ORDINANCE NO. 660

AN ORDINANCE ADOPTING THAT CERTAIN DOCUMENT KNOWN AS THE CITY OF REXBURG MODEL MUNICIPAL PRETREATMENT CODE FOR EXISTING AND NEW SOURCES OF POLLUTION, TOGETHER WITH THE INCLUSION OF APPENDICES; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT WITH SAID CODE; PROVIDING THAT INVALIDATION OF ANY PROVISION, PARAGRAPH, WORD, SECTION OR CHAPTER OF SAID CODE DOES NOT AFFECT THE REMAINING PROVISIONS, PARAGRAPHS, WORDS, SECTIONS AND CHAPTERS THEREOF, WHICH SHALL CONTINUE IN FULL FORCE AND EFFECT; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF REXBURG, IDAHO:

SECTION I. That certain document known as the City of Rexburg Model Municipal Pretreatment Code For Existing and New Sources of Pollution is hereby adopted as the City of Rexburg's Municipal Pretreatment Code For Existing and New Sources of Pollution. Said Code provides requirements and standards for the protection of public health, safety and welfare. The provisions of said Code establish wastewater pretreatment regulations; the purpose and policy, definitions, regulations, general discharge prohibitions, limitations on wastewater strength, accidental discharges, fees, purpose, charges and fees, administration, wastewater dischargers, wastewater discharge data disclosure, reporting requirements for discharger, monitoring facilities, inspection and sampling, confidential information, enforcement, emergency suspension of service and discharge permits, revocation of treatment services, notification of violation, show cause hearing, judicial proceedings, enforcement action actions - right of appeal, operating upsets, penalties, civic penalties, recovery of costs incurred by the authority, falsifying information, and records retention.

SECTION II. The administrative authority shall be the City Council of the City of Rexburg, Idaho, and such authority may appoint and employ such assistants, deputies, inspectors or other employees as are necessary and authorized to carry out the functions of said Code.

SECTION III. There shall hereafter be kept on file in the Office of the City Clerk of the City of Rexburg, Idaho, three copies of said Model Municipal Pre-Treatment Code for existing and new sources of pollution, duly certified by the Clerk and for use and examination by the public.

SECTION IV. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION V. This ordinance shall be in full force and effect from and after its passage, approval and due publication as provided by law.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this 18th day of July, 1984.

John C. Porter
Mayor

(Seal)

ATTEST:

Rose Bagley
City Clerk

STATE OF IDAHO)
: ss.
County of Madison)

I, ROSE BAGLEY, City Clerk of the City of Rexburg, Idaho, do hereby certify: That the above and foregoing is a full, true and correct copy of the ordinance entitled:

> AN ORDINANCE ADOPTING THAT CERTAIN DOCUMENT KNOWN AS THE CITY OF REXBURG MODEL MUNICIPAL PRETREATMENT CODE FOR EXISTING AND NEW SOURCES OF POLLUTION, TOGETHER WITH THE INCLUSION OF APPENDICES; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT WITH SAID CODE; PROVIDING THAT INVALIDATION OF ANY PROVISION, PARAGRAPH, WORD, SECTION OR CHAPTER OF SAID CODE DOES NOT AFFECT THE REMAINING PROVISIONS, PARAGRAPHS, WORDS, SECTIONS AND CHAPTERS THEREOF, WHICH SHALL CONTINUE IN FULL FORCE AND EFFECT; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

passed by the City Council and approved by the Mayor this 18th day of July, 1984.

Rose Bagley
City Clerk

(SEAL)

Ord 660

CITY OF REXBURG MODEL MUNICIPAL PRETREATMENT CODE FOR EXISTING AND NEW SOURCES OF POLLUTION (HEALTH AND SANITATION)

THESE REGULATIONS SHALL BE KNOWN AS THE CITY OF REXBURG MODEL MUNICIPAL PRETREATMENT CODE FOR EXISTING AND NEW SOURCES OF POLLUTION, AND MAY BE CITED AS SUCH, AND WILL BE REFERRED TO HEREIN AS "THIS CODE."

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SECTION 1

GENERAL PROVISIONS

1.0 Purpose and Policy

This Code sets forth uniform requirements for Dischargers into the POTW (City wastewater collection and treatment systems) and enables the "City" to protect public health and sanitation in conformity with all applicable local, State, and Federal laws relating thereto.

The objectives of this Code are:

(a) To prevent the introduction of pollutants into the City wastewater system which will interfere with the normal operation of the system or contaminate the resulting municipal sludge;

(b) To prevent the introduction of pollutants into the City wastewater system which do not receive adequate treatment in the POTW, and which will pass through the system into receiving waters or the atmosphere or otherwise be incompatible with the system;

(c) To improve the opportunity to recycle and reclaim wastewater and sludge from the system.

This Code provides for the regulation of discharges into the City wastewater system through the enforcement of administrative regulations. This Code does not provide for recovery of operations, maintenance or replacement costs of the POTW, or the costs associated with the construction of collection and treatment systems used by Industrial Dischargers, in proportion to their use of the POTW, which are the subject of separate enactments.

SECTION 2

DEFINITIONS

Act — The Clean Water Act (33 U.S.C. 1251 et seq), as amended.

