Rules and Regulations, or any Permit or order issued hereunder, the Pretreatment Director may issue a Cease and Desist Order to the User ordering to cease and desist all such violations and directing User to:

Immediately comply with all discharge Permit requirements, and;

Take such appropriate remedial or preventive action as may be needed to properly remedy a continuing or threatened violation, including halting operations and terminating the discharge.

Non-exclusive remedies. (see Section 6.1 C.)

## Emergency Suspensions

* + - 1. Upon recommendation of the Pretreatment Director, the General Manager may suspend the wastewater treatment service and/or wastewater Permit of the User whenever he/she determines that such suspension is necessary in order to prevent an actual or threatened discharge that appears to present or cause imminent or substantial danger to the health or welfare of persons, SVWRF, Member Entity’s sewer collection systems or the environment.
      2. Any User notified of suspension of the wastewater treatment service and/or their wastewater discharge Permit shall immediately stop or eliminate its discharge into the SVWRF and the Member Entity's sewer collection system. In the event a User fails to immediately comply voluntarily with the suspension order the General Manager shall take such steps as he or she deems necessary, including immediate severance of the sewer connection to prevent or minimize damage to SVWRF its receiving stream, collection system, or to prevent danger to any individuals. The General Manager may allow the User(s) to recommence its discharge when the User has demonstrated to the satisfaction of the General Manager that the endangerment has passed.
      3. Any Users responsible, in whole or in part, for discharge, presenting an imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the General Manager within five (5) days of occurrence.
      4. Within ten (10) days a hearing to review the emergency suspension may be held if requested by the User.
      5. Non-exclusive remedies (see Section 6.1 C.)

## Termination of Permit or General Permit

* + - 1. Users proposing to discharge into the SVWRF must first obtain a wastewater discharge Permit from SVWRF. Any User who violates any of the following conditions of these Rules and Regulations or a wastewater discharge Permit or order, or any applicable local, State and federal law, is subject to Permit termination:
         1. A known or unknown violation of Permit conditions;
         2. Failure to accurately report the wastewater constituents and characteristics of User’s discharge;
         3. Failure to report significant changes in operations or wastewater constituents and characteristics;
         4. Refusal to allow access to the User's premises, by SVWRF personnel, for the purpose of inspection, monitoring, or sampling;
         5. Failure to pay any required fees or charges in a timely manner;
         6. Failure to comply with any administrative orders issued to the User.
      2. Noncompliant Users will be notified of the proposed termination of their wastewater Permit and be offered an opportunity to show cause under these Rules and Regulations why the proposed action should not be taken.
      3. Unless otherwise provided herein, any notification required herein shall be served either personally or by registered or certified mail.

## Authority to Enter Property

The Pretreatment Director and/or his/her authorized representative(s) shall, after presentation of credentials/ID, have the authority to enter in and upon any private or public property for the purpose of sampling, monitoring, inspecting, or investigating matters or conditions relating to introduction of Pollutants into the SVWRF including inspection of monitoring equipment and facilities, inspection and copying of records required to be maintained under these Rules and Regulations, and for any other purpose reasonably related to enforcement of these Rules and Regulations. Such entry shall not be conditional upon the signing of releases or waivers as a condition to entry.

## Authority to Require Reports

* + - 1. The Pretreatment Director may require Industrial Users to:
         1. Establish and maintain records and submit reports relating to operation of a pretreatment system;
         2. Install, use, and maintain monitoring equipment;
         3. Sample, and analyze effluent and comply with certain sampling and analytical methods;
         4. Provide other information as required.
      2. Any records, reports, and information received by SVWRF shall be available to the public, unless protected pursuant to law .

## Administrative Hearings

* + - 1. Whenever the General Manager has ordered a hearing or a party to a Permit or Permit applicant has timely requested a hearing in accordance with these Rules and Regulations, the General Manager shall schedule a hearing and serve on all parties, written notice which notice shall include the same information that would be required under Utah Code Ann. §63-4-201.
      2. A three (3) member Hearing Panel shall be appointed by the General Manager for each formal or informal hearing. Members of the Hearing panel shall be chosen on a rotating basis, from a pool composed of five (5) individuals who represent the five (5) Member Entities and who are appointed to the pool by the Board upon recommendation of the respective Member Entities. When hearings are scheduled, the General Manager shall appoint three (3) individuals to the Hearing Panel none of whom shall represent the Member Entity in which the alleged violator is located. The Hearing Panel shall designate among itself a Presiding Officer.
      3. The Hearing Panel shall conduct a hearing upon written request by the General Manager or by the alleged violator.
      4. All hearings authorized pursuant to these Rules and Regulations shall be conducted by the Hearing Panel at a time, date and place scheduled by the General Manager. Decisions of the Hearing Panel shall be rendered by a majority of the members of the Hearing Panel and shall be issued in writing under signature of the Presiding Officer.

