

TITLE 13
PUBLIC SERVICES

Chapters:

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Chapter 13.02DEFINITIONSSections:

13.02.010 Definitions.

13.02.010 Definitions. Unless the context specifically indicates otherwise, the meaning of capitalized terms used in this Title 13 shall be as follows:

A. General

1. "Certificate of Occupancy" shall mean either a temporary certificate of occupancy or a final certificate of occupancy issued by the Hailey Building Official under the applicable adopted building code, whichever occurs first.
2. "City" shall mean the City of Hailey, Blaine County, Idaho, or its authorized or designated agent, representative or deputy therefore.
3. "City Council" shall mean the Hailey City Council.
4. "New Construction" shall mean construction of a new residential or commercial building requiring a connection to the Municipal Wastewater System.
5. "Owner" shall mean a property owner, or his duly authorized representative, who is served or is to be served by the Municipal Water or Wastewater System.
6. "Person" shall mean any individual, firm, company, association, society, corporation or group.
7. "Property" shall mean all property, whether privately or publicly owned, within the corporate limits of the Municipal Water System excluding there from lands that have been dedicated for public street or highway rights-of-way.
8. "Standards" shall mean the City Public Works Department Standard Drawings and Specifications, the Idaho Standards for Public Works Construction and Idaho Administrative Code, IDAPA 58.01, *et seq.*, as adopted and as amended from time to time.

B. Water.

1. "Backflow" shall mean the flow other than in the intended direction of flow of any foreign liquids, gases or harmful or offensive substances into the distribution system of the City water supply as a result of reduced or reversed pressure.

A. "Back Pressure Backflow" shall mean the backflow of a contaminated, or polluted fluid due to an increased pressure above the supply pressure, which may be due to pumps, boilers or other sources of pressure.

B. "Back Siphonage Backflow" shall mean the flowing back of used, contaminated, or polluted fluid from a plumbing fixture or vessel into a water supply pipe due to a pressure less than atmospheric in such pipe.

2. "Backflow Prevention Device" shall mean a device or means which, when properly installed between the City water supply system and the terminus or ultimate point of use, will reasonably prevent Backflow, and approved by USCEC, and certified by AASE, IAPMO and UPC.

3. "Cross Connection" shall mean any physical arrangement whereby the City water system is connected with any other water supply system, Wastewater, drain, conduit, pool, storage reservoir or any other source of water supply which contains or may contain contaminated water, sewage or other waste or liquids which may be harmful to human health or which may deleteriously affect the City water supply.

4. "Fire Hydrant" shall mean a device used to discharge water from the Water Main for the general purpose of fighting fires.

5. "Irrigation System" shall mean any system designed to water lawns, gardens, shrubs, trees, etc.

6. "Meter Vault" shall mean a device placed on the Municipal Water Service Line at the property line which contains a shut-off valve and a Water Meter.

7. "Municipal Water Service Line" shall mean that portion of an individual water service line that runs from its connection with the Water Main to and including the corporation stop, Meter Vault, Water Meter and radio signaling unit that is installed on the service line. It will be installed within the limits of the public right-of-way or utility easement, and, after installation, it is owned and maintained by the City.

8. "Municipal Water System" shall mean all components and facilities that are used to deliver ground water and surface water within the City and that are owned, operated and maintained by the City for domestic, irrigation and other uses.

9. "Private Fire Service Connection" shall mean the separate and independent connection from the Water Main that connects directly to a sprinkler system that has been, or is to be installed, in any building for the purpose of fire control within that specific. A Private Water Service Line for domestic service to the building may be installed off this service connection with a Water Meter plumbed in by the owner.

10. "Private Water Service Line" shall mean the portion of the water service line that runs from the limits of the building being served to the point of connection with the Municipal Water Service Line.

11. "Private Water System" shall mean any water system for domestic use that is not owned, operated and maintained by the City.

12. "Service Connection" shall mean each water connection between the Municipal Water System and a Property.

13. “Water Main” shall mean any pipe line owned by the City for the purpose of transportation and/or distribution of water to serve more than one Private Water Service Line or user.

14. “Water Meter” shall mean a device to measure water use and shall include the radio signal unit.

15. “Water User” shall mean any individual, firm, company, association, society, or corporation, or group who has connected to the Municipal Water System (Ord. 1085 §§1-3, 2011)

C. Wastewater.

1. “Biochemical Oxygen Demand (BOD)” shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°, expressed in milligrams per liter (mg/l).

2. “Building Drain” shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, or other drainage pipes inside the walls of the building and conveys it to the Private Wastewater Service Line, beginning five feet outside the inner face of the building wall.

3. “Building Wastewater System” shall mean the complete piping system for disposing of sanitary waste including the Building Drain, the Private Wastewater Service Line and the Wastewater Service Connection.

4. “Combined Wastewater System” shall mean a Wastewater system receiving both surface runoff and Wastewater.

5. “Garbage” shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

6. “Industrial Wastes” shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary Wastewater. All sanitary waste that is combined with industrial waste shall be considered industrial waste.

7. “Municipal Wastewater System” shall mean all facilities for collecting, pumping, treating and disposing of Wastewater.

8. “Natural Outlet” shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

9. “pH” shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

10. “Private Wastewater Service Line” shall mean the extension from the Building Drain to the service connection with the Wastewater Main or other place of disposal. The Private Wastewater Service Line is the responsibility of the owner.

11. “Private Wastewater System” shall mean a system for disposing of sanitary waste not connected to the Municipal Wastewater System.

12. “Properly Shredded Garbage” shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in the Municipal Wastewater System, with no particle greater than one-half inch in any dimension.

13. “Sanitary Wastewater System” shall mean a Wastewater system which carries Wastewater and to which storm, surface, and groundwaters are not intentionally admitted.

14. “Slug” shall mean a discharge of water, Wastewater, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen minutes more than five times the average twenty-four hour concentration or flows during normal operation.

15. “Storm Drain” shall mean a pipe which carries storm and surface water and drainage but excludes Wastewater and industrial wastes, other than unpolluted water such as cooling water. A Storm Drain is sometimes termed storm sewer.

16. “Suspended Solids (SS)” shall mean total suspended matter that either floats on the surface of or is in suspension in water, Wastewater, sewage or other liquids and that is removable by laboratory filtering as prescribed in Standard Methods for Examination of Water and Wastewater and referred to as “nonfilterable residue” and is reported in milligrams per liter (mg/l).

17. “Wastewater” shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.

18. “Wastewater Main” shall mean the Wastewater mainline and manholes in which all owners of abutting properties have equal rights, and is controlled by public authority.

19. “Wastewater Service Connection” shall mean the point at which the Private Wastewater Service Line connects to the Wastewater Main.

20. “Wastewater Treatment Plant” shall mean any arrangement of devices and structures used for treating Wastewater.

21. “Wastewater User” shall mean any individual, firm, company, association, society, or corporation, or group who has connected to the Municipal Wastewater System.

22. “Watercourse” shall mean a channel in which a flow of water occurs, either continuously or intermittently.

(Ord. 1094 §§1-2, 2011, Ord. 988 §2, 2007, Ord. 987 §1, 2007, Ord. 956 §1, 2006)

Chapter 13.04WATER AND WASTEWATER SYSTEMS*Sections:

13.04.010	Purposes.
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13.04.030	Mandatory hookup to municipal water and wastewater systems.
13.04.040	Water service lines and water service connections.
13.04.050	Wastewater line and wastewater service connections.
13.04.060	Cross connections.
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13.04.080	Inspections.
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13.04.100	Backfilling.
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13.04.120	Basis for user charges.
13.04.130	Water and wastewater user charges.
13.04.140	Connection fees.
13.04.150	Administration of municipal water and wastewater systems.
13.04.160	Unavailability of municipal water and wastewater systems.
13.04.170	Prohibited conduct.
13.04.180	Violation–penalty.

13.04.010 Purposes. To protect the health, safety and general welfare of the public, the City of Hailey deems it necessary to control the use and connection to the Municipal Water and Wastewater Systems. To protect the health, safety and general welfare of the public and to comply with the City’s obligations under law to provide an equitable system of rates and fees with the view toward attempting to make the City’s Water and Wastewater systems self-supporting, there is established a system of periodic rates and fees for the purpose of equitably imposing upon all users the costs and expenses of operation, maintenance, repair and replacement of the Municipal Water and Wastewater Systems.

13.04.020 Applicability. The provisions of this chapter shall apply to all property within the corporate limits of the City, and any special users outside of the corporate limits of the City, including all property owned or occupied by the United States of America, Blaine County, and the State of Idaho.

