

## Chapter 8-14

### PRETREATMENT REGULATIONS

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#### Section 8-14-01      PURPOSE AND POLICY

- A. This ordinance sets forth uniform requirements for users of the Publicly Owned Treatment Works (POTW) and enables the City to protect public health and the environment in conformity with all applicable local, state and federal laws including the Clean Water Act (33 USC 1251 et seq) and the General Pretreatment Regulations (40 CFR Part 403).

- B. The objectives of this ordinance are:
1. To prevent the introduction of pollutants into the POTW which will interfere with the normal operation of the system or contaminate the resulting municipal sludge;
  2. To prevent the introduction of pollutants into the POTW which do not receive adequate treatment and which will pass through the system into receiving waters or the atmosphere or otherwise be incompatible with the system;
  3. To improve the opportunity to recycle and reclaim wastewater and sludge from the POTW; and
  4. To protect the public using and the personnel operating the POTW.
- C. This ordinance provides for the regulation of users of the POTW through the enforcement of administrative regulations. This ordinance authorizes the issuance of indirect discharge permits; authorizes monitoring, compliance, and enforcement activities, including recovery of costs relating to industrial user noncompliance; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program described herein. This ordinance does not provide for the recovery of operations, maintenance or replacement costs of the POTW or the costs associated with the construction of collection and treatment systems used by industrial users in proportion to their use of the POTW, which are the subject of separate enactments.

(6517, Repealed & Replaced, 11/14/2006; 5724, Repealed & Replaced, 04/16/1996)

#### **Section 8-14-02            PRETREATMENT PROGRAM ADMINISTRATION**

Except as otherwise provided herein, the City's Public Works Director or his/her designee shall administer, implement, and enforce the provisions of this ordinance.

(6517, Repealed & Replaced, 11/14/2006; 5724, Repealed & Replaced, 04/16/1996)

#### **Section 8-14-03            DEFINITIONS**

- A. Act. The Clean Water Act (33 U.S.C. 1251, et seq), as amended.
- B. Applicable Pretreatment Standards. For any specified pollutant, City prohibited discharge standards, City's specific limitations on discharge, State of Idaho pretreatment standards, or the federal categorical pretreatment standards (when effective) whichever standard is appropriate or most stringent.
- C. Approval Authority. The term means the Director in an NPDES State with an approved State pretreatment program and the appropriate Regional Administrator in a non-NPDES State or NPDES State without an approved State pretreatment program.
- D. Authorized Representative of the User.

1. If the user is a corporation:
    - a. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
    - b. The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
  2. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively;
  3. If the user is a federal, state, or local governmental facility: the ranking elected official, or 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.
  4. The individuals described in paragraphs 1 through 3 above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.
- E. The City. The City of Boise, the Boise City Council, an official of Boise City, the Boise City sewer system, the Boise City Public Works Director or his or her duly authorized designee, representative, or agent, or POTW.
- F. Best Management Practices (BMPs). The term Best Management Practices or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions in this ordinance. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
- G. Bypass. The intentional diversion of wastestreams from any portion of a user's treatment facility.
- H. Categorical Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1317) which apply to a specific category of users and which appear in the appropriate subparts of 40 CFR Chapter I, Subchapter N.
- I. Categorical User. A user regulated by one or more of EPA's categorical pretreatment standards.
- J. Composite Sample. The sample resulting from the combination of individual wastewater samples

taken at selected intervals based on an increment of either flow or time.

- K. Cooling Water/Noncontact Cooling Water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product. Cooling water may be generated from any use, such as air conditioning, heat exchangers, cooling or refrigeration to which the only pollutant added is heat.
- L. Domestic User (Residential User). Any person who contributes, causes, or allows the contribution of wastewater into the POTW that is of a similar volume and/or chemical make-up as that of a residential dwelling unit.
- M. Effluent Limitation. Any restriction imposed by the City on quantities, discharge rates, and mass or concentration of pollutants that are discharged by users into the POTW. Also referred to as a Local Limit.
- N. Existing Source. For a categorical industrial user, an existing source is any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.
- O. Existing User. For noncategorical users an existing user is defined as any user that is discharging wastewater prior to the effective date of this ordinance.
- P. Grab Sample. A sample which is taken from a wastestream on a one-time basis without regard to the flow in the wastestream and without consideration of time.
- Q. Indirect Discharge. The discharge or the introduction of nondomestic pollutants into the POTW from a source regulated under Section 307 (b), (c) or (d) of the Act.
- R. Indirect Discharge Permit (Industrial Wastewater Discharge Permit, Discharge Permit). An authorization or equivalent control document issued by the City to users discharging wastewater to the POTW. The permit may contain appropriate pretreatment standards and requirements as set forth in this ordinance.
- S. Industrial User - User. A source of indirect discharge of effluent into the POTW by means of pipes, conduits, pumping stations, force mains, constructed drainage ditches, surface water intercepting ditches, and all constructed devices and appliances appurtenant thereto. This term includes federal, state, and local facilities as part of the regulated community, and shall not include "domestic user" as defined herein.
- T. Industrial Waste. Solid, liquid or gaseous waste resulting from any industrial, manufacturing, trade, or business process or from the development, recovery or processing of natural resources.
- U. Interference. A discharge which alone or in conjunction with a discharge or discharges from other sources, either (1) inhibits or disrupts the POTW, its treatment processes or operations; (2) inhibits or disrupts sludge processes, use or disposal; or (3) is the cause of a violation of the discharge permit (including an increase in the magnitude or duration of a violation) 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 more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA),

including Title II more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA, the Clean Air Act, and the Toxic Substances Control Act.

- V. Maximum Allowable Industrial Loading (MAIL). The estimated maximum loading of a pollutant that can be received at the POTW headworks from all permitted industrial users and other controlled sources without causing pass through or interference.
- W. Minor Industrial User (MIU). A nonresidential user, with an indirect discharge to the POTW, that does not meet the criteria of a significant industrial user, but whose operation and discharge may warrant inspection and/or issuance of a discharge permit to ensure compliance with discharge prohibitions, local limits pretreatment facility operation, spill prevention measures, required BMPs and pollution prevention assistance.
- X. New Source.
  - 1. Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act, which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
    - a. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
    - b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source, or
    - c. The building, structure, facility, or installation is constructed for production or wastewater generating processes which are substantially independent of an existing source at the same site. Substantial independence shall be determined by 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.
  - 2. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of sub-paragraphs (1)(b) or (c) above, but otherwise alters, replaces or adds to existing process or production equipment.
  - 3. For purposes of this definition, construction of a new source is deemed to commence when:
    - a. The owner or operator of the facility has 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 herein; or when
    - b. The following are begun as part of a continuous on-site construction:
      - (1) Any placement, assembly or installation of facilities or equipment, or
      - (2) 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.