### Hearings - Informal

* + - 1. If a hearing is designated as informal, no answer or other pleading responsive to the allegations contained in the Notice of hearing need be filed.
      2. In any informal hearing the parties named in a NOV, or any User denied a Permit, or any User who has received from the General Manager a notice of intent to terminate a Permit, shall be permitted to present testimony and, present evidence, and comment on the issues that are relevant to the matters before the Board.
      3. Hearings will be held only after timely notice has been provided to all parties which shall be served in writing at least ten (10) days prior to the hearing date unless a shorter time is agreed to by all parties involved.
      4. Formal discovery is not required, but the General Manager may issue subpoenas or other orders to compel production of relevant evidence.
      5. All parties shall have access to any relevant public information in the possession of SVWRF and to all materials and information that is relevant.
      6. Intervention is prohibited, except where a federal statute otherwise requires.
      7. Informal hearings shall be open to all parties.
      8. Within a reasonable time after the close of an informal hearing, the Presiding Officer shall issue a signed order that sets forth the following:
         1. The Hearing Panel’s decision and the vote;
         2. The basis for the decision;
         3. A statement of any right of administrative or judicial review available to the parties;
         4. The time limits for filing an appeal or requesting a review.
      9. The Hearing Panel’s decision shall be based on the evidence presented in the hearing.
      10. A signed copy of the Hearing Panel’s decisions shall be timely mailed to each of the parties.
      11. Any party may record the hearing stenographically or electronically, but shall not disturb the hearing proceedings.
      12. Any party, at its own expense, may have a copy of the transcript of the record of the hearing prepared if such a transcript was prepared.

### Hearings – Formal

* + - 1. In all formal hearings, unless otherwise directed by the General Manager, the alleged violator shall serve on the General Manager by personal service or by certified mail a written response to the NOV, signed by the alleged violator or User’s authorized representative within thirty (30) days of receiving the NOV which response shall include:
         1. SVWRF file number or other reference number;
         2. The name of the adjudicative proceeding;
         3. A statement of the facts that the violator contends are relevant and material;
         4. A statement of the relief that the respondent seeks;
         5. A statement summarizing the reasons that the relief requested should be granted.
      2. The response shall be served by certified mail or hand delivered to the District Clerk and one copy shall be sent by certified mail to the Board Member of the Member Entity having jurisdiction over the alleged violator.
      3. The Presiding Officer, or the General Manager, may permit or require pleadings in addition to the NOV and the alleged violator’s response. All papers permitted or required to be filed shall be filed with the General Manager and one copy shall be sent by certified mail to each party.
      4. In a formal hearing proceeding, the parties may conduct limited discovery according to the scope and limits set by the hearing panel.
      5. Subpoenas and other orders to secure the attendance of witnesses or the production of evidence in formal hearing proceedings may be issued by the Presiding Officer when requested by any party, or may be issued by the Presiding Officer on his/her own motion.
      6. When all pleadings and other papers required to be filed have been filed and all discovery is complete the General Manager shall schedule a hearing and notify all parties of the time and place.
      7. All formal hearing proceedings shall be conducted as follows:
         1. The Presiding Officer shall conduct the hearing to obtain full disclosure of relevant facts and to allow all the parties reasonable opportunity to present their position.
         2. On his or her own motion or upon objection by a party, the Presiding Officer:

May exclude evidence that is irrelevant, immaterial, or unduly repetitious;

Shall exclude evidence deemed privileged;

May receive documentary evidence in the form of a copy or excerpt if the copy or excerpt is certified and contains all pertinent portions of the original document;

May take official notice of any facts that could be judicially noticed or the record of other proceedings before the State or SVWRF, and of technical or scientific facts within the knowledge of SVWRF.