Applicable Discharge Standard — For any specified pollutant, it is the City's prohibitive discharge standards, city's specific limitations on discharge, the State of Idaho's Pretreatment Standards, of the National Categorical Pretreatment Standards (when effective), whichever standard is most stringent.

POTW	Any sewage treatment works and the sewers and conveyance appurtenances discharging thereto, owned and operated by the City.
Pollutant	Any substance discharged into a POTW or its collection system, listed in Appendices A and B hereto.
Pretreatment	The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW.
Sewage	Water-carried human wastes or a combination of water-carried wastes from residence, business buildings, institutions and industrial establishments, together with such ground, surface storm or other waters as may be present.
Sewer	Any pipe, conduit, ditch, or other device used to collect and transport sewage or storm water from the generating source.
Shall	Is mandatory.
Significant Industrial Discharger	An industrial user of the City's Wastewater disposal system who: (1) is subject to or potentially subject to national pretreatment standards promulated under Section 307(b) or (c) of the Clean Water Act (CWA); (2) has in his wastes any priority toxic pollutants listed in Appendix A or other toxic pollutants listed in Appendix B; (3) has in his wastes toxic pollutants as defined pursuant to Section 307 of the CWA; (4) has a discharge flow of 10,000 gallons or more per average work day; (5) has a flow greater than 5% of the flow in the City's wastewater treatment system; or (6) is determined by the City to have a significant impact or potential for significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the systems effluent quality, or air emissions generated by the system.

Slugload	Any substance released in a discharge at a rate and/or concentration which causes interference to a POTW.
Toxic Pollutants	Any substance discharged into a POTW or its collection system, listed in Appendix A and B hereto, or any substance which upon exposure to or assimilation into any organism will cause adverse effects such as cancer, genetic mutations, or physiological manifestions as defined in standards issued pursuant to Section 307(a) of the Act.
Upset	An exceptional incident in which a Discharger unintentionally and temporarily is in a state of noncompliance with the standards set forth in Appendices A and B hereto due to factors beyond the reasonable control of the Discharger, and excluding noncompliance to the extent caused by operation error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation thereof.
Wastewater	Industrial waste, or sewage or any other waste including that which may be combined with any groundwater, surface water or storm water, that may be discharged to the POTW.

SECTION 3

REGULATIONS

3.01 General Discharge Prohibitions

No Discharger shall contribute or cause to be discharged, directly or indirectly, any of the following described substances into the wastewater disposal system or otherwise to the facilities of the City:

(a) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction to cause fire or explosion or be injurious in any other way to the operation of the POTW.

(b) Solid or viscous substances which will or may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater system.

(c) Any wastewater having a pH less than 5.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the system.

(d) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, or to exceed the limitation set forth in National Categorical Pretreatment Standards, Appendix C hereto. A toxic pollutant shall include, but not be limited to, any pollutant identified in the Toxic Pollutant List set forth in the Federal Priority Pollutant List, Appendix A.

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

(f) Any substance which may cause the POTW's effluent or treatment residues, sludges, or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process. (In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use on disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State standards applicable to the sludge management method being used.)

(g) Any substance which will cause the POTW to violate its NPDES and/or other Disposal System Permits.

(h) Any substance with objectional color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

(i) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference; but in no case, wastewater with a temperature at the introduction into the POTW which exceeds 40 degrees C. (104 degrees F.)

(j) Any slugload, which shall mean any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a single extraordinary discharge episode of such volume or strength as to cause interference to the POTW.

(k) Any unpolluted water including, but not limited to, non-contact cooling water.

(l) Any wastewater containing any radioactive wastes or isotopes of such halflife or concentration as exceed limits established by the City in compliance with applicable State or Federal Regulations.

(m) Any wastewater which causes a hazard to human life or creates a public nuisance.

(n) Any wastewater containing prohibited substance as further defined by Appendix B of this ordinance.

3.02 Limitations on Wastewater Strength

3.02.1 National Categorical Pretreatment Standards: National categorical pretreatment standards as promulgated by the U.S. Environmental Protection Agency pursuant to the Act and as adopted by the City and made a part hereto shall be met by all Dischargers of the regulated industrial categories. An application for modification of the national categorical pretreatment standards may be considered by submittal to the Regional Administrator by the City, when the City's wastewater treatment system achieves consistent removal of the pollutants as defined by 40 CFR Section 403.7.

3.02.2 Right of Revision: The City reserves the right to amend this Code to provide for more stringent limitations or requirements on discharges to the POTW where deemed necessary to comply with the objectives set forth in Section 1.01 of this Code.

3.02.3 Dilution: No Discharger shall increase the use of potable or process water in any way, nor mix separate waste streams for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this Code.

3.02.4 Supplementary Limitations: No Discharger shall discharge wastewater containing concentrations (and/or mass limitations) of substances exceeding the values shown in Appendix B. The City may impose mass limitations on Dischargers which are using dilution to meet the Pretreatment Standards or Requirements of this Code, or in other cases where the imposition of mass limitations is deemed appropriate by the City.

