

IN THE MATTER OF ADOPTING THE STAR SEWER & WATER DISTRICT
SEWER PRETREATMENT ORDINANCE

RESOLUTION NUMBER: 2016-1

Date: August 19, 2016

A RESOLUTION BY THE District Board of the Star Sewer and Water District, IDAHO, in which they agree to comply with all terms and conditions put forth in the Star Sewer & Water District Sewer Pretreatment Ordinance/Resolution attached hereto as Exhibit A.

WHEREAS, the Star Sewer and Water District in order to comply with DEQ and EPA requirements agrees to comply with all terms and conditions of the Star Sewer & Water District Sewer Pretreatment Ordinance/Resolution attached hereto as Exhibit A.

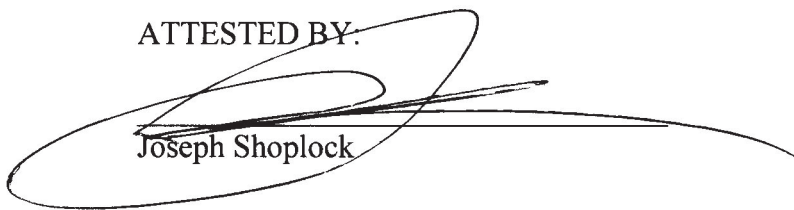
NOW, THEREFORE, BE IT RESOLVED by the District Board of the Star Sewer and Water District, IDAHO, that Bruce Borup is duly authorized to sign resolution 2016-1.

Passed and adopted by the District Board of the Star Sewer and Water District the 19th of August 2016, by the following votes:

Ayes:

Nays:

ATTESTED BY:


Joseph Shoplock


Bruce Borup

March, 2014

Star Sewer & Water District

SEWER PRETREATMENT RESOLUTION

2014-1: GENERAL PROVISIONS

2014-1-1: PURPOSE AND POLICY

2014-1-2: ADMINISTRATION

2014-1-2: ABBREVIATIONS

2014-1-4: DEFINITIONS

2014-1-5: CONFIDENTIAL INFORMATION

2014-2: GENERAL REQUIREMENTS:

2014-2-1: PROHIBITED DISCHARGE STANDARDS

2014-2-2: FEDERAL CATEGORICAL PRETREATMENT STANDARDS

2014-2-3: STATE REQUIREMENTS

2014-2-4: LOCAL LIMITS

2014-2-5: SSWD RIGHT OF REVISION

2014-2-6: SPECIAL AGREEMENT

2014-2-7: DILUTION

2014-2-8: PRETREATMENT FACILITIES

2014-2-9: DEADLINE FOR COMPLIANCE WITH APPLICABLE PRETREATMENT REQUIREMENTS

2014-2-10: ADDITIONAL PRETREATMENT MEASURES

2014-2-11: ACCIDENTAL SPILL PREVENTION CONTROL PLANS

2014-2-12: SEPTIC TANK WASTES

2014-3: WASTEWATER DISCHARGE PERMIT:

2014-3-1: WASTEWATER DISCHARGE PERMITTING; EXISTING SIU

2014-3-2: WASTEWATER DISCHARGE PERMITTING; NEW SOURCE AND NEW USER

2014-3-3: PERMIT APPLICATION CONTENTS

2014-3-4: SIGNATORY AND CERTIFICATION REQUIREMENT

2014-3-5: DECISIONS

2014-3-6: CONTENTS

2014-3-7: APPEALS

2014-3-8: DURATION:

2014-3-9: MODIFICATION

2014-3-10: TRANSFER

2014-3-11: REVOCATION

2014-3-12: REISSUANCE

2014-4: REPORTING REQUIREMENTS:**2014-4-1: COMPLIANCE REPORT****2014-4-2: PERIODIC COMPLIANCE REPORT****2014-4-3: COMPLIANCE SCHEDULES FOR MEETING APPLICABLE PRETREATMENT STANDARDS****2014-4-4: NOTIFICATION OF SIGNIFICANT PRODUCTION CHANGES****2014-4-5: HAZARDOUS WASTE NOTIFICATION****2014-4-6: NOTICE OF POTENTIAL PROBLEMS INCLUDING ACCIDENTAL SPILLS, SLUG LOADS****2014-4-7: NONCOMPLIANCE REPORTING****2014-4-8: NOTIFICATION OF CHANGED DISCHARGE****2014-4-9: REPORTS FROM UNPERMITTED USERS****2014-4-10: RECORD KEEPING****2014-5: SAMPLING AND ANALYTICAL REQUIREMENTS:****2014-5-1: SAMPLING REQUIREMENTS FOR USERS****2014-5-2: ANALYTICAL REQUIREMENTS****2014-5-3: SSWD MONITORING OF USER'S WASTEWATER****2014-6: COMPLIANCE MONITORING:****2014-6-1: INSPECTION AND SAMPLING****2014-6-2: MONITORING FACILITIES****2014-6-3: SEARCH WARRANTS****2014-6-4: VANDALISM****2014-7: PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE****2014-8: ADMINISTRATIVE ENFORCEMENT REMEDIES:****2014-8-1: NOTIFICATION OF VIOLATION****2014-8-2: CONSENT ORDERS****2014-8-3: SHOW CAUSE HEARING****2014-8-4: COMPLIANCE ORDERS****2014-8-5: CEASE AND DESIST ORDERS****2014-8-6: ADMINISTRATIVE FINES****2014-8-7: EMERGENCY SUSPENSION OF SERVICE AND REVOCATION OF PERMIT****2014-8-8: TERMINATION OF DISCHARGE (NONEMERGENCY)****2014-9: JUDICIAL ENFORCEMENT REMEDIES:****2014-9-1: INJUNCTIVE RELIEF****2014-9-2: CIVIL PENALTIES****2014-9-3: CRIMINAL PROSECUTION**

2014-9-4: REMEDIES NONEXCLUSIVE

2014-10: SUPPLEMENTAL ENFORCEMENT ACTION:

2014-10-1: PERFORMANCE BONDS

2014-10-2: WATER SUPPLY SEVERANCE

2014-11: AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS:

2014-11-1: UPSET

2014-11-2: PROHIBITED DISCHARGE STANDARDS

2014-11-3: BYPASS

2014-12: WASTEWATER TREATMENT RATES

2014-13: PRETREATMENT CHARGES AND FEES

Appendix A: BEST MANAGEMENT PRACTICES (BMPs) FOR DENTAL CARE PROVIDERS

2014-1: GENERAL PROVISIONS:

2014-1-1: PURPOSE AND POLICY:

This chapter sets forth uniform requirements for users of the publicly owned treatment works (POTW) for the Star Sewer & Water District and enables the District to comply with all applicable state and federal laws, including the Clean Water Act (33 United States Code section 1251 et seq.) and the general pretreatment regulations (40 CFR, part 403). The objectives of this chapter are:

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

E. To provide equitable fees for administrative cost recovery, permitting, inspection, compliance enforcement, damages and technical assistance resulting from the program described herein; and

F. To improve the opportunity to recycle and reclaim wastewater and biosolids from the POTW.

This chapter shall apply to all users of the POTW. This chapter authorizes the issuance of wastewater discharge permits; authorizes monitoring, compliance, and enforcement activities; establishes administrative review processes, requires user reports and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

2014-1-2: ADMINISTRATION:

Except as otherwise provided herein, the superintendent shall administer, implement, and enforce the provisions of this chapter. Any powers granted to or duties imposed upon the superintendent may be delegated by the superintendent to other Star Sewer & Water District personnel.