- Y. New User (New Discharger). A new user is not a new source and is defined as a user that applies to the City for a new building permit or any person or business that occupies an existing building and plans to discharge wastewater to the City's collection system after the effective date of this ordinance.
- Z. NPDES. National Pollutant Discharge Elimination System permit program as administered by the USEPA or state.
- AA. Other Wastes. Decayed wood, sawdust, shavings, bark, lime, refuse, ashes, garbage, offal, oil, tar, chemicals and all other substances except sewage and industrial wastes.
- AB. Pass Through. The occurrence of an indirect discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).
- AC. pH. A measure of the acidity or alkalinity of a substance, expressed in standard units.
- AD. POTW (Publicly Owned Treatment Works). Any sewage treatment works owned and operated by the City and the sewers and conveyance or treatment appurtenances discharging thereto, whether or not owned by the City. The term also means Boise City since the U.S. Environmental Protection Agency issues the NPDES permits to Boise City.
- AE. Pollutant. Any substance discharged into a POTW or its collection system which is prohibited or limited by Sections 8-14-04, 05, 06, 07, and 09 herein. This term includes but is not limited to, dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural wastes.
- AF. Pretreatment. The reduction of the amounts of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW.
- AG. Pretreatment Requirement. Any substantive or procedural requirement related to pretreatment, including categorical pretreatment standards and/or BMPs, imposed on an industrial user.
- AH. Pretreatment Standards or Standards. Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, local limits and/or BMPs established by the City.
- AI. Prohibited Discharges (Prohibited Discharge Standards). Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Sections 8-14-04 and 8-14-09 of this ordinance.
- AJ. Severe Property Damage. Substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

- AK. Septic Tank Waste (Septage). Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- AL. Sewage. Water-carried human wastes or a combination of water-carried wastes from residences, business buildings, institutions and industrial establishments.
- AM. Sewer. Any pipe, conduit, ditch or other device used to collect and transport sewage from the generating source.
- AN. Shall. Is mandatory.
- AO. Significant Industrial User (SIU). Any industrial user of the POTW that:
1. Is subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N, or
  2. Any other industrial user that: Discharges an average of 25,000 gpd or more of process wastewater to the POTW (excluding sanitary, non-contact cooling, and boiler blowdown wastewater); or contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity to the treatment facility receiving the waste; or is designated as such by the City as defined in 40 CFR 403.3(f), on the basis that the industrial user has a reasonable potential, either singly or in combination with other contributing industries, for adversely affecting the POTW's wastewater collection and treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system or for violating any pretreatment standard or requirements including BMP's and control of slug discharges.
  3. Upon the subsequent finding that a user, which had met the above criteria, no longer has reasonable potential for adversely affecting the POTW's operation or for violating any applicable pretreatment standard or requirement, the City may at any time, on its own initiative or in response to a written request from the 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.
  4. Upon a finding that a Significant Industrial User meets the criteria and all conditions in 40 CFR 403.3 (v)(2), the City may designate the user a Non-Significant Categorical Industrial User.
- AP. Significant Noncompliance. For the purposes of this ordinance, significant noncompliance shall mean:
1. Chronic violations of wastewater Discharge limits, defined here as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined or described in this ordinance;
  2. Technical review criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for the same pollutant parameter during a six-month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined or described in this ordinance multiplied by the applicable factor [1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH];

3. Any other violation of a Pretreatment Standard or Requirement, including instantaneous limits or narrative Standard, that the City believes has caused, alone or in combination with other discharges, interference, pass through, or endangered the health and safety of City personnel or the general public;
4. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the City's exercise of its emergency authority to halt or prevent such a discharge;
5. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an indirect discharge 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 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), including a violation of BMPs, which the City determines will adversely affect the operation or implementation of the City's Pretreatment Program.

- AQ. Slug Load. Any discharge at a flow rate or concentration which could cause a violation of the discharge standards in Sections 8-14-04, 05, 06, and 07 of this ordinance or any discharge of a nonroutine, episodic nature, including but not limited to, an accidental spill or a noncustomary batch discharge.
- AR. Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- AS. Toxic Pollutants. Pollutants or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under Section 307 (33 U.S.C. 1317) of the Act.
- AT. Treatment Plant or Wastewater Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.
- AU. Upset. An exceptional incident in which a user unintentionally and temporarily is in a state of noncompliance with the standards set forth in Sections 8-14-04, 05, 06, 07, and 09 herein due to factors beyond the reasonable control of the user and excluding noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation thereof.
- AV. User. See Industrial User
- AW. Wastewater. Industrial waste, or sewage or any other waste including that which may be combined with any ground water, surface water or storm water, that may be discharged to the POTW.

The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.



(Ord-25-14, Amended, 7/8/2014)

**8-14-03.01 Abbreviations**

The following abbreviations shall have the designated meanings:

- A. ASPP - Accidental Spill Prevention Plan
- B. BMP - Best Management Practice
- C. BOD - Biochemical Oxygen Demand
- D. CFR - Code of Federal Regulations
- E. EPA - U.S. Environmental Protection Agency
- F. gpd - gallons per day
- G. IDP - Indirect Discharge Permit
- H. IU - Industrial User
- I. LEL - Lower Explosive Limit
- J. NPDES - National Pollutant Discharge Elimination System
- K. POTW - Publicly Owned Treatment Works
- L. RCRA - Resource Conservation and Recovery Act
- M. NAICS- North American Industrial Classification System
- N. SIC - Standard Industrial Classification
- O. SWDA - Solid Waste Disposal Act (42 U.S.C. 6901, et seq.)
- P. TSS - Total Suspended Solids
- Q. USC - United States Code  
(ORD/25/2014, Amended, 7/08/2014: 6517, Repealed & Replaced, 11/14/2006)

**Section 8-14-04 PROHIBITED DISCHARGE STANDARDS**

**8-14-04.01 General Prohibitions**

No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other federal, state, or local pretreatment standards or requirements.

#### **8-14-04.02 Specific Discharge Prohibitions**

- A. No user shall contribute or cause to be discharged, directly or indirectly, any of the following described substances into the POTW:
1. Any wastewater having a pH less than five (5) or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the system.
  2. Any toxic and non toxic pollutants including oxygen demanding pollutants (BOD, etc.) in sufficient quantity, either singly or by interaction, to injure or interfere with any wastewater treatment process, to constitute a hazard to humans or animals or to exceed the limitations set forth in categorical pretreatment standards.
  3. Any liquids, solids or gases which by reason of their nature or quantity are, or may be sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in another way to the POTW or to the operation of the POTW. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system), be more than five percent (5%) nor any single reading over ten percent (10%) of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides and any other substances which the City deems to be a fire hazard or a hazard to the system.
  4. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 F (60 C) using the test methods specified in 40 CFR 261.21.
  5. Any solid or viscous substances which will or may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater system, such as, but not limited to: grease, garbage with particles greater than one half (1/2) inch 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, and residues from refining, or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.
  6. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.
  7. Any noxious or malodorous liquid, gases or solids which either singly or by interaction are capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.
  8. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
  9. Any substance which may cause the POTW's effluent or treatment residues, sludges or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or state standards applicable to the sludge management method being used.

10. Any substance which will cause the POTW to violate its NPDES and/or other disposal system permits.
11. Any substance with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
12. Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference; but in no case, wastewater with a temperature at the introduction into the POTW treatment plant which exceeds 40oC (104oF). If, in the opinion of the City, lower temperatures of such wastes could harm either the sewers, sewage treatment process or equipment; have an adverse effect on the receiving streams or otherwise endanger life, health or property; or constitute a nuisance, the City may prohibit such discharges.
13. Any wastewater at a flow rate and/or pollutant discharge rate which is excessive over a relatively short time period so that there is a treatment process upset and subsequent loss of treatment efficiency.
14. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as exceed limits established by the City in compliance with applicable state or federal regulations.
15. Any wastewater which causes a hazard to human life or creates a public nuisance.

- B. Pollutants, substances, or wastewater prohibited by this ordinance shall not be processed or stored in such a manner that could result in their discharge to the POTW.

**8-14-04.03 Prohibitions on Storm Drainage and Ground Water**

Storm water, ground water, rain water, street drainage, subsurface drainage or yard drainage shall not be discharged through direct or indirect connections to the wastewater collection system unless specifically authorized by the City. The City may approve the discharge of such water only when no reasonable alternative method of disposal and/or treatment is available. If authorization is granted for the discharge of such waters into the sewer, an indirect discharge permit may be issued. The user shall pay all applicable charges and fees and meet such other conditions as required by the City.

**8-14-04.04 Prohibitions on Unpolluted Water**

Unpolluted water in excess of 2,000 gallons per day, including, but not limited to cooling water, process water or blowdown from cooling towers or evaporative coolers shall not be discharged through direct or indirect connection to the sewer unless specifically authorized by the City. The City may approve the discharge of such water only when no reasonable alternative method of disposal and/or treatment is available. If authorization is granted for the discharge of such waters into the sewer, an indirect discharge permit may be issued. The user shall pay all applicable charges and fees and meet such other conditions as required by the City.