*Ordinance history: 1094, 1091, 1085, 1078, 1073, 1008, 996, 988, 987, 983, 956, 856, 430, 429, 427, 412, 399, 388, 355, 333, 317

13.04.030 Mandatory hookup to municipal water and wastewater systems.

The Owner or occupant of any building, used for residential, commercial, industrial, governmental or other use that requires water or wastewater service, situated within the City which is abutting on or having a permanent right of access to any street, alley or right-of-way in which there is located a Municipal Water System or Municipal Wastewater System shall, if applicable, cease using any other method of domestic water service or other method of disposing of wastewater, waste or polluted water, as the case may be, and at the Owner's expense shall connect his Private Water System to the Municipal Water System or his Private Wastewater System to the Municipal Wastewater System in accordance with the provisions of this chapter within one hundred eighty (180) days after official notice from the City to do so; provided, however, that the Water Main or Wastewater Main, as the case may be, is within three hundred feet (300') of any property line of the building to be served. Notwithstanding the foregoing requirement, any Owner of Property annexed into the City in a City initiated annexation may request a delay in complying with the mandatory connection provided for herein by means of application to the City Council. Delayed compliance may be granted by the City Council only if the applicant establishes to the satisfaction of the City Council that the applicant's existing water system functions properly and meets all current health and safety requirements. Such a showing shall not entitle the applicant to delayed compliance, but such a delay may be granted by the City Council, in the City Council's discretion, if the facts shown indicate a delay would be fair and equitable and will not jeopardize the health and welfare of the residents of the City. In no event shall a delay be granted which exceed a period of five (5) years following granting of delayed compliance by the City Council. Any delay granted pursuant to this section shall be automatically terminated if there is a change in use of the annexed property. As used herein, "use" means the purpose for which the property or a building thereon is designed, arranged, intended, or for which it is or may be occupied or maintained

13.04.040 Water service lines and water service connections. All materials used and workmanship performed in the installation of a Private Water Service Line and connections to the Municipal Water Service Line shall conform to the following regulations:

A. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any Water Main, Municipal Water Service Line, or appurtenance thereof, without first obtaining a water connection permit from the City. The permit shall not be issued until all water connection fees have been paid in full. If a building permit is required for a building requiring a water hookup, the Owner shall concurrently apply for a water connection permit. Water services and all Water User fees will commence upon submission of a "Request for Commencement/Discontinuance of Water Service" form. Any attempt by the Owner or Owner's agent to utilize water service to the Property by means other than the Water Service Line will result in immediate activation of the owner's account and the required commencement of payment of monthly water and wastewater fees.

B. To obtain municipal water services, the Owner or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the City. A permit and inspection fee as established by the City Council in resolution shall be paid to the City at the time the application is filed.

C. All costs and expenses incident to the installation of the Municipal Water Service Line and the connection to the Water Main shall be borne by the Owner. The Municipal Water Service Line shall be installed in accordance with Standards. The Owner shall indemnify the City from any loss or damage that may directly or indirectly be caused by the installation of the Municipal Water Service Line and the connection to the Water Main.

D. Except as otherwise provided herein, a separate and independent Municipal Water Service Line and connection shall be provided for every separate Property or for contiguous Properties owned by the same Person regardless of the number of buildings on the Property. If a Property consists of multiple buildings with divisible condominiums or townhomes and if the Property is managed by a owner's association, a separate and independent Municipal Water Service Line shall serve the multiple buildings, with a billing for the water services in accordance with this chapter to the owner's association, unless the Owners of the condominium or townhome units install, at their expense, separate and independent Municipal Water Service Lines, in which case each Owner will be billed for water services in accordance with this chapter.

E. Existing Private Water Service Lines may be used in connection with new buildings only when they are found, on examination and testing as required by the City, to meet all requirements of this chapter.

F. The materials of construction of the Private Water Service Line and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the retirements of the applicable Standards, State plumbing codes, and applicable AWWA/ANSI.NSF standards.

G. The Private Water Service Line shall not be smaller than a three-quarter inch (3/4") inside diameter pipe and shall be laid in a trench of such depth so that the minimum cover over the pipe from finished grade shall be five feet (5'). The alignment of the Private Water Service Line and the Municipal Water Service Line to the Water Main shall be reasonably straight and shall be located such that the distance between the Private and Municipal Water Service Lines and the Building Wastewater System line shall be a minimum of ten feet (10').

H. It shall be unlawful for a person to make or permit the cross-connection of any Private Water System to a water line that is served by the Municipal Water System, except as provided in Section 13.04.060, Cross Connections.

I. All connections to the Municipal Water Service Line shall require a Water and Wastewater permit and shall conform to the requirements of the applicable Standards and State plumbing codes.

J. The applicant for the water connection permit shall notify the City when the connection of the Private Water Service Line to the Municipal Water Service Line is ready for inspection and obtain approval from the City before receiving municipal water.

K. All excavations for the Private Water Service Line installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

L. The installation of a Private Fire Service Connection shall comply in all respects to the requirements for a Municipal Water Service Line, Building and Fire codes. The Owner or his agent will be required to pay all costs for connection and extension of the Private Fire Service Connection from the Water Main. The Owner shall also provide an easement to the City for access to any meter installed within private property for operation and maintenance purposes. Failure to provide an easement shall constitute grounds to disconnect water service to a Property.

M. The installation of a permanent Irrigation System, connected to the Private Water Service Line, shall require a separate irrigation permit and inspection. The Owner shall obtain this permit prior to installation, shall adhere to all Standards including Section 13.04.060, Cross Connections, and shall notify the City for inspection prior to operating the system.

N. The connection of the Private Water Service Line to the Municipal Water Service Line and the connection of a Private Fire Service Connection to the Water Main shall be made by a plumber holding a valid state plumber's license.

13.04.050 Wastewater line and wastewater service connections. All materials and workmanship in the installation of Wastewater Lines and Wastewater Service Connections shall conform to the following regulations:

A. No authorized person shall uncover, make any connections with or opening into, use, alter, or disturb the Municipal Wastewater System, or appurtenance thereof, without first obtaining a Wastewater connection permit from the City. The permit shall not be issued until all Wastewater connection fees have been paid in full. If a building permit is required for a building requiring a Wastewater hookup, the Owner shall concurrently apply for a Wastewater connection permit. Wastewater services and all Wastewater User fees will commence upon submission of a "Request for Commencement/Discontinuance of Water Service" form. Any attempt by the Owner or the Owner's agent to utilize the Municipal Wastewater

System to the Property by means other than the Municipal Wastewater System will result in immediate activation of the owner's account and the required commencement of payment of monthly Wastewater User fees.

B. To obtain municipal Wastewater services, the Owner or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the City. A permit and inspection fee as established by the City Council in resolution shall be paid to the City at the time the application is filed.

C. All costs and expenses incident to the installation and connection of the Building Wastewater System shall be borne by the Owner. The Owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the Building Wastewater System and the making of the Wastewater Service Connection to the Municipal Wastewater System.

D. Except as otherwise provided herein, a separate and independent Building Wastewater System and Wastewater Service Connection shall be provided for every separate Property or for contiguous Properties owned by the same Person regardless of the number of buildings on the Property. If a Property consists of multiple buildings with divisible condominiums or townhomes and if the Property is managed by a owner's association, a separate and independent Building Wastewater System shall serve the multiple buildings, with a billing for the wastewater services in accordance with this chapter to the owner's association, unless the Owners of the condominium or townhome units install, at their expense, separate and independent Building Wastewater Systems, in which case each Owner will be billed for wastewater services in accordance with this chapter.

E. Existing Building Wastewater Systems and Wastewater Service Connections may be used in connection with new buildings only when they are found, on examination and testing as required by the City, to meet all requirements of this chapter.

F. The material of construction of the Building Wastewater System and Wastewater Service Connections, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of applicable Standards and State plumbing codes.

G. The Building Wastewater System and the Wastewater Service Connection thereto shall not be smaller than a four inch (4") diameter pipe. The minimum grade or slope of the Building Wastewater System shall be as follows:

1. Four inch (4") diameter Wastewater pipe shall be laid on a grade of not less than one-quarter inch (1/4") per foot.
2. Six inch (6") diameter Wastewater pipe shall be laid on a grade of not less than one-eighth inch (1/8") per foot.

3. Eight inch (8”) diameter pipe shall be laid on a grade of not less than four feet (4’) per one thousand feet (1000’).

The alignment of the Building Wastewater System shall be straight, with no bends, warps or sags permitted except with the permission of the City. The trench bottom shall be cut to proper grade so that when the pipe is laid the body or barrel of the pipe shall be on solid material. Bell holes are to be excavated in the trench bottom at all pipe joints.

H. No person shall, directly or indirectly, make connection of building drains, roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a Building Wastewater System.

I. The service connection to the Municipal Wastewater System shall conform to the requirements of the applicable Standards, and State plumbing codes. In addition, the materials and workmanship of the service connection shall meet the following requirements:

1. A precise service connection tee shall be fitted onto the Wastewater Main at the appropriate point and near the center of a length of the Wastewater Main, to avoid breaking the bell or the spigot end of the Wastewater Main. The service connection tee shall be installed as a water-tight connection to the outside of the Wastewater Main, care being taken not to extend the Building Wastewater System line into the Wastewater Main, thereby creating a possible restriction. The invert of the Building Wastewater System line at the service connection tee shall be at least equal to two-thirds of the diameter of the Wastewater Main. All foreign material shall be removed from the Wastewater Main and there shall be a permanent connection which is gas-tight and water-tight between the Wastewater Main and Building Wastewater System line.

2. The building Wastewater tee connection to the Wastewater Main shall conform to applicable City Standard Specifications and Drawings

J. All excavations for Building Wastewater System installation shall be adequately guarded with barricades and lights to as to protect the public from hazard. Street, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

K. The connection of the Building Wastewater System to the Municipal Wastewater System shall be made by a plumber holding a valid state plumbing license.