2014-1-2: ABBREVIATIONS:

The following abbreviations, when used in this chapter, shall have the designated meanings:

ASPP: Accidental spill prevention plan

BOD: Biochemical oxygen demand

CFR: Code of Federal Regulations

COD: Chemical oxygen demand

EPA: U.S. Environmental Protection Agency

FOG: Fats, Oils, Grease

Gpd: Gallons per day

IDP: Indirect discharge permit

L: Liter

LEL: Lower explosive limit

mg: Milligrams

mg/l: Milligrams per liter

MIU: Minor industrial user

NPDES: National Pollutant Discharge Elimination System

O&M: Operation and maintenance

POTW: Publicly owned treatment works

RCRA: Resource Conservation and Recovery Act

SIC: Standard Industrial Classification

SIU: Significant industrial user

SWDA: Solid Waste Disposal Act (42 USC 6901 et seq.)

TSS: Total suspended solids

USC: United States Code

SSWD: Star Sewer & Water District

2014-1-4: DEFINITIONS:

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

ACT OR THE ACT: The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251 et seq.

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

APPROVAL AUTHORITY: The regional administrator of the EPA, Region 10, Seattle, Washington.

AUTHORIZED REPRESENTATIVE OF THE USER: A. If the user is a corporation:

1. The president, secretary, treasurer, or a vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 2. The manager of one or more manufacturing, production, or operation facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having explicit or implicit duty of making major capital investment recommendations and initiating and directing 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 procedure.
- B. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- C. If the user is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- D. The individuals described in subsections A through C of this definition, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the superintendent or designee.

BEST MANAGEMENT PRACTICES OR BMPs: Schedules of activities, prohibitions of practices to implement the prohibitions listed in 40 CFR 403.5(a)(1) and (b). BMPs also include treatment requirements, operating procedures, and practices to control plant runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

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

CATEGORICAL PRETREATMENT STANDARD OR CATEGORICAL STANDARD: Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with sections 307(b) and (c) of the Act (33 USC section 1317) which applies to a specific category of users and which appears in 40 CFR chapter I, subchapter N, parts 405_471.

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

SSWD: Star Sewer & Water District, Ada County, Idaho.

COLLECTION SYSTEM: Any devices, pipes, conduits, ditches, sewers or other systems used to

collect or convey sewage.

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

COMPENSATION POINT: To make up for, counterbalance.

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

CONTROL AUTHORITY: A. The POTW if the POTW's pretreatment program submission has been approved in accordance with the requirements of 403.11; or
B. The approval authority if the submission has not been approved.

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

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

ENVIRONMENTAL PROTECTION AGENCY (EPA): The U.S. Environmental Protection Agency or, where appropriate, the director of Region 10 Office of Water and Watersheds, or other duly authorized official of said agency.

EXISTING SOURCE: A categorical industrial user, 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 and when the standard is thereafter promulgated in accordance with section 307 of the Act.

EXISTING USER: Any non-categorical user which was discharging wastewater prior to the effective date hereof.

GRAB SAMPLE: A sample which is taken from a waste stream on a onetime basis without regard to the flow in the waste stream and without consideration of time.

INDIRECT DISCHARGE OR DISCHARGE: The introduction of pollutants into the POTW

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

INTERFERENCE: A discharge, which alone or in conjunction with a discharge or discharges from other sources, either: a) inhibits or disrupts the POTW, its treatment processes or operations; b) inhibits or disrupts its biosolids processes, use or disposal; or c) is a cause of a violation of the SSWD's NPDES permit or of the prevention of biosolids use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder (or more stringent state or local regulations): section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA), including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to subtitle D of the SWDA; the Clean Air Act; and the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

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

MEDICAL WASTE: Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

MINOR INDUSTRIAL USER (MIU): A nondomestic user with an indirect discharge to the POTW which does not meet the criteria of a significant industrial user, but whose operation and discharge may warrant inspection to ensure compliance with discharge prohibitions, pretreatment facility operation, spill prevention measures, and pollution prevention assistance.

NPDES: National Pollutant Discharge Elimination System permit program as administered by the EPA or state.

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

1. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
2. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
3. The production of wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining

whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

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

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

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

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

OTHER WASTE: Decayed wood, sawdust, shavings, bark, lime, refuse, ashes, garbage, offal, oil, tar, chemicals and all other substances except sewage and industrial wastes.

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

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

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

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

POLLUTANT: Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes, and the characteristics of the wastewater (i.e., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

PRETREATMENT: The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means (except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard).

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

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

PROHIBITED DISCHARGE STANDARDS OR PROHIBITED DISCHARGES: Absolute prohibitions against the discharge of certain substances, which appear in subsections 2-2-1A and B of this chapter.

PUBLICLY OWNED TREATMENT WORKS (POTW): A "treatment works", as defined by section 212 of the act (33 USC section 1292) which is owned by the SSWD. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

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

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

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

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

SIGNIFICANT INDUSTRIAL USER:

A. A user subject to categorical pretreatment standards; or

B. A user that:

1. Discharges an average of ten thousand (10,000) gpd or more of process wastewater to

the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater); or

2. Contributes a process waste stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
3. Is designated as such by the SSWD on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

C. Upon a finding that a user meeting the criteria in subsection B of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the SSWD may at any time, on their own initiative or in response to a petition received from a user (and in accordance with procedures in 40 CFR 403.8(f) (6)) determine that such user should not be considered a significant industrial user.

SLUG LOAD: Any discharge at a flow rate or concentration which could cause a violation of the discharge standards in sections 2014-2-2 through 2014-2-4 of this chapter or any discharges of a nonroutine, episodic nature, including, but not limited to, an accidental spill or a noncustomary batch discharge.

SSWD Board of Directors: The governing body for SSWD.

STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODE: A classification pursuant to the "Standard Industrial Classification Manual" issued by the United States office of management and budget.

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

SUPERINTENDENT: The person designated by the SSWD, to supervise the operation of the POTW, who is charged with certain duties and responsibilities by this chapter, or duly authorized representative.

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

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 USC 1317) of the act.

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

UPSET: An exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the

user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation thereof.

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

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

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

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

2014-1-5: CONFIDENTIAL INFORMATION:

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, monitoring programs, SSWD inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the superintendent or designee, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable state law. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

2014-2 GENERAL REQUIREMENTS:

2014-2-1: PROHIBITED DISCHARGE STANDARDS:

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

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

1. Fire Or Explosive Hazard Pollutants: Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than one hundred forty degrees Fahrenheit (140°F) (60°C) using the test methods specified in 40 CFR 261.21;
2. Wastewater Causing Corrosion: Wastewater having a pH less than 6.5 or greater than 9.0 or otherwise causing corrosive damage to the POTW or equipment;
3. Substances That Obstruct Flow: Solid or viscous substances in amounts which cause obstruction of the flow in the POTW resulting in interference (but in no case solids greater than 1/2 inch or 1.27 centimeters in any dimension);
4. Interfering Pollutants: Pollutants, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants will cause interference with the POTW;
5. Excessive Temperature: Wastewater having a temperature which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed one hundred four degrees Fahrenheit (104°F) (40°C) unless the approval authority, upon the request of the POTW, approves alternate temperature limits;
6. Oils: Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass-through;
7. Toxic Gases, Vapors Or Fumes: Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
8. Trucked Or Hauled Pollutants: Trucked or hauled pollutants, except at discharge points designated by the superintendent or designee;
9. Noxious Or Malodorous Wastes: Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewer or collection system for maintenance or repair;
10. Dyed Or Discolored Wastewater: Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently impart color to the treatment plant's effluent, thereby violating the SSWD's NPDES permit. Color (in combination with turbidity) shall not cause the treatment plant effluent

to reduce the depth of the compensation point for photosynthetic activity by more than ten percent (10%) from the seasonably established norm for aquatic life;

11. Radioactive Wastes: Wastewater containing any radioactive wastes or isotope except as specifically approved by the superintendent or designee in compliance with applicable state or federal regulations;

12. Nonwastewater Discharges: Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted water, unless specifically permitted by the superintendent or designee;

13. Pretreatment Residue: Any sludges, screenings, or other residues from the pretreatment of industrial wastes or from industrial processes;

14. Medical Wastes: Medical wastes, except as specifically authorized by the superintendent or designee;

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

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

17. Explosion Hazards: Any liquids, solids or gases which by reason of their nature or quantity are, or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two (2) consecutive 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.