**8-14-04.05 Prohibition on Hazardous Waste**

Any substance that exhibits a characteristic of a hazardous waste or is listed as a hazardous waste pursuant to 40 CFR 261 shall not be discharged through direct or indirect connections to the wastewater collection system unless a permit is issued by the City. The City may approve the discharge of such wastes only if the user has complied with all state and federal hazardous waste management regulations; no reasonable alternative method of disposal and/or treatment is available; and the discharge will not cause upset, pass through, or interference, or otherwise endanger life, health, or property. If a permit is granted for the discharge of such wastes, the user shall pay the applicable charges and fees and meet such other conditions as required by the City.

**8-14-04.06                    Limitations on Point of Discharge**

No person shall discharge any substances directly into a manhole or other opening into the sewer other than through an approved building sewer connection unless specifically authorized by the City. If authorization is granted, an indirect discharge permit may be issued. The user shall pay all applicable charges and fees and meet such other conditions as required by the City.

**8-14-04.07                    Septage and Vehicle Transported Waste**

- A. No vehicle-transported septage or other waste shall be discharged through direct or indirect connections to the sewer unless specifically authorized by the City. If authorization is granted for the discharge of such wastes into the sewer, an indirect discharge permit may be issued. The user shall pay all applicable charges and fees and meet such other conditions as required by the City.
- B. Recreational vehicle sanitary waste disposal stations available to the public shall be subject to the provisions of this ordinance. Issuance of an indirect discharge permit and payment of appropriate fees may be required. Recreational vehicle septage waste disposal through an approved building sewer connection at a private residence is permitted.
- C. The City, in its discretion, may impose additional requirements including training, licensing and issuance of a discharge control permit for each waste hauler providing services to IUs required to install and maintain pretreatment facilities for pollutants prohibited by this ordinance

(ord-25-14, Amended,07/08/2014)

**8-14-04.08                    Special Cleanup Projects**

Wastewater generated from, including but not limited to, the cleanup of spills, leaking underground storage tanks, monitoring wells or other similar sources shall not be discharged through direct or indirect connections to the sewer unless a indirect discharge permit is issued by the City. The City may approve the discharge of such wastewater only when no reasonable alternative method of disposal and/or treatment is available. If a permit is granted for the discharge of such wastewaters into the sewer, the user shall pay the applicable charges and fees and meet such other conditions as required by the City. Each temporary discharge permit must be reviewed and reissued if the user wishes to discharge past the original expiration date.

(6517, Repealed & Replaced, 11/14/2006; 5724, Repealed & Replaced, 04/16/1996)

**Section 8-14-05                    CATEGORICAL PRETREATMENT STANDARDS**

Categorical pretreatment standards as amended and promulgated by the U.S. Environmental Protection Agency (EPA) pursuant to the Act and found in the appropriate parts of 40 CFR Chapter I, Subchapter N, are hereby incorporated and shall be enforceable by this ordinance.

(6517, Repealed & Replaced, 11/14/2006)

**Section 8-14-06                    STATE REQUIREMENTS**

State requirements and limitations on discharges to the POTW shall be met by all users that are subject to such standards in any instance in which they are more stringent than federal requirements and limitations, or those in this ordinance or any other applicable ordinance(s).

(6517, Repealed & Replaced, 11/14/2006; 5724, Repealed & Replaced, 04/16/1996)

**Section 8-14-07 LOCAL LIMITS**

The City shall from time to time establish quantitative or other limitations where necessary to protect against Pass Through and Interference and to provide for protection of the POTW, worker safety, public health, or environment.

A. In addition to categorical pretreatment standards referenced in Section 8 14 05 of this ordinance, no user shall discharge wastewater containing concentrations (and/or mass limitations) of substances in excess of the following:

- 0.0007 mg/l mercury
- [R] mg/l arsenic
- [R] mg/l cadmium
- [R] mg/l chromium
- [R] mg/l copper
- [R] mg/l cyanide
- [R] mg/l lead
- [R] mg/l molybdenum
- [R] mg/l nickel
- [R] mg/l phosphorus
- [R] mg/l selenium
- [R] mg/l silver
- [R] mg/l zinc
- [R] mg/l total phenols
- [R] mg/l total oil and/or grease
- [R] mg/l total suspended solids
- [R] mg/l BOD5
- [R] mg/l ammonia
- [R] mg/l nitrogen (total)

B. Where possible and appropriate, the City may establish and implement industry specific BMPs (best management practices) in conjunction with or in lieu of numerical local limits. Such BMP's shall be considered pretreatment standards and are fully enforceable under this ordinance.

C. Based upon assessment of need and on a user specific basis, the City may incorporate pollutant specific BMPs or concentration or mass limits into indirect discharge permits. Wherever a user is subject to both a categorical pretreatment standard and a local limit for a given pollutant, the more stringent limit or pretreatment standard shall apply.

(ord-25-14, Amended, 07/0//2014; 6517, Repealed & Replaced, 11/14/2006; 5724, Repealed & Replaced, 04/16/1996)

**Section 8-14-08 SPECIAL AGREEMENTS**

The City reserves the right to enter into special agreements with users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a categorical pretreatment standard or federal pretreatment requirement.

However, the user may request a net gross adjustment to a categorical standard in accordance with 40

CFR 403.15. They may also request a variance from the categorical pretreatment standard from the Approval Authority in accordance with 40 CFR 403.13.  
(6517, Repealed & Replaced, 11/14/2006; 5724, Repealed & Replaced, 04/16/1996)

**Section 8-14-09 DILUTION**

No user shall increase the use of potable or process water or, in any other way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the local limits or the categorical pretreatment standards. The City may impose mass limitations on users that are using dilution to meet the pretreatment standards or requirements of the ordinance, or in other cases where the imposition of mass limitations is deemed appropriate by the City.  
(6517, Repealed & Replaced, 11/14/2006; 5724, Repealed & Replaced, 04/16/1996)

**Section 8-14-10 DEADLINE FOR COMPLIANCE WITH APPLICABLE PRETREATMENT REQUIREMENTS**

- A. Compliance by existing sources covered by categorical pretreatment standards shall be within three (3) years of the date the standard is effective unless a shorter compliance time is specified in the appropriate standard. Boise City shall establish a final compliance deadline date for any existing user not covered by categorical pretreatment standards or for any categorical user when local limits for said user are more restrictive than EPA's categorical pretreatment standards. New source dischargers and new users are required to comply with applicable pretreatment standards within the shortest feasible time (not to exceed 90 days from the beginning of discharge). New sources and new users shall install and have in operating condition, and shall start up all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge.
- B. Any indirect discharge permit issued to a categorical user shall not contain a compliance date beyond any deadline date established in EPA's categorical pretreatment standards. Any other existing user or a categorical user that must comply with a more stringent local limit, and is in noncompliance with any local limits, shall be provided with a compliance schedule placed in an indirect discharge permit to ensure compliance within the shortest time feasible.