* + - * 1. The Presiding Officer may not exclude evidence solely because it is hearsay.
        2. The Presiding Officer shall afford all parties the opportunity to present evidence, argue, respond, conduct cross-examination, and submit rebuttal evidence.
        3. The Presiding Officer may give persons not a party to the proceeding the opportunity to present relevant oral or written statements at the hearing.
        4. All witnesses who present testimony to be considered in reaching a decision shall be placed under oath.
        5. The hearing shall be recorded in accordance with the open and public meetings law.
        6. Any party, at his/her own expense may have a certified reporter prepare a transcript of the hearing, subject to the restrictions that SVWRF is required by statute to impose to protect confidential information disclosed at the hearing.
        7. Formal hearings shall be open to all parties and the public.
      1. This Section does not preclude the Presiding Officer from taking appropriate measures necessary to preserve the integrity of the hearing.
      2. The Hearing Panel may seek advice of legal counsel during the course of the hearing.
      3. Any person not a party may intervene in a formal hearing upon compliance with the standards set forth in Utah Code Ann. §63G-4-207, adopted herein. The Presiding Officer shall comply with the standards set forth in Utah Code Ann. §63G-4-207 (2)(a) and (b), adopted herein.
      4. Within a reasonable time after the hearing, or after the filing of any post-hearing documents permitted or required by the Presiding Officer, the Presiding Officer shall sign and issue a Hearing Panel order that includes:
         1. The Hearing Panel’s findings of fact and conclusions of law based on the record;
         2. A statement of reasons for the Hearing Panel’s decision;
         3. A statement of any relief ordered;
         4. A notice of any right to administrative or judicial review of the order available to aggrieved parties;
         5. The time limits applicable to any judicial review.
      5. The Presiding Officer may use his/her experience, technical competence, and specialized knowledge to evaluate the evidence.

### Default

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

### Board Review Procedure

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

### Judicial Review of Final Order

* + - 1. Review of any final order issued by the Hearing Panel Presiding Officer as the case may be, would fall within the jurisdiction of the district court for review as per Utah Code Ann. §78A-5-102.
      2. For purposes of this Section any order issued by the Hearing Panel Presiding Officer shall be deemed final thirty (30) days after issuance if an aggrieved party has not submitted a request for review to the SVWRF Board. Any order on review issued by the Chairman of the SVWRF Board, shall be deemed final upon issuance unless the matter is remanded to the Hearing Panel for reconsideration.

### Termination of Services

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

## Judicial Enforcement

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

### Civil Matters

* + - 1. **Injunctive Relief.** Whenever a User has violated or continues to violate the provisions of these Rules and Regulations or Permit or order issued hereunder, SVWRF may petition the Court for the issuance of preliminary or permanent injunction or both (as may be appropriate) which restrains or compels the activities of the User.

### Civil Penalties

* + - 1. Any User who has violated or continues to violate these Rules and Regulations or any order or Permit issued hereunder, upon a showing that the violation occurred,, is subject to a civil penalty not to exceed Ten Thousand Dollars ($10,000.00 U.S. Currency) per day together with any actual damages incurred by SVWRF as a result of such violation or violations.
      2. SVWRF may bring an action in court to impose, assess, and recover such sums. In determining the amount of liability, the Court may take into account all relevant circumstances, including, but not limited to, the extent of damage or loss caused by the violation, the magnitude and duration, any economic benefit gained through the User’s violation, corrective actions by the User, the compliance history of the User, and any other factors as justice requires.

### Civil Actions

* + - 1. Any civil action(s) shall be brought in a court of competent jurisdiction by the SVWRF Board.
      2. Any User violating the Rules and Regulations or the User’s Permit shall be liable for any expense, loss or damages incurred by SVWRF by reason of such violation, including but not limited to the increased costs, if any, for managing effluent or sludge. The SVWRF General Manager may add such expenses to the User’s treatment charge or may bring a civil action in Court to collect said expenses.
      3. In the event that User discharges Pollutant which causes the SVWRF to violate any condition of its UPDES Permit and the SVWRF is fined by EPA or the State for such violation, then such User shall be fully liable to reimburse SVWRF for the total amount of the fine assessed against the SVWRF by the EPA or the State.
      4. In addition to any other remedies provided herein, the SVWRF may recover reasonable attorney’s fees, court costs, and other expenses of litigation incurred by appropriate legal action against the User found to have violated any provision herein, or any order, rules, regulations, Permits or contracts issued hereunder. The attorney for the SVWRF, upon request of the SVWRF’s Board, shall bring an appropriate action to impose, assess and recover such sums.