3.03 Accidental Discharges

Each Discharger shall provide protection from accidental discharge of prohibited or regulation materials or substances established by this Code. Where necessary, facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the Discharger's cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City for review, and shall be approved by the City before construction of the facility. Each existing Discharger, where requested by the Public Works Director, shall complete its plan and submit same to the City by January 1, 1985. No Discharger who discharges to the POTW after the aforesaid date shall be permitted to introduce pollutants into the system

until Accidential Discharge Protection Procedures have been approved by the City. Review and approval of such plans and operating procedures by the City shall not relieve the Discharger from the responsibility to modify its facility as necessary to meet the requirements of this Code.

Dischargers shall notify the City immediately upon the occurrence of a "slugload" or accidental discharge of substances prohibited by this Code. The notification shall include location discharge, date and time thereof, type of waste, concentration and volume, and corrective actions. Any Discharger who discharges a slugload of prohibited materials shall be liable for any expense, loss or damage to the POTW, in addition to the amount of any fines imposed on the City on account thereof under State or Federal law.

SECTION 4

FEES

4.01 Purposes

It is the purpose of this section to provide for the payment of fees from Dischargers to the City's wastewater disposal system, to compensate the City for the cost of administration of the pretreatment program established herein.

4.02 Charges and Fees

The City shall adopt charges and fees which may include:

(a) Fees for monitoring, inspections, and surveillance procedures;

(b) Fees for filing appeals;

(c) Fees for reviewing accidental discharge procedures and construction.

SECTION 5

ADMINISTRATION

5.01 Significant Industrial Dischargers

It shall be unlawful to discharge sewage, industrial wastes or other wastes without an Industrial Wastewater Acceptance (IWA) agreement issued by the City to any sewer within the jurisdiction of the City, and/or to the POTW.

5.02 Industrial Wastewater Acceptance (IWA)

5.02.1 General Permits: All Significant Industrial Dischargers proposing to connect to or to discharge sewage, industrial wastes and other wastes to the POTW shall obtain an IWA before connecting to or discharging to the POTW. All existing Significant Industrial Dischargers connected to or discharging to the POTW shall obtain an IWA within 180 days after the effective date of this Code.

5.02.2 Disclosure Form: Significant Industrial Dischargers shall complete and file with the City, a disclosure form therefore in the form prescribed by the City. Existing Significant Industrial Dischargers shall submit a disclosure form within 180 days after the effective date of this Code. Proposed new Dischargers shall file a disclosure form prior to connecting to the POTW. No IWA shall be issued unless and until the following conditions have been met:

a) Disclosure of name, address, and location of the Discharger;

b) Disclosure of Standard Industrial Classification (SIC) number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;

c) Disclosure of wastewater constituents and characteristics including but not limited to those mentioned in this Code, including Appendices A and B, and C as appropriate, as determined by bonafide chemical and biological analyses. Sampling and analysis shall be performed in accordance with procedures established by the U.S. EPA and contained in 40 CFR, Part 136, as amended;

d) Disclosure of the amount of sanitary and cooling water flows.

e) Disclosure of time and duration of discharges;

f) Disclosure of average daily and instantaneous peak wastewater flow rates, in gallons per day. All flows shall be measured unless other verifiable techniques are approved by the City due to cost or nonfeasibility.

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

l) Disclosure of the type and amount of raw materials and principal chemicals utilized (average and maximum per day);

m) All disclosure forms for new or modified permits shall be signed by a principal executive officer of the Discharger.

n) All sewers shall have an inspection and sampling manhole or structure with an opening of no less than 24 inches diameter and an internal diameter of no less than 48 inches containing flow measuring, recording and sampling equipment as required by the City to assure compliance with this Code.

The City will evaluate the completed disclosure form and data furnished by the Discharger and may require additional information. Within 30 days after full evaluation and acceptance of the data furnished, the City shall issue an IWA subject to terms and conditions provided herein.

5.02.3 IWA Modifications: The City reserves the right to amend any IWA issued hereunder in order to assure compliance by the City with applicable laws and regulations. Within nine (9) months of the promulgation of a National Categorical Pretreatment Standard, the IWA of each Discharger subject to such standards shall be revised to require compliance with such standards within the time frame prescribed by such standards. All National Categorical Pretreatment Standards adopted after the promulgation of this Code shall be adopted by the City as part of this Code. Where a Discharger, subject to a National Categorical Pretreatment Standard, has not previously submitted a disclosure form for an IWA as required by 5.02.2, the Discharger shall submit a disclosure form to the city within 180 days after the promulgation of the Applicable National Categorical Pretreatment Standard by the U.S. EPA. In addition, a Discharger with an existing IWA shall submit to the city within 180 days after the promulgation of an applicable National Categorical Pretreatment Standard, the information required by paragraphs (i) and (j) of Section 5.02.2. The Discharger shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

5.02.4 IWA Conditions: Industrial Wastewater Acceptance Agreements shall specify no less than the following:

a) Fees and charges to be paid upon initial permit issuance;

b) Limits on the average and maximum wastewater constituents and characteristics regulated thereby;

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

g) Disclosure of site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, inspection manholes, sampling chambers and appurtenances by size, location and elevation;

h) Description of activities, facilities and plant processes on the premises including all materials which are or may be discharged to the sewers or works of the City;

i) Disclosure of the nature and concentration of any pollutants or materials prohibited by this Code in the discharge, together with a statement regarding whether or nor compliance is being achieved with this Code on a consistent basis and if not, whether additional operation and maintenance activities and/or additional pretreatment is required for the Discharger to comply with this Code.

j) Where additional pretreatment and/or operation and maintenance activities will be required to comply with this Code, the Discharger shall provide a declaration of the shortest schedule by which the Discharger will provide such additional pretreatment and/or implementation of additional operation and maintenance activities.