(6517, Repealed & Replaced, 11/14/2006; 5724, Repealed & Replaced, 11/14/2006)

**Section 8-14-11 ACCIDENTAL DISCHARGES**

- A. Each user shall provide protection from the accidental discharge of prohibited or regulated materials or substances established by this ordinance. Where deemed necessary by the City, facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's cost and expense. Significant Industrial Users are required to notify the City immediately of any changes at its facility affecting potential for a Slug Load discharge. When required, an Accidental Spill Prevention Plan (ASPP) showing facilities and operating procedures to provide this protection shall be submitted to the City for review and approval before construction of the facility or implementation of procedures. Any user required to develop and implement an ASPP shall submit a plan which addresses, at a minimum, the following elements:
  - 1. Description of discharge practices, including non-routine batch discharges;
  - 2. Description of stored chemicals;

3. Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the standards in Sections 8 14 04, 05, 06, 07, and 09 of this ordinance. Accidental spill or slug load notification instructions shall be posted in conspicuous places on the user's premises advising employees whom to call; 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 pollutants (including solvents), and/or measures and equipment for emergency response.
- B. Each existing user shall complete and submit its ASPP within 60 days after notification by the City. Each user shall implement its ASPP as submitted after such ASPP has been reviewed and approved by the City. Review and approval of such plans and operating procedures by the City shall not relieve the user from the responsibility to modify its facility as necessary to meet the requirements of this ordinance.
- C. Users shall notify the City wastewater treatment plant immediately upon the occurrence of a slug load or accidental discharge of substances prohibited by this ordinance. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume, and corrective actions. Within five (5) days following an accidental discharge, the user shall submit to the City a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Any user that discharges a slug load of prohibited materials shall be liable for any expense, loss or damage to the POTW, in addition to the amount of any fines imposed on the City on account thereof under state or federal law.

(6517, Repealed & Replaced, 11/14/2006; 5724, Repealed & Replaced, 04/16/1996)

## **Section 8-14-12            PRETREATMENT FACILITIES**

### **8-14-12.01 General Requirements**

Users shall provide necessary wastewater pretreatment as required to comply with this ordinance and shall achieve compliance with all applicable pretreatment standards within the time limitations as specified by appropriate statutes, regulations and ordinances. Any facilities required to pretreat wastewater to a level acceptable to the City shall be provided, properly operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities shall be submitted to the City for review and must be acceptable to the City before construction of the facility. The review of such plans shall in no way relieve the Discharger from the responsibility of modifying its facility or operations as necessary to produce an effluent acceptable to the City under the provisions of this ordinance. Within a reasonable time after the completion of the wastewater pretreatment facility, the user shall furnish its operations and maintenance procedures for the City to review. Any subsequent significant changes in the pretreatment facilities or method of operation shall be reported to and be accepted by the City prior to the user's initiation of the changes.

### **8-14-12.02            Additional Pretreatment Measures**

Whenever deemed necessary, the Pretreatment Coordinator may require users to restrict their discharge during peak flow periods, designate that certain wastewaters be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW, personnel operating

the POTW, the public health or to determine the user's compliance with the requirements of this ordinance.

**8-14-12.03 Interceptors**

Suitable and adequate grease and oil, or sand interceptors shall be provided for the proper handling of wastewater containing grease, oil, sand or other substances prohibited by this ordinance; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the City and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be provided, inspected, cleaned regularly in accordance with established BMPs, and maintained in proper operating condition by the user and at the user's expense. The introduction of chemical, bacterial, enzyme, or any other additive into an interceptor, directly or indirectly, that causes interference with the normal operation of the unit or causes pass through of prohibited substances is prohibited. Interceptor maintenance and cleaning records shall be maintained by the user and made available to Pretreatment Inspectors for review upon request.

(6517, Repealed, 11/14/2006; 5724, Added, 04/16/1996)

**Section 8-14-13 FEES**

**8-14-13.01 General Charges and Fees**

Users of the POTW shall pay reasonable charges and fees to compensate the City for its costs associated with permitting, monitoring, inspection, surveillance and laboratory analyses required by the federal pretreatment program and this ordinance. Sewer system connection and service charges and fees are established by a separate ordinance.

**8-14-13.02 Charges and Fees Related to Noncompliance**

If costs are incurred beyond normal operation through involvement with noncomplying users, the City will charge the noncomplying user such costs and fees as provided for in Section 8 14 24.03 of this ordinance

.(6517, Repealed & Replaced, 11/14/2006; 5724, Added, 04/16/1996)

**Section 8-14-14 WASTEWATER DISCHARGES**

It shall be unlawful to discharge sewage, industrial wastes or other wastes to any sewer within the jurisdiction of the City, and/or to the POTW, without having first complied with the terms of this ordinance, or without having first obtained the City's approval of a compliance schedule submitted by the user.

(6517, Repealed & Replaced, 11/14/2006; 5724, Added, 04/16/1996)

**Section 8-14-15 WASTEWATER DISCHARGE DATA DISCLOSURE**

**8-14-15.01 General Disclosure**

All users proposing to connect to or to discharge sewage, industrial wastes and other wastes to the POTW shall disclose and submit all relevant information as requested by the City.

**8-14-15.02 Disclosure Forms**

- A. Significant industrial users shall complete and file with the City a data disclosure form prescribed by the City. Existing sources shall file data disclosure forms within 180 days of promulgation of an applicable categorical pretreatment standard and 90 days upon notification by the City. New



sources shall file a data disclosure form at least 90 days prior to commencement of their discharge to the POTW. Certain new and existing users may be required to submit data disclosure forms as prescribed herein. This data disclosure form satisfies the requirement of the user baseline monitoring report as described in 40 CFR 403.12(b). The disclosure to be made by the user shall be made on written forms provided by the City and shall include:

1. Disclosure of name, address and location of the facility, including the name of the operator and owner.
2. Disclosure of industrial classification (NACIS) number according to the most current edition of the North American Industrial Classification System Manual as published by the United States Office of Management and Budget.
3. Identification of the pretreatment standards applicable to each regulated process.
4. Disclosure of wastewater constituents and characteristics. The user shall submit the results of sampling and analysis identifying the nature and concentration (daily maximum and average), or mass where appropriate, of regulated pollutants in the discharge from each regulated process. Although the City may specify additional or more frequent samples, a minimum of one sample, representative of daily operations, is required to compile the data necessary to comply with this Section. Sampling and analyses shall be performed in accordance with Section 8-14-20 of this ordinance.
5. Disclosure of time and duration of discharges, including copies of flow charts.
6. Disclosure of average daily and maximum daily wastewater flow rates, in gallons per day, including any daily, monthly or seasonal variations, of all regulated or manufacturing process streams and other streams as necessary to allow use of the combined wastestream formula of 40 CFR 403.6(e). All flows shall be measured unless other verifiable techniques are approved by the City due to cost or infeasibility.
7. Disclosure of site plans, floor plans, plumbing plans and details to show all sewers, sewer connections, inspection manholes, sampling chambers and appurtenances by size and location.
8. Description of activities, facilities and plant processes on the premises including all materials which are or may be discharged to the sewers or works of the City and a brief description of the nature, average rate of production and standard industrial classification of the operations.
9. A statement regarding whether or not compliance is being achieved with this ordinance on a consistent basis and if not, whether additional pretreatment is required for the user to comply with this ordinance. The statement on compliance shall be certified to by a qualified professional and reviewed and signed by an authorized representative of the user.
10. Where additional pretreatment and/or operation and maintenance activities will be required to comply with this ordinance, including categorical standards, the user shall provide a compliance schedule consisting of a declaration of the shortest schedule by which the user will provide such additional pretreatment and/or implementation of additional operational and maintenance activities. A compliance schedule pursuant to this section must meet the requirements outlined in Section 8-14-16 of this ordinance.
11. All data disclosure forms shall be signed by an authorized representative of the user as defined in Section 8-14-03 of this ordinance, and when required by the City, a registered professional engineer.
12. Each product produced by type, amount, process or processes and rate of production.

13. Type and amount of raw materials used, including chemicals used in process which may be discharged to sanitary system (average daily and maximum daily).
14. List of environmental control permits held by or for the facility.

B. The City will evaluate the completeness of the data disclosure form furnished by the user and may require additional information. The City may require inspection and sampling manholes and/or flow measuring or recording and sampling equipment to assure compliance with this ordinance. Within 30 days, after full evaluation and acceptance of the data furnished, the City shall notify the user of the City's acceptance through the issuance of an indirect discharge permit, or rejection thereof. Incomplete or inaccurate applications will not be processed and will be promptly returned to the user with an explanation of necessary revisions. Any schedules or timetables submitted by the user shall be subject to review and approval by the City. The City may deny any application for an indirect discharge permit.