## Affirmative Defenses

### Treatment Upsets

* + - 1. Any User who experiences an upset in operations that places such User in a temporary state of non-compliance, which is not the result of an operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation, shall inform the Pretreatment Director or SVWRF employee immediately by telephone upon becoming aware of the upset. Then within five (5) days a written report shall be filed by the User with the Pretreatment Director setting forth in detail:
         1. A description of the upset, its cause(s), and impact on the User’s compliance status;
         2. The duration of non-compliance, including exact dates and times of non-compliance, and if the non-compliance is continuing, and the time by which compliance is reasonably expected to be restored
         3. All steps taken or planned to reduce, eliminate, and prevent re-occurrence of a similar upset.

### Complies with Notification Provisions

A User who complies with the notification provisions of this Section in a timely manner shall have an affirmative defense to any enforcement action brought by the Pretreatment Director for any non-compliance with these Rules and Regulations, or an order or Permit issued hereunder, which arises out of violations attributable to, and alleged to have occurred during the period of the documented and verified upset.

## Supplemental Enforcement Action

### Penalties for Late Reports

A penalty of One Hundred Dollars ($100.00 U.S. CURRENCY) shall be assessed to any User for each day that a report required by these Rules and Regulations, a Permit or order issued hereunder is late; beginning five days after the report is due. Higher penalties may also be assessed where reports are more than 30-45 days late. Actions taken by the Pretreatment Director to collect late reporting penalties shall not limit the Pretreatment Director’s authority to initiate other enforcement actions that may include penalties for late reporting violations.

### Performance Bonds

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

### Payment of Outstanding Fees and Penalties

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

### Water Supply Severance

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

### Public Nuisances

A violation of any provision of these Rules and Regulations, individual wastewater discharge Permit or general Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the Pretreatment Director. Any person(s) creating a public nuisance shall be subject to the provisions of the SVWRF Rules and Regulations governing such nuisances, including reimbursing SVWRF for any costs incurred in removing, abating, or remedying said nuisance.

### Referral for State Action

The SVWRF may refer to the State of Utah, Division of Water Quality and to the office of the Attorney General violations of SVWRF pretreatment or toxic effluent standards under the provision of the Utah Water Quality Act, Title 19, Chapter 5, U.C.A. (1953, as amended) and any other applicable law.

## Publication of Users in Significant Non-Complance

* + - 1. The Pretreatment Director shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the service area served by SVWRF, a list of the SIU and CIU Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users and shall mean:
         1. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same Pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 2;
         2. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each Pollutant parameter during a six (6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 2 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other Pollutants except pH);
         3. Any other violation of a Pretreatment Standard or Requirement as defined by Section 2 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Pretreatment Director determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of SVWRF personnel or the general public;
         4. Any discharge of a Pollutant that has caused imminent endangerment to the public or to the environment, or hinders or prevents the Pretreatment Director’s exercise of his/her emergency authority to halt or prevent such a discharge;
         5. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge Permit or general Permit or enforcement order for starting construction, completing construction, or Attaining final compliance;
         6. Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with National Categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
         7. Failure to accurately report noncompliance; or
         8. Any other violation(s), which may include a violation of Best Management Practices (BMP), which the Pretreatment Director determines will adversely affect the operation or implementation of the local pretreatment program.

## Emergency Proceedings

* + - 1. The General Manager or the SVWRF Board may issue an order on an emergency basis without complying with the requirements of this Section 6 if:
         1. The facts known by SVWRF or presented to SVWRF indicates that an immediate and significant danger to the public’s health, safety, or welfare exists;
         2. In the opinion of SVWRF the threat of significant danger requires immediate action by SVWRF to protect the public health, safety or welfare.
      2. In issuing an emergency order, the General Manager or the Board shall:
         1. Limit the order to require only the action necessary to prevent or avoid the danger to the public’s health, safety, or welfare.
         2. 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.
      3. 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, SVWRF shall thereafter commence a formal or informal proceeding in accordance with the provisions of this Section 6.