(1) The schedule shall contain milestone dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the Discharger to comply with the requirements of this Code including, but not limited to dates relating to hiring an engineer, hiring other appropriate personnel, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, and all other acts necessary to achieve compliance with this Code.

(2) Under no circumstance shall the City permit a time increment for any single step directed toward compliance which exceeds nine (9) months.

(3) Not later than 14 days following each milestone date in the schedule and the final date for compliance, the Discharger shall submit a progress report to the City, including no less than a statement as to whether or not it complied with the increment of progress represented by that milestone date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the Discharger to return the construction to the approved schedule. In no event shall more than nine (9) months elapse between such progress reports to the Authority.

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

e) Special conditions as the City may reasonably require under particular circumstances of a given discharge including sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedule;

f) Compliance schedules;

g) Self Monitoring Requirements

h) Requirements for submission of special technical reports or discharge reports where same differ from those prescribed by this Code.

5.02.5 IWA Duration: All IWA's shall be issued for five (5) years duration, subject to amendment or revocation as provided in this Code.

5.02.6 Limitations on IWA Transfer: IWA is issued to a specific Discharger for a specific operation and are not assignable to another Discharger without the prior written approval of the City, or transferrable to any other location.

5.03 Reporting Requirements for Permittee

5.03.1 Compliance Date Report: Within 90 days following the date for final compliance by the Discharger with applicable Pretreatment Standards set forth in this Code or at the commencement of the introduction of wastewater into the POTW by a New Discharger, any Discharger subject to this Code shall submit to the City a report indicating the nature and concentration of all prohibited or regulated substances contained in its discharge, and the average and maximum daily flow in gallons. The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional O & M and/or pretreatment is necessary to bring the Discharger into compliance with the applicable Pretreatment Standards or Requirements. This statement shall be signed by an authorized representative of the Discharger, and certified to by a qualified engineer.

5.03.2 Periodic Compliance Reports:

(1) Any Discharger subject to a Pretreatment Standard set forth in this Code, after the compliance date of such Pretreatment Standard, or, in the case of a New Discharger, after commencement of the discharge to the City, shall submit to the City during the months of June and December, unless required more frequently by the City, a report indicating the nature and concentration, or prohibited or regulated substances in the effluent which are limited by the Pretreatment Standards hereof. In addition, this report shall include a record of all measured or estimated average

and maximum daily flows during the reporting period reported in Section 5.03.1 hereof. Flows shall be reported on the basis of actual measurement, provided however, where cost or feasibility considerations justify, the City may accept reports of average and maximum flows estimated by verifiable techniques. The City, for good cause when considering such factors as local high or low flow rates, holidays, budget cycles, or other extenuating factors may authorize the submission of said reports on months other than those specified above.

(2) Reports of permittees shall contain all results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where required by the City. The frequency of monitoring by the Discharger shall be as prescribed in the IWA. All analyses shall be performed in accordance with 40 CFR, part 136 and amendments thereto.

(Comment: Where 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants, April, 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the Administrator of the U.S. EPA.)

5.04 Monitoring Facilities

Each Discharger shall provide and operate at the Discharger's own expense, a monitoring facility to allow inspection, sampling, and flow measurement of each sewer discharge to the City. Each monitoring facility shall be situated on the Discharger's premises, except where such a location would be impractical or cause undue hardship on the Discharger, the City may concur with the facility being constructed in the public street or sidewalk area providing that the facility is located so that it will not be obstructed by landscaping or parked vehicles.

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

All monitoring facilities shall be constructed and maintained in accordance with all applicable local construction standards and specifications. Construction shall be completed within 180 days or receipt of IWA by Discharger.

5.05 Inspection and Sampling

The City may inspect the monitoring facilities of any Discharger to determine compliance with the requirements of this Code. The Discharger shall allow the City or its representatives, upon presentation of credentials of identification, to enter upon the premises of the Discharger at all reasonable hours, for the purposes of inspection, sampling, or records examination. The city shall have the right to set up on the Discharger's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations.

5.06 Confidential Information

Information and data furnished to the City with respect to the nature and frequency of discharge shall be available to the public or other governmental agency without restriction unless the Discharger specifically requests and is able to demonstrate to the satisfaction of the City that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets or proprietary information of the Discharger.

When requested by a Discharger furnishing a report, the portions of a report which may disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this Code, the National Pollutant Discharge Elimination System (NPDES) Permit, State Disposal System permit and/or the Pretreatment Programs; provided, however, that such portions of a report shall be available for use by the State or any state agency in judicial review or enforcement proceedings involving the Discharger furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the City as confidential, shall not be transmitted to any governmental agency or to the general public by the City until and unless a ten-day notification is given to the Discharger.