13.04.060 Cross connections. The standards for Cross Connections shall adhere to Idaho Administrative Code, IDAPA 58.01.08 – Idaho Rules for Public Drinking Water Systems, as amended.

A. Cross Connections Prohibited. The installation or maintenance of a Cross Connection is hereby prohibited. Any such Cross Connection now existing is declared a nuisance and shall be removed or abated upon order of the City. Failure to remove a Cross Connection or install an approved Backflow Prevention Device as ordered within ten (10) days of the order shall result in discontinuance of municipal water service until compliance is made.

B. Backflow Prevention Devices. Any facility requiring a Backflow Prevention Device shall follow the requirements of the Idaho Administrative Code, IDAPA 58.01.08, Subsection 900.02 (Table 2), as amended. The minimum required Backflow Prevention Device shall be a testable double check valve.

C. Inspections of Existing Buildings, Structures or Improvements. Inspections by the City or its authorized agent, bearing proper credentials and identification, may be made of any existing building, structures or improvements of any nature receiving water from the municipal water supply. The City Water Superintendent or his authorized agent shall make an inspection of any building, improvement or structure of any nature receiving water from the municipal water supply if there appears probable cause to believe that a Cross Connection exists or that a Backflow Prevention Device should be installed.

13.04.070 Powers and authority of city representatives.

A. Water. The City, through its authorized representative bearing proper credentials and identification, shall be permitted at proper and reasonable hours of the day to enter all properties, premises or buildings to which water is furnished from the Municipal Water System for testing or for any other purpose necessary for the proper administration of the water system in accordance with the provisions of this chapter.

B. Wastewater. The City, through its authorized representative bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter.

13.04.080 Inspections.

A. Water. All connections or extensions of the Private Service Line, shall be made in accordance with the requirements of the state plumbing code for such an installation. The connection to the Municipal Water Service Line shall be inspected by the City before the installation is backfilled and before the water is turned on for use at the Property.

B. Wastewater. All connections or extensions of the Private Wastewater Service Line shall be made in accordance with the requirements of the state plumbing code for such an installation. The connection to the Wastewater Main shall be inspected by the City before the installation is backfilled and wastewater is allowed to pass through.

13.04.090 Rejections or disapprovals. The City may reject any material for cause, and upon such order, rejected material shall be removed and replaced with approved material, all at the Owner's sole expense. The City may reject any workmanship for cause, and upon such order, disapproved workmanship shall, at the Owner's sole expense, cause the removal and replacement of all materials involved, including appurtenances, excavation, backfilling, and other work items.

13.04.100 Backfilling. In the event the installation, repair or maintenance of a Private Water or Wastewater Service Line disturbs the public right-of-way or easement, the Owner shall backfill and repair the public right-of-way or easement in accordance with the Standards and shall be subject to inspection by and approval by the City.

13.04.110 Water and wastewater main extensions. Any Owner may request the City Council to extend the Municipal Water and/or Wastewater System(s) to serve undeveloped areas within the existing corporate City limits, newly annexed areas or areas outside the corporate limits. Unless otherwise allowed by the City Council, the Owner shall pay all costs and expenses associated with the extension of the Municipal Water and/or Wastewater Systems or with the installation of any oversized water and/or wastewater lines. It shall also be the responsibility of the Owner or agent therefore to install all necessary Fire Hydrants and the Municipal Water Service Line, the Private Service Line, the Wastewater Main and the Building Wastewater System for all extensions of the Municipal Water and Wastewater Systems at no expense to the City. Unless a special permit is granted by the City, all Municipal Water and Wastewater System extensions, including the Municipal Water Service Line and Building Wastewater System into newly developed areas, shall be installed prior to the construction of any new streets. All design and construction of any extensions to the Municipal Water and Wastewater Systems shall comply with applicable Standards. The plans for all extensions to the Municipal Water and Wastewater Systems shall be prepared and signed by a registered professional engineer with three copies of such plans filed with the City. In approving a plan for the extension to the Municipal Water and/or Wastewater Systems, the City reserves the right to stipulate other requirements such as inspections, inspection fees, a special permit fee, rights-of-way limits, sequence of construction, time limits for having existing service disrupted, the filing of a performance bond or other security and other similar measures as may be required to protect the public. The City may, at its discretion, request DEQ to review an extension of Municipal Water and Wastewater Systems. After the construction of the Municipal Water and/or Wastewater System extensions, it shall be the obligation of the Owner or his agent to have a registered professional engineer certify to the City that the system extensions were installed

according to the approved plans and specifications on file in the office of the City Clerk. Following certification by the registered professional engineer and acceptance by the City, the entire extension of the Water and/or Wastewater Main, including the Municipal Water Service Lines, shall become the property of the City.

13.04.120 Basis for user fees. There is established a system of periodic rates and fees for the use of and services provided to maintain the Municipal Water and Wastewater Systems. The rates and fees provided by this chapter are levied and assessed against each building or Property connected with the Municipal Water and Wastewater Systems, and all Owners shall pay the user fees established under the provisions of this chapter.

13.04.130 Water and Wastewater User Fees.

A. Water User Fees. The Owner or Owner's agent of all Property connected to the Municipal Water System under the terms of this chapter shall be assessed and shall pay monthly user fees beginning at the time of connection, as follows:

1. User Base Fee. The monthly user base fee is intended to cover the costs of the operation, maintenance and expansion of the Municipal Water System, including but not limited to; 50% of the labor, benefits and administrative costs and 100% of DEQ fees, insurance, training and short-term depreciation. The monthly user base fee shall be assessed to each Property. The monthly user base fee shall be calculated by dividing the yearly operation, maintenance and expansion costs of the Municipal Water System described herein by the number of Water Users. Property with two or more services extended to it shall have the choice of paying a single monthly user base fee (for all services connected to the Property) or establishing separate accounts for each service with a Landlord/Tenant agreement as described in Section 13.04.150.

2. Metered Water Fee. The monthly metered fee is intended to cover the variable costs of the Municipal Water System, including the operation and maintenance costs which consist at least of, but not limited to, 50% of the labor, benefits and administrative costs, parts, fuel, utilities, vehicle maintenance, lab tests and chemicals. The monthly metered water fee shall be assessed to each separate Service Connection based upon the total amount of water used by that Property during one billing period. The metered rate is determined on a sliding scale based upon the variable costs of the Municipal Water System described herein, and as adopted by City Council resolution. The sliding scale shall assess a proportionally greater cost per gallon(s) of water as more water is used by a Property.

3. Bond Payment Fee. The monthly bond payment is intended to cover the cost of bond and note retirement costs which are the legal indebtedness the City is obligated to retire on a set schedule. The monthly water bond payment is determined by taking the bond and note retirement costs and dividing by the number of Water Users utilizing the system during the twelve month period. The monthly bond payment fee shall be assessed to each Property. Bond payment fees will continue even if water services are discontinued at any point.

4. Irrigation Fee. The monthly metered irrigation fee shall be assessed to each Property with a separate irrigation account based upon the amount of water used during one billing period.

B. Wastewater User Fees. Except as otherwise provided in subparagraph 5 below, the Owner or Owner's agent of all Property connected to the Municipal Wastewater System under the terms of this chapter shall be assessed and shall pay monthly user fees beginning at the time of connection, as follows:

1. User Base Fee. The monthly user base fee is intended to cover the costs of the operation, maintenance and expansion of the Municipal Wastewater System, including but not limited to, 50% of the labor, benefits and administrative costs, and 100% of DEQ fees, insurance, training and short-term depreciation. The minimum monthly user fee shall be assessed to each Property. The monthly user base fee shall be calculated by dividing the yearly operation, maintenance and expansion costs of the Municipal Wastewater System described herein by the number of Wastewater Users. Property with two or more services extended to it shall have the choice of paying a single monthly user base fee (for all services connected to the Property) or establishing separate accounts for each service with a Landlord/Tenant agreement as described in Section 13.04.150.

2. Metered Wastewater Fee. The monthly metered fee is intended to cover the variable costs of the Municipal Wastewater System, including the operation and maintenance costs which consist at least of, but not limited to, 50% of the labor, benefits and administrative costs, and 100% of parts, fuel, utilities, vehicle maintenance, lab tests and chemicals. The monthly metered wastewater charge shall be assessed to each separate Property based upon the average amount of water used by that Property between November 1 and March 31 of the following year. During the following month of April the monthly wastewater metered charge shall be adjusted based upon such average use of water used by each Property except as provided under Section 13.04.130 (D)(3) and (4).

*[Discrepancies in § 13.04.130 (B)(2) were found and in Hailey Ordinance Numbers 996, 1073, and 1078 and reconciled in this codification (May 2011)]

3. Non-Metered Account Fee. New construction Wastewater user accounts, where an average winter water use has not been established, shall pay a set monthly charge for water usage of 6000 gallons per month.

4. Bond Payment Fee. The monthly bond payment is intended to cover the cost of bond and note retirement costs which are the legal indebtedness the City is obligated to retire on a set schedule. The monthly bond payment is determined by taking the bond and note retirement cost and dividing by the number of Wastewater Users utilizing the system during the twelve month period. The monthly bond payment fee shall be assessed to each Property based upon a standard water service connection. Bond payment fees will continue even if sewer services are discontinued at any point.