## Enforcement Response Guide

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **UNAUTHORIZED DISCHARGES (No Permit)** | | | | |
| **Non-Compliance** | | **Nature of the Violation** | **Enforcement Response(s)** | **Personnel** |
| Unpermitted discharge | | IU unaware of requirement; no harm to SVWRF/environment | Phone call; NOV with application form | PD |
| IU unaware of requirement; harm to SVWRF | NOV | PD |
| AO with Penalty | PD, GM |
| Civil Action | GM |
| Failure to apply continues after notice by SVWRF | AO | PD |
| Civil action | GM |
| Criminal investigation/action | PD, GM |
| Request to terminate service | GM |
| Non-permitted discharge (failure to renew) | | IU has not submitted application within 90 days of due date | Phone call; NOV | PD |
| **DISCHARGE LIMIT VIOLATION** | | | | |
| **Non-Compliance** | | **Nature of the Violation** | **Enforcement Response(s)** | **Personnel** |
| Exceedance of local or Federal Standards (Permit limit) | | Isolated, not significant | Phone call; NOV | PD |
| Isolated, significant (no harm) | NOV | PD |
| AO to develop spill prevention plan | PD |
| Isolated, harm to SVWRF or environment | AO with penalty | PD |
| Show Cause Order | PD |
| Civil Action | GM |
| Recurring, no harm to SVWRF/environment | AO with penalty | PD |
| Recurring, significant (harm) | AO with penalty | PD |
| Show Cause Order | PD |
| Civil action | GM, Board |
| Terminate Service | GM, Board |
| **MONITORING AND REPORTING VIOLATIONS** | | | | |
| **Non-Compliance** | | **Nature of the Violation** | **Enforcement Response(s)** | **Personnel** |
| Reporting violation | | Report is improperly signed or certified | Phone call or NOV | PD |
| Report is improperly signed or certified after notice by SVWRF | NOV | PD |
| AO | PD |
| Show Cause Order | PD |
| Isolated, not significant (e.g. 5 days late) | Phone call, NOV | PD |
| Significant (e.g. report 30 days or more late) | AO to submit with penalty per additional day | PD |
| Reports are always late or no reports at all | AO with penalty | PD |
| Show Cause Order | PD |
| Civil action | GM, Board |
| Failure to report spill or changed discharge (no harm) | NOV | PD |
| Failure to report spill or changed discharge (results in harm) | AO with penalty | PD |
| Civil action | GM, Board |
| Repeated failure to report spills | Show Cause Order | PD |
| Terminate service | GM, Board |
| Falsification | Criminal investigation/action | PD |
| Terminate service | GM, Board |
| Failure to monitor | | Failure to monitor all Pollutants as required by Permit | NOV or AO | PD |
| Recurring failure to monitor | AO with penalty | PD |
| Civil action | GM, Board |
| Improper sampling | | Evidence of intent | Criminal investigation/action | PD |
| Terminate service | GM, Board |
| Failure to install monitoring equipment | | Delay of less than 30 days | NOV | PD |
| Delay of 30 days or more | AO to install with penalty per additional day | PD |
| Recurring violation of AO | Civil action | GM |
| Criminal investigation | PD |
| Terminate service | GM, Board |
| Compliance Schedules (in Permit) | | Missed milestone by less than 30 days, or will not affect final milestone | NOV or AO with penalty | PD |
| Missed milestone by more than 30 days, or will affect final milestone (no good cause for delay) | Show Cause Order | PD |
| Civil Action | GM, Board |
| Terminate Service | GM, Board |
| Recurring violation or violation of schedule in AO | Civil action | GM |
| **OTHER PERMIT VIOLATIONS** | | | | |
| **Non-Compliance** | | **Nature of the Violation** | **Enforcement Response(s)** | **Personnel** |
| Wastestreams are diluted in lieu of treatment | | Initial violation | NOV | PD |
| AO with penalty | PD |
| Recurring | AO with penalty | PD |
| Show Cause Order | PD |
| Terminate service | GM, Board |
| Failure to mitigate non-compliance or halt production | | Does not result in harm | NOV | PD |
| Does result in harm | AO with penalty | PD |
| Civil action | GM, Board |
| Failure to properly operate and maintain pretreatment facility | | Does not result in harm | NOV | PD |
| Does result in harm | AO with penalty | PD |
| Civil action | GM, Board |
| **VIOLATIONS DETECTED DURING SITE VISITS** | | | | |
| **Non-Compliance** | | **Nature of the Violation** | **Enforcement Response(s)** | **Personnel** |
| Entry denial | | Entry denied or consent withdrawn; copies of records denied | Obtain warrant and return to IU | PD |
| Field Notice | PD |
| NOV | PD |
| Illegal discharge | | No harm of SVWRF or environment | AO with penalty | PD |
| Field Notice | PD |
| Discharge causes harm or evidence of intent/negligence | Civil action | PD |
| Criminal investigation/action | PD |
| Recurring, violation of AO | Terminate service | GM, Board |
| Improper sampling | | Unintentional sampling at incorrect location | NOV | PD |
| Field Notice | PD |
| Unintentionally using incorrect sample type | NOV | PD |
| Field Notice | PD |
| Unintentionally using incorrect sample collection techniques | NOV | PD |
| Field Notice | PD |
| Inadequate recordkeeping | | Inspector finds files incomplete or missing (no evidence of intent) | NOV | PD |
| Field Notice | PD |
| Recurring | AO with fine | PD |
| Failure to report additional monitoring | | Inspection finds additional files | NOV | PD |
| Field Notice | PD |
| Recurring | AO with fine | PD |
| **TIMEFRAMES FOR RESPONSES** | | | | |
| 1 | All violations will normally be identified and documented within five (5) days of receiving compliance information | | | |
| 2 | Initial enforcement responses (involving contact with the Industrial User (IU) and requesting information and requesting information on corrective or preventative action(s) will occur no later than thirty (30) days after violation detection. | | | |
| 3 | Follow-up actions for continuing reoccurring violations will be pursued no later than sixty (60) days after the initial enforcement response. For all continuing violations, the response will include a compliance schedule. | | | |
| 4 | Violations which threaten health, property, or environmental quality are considered emergencies and will receive prompt responses such as halting the discharge or terminating service. | | | |
| 5 | All violations meeting the criteria for Significant Non-Compliance will be addressed with an appropriate order no later than 30 days after the identification or significant non-compliance. | | | |