(ord-25-2014, Amended, 07/08/2014; 6517, Repealed & Replaced, 11/14/2006; 5724, Added, 04/16/1996)

### **Section 8-14-16 COMPLIANCE SCHEDULES FOR MEETING APPLICABLE PRETREATMENT STANDARDS**

- A. The schedule will contain milestone dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to comply with the requirements of this ordinance, including categorical standards. Examples of such milestone dates include hiring an engineer, completing preliminary plans, executing contract for major components, commencing construction, completing construction and other acts which may be necessary to achieve compliance with this ordinance.
- B. Under no circumstance shall the City permit a time increment of any single step directed toward compliance which exceeds nine (9) months.
- C. Not later than 14 days following each milestone date in the schedule and the final date for compliance, the user shall submit a progress report to the City, including no less than a statement as to whether or not it complied with the increment of progress represented by that milestone date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay and the steps being taken by the user to return the construction to the approved schedule.

(6517, Repealed & Replaced, 11/14/2006; 5724, Added, 04/16/1996)

### **Section 8-14-17 INDIRECT DISCHARGE PERMIT (IDP) 8-14-17.01 Minor Industrial Users**

The City may, in its discretion, issue a general discharge permit to a Minor Industrial User (MIU) to ensure compliance with applicable pretreatment standards and requirements including implementation of a accidental spill prevention plan, installation and operation of pretreatment facilities, or required BMP's. If a permit is issued, the user shall pay the applicable charges and fees and meet such other conditions as required by the City.

(ord-25-14, Amended, 07/08/2014)

**8-14-17.02****Significant Industrial Users**

- A. No significant industrial user shall discharge wastewater into the POTW without first obtaining an indirect discharge permit. Any violation of the terms and conditions of an indirect discharge permit shall be deemed a violation of this ordinance and subjects the user or permittee to the sanctions set out in this ordinance. Obtaining an indirect discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, and local laws.
- B. The City shall issue to each significant industrial user an indirect discharge permit, which will be based on information in the data disclosure form and include:
1. Any fees and charges to be paid upon initial issuance.
  2. Limits on the average and maximum wastewater pollutant concentrations, loadings or characteristics.
  3. Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization.
  4. Self monitoring requirements including flow monitoring frequency and method, sampling frequencies, number, types and standards for tests.
  5. Authorized points of discharge and regulated processes.
  6. Requirements for installation and maintenance of inspection and sampling facilities.
  7. Compliance schedules.
  8. Special conditions as the City may reasonably require, such as sampling locations or circumstances of a given discharge.
  9. Reporting requirements including, but not limited to, notification of accidental spills, noncompliance, and discharge/process changes.
  10. Requirements for submission of special technical reports or discharge reports where same differs from those prescribed by this ordinance.
  11. Any special agreements the City chooses to continue or develop between the City and the permittee.
  12. Standard conditions as apply to all significant industrial users.
- C. Indirect discharge permits shall be issued for a specific time period, not to exceed five (5) years. Each permit shall indicate an effective date and an expiration date.
- D. Indirect discharge permits are issued to a specific user for a specific operation and are not assignable to another user or transferable to any other location without prior written approval of the City.
- E. Indirect discharge permits shall be voidable upon cessation of operations or transfer of business ownership. The indirect discharge permit issued to a particular user is void upon the issuance of a new indirect discharge permit to that user.
- F. The City may authorize a Significant Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by categorical Pretreatment Standard if the User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from the intake water and without an increase in the pollutant due to activities by the User. The authorization is subject to the conditions as outlined in CFR 403.12 (e)(2)(i) through (vii).

- G. The City may authorize a Significant Industrial User subject to a categorical Pretreatment Standard to reduce its reporting requirement to no less frequently than once a year, unless required more frequently in a Pretreatment Standard or by the Approval Authority , where the User meets all of the conditions outlined in CFR 403.12 (e)(3).

**8-14-17.03 Extrajurisdictional Users**

Any user located beyond the City limits required to obtain an indirect discharge permit shall submit a permit application (DDF) as outlined in Section 8 14 15 of this ordinance.

**8-14-17.04 Temporary Indirect Discharge Permits**

The City may issue indirect discharge permits to address temporary nondomestic discharges to the POTW. Each temporary discharge must receive prior written approval from the City. Wastewater sources that are subject to temporary permitting include, but are not limited to, storm water, ground water, cooling water, process water, cleanup water from spills, leaking underground storage tanks, and monitoring wells. Each temporary discharge permit must be reviewed and reissued if the user wishes to discharge past the original expiration date. Users issued temporary indirect discharge permits shall pay all applicable charges and fees and meet such other conditions as required by the City.

**8-14-17.05 Indirect Discharge Permit Appeals**

Users will be provided with a draft permit for their review and comment prior to permit issuance. Any person, including the user, may petition the City to reconsider the terms of an indirect discharge permit as follows:

- A. The written petition must be filed with the Boise City Public Works Department within twenty (20) days of the permit's issuance. Failure to submit a timely petition for reconsideration shall be deemed a waiver of the right to appeal.
- B. In its petition, the appealing party must indicate the specific permit conditions objected to, the reasons for this objection, and shall present alternative conditions to meet the intent of this ordinance.
- C. The effectiveness of the permit shall not be stayed pending the appeal.
- D. The Public Works Director or his/her designee shall provide written action to the appealing party within ten (10) working days from the date the appeal was filed. If the Public Works Director or his/her designee fails to respond within ten (10) working days, the petition for reconsideration shall be deemed denied.
- E. Decisions of the Public Works Director or his/her designee regarding the petition for reconsideration may be appealed to the Boise City Public Works Commission by filing a written request for appeal with the Public Works Department within fifteen (15) days of the decision of the Public Works Director or his/her designee. The Public Works Commission shall address the appeal at its next scheduled meeting. The appealing party may appear and present evidence and testimony at such meeting. The decision of the Public Works Commission regarding the petition shall be in writing.
- F. The decision of the Public Works Commission may be appealed to the Boise City Council by filing a notice requesting appeal with the Boise City Clerk's office within fifteen (15) days of receipt of the written decision.

- G. Decisions of the Boise City Council may be appealed to the District Court for the Fourth Judicial District of the State of Idaho.

**8-14-17.06 Indirect Discharge Permit Modifications**

The terms and conditions of an indirect discharge permit may be subject to modification by Boise City at any time as limitations or requirements are modified or other just cause exists. Any permit modifications which result in new conditions shall include a reasonable time schedule for compliance as determined by Boise City. Other reasons for modification include, but are not limited to, the following:

- A. To incorporate any new or revised federal, state, or local pretreatment standards or requirements;
- B. To address significant alterations or additions to the user's operation, processes, or wastewater since the time of permit issuance or the last modification;
- C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- D. To incorporate special conditions resulting from the issuance of a special order or an enforcement action; or
- E. Information indicating that the permitted discharge poses a threat to the City's POTW, City personnel, or the receiving waters;
- F. Violation of any terms or conditions of the wastewater discharge permit;
- G. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- H. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
- I. To correct typographical or other errors in the indirect discharge permit.

**8-14-17.07 Indirect Discharge Permit Reissuance**

A user, required to have an indirect discharge permit, shall submit a written request for permit renewal at least 60 days prior to permit expiration. The City shall then provide the user with the necessary renewal forms and instructions. A user, whose existing indirect discharge permit has expired and has submitted its renewal application request within the specified time period, shall be deemed to have an effective indirect discharge permit until the City issues or denies a new indirect discharge permit. A user, whose existing indirect discharge permit has expired and that fails to submit its renewal application request within the specified time period, shall be deemed to be discharging without an indirect discharge permit.