18. Miscellaneous Wastes: Grease, animal guts or tissues, paunch manure, bones, hair, hides or fleshing, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dusts, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

19. Other Substances That Violate Disposal System Permits: Any substance which will cause the POTW to violate its NPDES and/or other disposal system permits.

20. Any Wastewater Causing Harm: Any wastewater, which in the opinion of the superintendent or designee can cause harm either to the sewers, sewage treatment process, or equipment; have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance, unless allowed under special agreement by the superintendent or

designee (except that no special waiver shall be given from categorical pretreatment standards).

21. Sewage and/or Waste Tanks Or Vessels: The contents of any tank or vessel, including recreational vehicles, owned or used by any person in the boundaries for SSWD shall not be discharged into the SSWD POTW.

22. Hazardous Wastes: Any hazardous waste as defined in rules published by the State of Idaho or in 40 CFR part 261.

23. Pesticides: Persistent pesticides and/or pesticides regulated by the Federal Insecticide Fungicide Rodenticide Act (FIFRA).

24. Sewage Sludge: Sewage sludge, except in accordance with the SSWD's NPDES permit, providing that it specifically allows the discharge to surface waters of sewage sludge pollutants.

25. Process and Storage: Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

26. Limitation Discharge Point: No person shall discharge any substance directly into a manhole or other opening into the POTW without a current permit issued by the superintendent or designee.

27. Water Generated from Cleanups: Groundwater/wastewater generated from the cleanup of spills, leaking underground storage tanks, monitoring wells or other similar sources shall not be discharged to the sewer or collection system without a temporary discharge permit issued by the superintendent or designee.

28. Substances Unsuitable For Reclamation: Any substance which may cause the POTW's biosolid effluent or treatment processes to be unsuitable for reclamation and reuse.

29. Prohibitions On Unpolluted Water: Unpolluted water, including, but not limited to, swimming pools, ponds, noncontact cooling water, process water or blowdown from cooling towers and evaporative coolers shall not be discharged through direct or indirect connection to the POTW unless authorized through a temporary discharge permit.

C. Prevention Practices: Best management practices or BMPs; schedules of activities, prohibitions of practices, maintenance procedures, treatment requirements as specified by the SSWD to meet acceptable discharge of influent wastewater to the collection system and POTW.

D. Grease Interceptor Required: Each user for which a grease interceptor is required shall, in the discretion of the superintendent or designee:

1. Install and/or use a grease interceptor which shall serve only that user, or

2. Enter into a written agreement or permit with the SSWD establishing comparable best management practices.

2014-2-2: FEDERAL CATEGORICAL PRETREATMENT STANDARDS:

The national categorical pretreatment standards as amended and promulgated by EPA pursuant to the Act and as found at 40 CFR chapter I, subchapter N, parts 405_471 are hereby incorporated and shall be enforceable under this chapter.

2014-2-3: STATE REQUIREMENTS:

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

2014-2-4: LOCAL LIMITS:

Fat, Oil and Grease (FOG) – No user shall discharge wastewater containing concentrations of Fats, Oils and Greases (FOG) greater than 100 mg/L without meeting one of the following:

- a. Compliance with the SSWD's Grease Trap/Interceptor Best Management Program; or
- b. Obtaining a site specific discharge limit (concentration-based or mass-based) to prevent pass-through or interference with the POTW. FOG limits under this provision, shall be issued under a Wastewater Discharge Permit as authorized under this resolution.

Oil and Grease (O&G) – No user shall discharge wastewater containing concentrations of Oil and Grease (O&G) greater than 50 mg/L without meeting one of the following:

- a. Development and Implementation of a best management program to prevent the introduction of petroleum-based oils and greases in amounts that will cause pass through or interference of the POTW; or
- b. Obtaining a site specific discharge limit (concentration-based or mass-based) to prevent pass-through or interference with the POTW. O&G limits under this provision, shall be issued under a Wastewater Discharge Permit as authorized under this resolution.

In addition to federal categorical pretreatment standards referenced in section 2014-2-2 of this resolution, no user shall discharge wastewater containing concentrations (and/or mass limitations) of substances exceeding the local limits established by SSWD. SSWD shall, from time to time, establish quantitative or other limitations where necessary to provide for protection of the POTW, worker safety, public health, or environment. Based upon assessment of needed and on a user specific basis, the SSWD may incorporate pollutant specific limits into indirect discharge permits including BMPs. Wherever a user is subject to both categorical pretreatment standard and a local limit for a given pollutant, the more stringent limit or pretreatment standard shall apply. Where possible and appropriate, the SSWD may establish and implement industry

specific BMPs in conjunction with or in lieu of numerical local limits. Such BMPs shall be considered pretreatment standards and are fully enforceable under this resolution.

2014-2-5: SSWD RIGHT OF REVISION:

The SSWD reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.

2014-2-6: SPECIAL AGREEMENT:

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

2014-2-7: DILUTION:

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with an applicable pretreatment standard or requirement unless expressly authorized by an applicable pretreatment standard or requirement. The superintendent may impose mass limitations on users which he believes may be using dilution to meet applicable pretreatment standards or requirements or in other cases when the imposition of mass limitations is appropriate.

2014-2-8: PRETREATMENT FACILITIES:

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

2014-2-9: DEADLINE FOR COMPLIANCE WITH APPLICABLE PRETREATMENT REQUIREMENTS:

A. Compliance by existing sources covered by categorical pretreatment standards shall be within one (1) year of the date the standard is effective unless a shorter compliance time is specified in the appropriate standard. The SSWD shall also establish a final compliance deadline

for any existing user not covered by categorical pretreatment standards or for any categorical user when the local limits for said user are more restrictive than the federal categorical pretreatment standards.

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

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

2014-2-10: ADDITIONAL PRETREATMENT MEASURES:

A. Whenever deemed necessary, the superintendent or designee may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only to specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and other such conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this chapter.

B. Each user discharging into the POTW greater than ten thousand (10,000) gallons per day, shall install and maintain, on its property and its expense, a suitable storage and flow control facility to ensure equalization of flow over a twenty four (24) hour period. The facility shall have a capacity for at least twenty five percent (25%) of the daily discharge volume and shall be equipped with alarms and a rate of discharge controller, the regulation of which shall be directed by the superintendent or designee. A wastewater discharge permit may be issued solely for flow equalization.