## Penalty Policy for Civil Settlement Negotiations

(Originally Adopted July 1, 1991)

Section19-5-115 of the Utah Water Quality Act (UWQA) provides for civil penalties of up to $10,000 per day for violations of the act or any permit, rule, or order adopted under it and up to $25,000 per day for willful or grossly negligent violations. Because the law does not provide for assessment of administrative fines the South Valley Water Reclamation Facility (SVWRF) will initiate legal proceedings when deemed appropriate to recover those penalties sought by the SVWRF.

### Purpose and Applicability

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

### Penalty Calculation Methodology

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

* + - 1. The civil penalty figure for settlement purposes should then be calculated based on the following formula:

CIVIL PENALTY = PENALTY + ADJUSTMENTS – ECONOMIC AND LEGAL CONSIDERATIONS

* + - 1. PENALTY: Violations are grouped into five main penalty categories based upon the nature and severity of the violation. A penalty range is associated with each category. To determine where the penalty amount will fall within the range, certain factors must be taken into account. The applicability of the following factors will be determined on a case by case basis:
         1. **History of compliance**. History of compliance includes consideration of any previous violations and degree of recidivism.
         2. **Degree of willfulness and/or negligence**. Factors to be considered include how much control the violator had over the foreseeability of the events constituting the violation, whether the violator made or could have made reasonable efforts to prevent the violation, whether the violator knew of the legal requirements which were violated, and degree of recalcitrance.
         3. **Good faith efforts to comply.** Good faith takes into account the openness in dealing with the violations, promptness in correction of problems, and the degree of cooperation with SVWRF.
         4. **Category A - $5,000 to $10,000 per day**. Violations with high impact on public health and the environment to include:

Discharges which result in documented public health effects and/or significant environmental damage.

Any type of violation not mentioned above severe enough to warrant a penalty assessment under Category A.

* + - * 1. **Category B - $2,000 to $5,000 per day.** Major violations of the Utah Water Pollution Control Act, or major violations of the SVWRF Rules and Regulations, its Permits or Orders to include:

Discharge which likely caused or potentially would cause (undocumented) public health effects or significant environmental damage.

Creation of a serious hazard to public health or the environment.

Illegal discharges to the SVWRF containing significant quantities or concentrations of toxic or hazardous materials.

Discharges which result in a significant upset of SVWRF operations.

Any type of violation not mentioned previously which warrants a penalty assessment under Category B.

* + - * 1. **Category C - $500 to $2,000 per day**. Violations of the Utah Water Pollution Control Act, the SVWRF Rules and Regulations, its Permits or Orders to include:

Significant excursion of permit effluent limits;

Substantial non-compliance with the requirements of compliance schedule;

Substantial non-compliance with monitoring and reporting requirements;

Illegal discharge containing significant quantities or concentrations of non-toxic or non-hazardous materials;

Any type of violation not mentioned previously which warrants a penalty assessment under Category C.