5. Exception for New Construction. Wastewater User fees shall not be assessed until the issuance of a Certificate of Occupancy for New Construction.

C. Reduction in Water and Wastewater User Base Fees. A reduced monthly water and Wastewater User base fee described in Sections 13.04.130(A)(1) and (B)(1) may be assessed upon proper application to the City Clerk for the following:

1. Residences occupied by persons qualifying under the Blaine County Assessor's Office for circuit breaker reduction in property tax rates shall have a reduced User Base Fee as established by City Council resolution.

D. Reduction in Metered Water and Wastewater Fees.

1. Leak in Private Water Service Line or within a Building. In the event a leak is discovered in a Private Water Service Line or in a private water service line in a building and the City is notified of the leak or the City notifies the Water User of the leak, the metered water fee and the metered wastewater fee shall be eligible for a credit for a period beginning 30 days before the City is notified or the City sends notification, until sixty (60) days following notification (the "Credit Period"), provided the leak is repaired during the sixty (60) day period following notification, except as otherwise provided herein. If the leak is not repaired during the sixty (60) day period following notification, the Water User shall not be entitled to any reduction in the metered water fee and the metered wastewater fee, and the water and wastewater metered fee shall be calculated as set forth in Sections 13.04.130(A)(2) and (B)(2), except as otherwise provided herein. If the leak is repaired during the first thirty (30) days following notification, the metered water fee and the metered wastewater fee during the Credit Period shall be calculated based on the Water User's water usage during the same period of the previous year, or the actual metered quantity, whichever is less. If the leak is repaired between thirty (30) days and sixty (60) days following notification, the metered water fee and metered wastewater fee during the Credit Period shall be based on the following:

[(the actual metered usage) – (the Water User's water usage during the same period of the previous year)] x 50%, or the actual metered quantity, whichever is less.

The Water User has the burden to notify the City when the leak is repaired.

Exceptions:

- a. If a leak is discovered in a Private Water Service Line between December 1 and April 15 of the following year, the thirty (30) and sixty (60) day periods described above to repair a leak shall begin on April 15 and the Credit Period as defined above shall be modified so that the Credit Period begins 30 days before the City is notified or the City sends notification, until June 14.
- b. If a leak is discovered in a Private Water Service Line and if the Water User is unable to repair the leak because a private contractor did not perform the repair within sixty (60) days following notification, the Credit Period shall be extended for an additional maximum period of thirty (30) days, provided the private contractor was contacted by the Water User and the private contractor agreed to perform the repair services within ten (10) days of the notification.

2. Provision of Water to Neighboring Water User. In the event water service is disrupted to a Water User based on a frozen Private Water Service Line between December 1 and April 15 of the following year, and a Water User provides water from the Municipal Water System to the Water User whose water service was disrupted following notification to the City, the metered water fee and metered wastewater fee to be charged to the Water User who provides water for the period of time between the date of notification and the date water is no longer provided to the Water User whose water service was disrupted (which shall not extend beyond April 15) shall be based on the water usage by the Water User whose water service was disrupted during same period of the previous year, or a water usage of 6000 gallons per month, whichever is less. In such a case, the metered water fee and the metered wastewater fee to be charged to the Water User whose water service was disrupted shall be based on the Water User's water usage during the same period of the previous year or on a water usage of 6000 gallons per month, whichever is less.

3. Freeze Protection. Subject to the requirements set forth herein, in the event water is required to continually or intermittently run to prevent frozen pipes in a Private Water Service Line between November 1 and March 31 of the following year and if the City is notified of the continual or intermittent use of water, the metered wastewater fee for the period of time between the date of notification and date water was not continually or intermittently run shall be based on the Water User's water usage as metered or 6000 gallons per month, whichever is less. The Owner shall not run the freeze protection water into the Wastewater system and shall provide proof satisfactory to the City that water is not run into the Wastewater system. If the Owner does not provide notification of the need to run water for freeze protection and proof that the water, which is continually or intermittently run, is not discharged into the Wastewater system, then there shall be no adjustment of the metered Wastewater fee. The provisions allowing for a reduction of Wastewater fees for freeze protection do not relieve an Owner from paying for the water used for freeze protection. (Ord. 1094 §§1-2, 2011; Ord. 1091 §§1-3, 2011, Ord. 1085 §§1-3, 2011, Ord. 1078 §1, 2010; Ord. 1073 §1, 2, 2010)

13.04.140 Water and Wastewater Connection fees.

A. The Owner or agent of any Property connected to the Municipal Water or Wastewater System shall pay a water connection fee for the value of water service and a Wastewater connection fee for the value of Wastewater service. Connection fees shall be paid to the city on or before the issuance of a building permit except as provided in Section 15.08.020(E) of the Hailey Municipal Code. The basis for the connection fee for those persons or entities connecting to the Municipal Water and Wastewater Systems is to charge the value of the system capacity that the new user will absorb at that point in time. The value of the system is determined each year by updating the original construction cost of each major capital improvement to the system to determine the cost to replace that improvement in that particular year. This is accomplished by determining the annual average engineering news record construction costs index (“ENR (CCI)”) in the year that the improvements were made and the year that the connection fee is being determined. The ENR (CCI) for the year calculated is divided by the ENR (CCI) for the year in which the improvements were made. The value is then multiplied by the original cost for the improvements. The value obtained is the estimated cost to replace the improvements at the time the connection fee is calculated. The gross value to replace the system must be adjusted by subtracting the remaining bond principal to obtain the net value. The remaining bond principal to be paid for bond retirement is determined from the bond retirement schedule each year. The remaining bond interest is not subtracted from gross system value.

B. The following is the equation for determining the net system value of the Water and Wastewater Systems:

Net system value = gross system value – remaining bond principal

C. All ¾” water services shall be treated as one City standard base connection.

The base connection fee, as determined for a standard ¾” residential connection, is then determined by dividing the net system value by the design capacity of the system component expressed in City standard ¾” residential connections. All other size connections shall pay a connection fee based upon the size of the water service using the multiplication factors set forth in Section 13.04.140(D). The size of the water service shall be used as the determination of the Wastewater connection fee using the multiplication factors set forth in Section 13.04.140(E).

D. For a water service larger than ¾”, the connection fees for both water and Wastewater services shall be based upon the size of the water service and shall be based upon the following schedule:

<u>Water Service Size</u>	<u>Multiplication Factor</u>
1”	1.7
1-1/2”	3.3
2”	5.3
3”	15
4”	25
6”	50

E. The design capacity of the system component is determined by the City Engineer based upon City policy and sound engineering practices.

13.04.150 Administration of municipal water and wastewater systems.

A. Water and Wastewater Department Budget. The Water and Wastewater department of the City shall, during the month of June of each year, propose an estimated budget showing the anticipated costs of replacement, repair, maintenance and operation of the Municipal Water and Wastewater Systems for the next fiscal year. The previously established Water and Wastewater connection fund shall continue to be used for the purposes established by the Water and Wastewater department and approved by the Mayor and City Council.

B. Annual Calculation of Fees. The City Council shall calculate on an annual basis, or more frequently if deemed necessary by the City Council, the monthly Water and Wastewater User base, bond payment, metered water and irrigation fees, metered wastewater fees, connection fees, and other fees authorized by this Chapter to be charged by the City pursuant to the provisions set forth herein. The fees shall be established by a resolution of the City Council, duly made, passed and entered into the minutes of the meeting of the City Council, and shall become effective upon the date as established within the resolution.

C. Water and Wastewater User Fees–Delinquency and Notice. All Water and Wastewater User fees shall be due and payable to the City Clerk on or before the bill closing date of each month's bill, and upon failure to pay within the time as prescribed, each user shall pay, in addition to the amount due, the sum of two dollars (\$2.00) and interest at the rate of twelve percent (12%) per annum. All delinquent fees, as provided in this chapter, not paid within fifteen (15) days of the date when notice of delinquency is sent, shall be imposed as a lien against and upon the Property against which such fee is levied or assessed.

D. Discontinuance of Water/Wastewater Service for Default. All bills for Water and Wastewater User fees not paid within ten (10) days after the due date shall authorize the City, in addition to its rights and remedies set forth herein, to discontinue the water service to any such defaulting customer after fifteen (15) days written notice sent by U.S. Mail to the customer. If a customer fails to pay all delinquent fees within the fifteen (15) day period, the City shall be authorized to disconnect the water service for the customer without further notice and shall assess discontinuance fee as established by resolution against the defaulting customer. Recommencement of water service shall be made following the payment of the discontinuance fee, a recommencement fee as established by resolution, delinquent water and/or Wastewater fees due, and a deposit in a sum equal to three months' average winter Water and Wastewater User Fees (User Base Fee and Metered Water Fee) and bond payment fees. All such deposits shall be kept in a separate fund of the City and shall be refunded to the user forty-five (45) days following termination of water and Wastewater services and upon written request by customer for deposit refund. If any sums are due or to become due to the City for any services or if any delinquencies exist, then the deposit shall be used in payment of the user's account and any balance thereof shall be paid to the user within the normal accounts payable process. In the event a Water and Wastewater User shall have maintained current payment of water and Wastewater service fees for a period of one (1) year without delinquency, then upon written request of the user to the City, the deposit shall be refunded to the user.