C. Grease, oil, and sand interceptors shall be provided when, in the opinion of the superintendent or designee, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, and sand, except that such interceptors shall not be required for residential users. All interceptor units shall be of type and capacity approved by the superintendent or designee and shall be located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at its expense. A report for any inspection, cleaning and/or repairs shall be submitted to SSWD within seven days (7) of completion.

D. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

E. All dental facilities where amalgam is placed or removed shall be required to install and properly maintain ISO 11143 certified amalgam separator(s). The amalgam separator shall achieve a minimum removal efficiency of 99% of dental amalgam, by weight, in accordance with ISO 11143 test procedures, as verified by an ISO 11143-certified testing laboratory.

1. Amalgam separators in service at dental facilities prior to the effective date of this chapter must be certified to achieve a minimum removal efficiency of 95% of dental amalgam, by weight, in accordance with ISO 11143 test procedures, as verified by an ISO 11143-certified testing laboratory. Existing facilities meeting this 95% standard shall be required to upgrade to a District-approved unit when any modification is made to the vacuum system, the number of operatories served changes, or when the existing amalgam separator must be replaced.

2. Amalgam separators shall be:

- a. Suitably sized per manufacturer's minimum specifications and serve all operatories connected to the vacuum system,
- b. Installed in accordance with applicable State or local codes,
- c. Installed prior to vacuum pump system (wet or dry), and
- d. Inspected weekly for collection system fill volume, with results recorded.

3. Amalgam separator shall be maintained in accordance with manufacturer requirements, using manufacturer-approved vacuum system line cleaners. Replace separator filter cartridges or collection system reservoir as recommended by the manufacturer, but not less than once per year unless otherwise approved by the District.

4. All maintenance and inspection records for the amalgam separator shall be retained for 3 years, and be made available to the District upon request.

5. Recommended BMPs for dental care providers are provided in Appendix A.

2014-2-11: ACCIDENTAL SPILL PREVENTION CONTROL PLANS:

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

A. Any user required to develop and implement an accidental spill prevention plan shall submit a

plan which addresses, at a minimum, the following:

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

B. The user shall immediately telephone and notify the wastewater treatment plant of the incident regulated by this chapter. The notification shall include the location of the discharge, date and time thereof, type of waste, concentration and volume, and corrective actions. Any affected user shall be liable for any expense, loss, or damage to the POTW, in addition to the amount of any fines imposed on the SSWD on account thereof under state or federal law.

C. Within five (5) days following an accidental discharge, the user shall submit to the superintendent or designee, a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this chapter or other applicable law.

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

2014-2-12: SEPTIC TANK WASTES:

A. Septic tank waste may **NOT** be introduced into the POTW.

B. Recreational vehicles (RV) waste tank effluent is **NOT** allowed to be disposed of by the general public at the POTW, this includes the entire collection system for SSWD. Commercial haulers are **NOT** allowed to discharge at any location within SSWD property or boundaries.

2014-3: WASTEWATER DISCHARGE PERMIT:

No significant industrial user shall discharge wastewater into the POTW without first obtaining a

wastewater discharge permit from the superintendent or designee. Any violation of the terms and conditions of the discharge permit shall be deemed a violation of this chapter and subjects the wastewater discharge permittee to the sanctions set forth in this chapter. Obtaining a wastewater discharge permit does not relieve a permittee of its obligations to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, and local law.

The superintendent or designee may require other users, including liquid waste haulers, to obtain wastewater discharge permits to carry out the purposes of this chapter.

2014-3-1: WASTEWATER DISCHARGE PERMITTING; EXISTING SIU:

Any SIU that was discharging wastewater into the POTW prior to the effective date hereof and that wishes to continue such discharges in the future, shall, within sixty (60) days after notification by the superintendent or designee submit a permit application to the SSWD in accordance with section 2014-3-3 of this chapter and shall not cause or allow discharges to the POTW to continue after one hundred eighty (180) days of the effective date hereof except in accordance with a wastewater discharge permit issued by the superintendent or designee.

2014-3-2: WASTEWATER DISCHARGE PERMITTING; NEW SOURCE AND NEW USER:

At least ninety (90) days prior to the anticipated startup, any new source, which is a source that becomes a user subsequent to the proposal of an applicable categorical pretreatment standard that is later promulgated, and any new user considered by the SSWD to fit the definition of SIU shall apply for a wastewater discharge permit and will be required to submit to the SSWD at least the information listed in subsections 2014-3-3A through E of this chapter. A new source or new user cannot discharge without first receiving a wastewater discharge permit from the SSWD. New sources and new users shall also be required to include in their application information on the method of pretreatment they intend to use to meet applicable pretreatment standards. New sources and new users shall give estimates of the information requested in subsections 2014-3-3D and E of this chapter.

2014-3-3: PERMIT APPLICATION CONTENTS:

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

A. Identifying Information: The user shall submit the name and address of the facility including the name of the operator and owners.

B. Permits: The user shall submit a list of all environmental control permits held by or for the facility.

C. Description Of Operations: The user shall submit a SSWD DDF (data disclosure form) that describes the operational processes.

D. Flow Measurement:

1. Categorical User: The user shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:

a. Regulated or manufacturing process streams; and

b. Other streams as necessary to allow use of the combined waste stream formula (40 CFR 403.6(e)).

2. Noncategorical User: The user shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:

a. Total process flow, wastewater treatment plant flow, total plant flow or individual manufacturing process flow as required by the superintendent or designee.

The SSWD may allow for verifiable estimates of these flows where consideration is justified by cost or feasibility.

E. Measurements of Pollutants:

1. Categorical User:

a. The user shall identify the applicable pretreatment standards for each regulated or manufacturing process.

b. In addition, the user shall submit the results of sampling and analysis identifying the nature and concentration (or mass where required by the categorical pretreatment standard or as required by the SSWD) of regulated pollutants (including standards contained in sections 2014-2-1 through 2014-2-4 of this chapter, as appropriate) in the discharge from each regulated or manufacturing process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall conform to sampling and analytical procedures outlined in section 2014-5 of this chapter.

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

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

2. Noncategorical User:

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

b. In addition, the user shall submit the results of sampling and analysis identifying the nature and concentration in the discharge (or mass where required by the SSWD) of regulated pollutants contained in sections 2014-2-1 through 2014-2-4 of this chapter, as appropriate. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall conform to sampling and analytical procedures outlined in section 2014-5-1 of this chapter.

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

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

F. Certification: The user shall submit a statement, worded as specified in section 2014-3-4 of this chapter, which has been reviewed by an authorized representative of the user, and certified by a qualified professional, indicating whether the applicable pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet the applicable pretreatment standards and requirements.

G. Compliance Schedule: If additional pretreatment and/or O&M will be required to meet the applicable pretreatment standards, the user shall submit the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The user's schedule shall conform with the requirements of section 2014-4-3 of this chapter. The completion date in this schedule shall not be later than the completion date established pursuant to section 2014-2-9 of this chapter.

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

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

H. Other Information: The user shall submit any other information as may be determined necessary by the superintendent or designee to evaluate the wastewater discharge permit application.

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

2014-3-4: SIGNATORY AND CERTIFICATION REQUIREMENT:

All wastewater discharge permit applications and user reports must be signed by a responsible officer or manager, sole proprietor or general partner as applicable or duly authorized representative, as defined in section 1-4.