* + - * 1. **Category D - $100 to $500 per day.** Violations of the SVWRF Rules and Regulations, its Permits or Orders to include:

Moderate excursion of permit effluent limits;

Moderate violations of compliance schedule requirements;

Moderate violations of monitoring and reporting requirements;

Illegal discharges into the SVWRF not covered in Categories A, B, and C;

Any type of violation not mentioned previously which warrants a penalty assessment under Category D.

* + - * 1. **Category E – up to $100 per day**. Minor violations of the SVWRF Rules and Regulations, its Permits or Orders to include:

Minor excursion of permit effluent limits;

Minor violations of compliance schedule requirements;

Minor violations of reporting requirements;

Illegal discharges into the SVWRF not covered in Categories A, B, C, and D;

Any type of violations not mentioned previously which warrant a penalty assessment under Category E.

* + - 1. ADJUSTMENTS: The civil penalty shall be calculated by adding the following adjustments to the penalty amount determined above:
         1. Economic benefit gained as a result of non-compliance;
         2. Investigative costs incurred by the SVWRF and/or its Member Entities;
         3. Documented monetary costs associated with environmental damage or damage to the SVWRF.
      2. ECONOMIC AND LEGAL CONSIDERATIONS: An adjustment downward may be made or a delayed payment schedule may be used based on a documented inability of the violator to pay. Also, an adjustment downward may be made in consideration of the potential for protracted litigation, an attempt to ascertain the maximum penalty the court is likely to award, and/or the strength of the case.

### Intent of Policy/Information Requests

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

# CONFLICT AND SEVERABILITY

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

# AMENDMENT PROCESS

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

# LOCAL LIMITS (Schedule 1)

## Compatible Pollutants

* + - 1. SVWRF will continue to monitor and evaluate compatible Pollutant discharges. The following limits will apply to all discharges that enter into the sewer system at SVWRF.

|  |  |  |
| --- | --- | --- |
| **Pollutant** | **Surcharge Limit** | **Maximum** |
| BOD | 300 mg/l | Set in Discharge Permit |
| TSS | 300 mg/l | Set in Discharge Permit |
| Non-Petroleum Oil & Grease | 200 mg/l | 1000 mg/l |

* + - 1. SVWRF will evaluate all compatible Pollutant discharges in our service area and any SIU or CIU Industrial User that discharges greater than 500 lbs/day of BOD and/or TSS. SVWRF will establish a pounds per day loading as shown in 9.1C to protect the SVWRF from organic overload.
      2. Each of the five entities that comprise SVWRF will inform SVWRF of how many lbs/day of BOD and TSS of their owned capacity at SVWRF they are allowing their SIU, CIU Industrial Users and Commercial Users in each of their respective service areas. This will be done on an annual basis so each entity is aware of how much capacity is being used by their industries in their service area. Also, to insure that any new Industrial User that discharges a high strength waste containing BOD and TSS into each entity that does not use up the entities capacity will be directed by the SVWRF Pretreatment Department to install and operate pretreatment equipment to keep the User’s discharge to the sewer at an acceptable level of lbs/day of BOD and TSS.

## Unchanged Local Limits

The following Local Limits were adopted July 1, 1991, by the SVWRF Board and will remain unchanged, but may be subject to future amendment.

|  |  |
| --- | --- |
| **Type** | **Limit** |
| pH Range | 5.0 to 11.0 |
| TTO (Total Toxic Organics) | 2.13 mg/l |
| BETX | 0.2 mg/l |
| Petroleum Based Oil & Grease | 100 mg/l |

## Changed Local Limits

SVWRF at the direction of its UPDES Permit from the State of Utah Department of Water Quality, has revised its Local Limits using the EPA Region 8 Technically Based Local Limits Development Strategy and the Utah State Local Limits Development Standard. The new technical based Local Limits are as follows:

### Metal Pollutants

|  |  |
| --- | --- |
| **Element** | **Daily Maximum (mg/l)** |
| Cadmium | .0634 |
| Chromium | 28.7 |
| Copper | 2.58 |
| Lead | 1.10 |
| Nickel | 3.98 |
| Zinc | 11.07 |
| Arsenic | .71 |
| Silver | 6.89 |
| Mercury | .022 |
| Cyanide (T) | .66 |
| Selenium | .149 |
| Molybdenum | .224 |