E. Commencement of Services by Owner. The Owner or Owner's agent shall request the start of water and wastewater service in writing. This written request shall begin all water and wastewater user fees.

F. Discontinuance of Services by Owner. Should an Owner, or his agent, request a water service to be discontinued, the request shall be made in writing and the City shall discontinue service by closing and locking off the Water Meter Vault. The Owner, or his agent, shall pay to the City a service fee as established by City Council resolution. The Owner or his agent must request, in writing, the City to place the line back in service before the Water Meter Vault valve is reopened. There shall be a service fee as established by City Council resolution for reopening the service. During any period of discontinuance, the payment of both the Water and Wastewater monthly bond payment fees shall continue, while the payment of the Water and Wastewater User base fees shall not be charged.

G. Landlord/Tenant Agreements. All monthly Water or Wastewater User fees will be charged against the property where the Private Water or Wastewater Service Line is installed, except that Owners or their authorized agents may, by written request, authorize the City Clerk to charge Water or Wastewater User fees against an occupant, tenant, or contract purchaser of specific Property and shall require a deposit equal to three months' average winter Water and Wastewater & User Fees (User Base Fee and Metered Water Fee) and bond payment fees for specific Property. If the Owner or Owner's authorized agent chooses to waive the deposit, then this designation must be in writing. If a deposit is made, this deposit will be refundable to the depositor, or his agent at the termination of occupancy with satisfactory identification and upon written request. Any outstanding charges (applicable discontinuance or recommencement fee and delinquent water and/or Wastewater fees due up to the date of termination) owed by the tenant will be deducted from the deposit and the balance refunded to the depositor. The deposit shall be refunded within the normal accounts payable process.

H. Water and Wastewater System Funds. All fees received and collected under authority of this chapter shall be deposited and credited to special funds to be designated as the water system fund and the Wastewater system fund. The accounts of the funds shall show all receipts and expenditures for the maintenance, operation, upkeep and repair of the Municipal Water and Wastewater Systems and any payments into a sinking fund established for the purpose of paying principal of and interest on the water and Wastewater bond or note indebtedness of the City which shall from time to time be outstanding. As provided by law, when budgeted and appropriated, the funds and credits to the account of the Water and Wastewater System(s) shall be available for the payment of the requirements of maintenance, operation, repairs and upkeep of the Municipal Water and Wastewater System, and to the extent legally available, for payment into a sinking fund established for the payment of the principal of and interest on the water and Wastewater bond and note indebtedness of the City which shall from time to time be outstanding. (Ord. 1091 §§1-3, 2011)

13.04.160 Unavailability of municipal water and wastewater systems. Where the Municipal Water and/or Wastewater System(s) are not available under the provisions of this chapter, a Private Water System or a Private Wastewater System may be installed, provided that the system(s) comply with all the provisions of this chapter.

A. Before the commencement of construction of a Private Water System or a Private Wastewater System, the owner shall first obtain a written permit from the City. The application for said permit shall be made on a form furnished by the City, which the applicant shall supplement by plans, specifications and other information as may be deemed necessary by the City. A permit and inspection fee established by resolution shall be paid to the City at the time the application is filed.

B. A permit for a Private Water System or a Private Wastewater System shall not permit the use of the system until the installation is completed to the satisfaction of the City. The City shall be allowed to inspect the work at any stage of construction, and the application for the permit shall notify the City when the work is ready for various inspections, and before any underground works are covered. The applicant shall request an inspection by the City two business days in advance of the need.

C. The type, capacities, location and layout of a Private Water System or a Private Wastewater System shall comply with all of the rules and regulations and recommendations of all applicable federal, state and local authorities.

D. At such times as the Municipal Water System becomes available to the property served by the Private Water System, and the Owner or tenant avails himself of the municipal service, it is mandatory that the private water supply is not connected or cross-connected in any way to the water lines served by the Municipal Water System and shall properly abandon the well in the Private Water System. At such times as the Municipal Wastewater System becomes available to the property served by the Private Wastewater System, the Owner or agent shall connect to the Municipal Wastewater System and properly abandon the Private Wastewater System, including the removal of any septic tank and leach field.

E. The owners shall operate and maintain the Private Water and Wastewater System in a sanitary manner at all times, without any contamination to the Municipal Water and Wastewater Systems, and at no expense to the City.

F. No statement contained in this Section shall be construed to interfere with any additional requirements that may be imposed by applicable federal or state authorities, such as the Idaho Department of Health and Welfare or the Idaho Department of Water Resources.

13.04.170 Prohibited conduct.

A. Injury to Municipal Water and Wastewater Systems. It is unlawful for any unauthorized person to maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, pipeline, Fire Hydrant, fitting connection, Meter Vault, appurtenance or equipment which is a part of the Municipal Water System or Municipal Wastewater System.

B. Unsanitary Conduct.

1. It is unlawful for any person to deposit any garbage, rubbish, dead animals, or any substance having a tendency to obstruct the flow of the Wastewater, in any manhole, cleanout, or Wastewater system opening.

2. It is unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of the City any human or animal excrement, garbage or other objectionable waste.

3. It shall be unlawful to discharge to any natural outlet within the City, or in any area under the jurisdiction of the City, any Wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

4. Except as provided in this chapter, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facilities intended or used for the disposal of Wastewater.

C. Fire Hydrants.

1. It shall be unlawful for any person, except a duly authorized City employee or agent, to open, close, operate, turn on, turn off, interfere with, attach any pipe or hose to, or connect anything with, any Fire Hydrant or auxiliary valve belonging to the City.

2. It shall be unlawful for any person to obstruct the access to any Fire Hydrant by placing within twenty (20) feet or thereon any stone, brick, lumber, dirt, or other material, or to willfully or carelessly injure the same.

13.04.180 Violation–penalty.

A. Any person, firm or other legal entity violating any provision of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than three hundred dollars (\$300.00) or imprisonment in the county jail for a period not to exceed six (6) months, or both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

B. Any person(s) unlawfully tampering with any portion of City property or equipment in an attempt to reinstate services to property prior to payment of all required fees shall be guilty of a misdemeanor and upon conviction thereof, shall be subject to a fine not exceeding three hundred dollars, or imprisonment not exceeding thirty days, or both such fine and imprisonment for each violation.

C. Any person violating any of the provisions of this chapter shall become liable to the City for any expense, loss or damage occasioned by the City, including clean up costs, by reason of such violation. The City may take any and all action at law or equity to enforce the provisions of this chapter, including injunctive relief, abatement and removal of any conditions prohibited by this chapter.

D. Any person, firm or other legal entity violating any provision of this chapter shall be subject to the immediate termination of water service to the Property. Prior to any reinstatement of service, the person violating the provisions of this chapter shall pay a discontinuance fee and recommencement fee as established by City Council resolution.

Chapter 13.05WASTEWATER PRETREATMENTSections:

13.05.010	General provisions.
13.05.020	Abbreviations.
13.05.030	Definitions.
13.05.040	Regulations/Prohibited Discharge Standards.
13.05.050	Fees.
13.05.060	Administration.
13.05.070	Enforcement.
13.05.080	Records retention.
13.05.090	Nonliability.

13.05.010 General provisions. A. Purpose and Policy. This chapter sets forth uniform requirements for users of the city wastewater collection system and publicly owned treatment works (POTW) for the city of Hailey and enables the city to protect public health and to comply with all applicable local, state and federal laws, including the Clean Water Act (33 USC sec. 1251, et seq.) and the general pretreatment regulations (40 CFR Part 403).

The objectives of this chapter are:

1. To prevent the introduction of pollutants into the POTW which will interfere with the normal operation of the system and the use and disposal of the resulting municipal sludge;
2. 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 system;
3. To protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public;
4. To improve the opportunity to recycle and reclaim wastewater and sludge from the system and to ensure that the quality of the wastewater treatment plant sludge is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations;
5. To allow the city to control wastewater inflow and to require users of the POTW with unacceptable effluents to pretreat those effluents for the removal of unacceptable compounds.

B. This chapter provides for the regulation of discharges into the POTW and shall apply to all users of the POTW. This chapter authorizes the issuance of pretreatment discharge permit; authorizes monitoring, compliance and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein. This chapter 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 users, in proportion to their use of the POTW, which are the subject of other provisions set forth in Hailey Municipal Ordinance Title 13.

C. Except as otherwise provided herein, the POTW Director, Public Works Director, wastewater division head or their designee shall administer, implement, and enforce the provisions of this chapter. Any powers granted or duties imposed upon the POTW Director, Public Works Director or wastewater division head may be delegated when appropriate to other city personnel. (Ord. 1086 §§1-5, 2011; Ord. 1070 §1, 2010; Ord. 741 §1 (part), 1999)

13.05.020 Abbreviations. The following abbreviations shall have the designated meanings:

ASPP	accidental spill prevention plan
BOD	biochemical oxygen demand
CFR	Code of Federal Regulations
COD	chemical oxygen demand
EPA	US Environmental Protection Agency
gpd	gallons per day
l	liter
mg	milligrams
mg/l	milligrams per liter
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
SU	sewer user
SWDA	Solid Waste Disposal Act (42 U.S.C. 6901, et seq.)
TSS	total suspended solids
TTO	Total Toxic Organics
USC	United States Code (Ord. 1070 §1, 2010; Ord. 741 §1 (part), 1999)

13.05.030 Definitions.

“Act” means the Federal Water Pollution Control Act, also known as the Clean Water Act of 1972, 33 U.S.C. 1251, et seq., as amended.