A. The designation of a duly authorized representative must be made in writing by the principal executive officer or ranking elected official and submitted to the approval authority prior to or together with the report being submitted of the user and contain the following certification statement:

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

B. If an authorization in this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of this section must be submitted to the SSWD prior to or together with any reports to be signed by an authorized representative.

2014-3-5: DECISIONS:

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

2014-3-6: CONTENTS:

Wastewater discharge permits shall include such conditions as are reasonably deemed necessary

by the superintendent or designee to prevent pass-through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate biosolids management and disposal, and protect against damage to the POTW.

A. Wastewater discharge permits must contain the following conditions:

1. A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years;
2. A statement that the wastewater discharge permit is nontransferable without prior notification to and approval from the SSWD and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
3. Applicable pretreatment standards and requirements, including any special state requirements;
4. Self-monitoring, sampling, reporting, notification, submittal of technical reports, compliance schedules, and record keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law;
5. Requirements for immediate notification to the SSWD where self-monitoring results indicate noncompliance;
6. Requirement to report a bypass or upset of a pretreatment facility;
7. Requirement to report immediately to the SSWD all discharges, including slug loadings, that could cause problems to the POTW;
8. Requirement for the SIU who reports noncompliance to repeat the sampling and analysis and submit results to the SSWD within thirty (30) days after becoming aware of the violation;
9. A statement of applicable civil, criminal, and administrative penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule;
10. Requirements to control slug discharges, if determined by the POTW to be necessary.

B. Wastewater discharge permits may contain, but need not be limited to, the following conditions:

1. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
2. Requirements for the installation of pretreatment technology, pollution control, or construction

of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

3. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent any or all unwanted discharges;

4. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

5. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;

6. Requirements for installation and maintenance of inspection and sampling facilities and equipment;

7. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit;

8. Any special agreements the superintendent or designee chooses to continue or develop between the SSWD and user;

9. Other conditions as deemed appropriate by the superintendent or designee to ensure compliance with this chapter, and state and federal laws, rules, and regulations.

2014-3-7: APPEALS:

Any person, including the user, may request a hearing before the SSWD board to appeal a decision by the superintendent or designee relating to wastewater discharge permit applications within thirty (30) days of the denial or issuance of the permit and by complying in all respects with the procedures set forth in this section.

A. Failure to submit a timely request for hearing before the SSWD board shall be deemed to be a waiver of the right to appeal.

B. In the request for hearing, the appealing party (hearant) must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.

C. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.

D. A limited right of appeal to the SSWD Board shall be available to a hearant who receives an

adverse decision by the SSWD board of a adjustment and complies in all respects with the procedures set forth in this section.

E. The decision of the SSWD Board shall be final.

2014-3-8: DURATION:

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

2014-3-9: MODIFICATION:

The superintendent or designee may modify the wastewater discharge permit for good cause including, but not limited to, the following:

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

2014-3-10: TRANSFER:

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

- A. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- B. Identifies the specific date on which the transfer is to occur; and
- C. Assumes full responsibility for complying with the existing wastewater discharge permit beginning on the date of the transfer.

Failure to provide advance notice of a transfer renders the wastewater discharge permit voidable as of the date of facility transfer. Provided that the notice required above occurred and that there were no significant changes to the manufacturing operation or wastewater discharge, the new owner will be considered an existing user and will be covered by the existing limits and requirements in the previous owner's permit.

2014-3-11: REVOCATION:

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

- A. Failure to notify the superintendent or designee of significant changes prior to the changed discharge;
- B. Failure to provide prior notification to the superintendent or designee of changed conditions;
- C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- D. Falsifying self-monitoring reports;
- E. Tampering with monitoring equipment;
- F. Refusing to allow the superintendent or designee immediate access to the facility premises and records upon request;
- G. Failure to meet effluent limitations;
- H. Failure to pay fines or fees;

- I. Failure to pay sewer charges;
- J. Failure to meet compliance schedules;
- K. Failure to complete a wastewater survey or the wastewater discharge permit application;
- L. Failure to provide advance notice of the transfer of a permitted facility; or
- M. If the superintendent or designee has to invoke its emergency provision as cited in section 2014-8-7 of this chapter; or
- N. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this chapter.

Wastewater discharge permits shall be void upon cessation of operations or transfer of business ownership unless specified in section 2014-3-10 of this chapter. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

2014-3-12: REISSUANCE:

A user who is required to have a wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a completed wastewater discharge permit application, in accordance with this section 2014-3, a minimum of sixty (60) days prior to the expiration of the user's existing wastewater discharge permit. A user whose existing discharge permit has expired and has submitted its reapplication in the time period specified herein shall be deemed to have an effective discharge permit until the superintendent or designee issues or denies a new discharge permit. A user whose existing discharge permit has expired and who failed to submit a reapplication in the time period specified herein will be deemed to be discharging without a discharge permit in violation of this chapter.

2014-4: REPORTING REQUIREMENTS:

2014-4-1: COMPLIANCE REPORT:

A. Within ninety (90) days following the date for final compliance of an existing significant industrial user with applicable pretreatment standards and requirements set forth in this chapter, in federal categorical standards, or in a wastewater discharge permit, or, in the case of a new source or a new user considered by the SSWD to fit the definition of SIU, within ninety (90) days following commencement of the introduction of wastewater into the POTW, the affected user shall submit to the SSWD an initial compliance report containing the information outlined in subsections 2014-3-3D through F of this chapter.

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

2014-4-2: PERIODIC COMPLIANCE REPORT:

A. Any user that is required to have an industrial waste discharge permit and performs self-monitoring shall comply with all applicable requirements under CFR 403.12 and submit to the SSWD during the months of June and December, unless required on other dates or more frequently by the SSWD, a report indicating the nature of the effluent over the previous reporting period. The frequency of monitoring shall be as prescribed within the industrial waste discharge permit. At a minimum, users shall sample their discharge at least twice per year.

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

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

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

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

F. Discharges sampled shall be representative of the user's daily operations and samples shall be taken in accordance with the requirements specified in section 2014-5 of this chapter.

G. The SSWD may require reporting by users that are not required to have an industrial wastewater discharge permit, in accordance to 40 CFR 403.12(h), if information or data is needed to establish a sewer charge, determine the treatability of the effluent, or determine any other factor which is related to the operation and maintenance of the sewer system.

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

2014-4-3: COMPLIANCE SCHEDULES FOR MEETING APPLICABLE PRETREATMENT STANDARDS:

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

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

C. Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the SSWD including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports.

2014-4-4: NOTIFICATION OF SIGNIFICANT PRODUCTION CHANGES:

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

2014-4-5: HAZARDOUS WASTE NOTIFICATION:

Any user that is discharging more than fifteen kilograms (15 kg) of hazardous waste as defined in 40 CFR 261 (listed or characteristic wastes) in a calendar month or any facility discharging any amount of acutely hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e) is

required to provide a onetime notification in writing to the SSWD, to the EPA region 10 office of air, waste and toxics director, and to the state of Idaho department of environmental quality hazardous waste division. Any existing user exempt from this notification shall comply with the requirements contained within thirty (30) days of becoming aware of a discharge of fifteen kilograms (15 kg) of hazardous wastes in a calendar month or any discharge of acutely hazardous wastes to the SSWD sewer system.

Such notification shall include:

- A. The name of the hazardous waste as set forth in 40 CFR part 261;
- B. The EPA hazardous waste number; and
- C. The type of discharge (continuous, batch, or other).
- D. If an industrial user discharges more than one hundred kilograms (100 kg) of such waste per calendar 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:
 1. An identification of the hazardous constituents contained in the wastes,
 2. An estimation of the mass and concentration of such constituents in the waste streams discharged during that calendar month, and
 3. An estimation of the mass of constituents in the waste streams expected to be discharged during the following twelve (12) months.