**8-14-17.08 Indirect Discharge Permit Revocation**

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

- A. Failure to notify the City of significant changes to the wastewater prior to the changed discharge;

- B. Failure to provide prior notification to the City of changed conditions;
- C. Misrepresentation or failure to fully disclose all relevant facts in the data disclosure form or subsequent permit renewal submittals;
- D. Falsifying self monitoring reports;
- E. Tampering with monitoring equipment;
- F. Refusing to allow the City timely access to the facility premises and records;
- G. Failure to meet discharge limitations;
- H. Failure to pay fines;
- I. Failure to meet compliance schedules;
- J. Failure to complete a wastewater survey or the wastewater discharge permit application;
- K. Failure to provide advance notice of the transfer of a permitted facility;
- L. If the City has to invoke its emergency provisions;
- M. Violation of any pretreatment standard or requirement, or any terms of an indirect discharge permit or this ordinance.

(6517, Repealed & Replaced, 11/14/2006; 5724, Added, 04/16/1996)

## **Section 8-14-18 STANDARDS MODIFICATIONS**

All categorical pretreatment standards adopted by the U.S. EPA after the promulgation of this ordinance shall be enforceable by the City through this ordinance. Where a user, subject to a categorical pretreatment standard, has not previously submitted a data disclosure form as required by Section 8-14-15 of this ordinance, the user shall file a data disclosure form with the City within 180 days after the promulgation of the applicable categorical pretreatment standard by the U.S. EPA. In addition, any user operating on the basis of a previous filing of a disclosure statement, shall submit to the City within 180 days after the promulgation of an applicable categorical pretreatment standard, the additional information required by paragraphs 3, 4, 6, and 10 of Section 8-14-15.02.A of this ordinance. If deemed necessary by the City, where categorical pretreatment standards are more stringent, the indirect discharge permit will be modified. The user shall be informed of any proposed changes in the ordinance at least 30 days prior to the effective date of change. Any changes or new conditions in the ordinance shall include a reasonable time schedule for compliance.

(6517, Repealed & Replaced, 11/14/2006; 5724, Added, 04/16/1996)

## **Section 8-14-19 USER NOTIFICATION AND REPORTING REQUIREMENTS**

### **8-14-19.01 Final Compliance Report**

Within 90 days following the date for final compliance by the user with applicable pretreatment standards and requirements set forth in this ordinance or an indirect discharge permit, or within 90 days after commencement of the introduction of wastewater into the POTW by a new user, including new

source users, any user when required shall submit to the City a report indicating the nature and concentration of all prohibited or regulated substances contained in its discharge, and the average and maximum daily flow in gallons. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operation, maintenance, and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the user as defined in Section 8-14-03 of this ordinance. For categorical users, this report shall contain the information outlined in paragraphs 3, 4, 6, and 11 of Section 8-14-15.02.A of this ordinance.

#### **8-14-19.02 Periodic Compliance Reports**

- A. Any user subject to a pretreatment standard set forth in this ordinance, after the compliance date of such pretreatment standard, or, in the case of a new user, after commencement of the discharge to the POTW, shall submit to the City at six (6) month intervals as prescribed in the indirect discharge permit, unless required more frequently by the City, a report indicating the nature and concentration of prohibited or regulated substances in the effluent which are limited by the pretreatment standards hereof. In addition, this report shall include a record of all measured or estimated average and maximum daily flows during the reporting period. Flows shall be reported on the basis of actual measurement, provided however, where cost or feasibility considerations justify, the City may accept reports of average and maximum flows estimated by verifiable techniques. This report shall also include any additional information as may be required by this ordinance or the indirect discharge permit, including production data and flow measurements from any dilute or non regulated wastestreams.
- B. Reports of users shall contain all results of sampling and analyses of the discharge, including the flow and the nature and concentration, or production and mass where required by the City. All sample results shall indicate the time, date and place of sampling, and methods of analyses, and shall certify that the discharge sampled is representative of discharges of normal work cycles and expected pollutant discharges from the user. The frequency of monitoring by the user shall be prescribed within the indirect discharge permit. If a user sampled and analyzed more frequently than what was required in its indirect discharge permit it must submit all results of sampling and analyses of the discharge as part of its self monitoring report.
- C. All users not required to obtain an indirect discharge permit shall provide appropriate reports to the City as may be required.

#### **8-14-19.03 Noncompliance Notification, Resampling, and Reporting**

If sampling performed by a user indicates a violation, the user shall notify the City within 24 hours of becoming aware of the violation. The user shall also repeat the sampling within five (5) days and submit the results of the repeat analysis to the City within 30 days after becoming aware of the violation, except the user is not required to resample if:

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

#### **8-14-19.04 Notification of Significant Production Changes**

Any user operating under an indirect discharge permit incorporating equivalent mass or concentration limits shall notify the City within two (2) business days after the user has a reasonable

basis to know that the production level will significantly change within the next calendar month. Any user not providing a notice of such anticipated change will be required to comply with the existing limits contained in its indirect discharge permit.

#### **8-14-19.05 Hazardous Waste Notification**

- A. Any user that is discharging more than 15 kilograms of hazardous wastes as defined in 40 CFR 261 (listed or characteristic wastes) in a calendar month or any facility discharging any amount of acutely hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e) is required provide a one time notification in writing to the City, EPA Regional Waste Management Division Director, and Idaho Division of Environmental Quality. Any existing user exempt from this notification, shall comply with the requirements contained herein within 30 days of becoming aware of a discharge of 15 kilograms of hazardous wastes in a calendar month or the discharge of acutely hazardous wastes to the City sewer system. Such notification shall include:
1. The name of the hazardous waste as set forth in 40 CFR Part 261,
  2. The EPA hazardous waste number; and
  3. The type of discharge (continuous, batch, or other).
  4. If an industrial user discharges more than 100 kilograms of such waste per calendar per month to the sewer system, the notification shall also contain the following information to the extent it is known or readily available to the industrial user:
    - a. an identification of the hazardous constituents contained in the wastes,
    - b. an estimation of the mass and concentration of such constituents in the wastestreams discharged during that calendar month, and
    - c. an estimation of the mass of constituents in the wastestreams expected to be discharged during the following 12 months.
- B. These notification requirements do not apply to pollutants already reported under the self monitoring requirements. Whenever the EPA publishes final rules identifying additional hazardous wastes or new characteristics of hazardous waste, a user shall notify the City of the discharge of such a substance within 90 days of the effective date of such regulations. In the case of any notification made pursuant to this section, an industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

#### **8-14-19.06 Notice of Potential Problems, Including Accidental Spills and Slug Loads**

Any user shall notify the City immediately of all discharges that could cause problems to the POTW, including any slug loads, as defined in Section 8-14-03 of this ordinance. The notification shall include the concentration and volume and corrective action. Steps being taken to reduce any adverse impact should also be noted during the notification. Any user that discharges a slug of pollutants shall be liable for any expense, loss, or damage to the POTW, in addition to the amount of any fines imposed on the City under state or federal law.

#### **8-14-19.07 Notification of Changed Discharge**

All users shall promptly notify the City in advance of any substantial change in the volume or character of pollutants in their discharge, including significant manufacturing process changes, pretreatment modifications, and the listed or characteristic hazardous wastes for which the user has submitted initial notification under Section 8-14-19.05 of this ordinance.

(6517, Repealed & Replaced, 11/14/2006; 5724, Added, 04/16/1996)



**Section 8-14-20 ANALYTICAL AND SAMPLING TECHNIQUES**

**8-14-20.01 Analytical Requirements**

All pollutant analyses, including sampling techniques, whether performed by the user, an independent contractor, or the City, shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical pretreatment standard. Where 40 CFR Part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analyses shall be performed in accordance with sampling and analytical procedures approved by the Administrator of the U.S. EPA.

**8-14-20.02 Sample Collection**

- A. Except as indicated in Section B, below, the user must collect wastewater samples using flow proportional composite collection techniques. The City may authorize the use of time proportional sampling or the appropriate minimum number of grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
- B. Unless otherwise prescribed by the City, samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques. Multiple grab samples collected during a 24 hour period may be composited prior to analysis.
- C. Samples shall be collected immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated or manufacturing process if no pretreatment exists or as determined by the City and contained in the user's indirect discharge permit.