Applicable Pretreatment Standards. For any specified pollutant, the “applicable pretreatment standards” shall include the following:

1. General discharge prohibitions;
2. The city's specific limitations on discharge as set forth in this chapter, the NPDES permit, or other local ordinance;
3. State standards;
4. Categorical pretreatment standards promulgated by the EPA, or other applicable federal standards or regulations, when effective. Where several standards apply, the most stringent standard shall govern.

Authorized Representative of the User.

1. If the user is a corporation:
 - a. The president, secretary, treasurer, vice-president, or board of directors, 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. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively;
3. If the user is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his/her designee.
4. The individuals described in paragraphs 1 through 3 above may designate another authorized representative, if the authorization is in writing and is submitted to the city, and if 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, organization, and/or agency.

“Best Management Practices or BMP’s” means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 403.5(a)(1) and (b) of the Act. BMP also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

“Biochemical oxygen demand” means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days at twenty degrees centigrade, usually expressed as a concentration (milligrams per liter, mg/l).

“Categorical pretreatment standard” or “categorical standard” means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1317), which apply to a specific category of users and which appear in 40 CFR Ordinance I, Subchapter N, Parts 405–471.

“Categorical user” means a user covered by one of the federal EPA categorical pretreatment standards.

“City” means the city of Hailey.

“City council” means the duly elected legislative branch of local government of the city of Hailey, Idaho.

“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.

“Composite sample” means the sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

“Cooling water” or “noncontact cooling water” means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product. Cooling water can be discharged from any use, such as air conditioning, heat exchangers, cooling or refrigeration to which the only pollutant added is heat.

“Domestic user (residential user)” means any person and/or residential dwelling unit who contributes, causes, or allows the contribution of wastewater into the Hailey POTW at a similar volume and/or chemical makeup generally accepted as that of a residential dwelling unit. Users from a residential dwelling unit typically include up to one hundred gallons per capita per day, 0.2 pounds of BOD per capita, and 0.17 pounds of TSS per capita and contain no other substances that may be harmful to the POTW or to city personnel. A domestic user shall exclude users with nontypical discharges and/or spill potential to the Hailey POTW. Such nontypical users shall be treated as “user” for the purposes of this chapter.

“Environmental protection agency (EPA)” means the Environmental Protection Agency or, where appropriate, the regional water management division director, or other duly authorized official of said agency.

“Existing source” means any source of discharge, the construction or operation of which commenced prior to publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act, 33.

“Existing user” means, for noncategorical users, any user which is discharging wastewater prior to the effective date of the ordinance codified in this chapter.

“Grab sample” means a sample which is taken from a waste stream which is representative of a specific time and place without regard to flow.

“Indirect discharge or discharge” means the introduction of pollutants into the POTW from a nondomestic source regulated under Section 307 (b), (c), or (d) of the Act. This 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.

“Industrial waste” means solid, liquid or gaseous waste resulting from any industrial, manufacturing, trade or business process or from the development, recovery or processing of natural resources.

“Interference” means a discharge which alone or in conjunction with discharges from other sources, either:

1. Inhibits or disrupts the POTW, its treatment processes or operations;
2. Inhibits or disrupts the POTW's sludge processes, use or disposal; or
3. Is a cause of a violation of any requirement of the city's NPDES permit, or to the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations, permits issued thereunder, or more stringent state or location regulations: Section 405 of the Clean Water Act; the federal Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA)); the federal Clean Air Act; the federal Toxic Substances Control Act; and state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA, or in compliance with any other applicable federal legislation.

"Maximum allowable discharge limit" means 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 wastes" means 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.

"New source" means:

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

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

- b. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

- c. The production or wastewater generating processes of the building structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, shall be considered.

2. Construction on a site at which an existing source is located and results in a modification of an existing source if the construction does not create a new building, structure, facility or installation meeting the criteria of subsection (1) (a), (b) or (c) of this definition but otherwise alters, replaces or adds to our existing process or production equipment.

Construction of a new source as defined under this paragraph has commenced if the owner or operator has begun, or caused to begin, as part of a continuous onsite construction program:

i. Any placement, assembly or installation of facilities or equipment; or
ii. Significant site preparation work including clearing, excavation or removal of existing buildings, structures or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment; or

New User. A “new user” is not a “new source” and is defined as a user that applies to the city for a new building permit, or any person who occupies an existing building and plans to discharge wastewater to the city’s collection system after the effective date of the ordinance. 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.

“NPDES” means the National Pollutant Discharge Elimination System permit program as administered by the EPA or State.

“O and M” means operation and maintenance.

“Other wastes” means decayed wood, sawdust, shavings, bark, lime, refuse, ashes, garbage, offal, oil, tar, chemicals and all other substances except sewage and industrial wastes.

“Pass through” means the discharge of pollutants through the POTW into navigable waters in quantities or concentrations which are a cause, in whole or in part, of a violation of any requirement of the POTW’s NPDES permit (including an increase in the magnitude or duration of a violation), or which causes other environmental damage.

“Permittee” means a person or user issued a pretreatment discharge permit.

“Person” means 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, or local governmental entities.

“pH” means a measure of the acidity or alkalinity of a substance, expressed in standard units.

“Pollutant” means 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, Chemical Oxygen Demand (COD), toxicity, or odor), or any other substance which causes an impairment (reduction) of water quality to a degree that has an adverse affect on the POTW.

“POTW Director” means either the Public Works Director, the Wastewater Division Head or their designees.

“Pretreatment” means 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, but not by diluting the concentration of the pollutants, unless such dilution is allowed by an applicable pretreatment standard.

“Pretreatment requirements” means any federal, state or local city substantive or procedural requirement related to pretreatment imposed on a user, other than a categorical pretreatment standard.

“Pretreatment standards” or “standards” means prohibited discharge standards, categorical pretreatment standards as adopted by the EPA, and local limits established by the city.

“Pretreatment discharge permit” means an authorization or equivalent control document issued by the city to users discharging wastewater to the POTW. The permit may contain appropriate pretreatment standards and requirements as set forth in this chapter. It may also be called an “industrial pretreatment discharge permit.”

“Prohibited discharge standards” or “prohibited discharges” means absolute prohibitions against the discharge of certain substances. These prohibitions appear in Sections 13.05.040 (A) and (B) of this ordinance.

“Publicly owned treatment works (POTW)” means a “treatment works,” as defined by Section 212 of the Federal Clean Water Act, 33 U.S.C. 1292, which is owned by the city. 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” means any sewage from holding tanks such as vessels, chemical toilets, campers, trailers and septic tanks.

“Sewage” means water-carried human wastes or combination of water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface, storm or other waters as may be present.

“Sewer” means any pipe, conduit, ditch or other device used to collect and transport sewage or storm water from the generating source.

“Significant industrial user” means an industrial user of the city’s POTW who:

1. Is subject to federal categorical pretreatment standards; or
2. Is a user that discharges an average of twenty-five thousand gpd or more of process wastewater to the POTW (excluding sanitary, non-contact cooling, and boiler blow-down wastewater), or
3. Contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant, or
4. Is designated by the wastewater division head 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 system’s effluent quality, air emissions generated by the system, or any substance listed in Section 13.05.040 (B) of this Ordinance.

“Suspended solids (SS)” means a well-mixed sample that is filtered through a weighed standard glass fiber filter and the residue retained on the filter and dried at one hundred three degrees to one hundred five degrees C. The increase in weight of the filter represents the total suspended solids.

“Standard industrial classification (SIC)” means a classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

“Total suspended solids (TSS)” means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

“Toxic pollutants” means those substances listed in the federal priority pollutant list and any other pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under Section 307 of the Act.

“Treatment plant effluent” means water, wastewater or other liquid, raw (untreated), partially or completely treated discharged from the POTW into waters of the United States.

“Upset” means an exceptional incident in which a user unintentionally and temporarily is in a state of noncompliance with applicable pretreatment standards adopted by the city, due to the 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 thereof.

“User” or “industrial user” means a source of indirect discharge. Any user, including a significant industrial user (SIU), which discharges an effluent into the POTW by means of pipes, conduits, pumping stations, force mains, constructed drainage ditches, surface water intercepting ditches, and all constructed devices and appliances appurtenant thereto. The source shall not include “domestic user” as defined herein.

“Wastewater” means industrial waste, or sewage, or any other waste including that which may be combined with any ground water, surface water or storm water that may be discharged to the POTW, whether treated or untreated.

“Wastewater treatment plant” means that portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

“Wastewater division head” means the person assigned to be in charge of the operation of the wastewater treatment plant at the time of this reading, or his authorized representative. (Ord. 1086 §§1-5, 2011; Ord. 1070 §1, 2010; Ord. 741 §1 (part), 1999)

13.05.040 Regulations/Prohibited Discharge Standards.

A. General Discharge 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 federal categorical pretreatment standards or requirements.