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

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

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

2014-4-6: NOTICE OF POTENTIAL PROBLEMS INCLUDING ACCIDENTAL SPILLS, SLUG LOADS:

Any user shall notify the superintendent or designee immediately of all discharges that could cause problems to the POTW, including any slug loads, as defined in section 2014-1-4 of this chapter. The notification shall include the concentration and volume and corrective action. Steps

being taken to reduce any adverse impact should also be noted during the notification. Any user who discharges a slug load 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 SSWD under state or federal law.

2014-4-7: NONCOMPLIANCE REPORTING:

If sampling performed by a user indicates a violation, the user shall notify the superintendent or designee within twenty four (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 POTW within thirty (30) days after becoming aware of the violation. Where the control authority has performed the sampling and analysis in lieu of the industrial user, the control authority must perform the repeat sampling and analysis unless it notifies the user of the violation and requires the user to perform the repeat analysis.

Re-sampling is not required if:

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

2014-4-8: NOTIFICATION OF CHANGED DISCHARGE:

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

2014-4-9: REPORTS FROM UNPERMITTED USERS:

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the SSWD as the superintendent or designee may require.

2014-4-10: RECORD KEEPING:

Users subject to the reporting requirements of this chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this chapter and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain

available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or POTW, or where the user has been specifically notified of a longer retention period by the superintendent or designee.

2014-5: SAMPLING AND ANALYTICAL REQUIREMENTS:

2014-5-1: SAMPLING REQUIREMENTS FOR USERS:

A. Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, twenty four (24) hour composite samples must be obtained through flow proportional composite sampling techniques, unless time proportional composite sampling or grab sampling is authorized by the control authority. The samples must be representative of the discharge and the decision to allow the alternative sampling must be documented in the industrial user file for that facility or facilities. Using protocols (including appropriate preservation) specified in 40 CFR part 136 and appropriate EPA guidance, multiple grab samples collected during a twenty four (24) hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the sample may be composited in the laboratory. Composite samples for other parameters unaffected by compositing procedures as documented in approved EPA methodologies may be authorized by the superintendent or designee, as appropriate.

B. For sampling required in support of baseline monitoring and ninety (90) day compliance reports, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist. For facilities for which historical sampling data are available, the superintendent or designee may authorize a lower minimum. For the reports required by 40 CFR 403.12(e) and (h), the superintendent or designee shall require the number of grab samples necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements.

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

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

report.

2014-5-2: ANALYTICAL REQUIREMENTS:

All pollutant analyses, including sampling techniques, shall be performed in accordance with the techniques prescribed in 40 CFR part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the EPA.

2014-5-3: SSWD MONITORING OF USER'S WASTEWATER:

The SSWD will follow the same procedures as outlined in sections 2014-5-1 and 2014-5-2 of this chapter.

2014-6: COMPLIANCE MONITORING:

2014-6-1: INSPECTION AND SAMPLING:

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

A. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification the superintendent, or designee, will be permitted to enter without delay for the purposes of performing specific responsibilities.

B. The superintendent or designee shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

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

D. Unreasonable delays in allowing the superintendent or designee access to the user's premises shall be a violation of this chapter.

2014-6-2: MONITORING FACILITIES:

Each user shall provide and operate at its own expense a monitoring facility to allow inspection, sampling and flow measurement of each sewer discharge to the SSWD. 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 SSWD may concur with the facility being constructed in the public street or sidewalk area, providing that the facility is located so that it will not be obstructed by landscaping or parked vehicles. The superintendent or designee, whenever applicable, may require the construction and maintenance of sampling facilities at other locations (for example, at the end of a manufacturing line or a wastewater treatment system).

There shall be ample room in or near such sampling facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user. The superintendent or designee may require the user to install monitoring equipment as necessary. All monitoring facilities shall be constructed and maintained in accordance with all applicable local construction standards and specifications. All devices used to measure wastewater flow and quality shall be calibrated to ensure their accuracy.

2014-6-3: SEARCH WARRANTS:

If the superintendent or designee has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect as part of a routine inspection program of the SSWD designed to verify compliance with this chapter or any wastewater discharge permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the superintendent or designee shall seek issuance of a search and/or seizure warrant from the court of proper jurisdiction located in Ada County, Idaho. Such warrant shall be served at reasonable hours by the superintendent or designee in the company of a uniformed police officer of the city of Star or Ada County.

2014-6-4: VANDALISM:

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

2014-7: PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE:

The SSWD shall publish annually, in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW, a list of the users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards or requirements. For the purposes of this provision, an

industrial user is in significant noncompliance if its violation meets one or more of the following criteria:

A. "Chronic violations of wastewater discharge limits", defined here as those in which sixty six percent (66%) or more of wastewater measurements taken during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3(1);

B. "Technical review criteria (TRC) violations", defined here as those in which thirty three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3(1) multiplied by the TRC (TRC = 1.4 for BOD, TSS, fats, oils and grease, and $1/2$ for all other pollutants except pH);

C. Any other discharge violation of a pretreatment standard or requirement as defined by 40 CFR 403.3(1) (daily maximum, longer term average, instantaneous limit, or narrative standard) that the POTW determines has caused, alone or in combination with any discharges, interference or pass-through (including endangering the health of POTW personnel or the general public);

D. Any discharge of pollutant that has caused imminent endangerment to the public or to the environment, or has caused the superintendent or designee to exercise its emergency authority to halt or prevent such a discharge;

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

F. Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

G. Failure to accurately report noncompliance; or

H. Any other violation or group of violations, which may include a violation of best management practices, which the POTW determines will adversely affect the operation or implementation of the local pretreatment program.

2014-8: ADMINISTRATIVE ENFORCEMENT REMEDIES:

2014-8-1: NOTIFICATION OF VIOLATION:

When the superintendent or designee finds that a user has violated (or continues to violate) any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other

pretreatment standard or requirement, the superintendent or designee may serve upon that user a written notice of violation (via certified letter). Within twenty (20) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the superintendent or designee. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the superintendent or designee to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

2014-8-2: CONSENT ORDERS:

The superintendent or designee may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to sections 2014-8-4 and 2014-8-5 of this chapter and shall be judicially enforceable. Use of a consent order shall not be a bar against, or prerequisite for, taking any action against the user.