(6517, Repealed & Replaced, 11/14/2006; 5724, Added, 04/16/1996)

**Section 8-14-21 MONITORING FACILITIES**

- A. When required, each user shall provide and operate at the user's own expense, a monitoring facility to allow inspection, sampling and flow measurement of each sewer discharge to the City. Each monitoring facility shall be situated on the user's premises, except where such a location would be impractical or cause undue hardship on the user. The City may concur with the facility being constructed in the public street or sidewalk area providing that the facility is located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near such sampling facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user. Where required by federal, state, or local regulations, such monitoring facilities shall be provided at the end of a process or production unit, or following treatment of a particular process or production unit, from which regulated toxic pollutants are discharged.
- B. All monitoring facilities shall be constructed and maintained in accordance with all applicable construction standards and specifications. Construction shall be completed within 120 days (or such longer period as may be allowed by the City) of receipt by the user of the indirect discharge permit.

(6517, Repealed & Replaced, 11/14/2006; 5724, Added, 04/16/1996)

**Section 8-14-22                   INSPECTION AND SAMPLING**

**8-14-22.01                   Right to Enter**

The City shall have the right to enter the facilities of any user to ascertain whether the purpose of this ordinance, and any indirect discharge permit or order issued hereunder, is being met and whether the user is complying with all requirements thereof. The user shall allow the City or its representatives, upon presentation of credentials of identification, to enter upon the premises of the user at all reasonable hours, including all hours of operation or discharging for the purposes of inspection, sampling or records examination. The City shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct flow monitoring and sampling of the user's operations.

**8-14-22.02                   User Security**

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 personnel so that, upon presentation of suitable identification, City staff will be permitted to enter without delay for the purposes of performing specific responsibilities.

**8-14-22.03                   Right to Safe and Ready Access**

The City shall have safe and ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and performance of any additional duties. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the City and shall not be replaced. The costs of clearing such access shall be born by the user. Unreasonable delays in allowing the City safe access to the user's premises shall constitute a violation of this ordinance.

**8-14-22.04                   Search Warrants**

If the City is refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the City shall seek issuance of a search warrant from the District Court in the Fourth Judicial District of Idaho.  
(6517, Repealed & Replaced, 11/14/2006; 5724, Added, 04/16/1996)

**Section 8-14-23                   CONFIDENTIAL INFORMATION**

Information and data on a user obtained from data disclosure forms, reports, surveys, indirect discharge permits, and monitoring programs, and from City inspection and sampling activities, shall be available to the public or other governmental agency without restriction unless the user specifically requests, and is able to demonstrate to the satisfaction of the City, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable state law. When requested and demonstrated by the user that the information furnished be kept confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES Program or Pretreatment Program, and in enforcement proceedings involving the user furnishing the information. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction. Any such claim must be asserted at the time of submission by clearly indicating the words "confidential business information" on

each page containing such information. If no claim is made at the time of submission, all information will be available to the public.

(6517, Repealed & Replaced, 11/14/2006; 5724, Added, 04/16/1996)

## **Section 8-14-24 ADMINISTRATIVE ENFORCEMENT REMEDIES**

### **8-14-24.01 User Prohibited Conduct**

A user shall not (a) fail to report accurately the wastewater constituents and characteristics of its discharge; (b) fail to report significant changes in wastewater constituents or characteristics; (c) refuse reasonable access to the user's premises by representatives of the City for the purpose of inspection or monitoring; or (d) violate any state or federal pretreatment regulation, the provisions of the indirect discharge permit, the provisions of this ordinance or any order of the City with respect thereto. The City may seek any or all of the remedies or penalties provided in this ordinance (including termination of wastewater treatment service) against any user that violates any of the foregoing prohibitions. The City may seek the issuance of a temporary or permanent injunction, as deemed appropriate, for legal and/or equitable relief. Enforcement of pretreatment violations will generally be in accordance with Boise City's Pretreatment Program Enforcement Response Plan. The City reserves the right, however, to take other action against any user when the circumstances warrant. Further, Boise City is empowered to take more than one enforcement action against any noncompliant user. These actions may be taken concurrently. Issuance of a compliance order, administrative fines, penalties, and/or cease and desist orders shall not be a bar against, or prerequisite for, taking any other action against a noncompliant user.

### **8-14-24.02 Notification of Violation - Administrative Adjustment**

Whenever the City finds that any user has violated the prohibitions in Section 8-14-24.01 hereof, the City shall cause to be served upon such user a written notice either in person or by certified or registered mail, return receipt requested, stating the nature of the alleged violation or violations. The notice may also state what fine, penalty or other remedy the City will seek against the user for such alleged violation or violations. Within 20 days of the date of receipt of the notice, the user shall respond personally or in writing to the City advising of its position with respect to the allegations. Thereafter, the user shall be given the opportunity to meet with representatives, employees or agents of the City to discuss the veracity of the allegations, to establish a plan for the satisfactory correction of the violations and preclusion of a recurrence thereof, and to pay the fine or otherwise comply with the penalty or remedy being sought by the City for the violation or violations. Submission of a response in no way relieves the user of liability for any violations occurring before or after receipt of written notice of noncompliance from the City. Nothing in this section shall limit the authority of the City to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

### **8-14-24.03 Recovery of Costs Incurred by the City**

Any user that violates any of the provisions of this ordinance or that discharges or causes a discharge producing a deposit or obstruction or causes damage to or impairs the City's wastewater disposal system shall be liable to the City for any expense, loss or damage caused by such violation of discharge. The City shall charge the user for the cost incurred by the City for any monitoring, surveillance, cleaning, repair or replacement work caused by the violation or discharge, and for costs incurred by the City in investigating the violation and in enforcing this ordinance against the user including reasonable administrative costs, inspection fees, fees for testing, attorney fees, court costs and all expenses of litigation. Refusal to pay the assessed costs shall constitute a violation of this ordinance, enforceable under the provisions of Sections 8-14-24 and 25 of this ordinance.

**8-14-24.04 Show Cause Hearing**

Where the violation of Section 8-14-24.01 is not corrected by timely compliance through the administrative adjustment procedure set forth at Section 8-14-24.02, the City may order any user that suffers or permits a violation of Section 8-14-24.01 hereof, to show cause before the Public Works Commission or its designate why the proposed enforcement action (which may include suspension of service) should not be taken. A written notice shall be served on the user by personal service or by certified or registered mail, return receipt requested, specifying the time and place of a hearing to be held by the Public Works Commission or its designate regarding the violation, the reasons why the enforcement action is to be taken, the proposed enforcement action and directing the user to show cause before the Commission or its designate why the proposed enforcement action should not be taken. The notice of the hearing shall be served no less than ten (10) days before the hearing. Service of the notice may be made on any agent, officer or authorized representative of a user. The information and evidence presented at the hearing shall be considered by the Commission or its designate, who shall then enter appropriate findings of fact, conclusions of law, and orders with respect to the alleged violations of the user. Appeal of such orders may be taken within 20 days by the user to the City Council, which may grant a hearing to take additional evidence or render its decision based upon the record of the Public Works Commission proceedings. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against a noncompliant user.

**8-14-24.05 Administrative Fines**

When the City finds that a user has violated or continues to violate any provision of this ordinance, an indirect discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the City may fine such user in an amount not to exceed \$1,000.00. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, fines may be assessed for each day during the period of violation. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

**8-14-24.06 Administrative Orders Consent, Compliance, and Cease and Desist**

- A. The City may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to paragraphs 1 and 2 of Section 8-14-24.06.B of this ordinance and shall be judicially enforceable. Use of a consent order shall not be a bar against, or prerequisite for, taking any other action against the user.
  