5.07 Wastewater Pretreatment Facilities

Users shall provide necessary wastewater treatment as required to comply with the ordinance and shall achieve compliance within the time limitations specified by the city. Any facilities required to pretreat wastewater to a level acceptable to the city shall be provided, operated, and maintained at the user's expense.

6.08 Operating Upsets

Any Discharger which experiences an upset in operations which places the Discharger in a temporary state of noncompliance with this Code shall inform the City thereof within twenty-four (24) hours of first awareness or the commencement of the upset. Where such information is given orally, a written follow-up report thereof shall be filed by the Discharger with the Authority within five (5) days. The report shall specify:

(a) Description of the upset, the cause thereof, and the upset's impact on the Discharger's compliance status.

(b) Duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance continues, the time by which compliance is reasonably to occur.

(c) All steps taken or to be taken to reduce, eliminate, and prevent recurrence of such an upset or other conditions of noncompliance.

A documented and verified bona fide operating upset shall be an affirmative defense to any enforcement action brought by the City against the Discharger for any noncompliance with the Code which arises out of violations alleged to have occurred during the period of the upset.

SECTION 6

ENFORCEMENT

6.01 Emergency Suspension of Service and Industrial Wastewater Acceptance Form

The City may, without advance notice, order the suspension of the wastewater treatment service and any applicable Industrial Wastewater Acceptance Form to a Discharger when it appears to the City that an actual or threatened discharge (a) presents or threatens an imminent or substantial danger to the health or welfare of persons or substantial danger to the environment or (b) threatens to interfere with the operation of the POTW, or to violate any pretreatment limits imposed by the Code. Any Discharger notified of the City's suspension order shall immediately cease all discharges. In the event of failure of the Discharge to comply with the suspension order, the City may commence judicial proceedings immediately thereafter to compel the Discharger's specific compliance with such order and/or to recover civil penalties. The City shall reinstate the wastewater treatment service upon proof by the Discharger of the elimination of the noncomplying discharge or conditions creating the threat as set forth above.

6.02 Termination of Treatment Services

A Discharger shall not (a) fail to factually report accurately the wastewater constituents and characteristics of its discharge; (b) fail to report significant changes in wastewater constituents or characteristics; (c) refuse reasonable access to the Discharger's premises by representatives of the City for the purpose of inspection or monitoring; or (d) violate the provisions of this Code, or any order of the City with respect thereto. The City may terminate wastewater treatment services to any discharger who violates any of the foregoing prohibitions.

6.03 Notification of Violation: Administration Adjustment

Whenever the City finds that any Discharger has violated the prohibitions in section 6.02 hereof, the City shall cause to be served upon such Discharger a written notice either personally or by certified or registered mail, return receipt requested, stating the nature of the alleged violation. Within thirty (30) days of the date of receipt of the notice, the Discharger shall respond personally or in writing or by certified or registered mail, return receipt requested, to the City, advising of its position with respect to the allegations. Thereafter, the Discharger shall be given the opportunity to meet to ascertain the veracity of the allegations and establish a plan for the satisfactory correction of the violations and preclusion of a recurrence thereof.

6.04 Show Cause Hearing

Where the violation of section 6.02 hereof is not corrected by timely compliance by means of Administration Adjustment, the City may order any Discharger which suffers or permits a violation of section 6.02 hereof to show cause before the City or its duly authorized representative why the proposed service termination action should not be taken. A written notice shall be served on the Discharger by personal service, certified or registered mail, return receipt requested, specifying the time and place of a hearing to be held by the City or its designee regarding the violation, the reasons why the enforcement action is to be taken, the proposed enforcement action, and directing the Discharger to show cause before the City or its designee why the enforcement action should not be taken. The notice of the hearing shall be served no less than ten (10) days before the hearing. Service may be made on any agent, officer, or authorized representative of a Discharger. The proceedings at the hearing shall be considered by the City, which shall then enter appropriate orders with respect to the alleged violations of the Discharger. Appeal of such orders may be taken by the Discharger in accordance with applicable local or state law.

6.05 Judicial Proceedings

Following the entry of any order by the City with respect to the violation by a Discharger of section 6.02 hereof, the City may commence an action for appropriate legal and/or equitable relief in the appropriate local court.

6.06 Significant Violations: Annual Publication

A list of all Dischargers which were significantly violating this Code during the previous twelve (12) months shall be annually published by the City in the official City newspaper. For the purposes of this section, a significant violation is one which remains uncorrected forty-five (45) days after notification of noncompliance, which is part of a pattern of noncompliance over that twelve (12) month period, which involves failure to accurately report noncompliance, or which resulted in the City exercising its emergency activity under Section 6.01 of this Code.

6.07 Right of Appeal

Any Discharger or any interested party shall have the right to request in writing an interpretation of ruling by the City on any matter covered by this Code and shall be entitled to a prompt written reply. In the event that such inquiry is by a Discharger and deals with matters of performance or compliance with this Code for which enforcement activity relating to an alleged violation is the subject, receipt of a Discharger's request shall not stay enforcement proceedings pending. Appeal of any final judicial order entered pursuant to this Code may be taken in accordance with local and state law.