2014-8-3: SHOW CAUSE HEARING:

The superintendent or designee may order via a certified letter a user which has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the superintendent or designee and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

2014-8-4: COMPLIANCE ORDERS:

When the superintendent or designee finds that a user has violated or continues to violate any provisions of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the superintendent or designee may issue an order to the user responsible for the discharge directing that the user come into compliance within a time specified in that order. If the user does not come into compliance within the time specified in the order, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the noncompliance, including additional self-monitoring, and

management practices designed to minimize the amount of pollutants discharged to the sewer. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

2014-8-5: CEASE AND DESIST ORDERS:

When the superintendent or designee finds that a user has violated (or continues to violate) any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the superintendent or designee may issue an order to the user directing it to cease and desist all such violations and directing the user to:

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

2014-8-6: ADMINISTRATIVE FINES:

- A. When the superintendent or designee finds that a user has violated, or continues to violate any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the superintendent or designee may fine such user in an amount not to exceed sixteen thousand dollars (\$16,000.00) per violation. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other term average discharge limits, fines shall be assessed for each day during the period of violation.
- B. Unpaid charges, fines, and penalties shall after thirty (30) calendar days, be assessed an additional penalty of one percent (10%) of the unpaid balance, and interest shall accrue thereafter at a rate of one percent (10%) per month. A lien against the user's property will be sought for unpaid charges, fines, and penalties.
- C. Users desiring to dispute such fines must file a written request for the superintendent or designee to reconsider the fine along with full payment of the fine amount within thirty (30) days of being notified of the fine. Where a request has merit, the superintendent or designee shall convene a hearing on the matter within ten (10) days of receiving the request from the user. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The SSWD may add costs of preparing administrative actions, such as notices and orders, to the fine.
- D. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

2014-8-7: EMERGENCY SUSPENSION OF SERVICE AND REVOCATION OF PERMIT:

The superintendent or designee may immediately suspend a user's discharge (after informal notice to the user) whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The superintendent or designee may also immediately suspend a user's discharge (after notice and opportunity to respond) that threatens to interfere with the operation of the POTW or which presents or may present an endangerment to the environment. The SSWD shall have the 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 SSWD 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 SSWD may reinstate the wastewater treatment service upon clear and convincing proof by the user of the elimination of the non-complying discharge or condition creating the threat as set forth above.

A. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the superintendent or designee shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize danger to the POTW, its receiving stream, or endangerment to any individuals. The superintendent or designee shall allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the SSWD that the period of endangerment has passed, unless the termination proceedings in section 2014-8-8 of this chapter are initiated against the user.

B. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the superintendent or designee prior to the date of any show cause or termination hearing in sections 2014-8-3 and 2014-8-8 of this chapter.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

2014-8-8: TERMINATION OF DISCHARGE (NONEMERGENCY):

In addition to the provisions contained in section 2014-11 of this chapter, any user who violates the following conditions is subject to discharge termination:

- A. Violation of wastewater discharge permit conditions;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;

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

E. Violation of the pretreatment standards in section 2014-2 of this chapter.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under section 2014-3 of this chapter why the proposed action should not be taken. Exercise of this option by the SSWD shall not be a bar to, or a prerequisite for, taking any other action against the user.

2014-9: JUDICIAL ENFORCEMENT REMEDIES:

2014-9-1: INJUNCTIVE RELIEF:

When the superintendent or designee finds that a user has violated (or continues to violate) any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the superintendent or designee may petition the fourth judicial district court of Ada County, Idaho, through the SSWD's attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this chapter on activities of the user. The superintendent or designee may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

2014-9-2: CIVIL PENALTIES:

A. A user who has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the SSWD for a maximum civil penalty of two thousand dollars (\$2,000.00) per violation, per day. In the case of a monthly or other long term average discharge limit, penalties shall accrue for each day during the period of the violation.

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

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

D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

2014-9-3: CRIMINAL PROSECUTION:

A user which has willfully or recklessly violated any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, and shall be prosecuted and punished accordingly. In addition, a user who 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 chapter, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter, shall, upon conviction, be guilty of a misdemeanor and shall be prosecuted and punished accordingly.

2014-9-4: REMEDIES NONEXCLUSIVE:

The remedies provided for in this chapter are not exclusive. The SSWD may take any, all, or any combination of these actions against a noncompliant user. Further, the SSWD is empowered to take more than one enforcement action against any noncompliant user. These actions may be taken concurrently.

2014-10: SUPPLEMENTAL ENFORCEMENT ACTION:

2014-10-2: PERFORMANCE BONDS:

The superintendent or designee may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this chapter, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to the SSWD, in a sum not to exceed a value determined by the superintendent or designee to be necessary to achieve consistent compliance.

2014-10-2: WATER SUPPLY SEVERANCE:

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

2014-11: AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS:

2014-11-1: UPSET:

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

B. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of subsection C of this section are met.

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

1. An upset occurred and the user can identify the cause(s) of the upset;
2. The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures; and
3. The user has submitted the following information to the superintendent or designee within twenty four (24) hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within 5 working days):
 - a. A description of the discharge and cause of noncompliance;
 - b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - c. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

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

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

F. Users shall control production of all discharges to the extent necessary to maintain compliance with applicable pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

2014-11-2: PROHIBITED DISCHARGE STANDARDS:

A user shall have an affirmative defense to an enforcement action brought against it for

noncompliance with the prohibitions in subsections 2014-2-1A and B and sections 2014-2-2 through 2014-2-4 of this chapter if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass-through or interference and that either: a) a local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass-through or interference; or b) no local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the SSWD was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable biosolids use or disposal requirements.

2014-11-3: BYPASS:

A. Definitions: For the purposes of this section:

BYPASS: The intentional or unintentional diversion of waste streams from any portion of a user's treatment facility.

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

B. Bypass Without Violation: A user may allow a bypass to occur which does not cause applicable pretreatment standards or requirements to be violated, but only for essential maintenance to ensure efficient operation. These bypasses are not subject to the provision of subsections C and D of this section.

1. If a user knows in advance of the need for a bypass, it shall submit prior notice to the superintendent or designee, at least ten (10) days before the date of the bypass, if possible.

2. A user shall submit oral notice to the SSWD of an unanticipated bypass that exceeds applicable pretreatment standards within twenty four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The POTW may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

D. Bypass Conditions:

1. Bypass is prohibited, and the POTW may take an enforcement action against a user for a

bypass, unless:

- a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
- c. The user submitted notices as required under subsection C of this section.

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

2014-12: WASTEWATER TREATMENT RATES:

Wastewater treatment rates and charges shall be set by resolution of the SSWD Board.

2014-13: PRETREATMENT CHARGES AND FEES:

The SSWD may adopt reasonable fees for reimbursement of costs of setting up and operating the SSWD pretreatment program, which may include:

- A. Fees for wastewater discharge permit applications including the cost of processing such applications;
- B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users;
- C. Fees for reviewing and responding to accidental discharge procedures and construction;
- D. Fees for filing appeals; and
- E. Other fees as the SSWD may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this chapter and are separate from all other fees, fines, and penalties chargeable by the SSWD.

Appendix A**BEST MANAGEMENT PRACTICES (BMPs)
FOR DENTAL CARE PROVIDERS**

For Minimization of Mercury Discharge to the Sewerage System
By Dental Care Providers

Introduction and Regulatory Background:

Mercury discharges to the environment are receiving significant attention throughout the United States including Idaho. Improper waste management from Dental offices; e.g., amalgam particles, waste mercury, fixers, developers, x-ray film packets, and chemiclave chemicals, can cause toxic chemicals (mercury, silver, lead, developer solution chemicals, and chemiclave solutions) to enter our river, sanitary sewers, and landfills. Local city wastewater agencies have the ability to regulate dental office discharges through existing sewer use ordinances, typically in conjunction with a pretreatment inspection and compliance programs. The Dental BMP Program has been updated to specifically address mercury amalgam, other environmental concerns, and new regulatory requirements required by newly issued wastewater treatment discharge permits.

In addition to the environmental benefits of proper waste management, through pollution prevention, dentists can also reduce the regulatory requirements associated with dental wastes by complying as outlined. This guide was prepared to assist dentists on how to best manage the disposal of dental wastes. Specifically, this BMP program was developed to help dentists properly manage dental wastes to ensure compliance with applicable environmental, biomedical, occupational health, and transportation regulations.