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

1. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flash point of less than 140°F (60°C) using the test methods specified in 40 CFR '261.21;
2. Wastewater having a pH less than 5.0 or more than 10.0, or otherwise causing corrosive structural damage to the POTW or equipment;

3. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference including but not limited to the following:
Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred mg/l, for nonbiodegradable (mineral) fats; and oil and grease in excess of two hundred mg/l for biodegradable (nonmineral) fats, oils and greases, or ~~h~~ containing substances which may solidify or become viscous at temperatures between thirty-two degrees F and one hundred fifty degrees F (or zero degrees C and sixty-five degrees C), but in no case solids greater than 1 inch (1") in any dimension;
4. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
5. 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 104°F (40°C) unless the POTW Director, approves alternate temperature limits;
6. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through as set forth in Section 13.05.040 (D)(3)(b) of this Ordinance;
7. 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, except at discharge points designated by the City;
9. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life or health, or to prevent entry into the sewers for maintenance or repair;
10. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the City'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. Wastewater containing any radioactive wastes or isotopes except as specifically approved by the POTW Director in compliance with applicable State or Federal regulations;
12. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water, and unpolluted wastewater, unless specifically authorized by the POTW Director;
13. Any sludges, screenings, or other residues from the pretreatment of industrial wastes or from industrial processes;
14. Medical wastes, except as specifically authorized by the POTW Director;
15. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
16. Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW
17. Any liquid, 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) successive readings on an explosion meter, at the point of discharge into the system (or at any point in the system), be more than five (5%) per cent nor any single reading over ten (10%) per cent of the lower explosive limit (LEL) of the meter.
18. Grease, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dusts, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.
19. Any substance which will cause the POTW to violate its NPDES and/or other disposal system permits.
20. Any wastewater, which in the opinion of the POTW Director 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 POTW Director (except that no special waiver shall be given from categorical pretreatment standards).
21. The contents of any tank or other vessel owned or used by any person in the business of collecting or pumping sewage, effluent, septic tank waste, or other

wastewater unless ~~said~~ the person has first obtained testing and approval as may be generally required by the City and paid all fees assessed for the privilege of said discharge

22. Any hazardous waste as defined in rules published by the State of Idaho or in 40 CFR Part 261;

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

24. Septic Tank Waste;

25. 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 or cause other environmental damage.

C. 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 or cause other environmental damage.

D. Standards

1. Federal Categorical Pretreatment Standards. Categorical pretreatment standards as promulgated by the EPA pursuant to the Act shall be met by all users of the regulated industrial categories. The categorical pretreatment standards found at 40 CFR Ordinance I, Sub-ordinance N, Parts 405-471, are incorporated. An application for modification of the categorical pretreatment standards may be considered for submittal to the EPA Region 10 Administrator, or by the city when the city's wastewater treatment system achieves consistent removal of the pollutants as defined by 40 CFR Section 403.7.

2. 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 which are more stringent than federal requirements and limitation, or those in this chapter or other applicable ordinances.

3. Local Limits.

a. The city reserves the right to adopt local pollutant limits as set forth in paragraph b. below of this section which may be more stringent than federal and state requirements.

b. The following pollutants limits are established to protect against pass through and interference. No person shall discharge wastewater containing pollutant levels in excess of the following daily maximum allowable discharge limits.

Daily maximum allowable discharge limits:

Arsenic	0.20 mg/l
Cadmium	0.11 mg/l
Chromium	2.77 mg/l
Copper	1.50 mg/l
Cyanide	0.10 mg/l
Lead	0.69 mg/l
Mercury	0.01 mg/l
Nickel	0.50 mg/l
Oil and greases (animal or vegetable)	200 mg/l
Oil and greases (petroleum base)	100 mg/l
pH	5.5 -10.0
Phosphorus	10.0 mg/l
Silver	0.43 mg/l
Zinc	2.61 mg/l

4. City Right of Revision. The city reserves the right to amend this chapter or an industrial wastewater permit 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 13.05.010 of this chapter.

5. Dilution. No user shall, without written approval from the wastewater division head, 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 in order to achieve compliance with the standards set forth in this chapter.

6. Mass Limitations. The wastewater division head may impose mass limitations on users which are using dilution to meet the pretreatment standards or requirements of this chapter or, in other cases, where the imposition of mass limitations is deemed appropriate by the wastewater division head.

7. Special Agreement. The city reserves the right to enter into special agreements with users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a federal categorical pretreatment standard or pretreatment requirements. However, the user may request a net gross adjustment to a federal categorical pretreatment standard in accordance with 40 CFR 403.15. The user may also request a variance from the federal categorical pretreatment standard from the wastewater division head. Such request will be approved only if the user can prove that factors relating to its discharge are fundamentally different from the factors considered by EPA when establishing the applicable federal categorical pretreatment standard. A user requesting a fundamentally different factor variance must comply with the procedural and substantive provisions set forth in 40 CFR 403.13.

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 city, whichever is more stringent. Any facilities required to pretreat wastewater to a level acceptable to the city 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 city for review, and shall be acceptable to the city 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 city under the provisions of this chapter.

9. Additional Pretreatment Measures.

a. Fat, oil, and grease and grit interceptors/traps shall be provided when in the opinion of the POTW Director, they are necessary for the proper handling of wastewater containing excessive amounts of fat, oil, grease and/or grit. All such interceptors/traps shall be of a dual chamber design and shall be a type and capacity approved by the POTW Director. More capacity shall be required when, in the opinion of the POTW Director, it is necessary for adequate treatment of effluent. Any other users shall also provide interceptors when, in the opinion of the POTW Director, they are necessary for the proper handling of wastewater containing excessive amounts of fats, oils, greases, and/or grit. Interceptors/traps shall be located as to be easily accessible for cleaning and inspection. Such interceptors/traps shall be inspected, cleaned and repaired as per manufacturers' recommendations and/or at the discretion of the POTW Director or his designee in accordance with City of Hailey BMPs, established by resolution, and maintained in proper operating condition, by the user at his expense.

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

c. The introduction of chemicals, bacterial, enzyme and/or any other additive into fat, oil, and grease, directly or indirectly, that causes interference with the normal operation of the unit or causes pass through of prohibited substances is prohibited.

d. Interceptor/trap maintenance and cleaning records shall be maintained by the user and made available to the City inspectors for review upon request.

e. Interceptors/traps shall not be required for domestic user.

E. Deadline for Compliance with Applicable Pretreatment Requirements.

1. Existing users (categorical users) covered by the federal categorical pretreatment standards shall be in compliance within three years of the date the standards become effective, unless a shorter compliance time is specified in the appropriate standard. If necessary, the city shall establish a final compliance deadline date for any existing significant industrial user (SIU) not covered by categorical pretreatment standards, or for any user when the local limits for said user are more restrictive than federal categorical pretreatment standards.

2. New sources and new users (that fit the definition of SIU) are required to comply with applicable pretreatment standards within the shortest feasible time (not to exceed ninety days from the beginning of discharge). "New sources" and "new users"

shall install and have in operating condition and shall “start-up” all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge.

3. Any pretreatment discharge permit issued to a categorical user shall not contain a compliance date beyond any deadline date established by federal categorical pretreatment standards. Any other existing SIU, which is in noncompliance with any local limits, shall be provided a compliance schedule placed in an order, or other similar enforcement document, as outlined in the “City of Hailey Enforcement and Response Guide” or elsewhere in this chapter.

F. Accidental Discharge/Slug Control Plans.

1. The city may require any user to develop and implement an accidental spill prevention control plan (ASPP). Where deemed necessary by the wastewater division head, facilities to prevent accidental discharges or slug discharges of pollutants shall be provided and maintained at the user’s cost and expense. An ASPP showing facilities and operating procedures to provide this protection shall be submitted to the city for review and approval before implementation. The wastewater division head shall determine which user is required to develop a plan and shall require this plan to be submitted within ninety days after notification by the city. Each user shall implement its ASPP as submitted or as modified after such plan has been reviewed and approved by the city. Review and approval of such plans and operating procedures by the city shall not relieve the user from the responsibility to modify its facility as necessary to meet the requirements of this chapter and other federal, state or local regulations

2. Any user required to develop and implement an ASPP shall submit a plan which addresses, at a minimum, the following:

- a. Description of discharge practices, including non-routine batch discharges;
- b. Description of stored chemicals;
- c. Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the standards set forth in Sections 15.05.040 (A), (B) and (C); and
- d. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

3. Users shall notify the wastewater division head and/or city immediately upon the occurrence of a “slug” or “accidental discharge” of substances prohibited by this chapter. The notification shall include location of 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 city on account thereof under state or federal law.

4. Within five days following an accidental discharge, the user shall submit to the wastewater division head, a detailed written report describing the cause 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 ordinance or other applicable federal or state law.

5. 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. (Ord. 1086 §§ 1-5, 2011; Ord. 1070 §1, 2010; Ord. 741 §1 (part), 1999)

13.05.050 Fees.

A. Purpose. It is the purpose of this section to provide for the payment of fees from users to the city's wastewater disposal system, to compensate the city for the cost of administration of the pretreatment programs established in this chapter.