- B. When the City finds that a user has violated or continues to violate any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the City may:
  - 1. Issue a compliance order to the user responsible for the discharge directing that the user come into compliance within a time specified in the order. If the user does not come into compliance within the time specified in the order, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the noncompliance, including additional self monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer; or

2. Issue a cease and desist order to the user directing it to cease and desist all such violations and directing the user to:
    - a. Immediately comply with all requirements; and
    - b. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.
- C. Issuance of an administrative order shall not be a bar against, or a prerequisite for, taking any other action against the user.

**8-14-24.07                      Emergency Suspension of Service and Revocation of Indirect Discharge Permit**

The City may, after informal notice to the user in writing or in person or by telephone, revoke the indirect discharge permit and order the suspension of the wastewater treatment service to a user when a user fails to comply with an administrative order issued pursuant to Section 8-14-24.06 of this ordinance, or it appears to the City that an actual or threatened discharge (a) presents or threatens an imminent or substantial danger to the health or welfare of persons or substantial danger to the environment or (b) threatens to interfere with the operation of the POTW. Any user notified of the City's suspension order shall immediately cease all discharges. In the event of failure of the user to comply with the suspension order, the City may immediately take all necessary steps to halt or prevent any further discharge by such user into the POTW. The City shall have authority to physically cap, block or seal the user's sewer line (whether on public or private property) in order to terminate service under this section. The City shall have the right to enter upon the user's property to accomplish the capping, blocking or sealing of the user's sewer line. The City shall reinstate the wastewater treatment service upon clear and convincing proof by the user of the elimination of the noncomplying discharge or condition creating the threat as set forth above.

**8-14-24.08                      Annual Publication**

The City shall publish annually, in a newspaper (s) of general circulation that provides meaningful public notice with the City's jurisdiction, a list of those users which, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards or other pretreatment requirements.  
(6517, Repealed & Replaced, 11/14/2006; 5724, Added, 04/16/1996)

**Section 8-14-25                      JUDICIAL ENFORCEMENT REMEDIES**

**8-14-25.01                      Civil Penalties**

Any user that violates an order of the City, or that fails to comply with (a) any provision of this ordinance or (b) any regulation, rule or permit of the City issued pursuant to this ordinance, shall be liable to the City for a civil penalty. The amount of such civil penalty shall be not more than \$1,000.00 per violation. Each day upon which a violation occurs or continues shall constitute a separate violation. In the case of a monthly or other long term average limit, penalties shall accrue for each day during the period of the violation. Such penalties may be recovered by judicial actions commenced by the City as provided in Section 8-14-25.02 of this ordinance. In addition, the City may commence an action to terminate the user's wastewater treatment service.

**8-14-25.02                      Injunctive Relief**

When the City finds that a user has violated or continues to violate any provision of this ordinance, an indirect discharge permit, or order issued hereunder, or any other pretreatment standard or

requirement, the City may petition the District Court in the Fourth Judicial District of Idaho for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the indirect discharge permit, order, or other requirement imposed by this ordinance on activities of the user. The City may also seek such other action as is appropriate for legal and/or equitable relief. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

**8-14-25.03 Criminal Prosecution**

- A. Any user that willfully or negligently violates any provision of this ordinance, an indirect discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by fines and/or imprisonment to the maximum extent allowable under State law. Criminal fines shall be imposed on a per violation, per day basis.
- B. Any user that willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty and/or imprisonment to the maximum extent allowable under State law. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.
- C. Any user that knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance, an indirect discharge permit, or order issued hereunder, or that falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be guilty of a misdemeanor, punishable by fines and/or imprisonment to the maximum extent allowable under State law.

(6517, Repealed & Replaced, 11/14/2006; 5724, Added, 04/16/1996)

**Section 8-14-26 AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS**

**8-14-26.01 Operating Upsets**

- A. Any user that experiences an upset in operations which places the user in a temporary state of noncompliance with this ordinance shall inform the City thereof within 24 hours of first awareness of the commencement of the upset. Where such information is given orally, a written follow up report thereof shall be filed by the user with the City within five (5) days. An upset shall constitute an affirmative defense to an action brought for noncompliance with applicable pretreatment standards if certain conditions are met. The user that wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - 1. An upset occurred and the user can identify the cause(s) of the upset;
  - 2. The facility was at the time being operated in a prudent and workman like manner and in compliance with applicable operation and maintenance procedures; and
  - 3. The user has submitted the following information to the City within twenty four (24) hours of becoming aware of the upset [if this information is provided orally, a written submission must be provided within five (5) days]:
    - a. Description of the upset, the cause thereof and the upset's impact on the user's compliance status.

- b. Duration of noncompliance and, if the noncompliance continues, the time by which compliance is reasonably expected to occur.
  - c. All steps taken or to be taken to reduce, eliminate and prevent recurrence of such an upset or other conditions of noncompliance.
- B. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with applicable pretreatment standards.
- C. Users shall control production of all discharges to the extent necessary to maintain compliance with applicable pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

**8-14-26.02 Prohibited Discharge Standards**

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the prohibitions in Sections 8-14-4.01, 8-14-4.02.A.2, 5, 6, 8, and 12 of this ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either: (a) a local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or (b) no local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the POTW was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

**8-14-26.03 Bypass Provision**

- A. Users may allow any bypass to occur which does not cause applicable pretreatment standards or requirements to be violated, but only if it is also for essential maintenance to assure efficient operation. These bypasses are not subject to the following:
  - 1. If a user knows in advance of the need for a bypass, it shall submit prior notice to the City, if possible at least ten (10) days before the date of the bypass.
  - 2. A user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the City within 24 hours from the time the user becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written description shall contain:
    - a. Description of the bypass and its cause.
    - b. Duration of the bypass, including the exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue.
    - c. All steps taken or planned to reduce, eliminate and prevent recurrence of the bypass.
  - 3. Bypass is prohibited, and the City may take enforcement action against a user for a bypass, unless:
    - a. Bypass was unavoidable to prevent loss of life, personal injury or severe property damage;

- b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
- c. The user submitted notices as required under paragraphs (1) and (2) above.

B. The City may approve an anticipated bypass, after considering its adverse effects, if the City determines that it will meet the three conditions listed in paragraph (3) above.

(6517, Repealed & Replaced, 11/14/2006; 5724, Added, 04/16/1996)

#### **Section 8-14-27 RECORDS RETENTION**

All users subject to this ordinance shall retain and preserve for no less than three (3) years, any records, books, documents, memoranda, reports, correspondence and any and all summaries thereof, relating to monitoring, sampling and chemical analyses made by or in behalf of a user in connection with its discharge. This records retention period shall be automatically extended for the duration of any litigation concerning the user or POTW, or where the user has been specifically notified of a longer retention period by the City. All records that pertain to matters which are the subject of Administrative Adjustment or any other enforcement or litigation activities brought by the City pursuant hereto shall be retained and preserved by the user until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

(6517, Repealed & Replaced, 11/14/2006; 5724, Added, 04/16/1996)

#### **Section 8-14-28 SEVERABILITY**

If any provision, paragraph, word or section of this ordinance 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.

(6517, Repealed & Replaced, 11/14/2006; 5724, Added, 04/16/1996)

#### **Section 8-14-29 RIGHT OF REVISION**

The City reserves the right to amend this ordinance to provide for more stringent limitations or requirements on users of the POTW where deemed necessary to comply with the objectives set forth in Section 8-14-01 of this ordinance.

(6517, Repealed & Replaced, 11/14/2006; 5724, Added, 04/16/1996)

#### **Section 8-14-30 CONFLICT**

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this ordinance are hereby repealed to the extent of such inconsistency of conflict.

(6517, Repealed & Replaced, 11/14/2006; 5724, Added, 04/16/1996)



**Section 8-14-31            EFFECTIVE DATE**

This ordinance shall be in full force and effect immediately following its approval, passage, and publication, as provided by law.

(6517, Repealed & Replaced, 11/14/2006; 5724, Added, 04/16/1996)