This program is based on the combination of 1) mandatory amalgam separators (section 2014-2-10), supported by 2) easy-to-implement and cost-effective BMPs. The BMPs rely on the concept of “Reduce and Recycle” to provide further waste management and pollution prevention to insure compliance with applicable wastewater discharge permit limits.

ISO certified amalgam separators available on the market today are easily affordable and highly effective at trapping amalgam particles in dental office wastewater discharges. A list of SSWD approved ISO 11143 certified amalgam separators is included at the end of this document.

Encouraging the reduction and recycling of dental waste is the preferred approach as this reduces the amount of, and costs associated with, dental wastes.

If recycling of dental wastes is not an option, proper disposal as hazardous waste is necessary. Ada County has hazardous waste collection programs designed for small generators of wastes such as dental care providers. For example, Ada County operates a conditionally-exempt small quantity generator (CESQG) program that can accept up to 200 combined pounds of scrap amalgam, x-ray fixer solution, and lead foils per month.

RECOMMENDED BMPs**AMALGAM WASTES**

Limit the amount of amalgam used to the smallest appropriate size for each restoration. Use only pre-capsulated dental amalgam.

Eliminate all use of bulk elemental mercury (also referred to as liquid or raw mercury). Any unused bulk elemental mercury must be recycled or handled as hazardous waste. It must never be poured in the regular trash, infectious waste (red bag), or down the drain.

Change or clean chair-side amalgam traps as needed or as recommended by the manufacturer. Do not rinse amalgam traps over drains or sinks. Consider dedicating specific chairs to amalgam placement and removal to minimize the number of amalgam-containing traps that need to be managed, (traps associated only with hygiene can be disposed of in the regular trash).

Change vacuum pump filters as needed or as recommended by the manufacturer. This action will also improve suction and extend the life of the vacuum pump.

All amalgam waste must be handled by a hazardous waste management company for recycling or disposal as hazardous waste: non-contact amalgam (scrap), contact amalgam (e.g., amalgam removed from patients and extracted teeth containing amalgam), leaking or unusable amalgam capsules.

- Amalgam waste must never be put in the regular trash, put in with infectious waste (red bag), or flushed down the drain. Chair-side traps or vacuum pump filters containing amalgam must never be rinsed over drains or sinks.
- Empty amalgam capsules can be placed in the regular trash.
- Store amalgam waste as directed by your hazardous waste management contractor. This typically includes being in covered, segregated, and clearly labeled airtight plastic containers. Check with your contractor for any other specific requirements such as disinfection steps or necessary dry storage.
- Retain amalgam waste disposal/recycling records provided by your contractor. Documentation of all amalgam waste recycling and disposal must be obtained from your recycler or hazardous waste hauler, kept on file, and made available to a SSWD inspector upon request.

X-RAY FIXER AND DEVELOPER

Properly manage X-ray fixer waste. Fixer waste is considered a hazardous waste because of its high silver content. Recycling fixer waste is the recommended method by regulatory agencies. There are two suitable methods of managing fixer waste:

- a) Use a silver recovery unit for your developing system; or
- b) Collect the fixer waste for off-site recycling and/or proper disposal.

If you dispose of your fixer off-site, collect and store it in a closed plastic container labeled: Hazardous Waste -- Used Fixer--Contains only fixer. Many recyclers want to be sure that the liquid does not contain

developer. If it does, it could actually remove silver from the recycling equipment. The liquid that has run through a recovery unit can be disposed of down the drain.

Do not mix X-ray developer solutions with fixer solutions. Waste developer can be washed down the drain, if it is not mixed with fixer. Flush the drain thoroughly as you discharge developer down the drain. Some units mix the fixer and developer after they are spent. The resulting solution is hazardous and should be disposed of as hazardous waste (see amalgam waste for more information on hazardous waste disposal options). However, you may purchase an adapter kit to keep the fixer and developer separate.

LEAD FOIL AND LEAD SHIELDS

Recycle or dispose of lead foil that shields x-ray film or protective lead shields as hazardous waste. These materials should never be disposed of in the regular trash because they are hazardous waste and should be recycled for their scrap metal content. Companies which recycle amalgam or x-ray fixer may also accept lead waste. A list of metal reclaimers is available on the Idaho Department of Environmental Quality website.

Do not reuse lead foil or give lead foil to patients for reuse.

CHEMICLAVE WASTE

Switch from chemiclave sterilization to autoclaves. Normal use and discharge of chemiclave solutions to the sewer is acceptable. Flush following disposal with several gallons of water so that it does not sit in the sink trap or introduce a slug of material to the sewer system.

Use up or properly dispose of discarded materials. Dental offices should buy only the amount of chemical sterilizer that you need: this will eliminate the need to dispose of the excess material. If you switch to an autoclave and have a supply of unused formaldehyde, you should recycle or dispose of properly.

LABELING

Properly label the container in which you store your hazardous waste. You should check with your disposal company, typically these containers must be labeled with the words "hazardous waste" with a description of the waste, e.g. "Hazardous Waste - - Contains only used fixer, for recycling only." The date you start filling the container should be written on the container. Make sure you keep a written record of any material you send or deliver to a recycling entity. Be sure to request a "Certificate of Recycling or Disposal."

ADDITIONAL RECOMMENDED BMPs

Use disposable amalgam traps instead of reusable traps, and have them recycled or handled as hazardous waste if they contain amalgam waste.

Clean or replace sink traps and sumps, taking care to avoid spillage of the contents from plumbing parts. Removed sludge must be recycled or handled as hazardous waste.

Use, when appropriate, based on your professional judgment, mercury-free alternatives to amalgam such as, gold, ceramic, porcelain, composites, polymers, or glass ionomers).

Implement a program to have mercury-containing thermostats, switches, and fluorescent light bulbs recycled when they are replaced. Thermostats and switches should be replaced with mercury-free alternatives.

**Approved Amalgam Separators
(ISO11143 Certified at 99% Removal)**

Manufacturer	Model	No. Chairs	Indicators for Malfunction or Replacement	Holding Capacity	Collection Service Offered	Estimated Costs
Solmetex 800-216-5505	Hg5	1-10	Conduct visual sludge level checks	1.86 liters	Purchase of a new container includes box and UPS label to ship to recycler	Initial cost \$700 Installation (approx.) \$250 Replacement cost (min.) \$300/yr.
DRNA 800-360-1001	BU-10	1-8	None- Canister replaced annually to ensure proper functioning	10 liters	Annual recycling includes replacement unit, recycling, and waste disposal documentation	Separator \$750 Installation \$200 Replacement cost \$500/year
R&D Services 800-816-4995 theamalgamcollector.com	CE18 or CE24	2-5	Conduct visual sludge level checks	1.6 liters	None - Self-service or hire contractor to remove	Separator \$75 Installation \$150 S/H \$20/unit Replacement canister \$350
Medentex 888-640-2527 medentex.com	Amalsed-S	1-3	None - Unit changed out after one year	Not given	Annual recycling agreement with pre-paid shipping label, and package by FedEx, unit is recycled, documentation	Separator \$549 Replacement separator \$549 Installation not available
MARS 866-594-3648 marsbiomed.com	Liberty Boss	1-3	None - Entire unit replaced	1 gallon	Entire unit sent via FedEx to a Veolia Environmental site for recycling	Separator \$516.33 "Quick" disconnects \$100 Replacement separator \$516.33 Installation costs-unknown