SECTION 7

PENALTIES

7.01 Civil Penalties

Any discharger who violates an order of the City or who fails to comply with (a) any provision of this Code, or (b) any regulations, rule, or permits of the City, issued pursuant to this Code, shall be liable to the City for a civil penalty. The amount of such civil penalty shall not be less than $250.00 per violation nor more than $1,000.00 per violation. Each day upon which a violation occurs or continues shall constitute a separate violation. Such penalties may be recovered by judicial actions and/or to the extent permissible by state law, by administrative procedures

7.02 Recovery of Costs Incurred by the City

Any Discharger violating any of the provisions of this Code who discharges or causes a discharge producing a deposit or obstruction or causes damage to or impairs the City's wastewater disposal system shall be liable to the City for any expense, loss, or damage caused by such violation of discharge. Refusal to pay the assessed costs shall constitue a violation of this Code, enforceable under the provisions of this Code.

7.03 Falsifying Information

Any person who knowingly makes any false statement, representation, or certification in any application, record, report, and plan or other document filed or required to be maintained pursuant to this Code, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Code, shall (in addition to civil and/or criminal penalties provided by state law) be guilty of a misdemeanor and shall be prosecuted and punished accordingly.

7.04 General Criminal Penalties

Any user who knowingly violates any provision of this Code shall be guilty of a misdemeanor and shall be punished accordingly.

SECTION 8

RECORDS RETENTION

All Dischargers subject to this Code shall retain and preserve for no less than three (3) years, any records, books, documents,

memoranda, reports, correspondence, and any and all summaries thereof, relating to monitoring, sampling, and chemical analyses made by or in behalf of a Discharger in connection with its discharge. All records which pertain to matters which are the subject of Administrative Adjustment or any other enforcement or litigation activities brought by the City pursuant hereto shall be retained and preserved by the Discharger until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

CERTIFICATE

The foregoing City of Rexburg Model Municipal Pretreatment Code for Existing and New Sources of Pollution was by the City Council of the City of Rexburg, Idaho, by Ordinance No. 660, passed July 18, 1984, at its regular meeting, and approved by the Mayor on that date, and duly published as required by law. That three copies of said Code are on file in the City Clerk's Office for the use and examination of the public.

Dated July 31, 1984.

Rose Bagley, City Clerk

(CITY SEAL)

APPENDIX A

126 PRIORITY POLLUTANTS

APPENDIX B

SUPPLEMENTARY LIMITATIONS

4. POLLUTANTS RELEASED IN SUCH STRENGTH OR VOLUME AS TO CAUSE INTERFERENCE IN THE TREATMENT PLANT

The following discharges are not permitted unless otherwise approved in writing by the Public Works Director and the City Council.

a. A standard five (5) day biological oxygen demand greater than four hundred (400) milligrams per liter or fifty (50) pounds in any one day.

b. Wastes containing more than four hundred (400) milligrams per liter of suspended solids or fifty (50) pounds in any one day.

c. A flow of fifty thousand (50,000) gallons or more per average work day or a flow greater than five percent (5%) of the flow carried by the treatment facility receiving the water.

d. Chlorine demand of more than twenty (20) mg/l.

e. Wastewater at a flow rate and/or pollutant discharge rate which is excessive over a relatively short time period so that there is a treatment process upset and subsequent loss of treatment efficiency.

5. HEAT IN AMOUNTS WHICH WILL INHIBIT BIOLOGICAL ACTIVITY AT THE TREATMENT PLANT

Any liquid or vapor having a temperature higher than 150 F (65 C) or having temperatures sufficient to cause the influent to the treatment plant to exceed 104 F (40 C). If, in the opinion of the Public Works Director, lower temperatures of such wastes could harm either the sewers, sewage treatment process, or equipment; have an adverse effect on the receiving streams, or otherwise endanger life, health, or property; or constitute a nuisance, the Public Works Director may prohibit such discharges.

6. HEAVY METALS AND SIMILAR TOXIC SUBSTANCES WHICH COULD UPSET TREATMENT PLANT OPERATION

Any water or wastes containing heavy metals and similar objectionable or toxic substances (as determined by a 24-hour composite sample) to such a degree that any such material received in the composite sewage at the point of discharge exceeds the limits as follows:

Arsenic	0.5 mg/l
Cadmium	0.5 mg/l
Total Chromium	2.0 mg/l
Copper	2.0 mg/l
Cyanide	1.0 mg/l
Lead	1.5 mg/l
Mercury	0.05 mg/l
Nickel	1.5 mg/l
Silver	0.5 mg/l
Zinc	1.5 mg/l

7. SLUGLOAD

Any discharge which exceeds for a period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour flows during normal operation or more than five (5) times the twenty-four (24) hour allowable concentration of any substance listed in Appendices A and B hereto, or which causes interference to the POTW.

APPENDIX C

NATIONAL CATEGORICAL PRETREATMENT STANDARDS

SUPPLEMENTARY LIMITATIONS

No person shall discharge or cause to be discharged into the public sewerage system or into a natural outlet the following described prohibited substances:

1. POLLUTANTS WHICH CREATE A FIRE OR EXPLOSION HAZARD

   Any liquids, solids, or gases which by reason of their nature or quantity are or may be sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in another way to the POTW or the the operation of the POTW. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system), be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naptha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromenes, carbides, hydrides, sulfides, and any other substance which the City, the State, or the EPA has notified the user is a fire hazard or a hazard to the system.