* + - 1. The Pollutants Antimony, Beryllium, and Thallium were not evaluated for Local Limits because they showed that 100% of the samples taken since January 2005 to be non-detectable.
      2. SVWRF will continue to monitor the Influent, Effluent, and Bio-Solids for all 16 priority Pollutants. If the Pollutants Antimony, Beryllium, and Thallium are detectable in the Influent or Bio-Solids, SVWRF will re-evaluate to determine if a Local Limit is needed for these Pollutants at that time.
      3. SVWRF data was used in the Local Limits calculations for Copper, Mercury, Zinc, Silver, Selenium, Molybdenum, Arsenic, Cadmium, Chromium, Lead, and Nickel.
      4. Water quality criteria were the controlling factor for Cadmium, Chromium, Copper, Silver, Mercury, Cyanide, and Selenium.
      5. Sludge quality criteria were the controlling factor for Lead, Nickel, Zinc, Arsenic, and Molybdenum.

### Headworks Load Development

* + - 1. Headworks loads were developed for each Pollutant identified above. The design average flow was used for the SVWRF and is included. Sludge production was based on the average amount generated in the time frame from January 2007 to January 2008.
      2. Listed below are the Pollutants and their Maximum Allowable Headwork Load (MAHL).

|  |  |
| --- | --- |
| **Element** | **Maximum Allowable**  **Headwork Load lbs/day** |
| Cadmium | 1.251 |
| Chromium | 527.505 |
| Copper | 64.571 |
| Lead | 21.065 |
| Nickel | 74.958 |
| Zinc | 266.516 |
| Arsenic | 13.509 |
| Silver | 124.675 |
| Mercury | .413 |
| Cyanide (T) | 12.429 |
| Selenium | 3.486 |
| Molybdenum | 5.636 |

### Local Limits Effect on Industry

The revised, technically based Local Limits will have little or no adverse effects on SVWRF’s Industrial Users permitted by SVWRF at this time.

# CONTROLLED ADMISSIBLE POLLUTANTS (Schedule 2)

* + - 1. SVWRF will surcharge Commercial Users as follows:
         1. Biochemical Oxygen Demand (BOD) will be surcharged over the concentration of 300 mg/l at a cost of twenty cents ($ .15 U.S. CURRENCY) per pound discharged by the User into the Member Entity’s sewer system.
         2. Total Suspended Solids (TSS) will be surcharged over the concentration of 300 mg/l at a cost of sixteen cents ($ .08 U.S. CURRENCY) per pound discharged by the User into the Member Entity’s sewer system.
         3. Organic Oils and Grease will be surcharged over the concentration of 200 mg/l at a cost of twenty-six cents ($ .26 U.S. CURRENCY) per pound discharged by the User into the Member Entity’s sewer system.
      2. SVWRF will surcharge Industrial Users as follows:
         1. Biochemical Oxygen Demand (BOD) will be surcharged over the concentration of 300 mg/l at a cost of thirty-nine cents ($ .24 U.S. CURRENCY) per pound discharged by the User into the Member Entity’s sewer system.
         2. Total Suspended Solids (TSS) will be surcharged over the concentration of 300 mg/l at a cost of twenty-three cents ($ .12 U.S. CURRENCY) per pound discharged by the User into the Member Entity’s sewer system.
         3. Organic Oils and Grease will be surcharged over the concentration of 200 mg/l at a cost of twenty-six cents ($ .26 U.S. CURRENCY) per pound discharged by the User into the Member Entity’s sewer system.
      3. A fee per User being monitored may be assessed per sampling event on a case by case basis to recover costs incurred by SVWRF including, but not limited to, outside laboratory costs, equipment replacement, vehicle usage, and manpower costs.
      4. All fees and surcharges not paid within 90 days of the receipt of the invoice by the User may be turned over to a collection agency by the General Manager.
      5. All surcharges and fees will be reviewed and may be adjusted annually by the Board of SVWRF.
      6. No treatment service shall be provided by SVWRF to any person or entity not affiliated with a member entity, without prior written approval of the SVWRF Board. Fees and charges for such service shall be determined by the SVWRF Board.

# PRETREATMENT DRAWINGS AND SPECIFICATIONS

# INDUSTRIAL WASTEWATER PERMIT

# APPROVED FORMS

## Notice of Violation

## Administrative Show Cause Order

## Consent Order

## Cease and Desist Order

## Administrative Compliance Order