2. POLLUTANTS WHICH CAUSE CORROSIVE STRUCTURAL DAMAGE

   Any soluble waste or wastes have a pH lower than 5.0 or higher that 9.0 or having any other corrosive property which reasonably could be hazardous to structures, equipment, or personnel of the City, such as, but not limited to, battery or plating acids and wastes, copper sulfate, chromium salts and compounds, or salt brine.

3. SOLID OR VISCOUS POLLUTANTS WHICH COULD CAUSE OBSTRUCTION TO THE FLOW IN SEWERS

   a. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two degrees Fahrenheit (32 F) or zero degrees Centigrade (0 C) and one hundred fifty degrees Fahrenheit (150 F) or sixty-five degrees Centigrade (65 C).

   b. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower or greater shall be subject to the review and approval of the Public Works Director.

TABLE 1

List of Priority Pollutants

COMPOUND NAME

1. *acenaphthene
2. *acrolein
3. *acrylonitrile
4. *benzene
5. *benzidine
6. *carbon tetrachloride (tetrachloromethane)

*chlorinated benzenes (other than dichlorobenzenes)

7. chlorobenzene
8. 1,2,4-trichlorobenzene
9. hexachlorobenzene

*chlorinated ethanes (including 1,2-dichloroethane, 1,1,1-trichloroethane and hexachloroethane)

10. 1,2-dichloroethane
11. 1,1,1-trichloroethane
12. hexachloroethane
13. 1,1-dichloroethane
14. 1,1,2-trichloroethane
15. 1,1,2,2-tetrachloroethane
16. chloroethane

*chloroalkyl ethers (chloromethyl, chloroethyl and mixed ethers)

~~17. bis(chloromethyl) ether~~ ①

18. bis(2-chloroethyl) ether
19. 2-chloroethyl vinyl ether (mixed)

*chlorinated naphthalene

20. 2-chloronaphthalene

*chlorinated phenols (other than those listed elsewhere; includes trichlorophenols and chlorinated cresols)

21. 2,4,6-trichlorophenol
22. parachlorometa cresol
23. *chloroform (trichloromethane)
24. *2-chlorophenol

*dichlorobenzenes

25. 1,2-dichlorobenzene
26. 1,3-dichlorobenzene
27. 1,4-dichlorobenzene

*dichlorobenzidine

28. 3,3'-dichlorobenzidine

*dichloroethylenes (1,1-dichloroethylene and 1,2-dichloroethylene)

29. 1,1-dichloroethylene
30. 1,2-trans-dichloroethylene
31. *2,4-dichlorophenol

*dichloropropene and dichloropropene

32. 1,3-dichloropropene
33. 1,2-dichloropropylene (1,3-dichloropropene)
34. *2,4-dimethylphenol

*dinitrotoluene

35. 2,4-dinitrotoluene
36. 2,6-dinitrotoluene
37. *1,2-diphenylhydrazine
38. *ethylbenzene
39. *fluoranthene

*haloethers (other than those listed elsewhere)

40. 4-chlorophenyl phenyl ether
41. 4-bromophenyl phenyl ether
42. bis(2-chloroisopropyl) ether
43. bis(2-chloroethoxy) methane

*halomethanes (other than those listed elsewhere)

44. methylene chloride (dichloromethane)
45. methyl chloride (chloromethane)
46. methyl bromide (bromomethane)
47. bromoform (tribromomethane)
48. dichlorobromomethane

~~49. trichlorofluoromethane~~ ①

~~50. dichlorodifluoromethane~~

51. chlorodibromomethane
52. *hexachlorobutadiene
53. *hexachlorocyclopentadiene
54. *isophorone
55. *naphthalene
56. *nitrobenzene

*nitrophenols (including 2,4-dinitrophenol and dinitrocresol)

57. 2-nitrophenol
58. 4-nitrophenol
59. *2,4-dinitrophenol
60. 4,6-dinitro-o-cresol

*nitrosamines

61. N-nitrosodimethylamine
62. N-nitrosodiphenylamine
63. N-nitrosodi-n-propylamine
64. *pentachlorophenol
65. *phenol

*phthalate esters

66. bis(2-ethylhexyl) phthalate
67. butyl benzyl phthalate
68. di-n-butyl phthalate
69. di-n-octyl phthalate
70. diethyl phthalate
71. dimethyl phthalate

*polynuclear aromatic hydrocarbons

72. benzo(a)anthracene (1,2-benzanthracene)
73. benzo(a)pyrene (3,4-benzopyrene)
74. 3,4-benzofluoranthene
75. benzo(k)fluoranthane (11,12-benzofluoranthene)
76. chrysene
77. acenaphthylene
78. anthracene
79. benzo(ghi)perylene (1,12-benzoperylene)
80. fluorene
81. phenanthrene
82. dibenzo(a,h)anthracene (1,2,5,6-dibenzanthracene)
83. indeno (1,2,3-cd)pyrene (2,3-o-phenylenepyrene)
84. pyrene
85. *tetrachloroethylene
86. *toluene
87. *trichloroethylene
88. *vinyl chloride (chloroethylene)

pesticides and metabolites

89. *aldrin
90. *dieldrin
91. *chlordane (technical mix metabolites)

*DDT and metabolites

92. 4,4'-DDT
93. 4,4'-DDE (p,p'-DDX)
94. 4,4'-DDD (p,p'-TDE)

*endosulfan and metabolites

95. a-endosulfan-Alpha
96. b-endosulfan-Beta
97. endosulfan sulfate

*endrin and metabolites

98. endrin
99. endrin aldehyde

*heptachlor and metabolites

100. heptachlor
101. heptachlor epoxide

*hexachlorocyclohexane (all

102. a-BHC-Alpha
103. b-BHC-Beta
104. r-BHC (lindane)-Gamma
105. g-BHC-Delta

*polychlorinated biphenyls (

106. PCB-1242 (Arochlor 1242
107. PCB-1254 (Arochlor 1254
108. PCB-1221 (Arochlor 1221
109. PCB-1232 (Arochlor 1232
110. PCB-1248 (Arochlor 1248
111. PCB-1260 (Arochlor 1260
112. PCB-1016 (Arochlor 1016

113. *toxaphene
114. *antimony (total)
115. *arsenic (total)
116. *asbestos (fibrous)
117. *beryllium (total)
118. *cadmium (total)
119. *chromium (total)
120. *copper (total)
121. *cyanide (total)
122. *lead (total)
123. *mercury (total)
124. *nickel (total)
125. *selenium (total)
126. *silver (total)
127. *thallium (total)
128. *zinc (total)
129. **2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD)

*Specific compounds and chemical classes as listed in the consent degree.

**This compound was specifically listed in the consent degree. Because of its extreme toxicity (TCDD), EPA recommends that laboratories not acquire analytical standard for this compound

Deleted by:

NATIONAL CATEGORICAL PRETREATMENT STANDARDS

The following national categorical pretreatment standards have been issued by the Environmental Protection Agency. Additions to the appendix will be made from time to time as further categorical pretreatment standards are finalized.

1. ELECTROPLATING PRETREATMENT STANDARDS

   The categorical pretreatment standards for seven subcategories of the electroplating industry have been promulgated. These standards are listed in 40 CFR Part 413 published in the Federal Register on January 28, 1981.

2. TIMBER PRODUCTS PROCESSING (WOOD PRESERVING PLANT) PRETREATMENT STANDARDS

   The categorical pretreatment standards for three subcategories of the timber products processing industry (wood preserving plants) have been promulgated. These standards are listed in 40 CFR Part 429 published in the Federal Register on January 26, 1981.

3. IRON AND STEEL MANUFACTURING PRETREATMENT STANDARDS

   The categorical pretreatment standards for twelve subcategories of the Iron and Steel Manufacturing Industry have been promulgated. These standards are listed in 40 CFR Part 420 published in the Federal Register on May 27, 1982.

4. INORGANIC CHEMICAL MANUFACTURING PRETREATMENT STANDARDS

   The categorical pretreatment standards for twenty-four (24) subcategories of the Inorganic Chemicals Manufacturing Industry have been promulgated. These standards are listed in 40 CFR Part 415 published in the Federal Register on June 29, 1982.

5. TEXTILE MILL PRETREATMENT STANDARDS

   The categorical pretreatment standards for nine (9) subcategories of the Textile Mill industry have been promulgated. These standards are listed in 40 CFR Part 410 published in the Federal Register on September 2, 1982.

6. PETROLEUM REFINING PRETREATMENT STANDARDS

   The categorical pretreatment standards for five (5) subcategories of the Petroleum Refining industry have been promulgated. These standards are listed in 40 CFR Part 419 published in the Federal Register on October 18, 1982.

7. PULP, PAPER, AND PAPERBOARD AND THE BUILDERS' PAPER AND BOARD MILLS PRETREATMENT STANDARDS

The categorical pretreatment standards for twenty-five (25) subcategories of the Pulp, Paper, and Paperboard and the Builders' Paper and Board Mills industry have been promulgated. These standards are listed in 40 CFR Parts 430 and 431 published in the Federal Register on November 18, 1982.

8. LEATHER TANNING AND FINISHING INDUSTRY PRETREATMENT STANDARDS

The categorical pretreatment standards for nine (9) subcategories of the Leather Tanning & Finishing industry have been promulgated. These standards are listed in 40 CFR Part 425 published in the Federal Register on November 23, 1982.

9. STEAM ELECTRIC POWER PLANT PRETREATMENT STANDARDS

The categorical pretreatment standards for the Steam Electric Power Plant industry have been promulgated. These standards are listed in 40 CFR Parts 125 and 423 published in the Federal Register on November 19, 1982.

10. PORCELAIN ENAMELING INDUSTRY PRETREATMENT STANDARDS

The categorical pretreatment standards for four (4) subcategories of the Porcelain Enameling industry have been promulgated. These standards are listed in 40 CFR Part 466 published in the Federal Register on November 24, 1982.

11. COIL COATING INDUSTRY PRETREATMENT STANDARDS

The categorical pretreatment standards for three (3) subcategories of the Coal Coating industry have been promulgated. These standards are listed in 40 CFR Part 465 published in the Federal Register on December 1, 1982.