B. Charges and Fees. The city council shall adopt charges and fees by resolution as it deems necessary. Such fees may include:

1. Reimbursement of costs of setting up and operating the city's pretreatment program;
2. Fees for monitoring, inspections and surveillance procedures.
3. Fees for consistent removal (by the city) of pollutants otherwise subject to federal pretreatment standards;
4. Fees for filing appeals; and/or
5. Fees for reviewing accidental discharge procedures and construction.
6. Fees for issuance of a pretreatment discharge permit.

(Ord. 1070 §1, 2010; Ord. 741 §1 (part), 1999)

13.05.060 Administration.

A. Wastewater Users. It is unlawful to discharge sewage, industrial wastes or other wastes to any sewer within the jurisdiction of the city, and/or to the POTW without having first complied with the terms of this chapter. All existing users who discharge industrial wastes or other wastes to the POTW shall comply with all terms of this chapter within ninety days of being notified by the city. All users proposing to discharge waste to the POTW shall comply with all terms of this chapter prior to discharging waste to the POTW.

B. Pretreatment Discharge Permit. No user shall discharge wastewater into the POTW without first obtaining a pretreatment discharge permit from the city. Any violation of the terms and conditions of a pretreatment discharge permit shall be deemed a violation of this chapter and shall subject the pretreatment discharge permittee to the sanctions set out in this chapter. Obtaining a pretreatment discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards, or requirements or with any other requirements of federal, state, and local law. The wastewater division head may require other users, including liquid waste haulers, to obtain pretreatment discharge permit (as necessary) to carry out the purposes of this chapter. The city reserves the right not to issue a pretreatment discharge permit if the applicant cannot meet the pre-treatment discharge requirements. Any pretreatment discharge permit shall expressly state that a violation of this Chapter, of a pretreatment

discharge permit, or order issued under this Chapter or any other pretreatment standard or requirement will make the permittee liable for any expense, loss or damage to the City Wastewater system or POTW

C. Pretreatment Discharge Permit Requirements.

1. Industrial Waste Acceptance Permit. All existing users and users proposing to connect to, or to discharge sewage, industrial wastes and other wastes to the POTW shall obtain a pretreatment discharge permit. The pretreatment discharge permit shall be issued for a specified time period, not to exceed five years. A pretreatment discharge permit may be issued for a period less than five years at the discretion of the city. Each permit will indicate a specific date upon which it will expire.

2. Disclosure Forms. Prior to the city granting a pretreatment discharge permit, the user shall complete and file with the city a disclosure declaration in the form prescribed by the city. Existing users shall file disclosure forms within thirty days of being notified by the city. Proposed new users shall file their disclosure forms at least ninety days prior to connecting to the POTW. The disclosure to be made by the user shall be on written forms provided by the city and shall require the following information:

a. Disclosure of the name of the facility, the address and the location of the facility, and the owner's and operator's name.

b. 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, including a list of any environmental control permits held by or for the facility. The user shall submit a brief description of the nature, average rate of production, and standard industrial classification of the operation(s) carried out by such user, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW; number and type of employees; and hours of operation.

c. Disclosure of wastewater sampling and analysis identifying the nature and concentration (or mass where required by the city) of regulated pollutants contained in Section 13.05.040 (B). Both daily maximum and average concentration (or mass, where required) shall be reported. A minimum of one representative sample is necessary to comply with this paragraph. Sampling and analysis shall be performed in accordance with procedures established by the EPA and contained in 40 CFR, Part 136, as amended.

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

e. Disclosure of Time and Duration of Discharges.

1. Categorical users shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated, manufacturing process streams, or other streams, as necessary to allow use of the combined waste stream formula of 40 CFR 403.6 (e).

2. Noncategorical users shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from the total process flow, wastewater treatment plant flow, total plant flow, or individual manufacturing process flow as required by the wastewater division head. The city may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

f. Disclosure of average daily and instantaneous peak wastewater flow rates, in gallons per day, including daily, monthly and seasonal variations, if any. All flows shall be measured unless other verifiable techniques are approved by the city due to cost or nonfeasibility.

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. Disclosure of the nature and concentration of any pollutants or materials prohibited by this chapter in the discharge, together with a statement regarding whether or not compliance is being achieved with this chapter on a consistent basis and, if not, whether additional pretreatment is required for the user to comply with this chapter.

i. Where additional pretreatment and/or operation and maintenance activities will be required to comply with this chapter, the user shall provide a declaration of the shortest schedule by which the user will provide such additional pretreatment and/or implementation of additional operational and maintenance activities, which shall address the following:

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 user to comply with the requirements of this chapter 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 chapter.

2. Only upon recommendation and approval of the city council shall the city permit a time increment for a single step directed toward compliance to exceed nine months.

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

j. Disclosure of each product produced or stored by type, amount, process or processes; rate of production as it relates to wastewater flow generation; and a schematic process diagram indicating points of discharge from regulated or manufacturing processes.

k. Disclosure of the type and amount of raw materials, including chemicals utilized or stored (average and maximum per day).

l. The wastewater division head may require inspection and sampling manholes and/or flow recording with sampling equipment if deemed necessary by the wastewater division head to assure compliance with this chapter.

m. Any other information as may be deemed necessary by the wastewater division head, or his designee, to evaluate the pretreatment discharge permit application.

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

4. Signatory and Certification Requirement. All pretreatment discharge permit applications and user reports must be signed by an authorized representative of the user.

D. Pretreatment Discharge Permit Decisions. The wastewater division head, or his designee, will evaluate the complete disclosure form and data furnished by the user and may require additional information, including an inspection of the premises. Within thirty days of receipt of a complete wastewater discharge permit application, and after full evaluation of the information provided, and if necessary, a complete inspection of the premises, the wastewater division head, or his designee, will determine whether or not to issue a wastewater discharge permit, and type of permit to be issued. After acceptance of the data furnished, the city shall notify the user of the city's acceptance or denial thereof. Where determined necessary by the wastewater division head, or his designee, a pretreatment discharge permit may be issued setting forth limitations of various waste strengths as addressed under this chapter.

E. Pretreatment Discharge Permit Conditions.

1. Revocation of Pretreatment Discharge Permit. The pretreatment discharge permit issued to a user by the city may be revoked for, but not limited to, the following reasons:

- a. Failure to notify the city of significant changes to the wastewater prior to the changed discharged;
- b. Failure to provide notification to the city of changed conditions;
- c. Misrepresentation or failure to fully disclose all relevant facts in the pretreatment discharge permit application;
- d. Falsifying self-monitoring reports;
- e. Tampering with monitoring equipment;
- f. Failure to meet discharge limitations;
- g. Failure to pay fines;
- h. Failure to pay sewer charges;
- i. Failure to meet compliance schedules;
- j. Failure to complete a wastewater survey or the wastewater discharge permit application;
- k. Failure to provide advance notice of the transfer of a permitted facility;
- l. Violation of any pretreatment standard or requirement, or any terms of the pretreatment discharge permit or this chapter; or
- m. If the city has to invoke its emergency provision as stated in Section 13.05.070 (A) of this chapter.

2. Transfer of Pretreatment Discharge Permit:

a. A pretreatment discharge permit may be reassigned or transferred to a new owner and/or operator only if the permittee gives at least thirty days advance notice to the wastewater division head, and the wastewater division head approves the pretreatment discharge permit transfer. The notice to the wastewater division head must include a written certification by the new owner and/or operator which:

i. States that the new owner and/or operator (user) has no immediate intent to change the facility's operations and processes;

ii. Identifies the specific date on which the transfer is to occur; and

iii. Acknowledges full responsibility for complying with the existing pretreatment discharge permit.

b. Provided that the requirements set forth in subsection (E) (2) (a) of this section are met, and that there are no significant changes to the manufacturing operation or wastewater discharge, the new owner will be considered an "existing user" and be covered by the existing limits and requirements in the previous owner's permit.

c. Failure to provide advance notice of a transfer, as set forth above, renders the pretreatment discharge permit void as of the date of facility transfer.

3. Pretreatment Discharge Permit Modification. The wastewater division head may modify the pretreatment 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, wastewater volume or character since the time of pretreatment 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 city's POTW, city 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 pretreatment discharge permit application or in any required reporting or inspection;

g. Revision of, or grant of, a variance from categorical pretreatment standards pursuant to 40 CFR 403.13;

h. To correct typographical or other errors in the wastewater discharge permit; or

i. To reflect a transfer of the facility ownership and/or operation to a new owner/operator.

4. Duty to Reapply for Pretreatment Discharge Permit. Within thirty days of the permit expiration, the user shall reapply for reissuance of the

pretreatment discharge permit on a form provided by the city. A user, whose existing pretreatment discharge permit has expired and who has submitted its reapplication in the time period specified herein, shall be deemed to have an effective pretreatment discharge permit until the city issues or denies the new pretreatment discharge permit. A user, whose existing pretreatment discharge permit has expired, and who has failed to submit its reapplication in the time period specified herein, shall be deemed to be discharging without a pretreatment discharge permit.

5. Severability. The provisions of a pretreatment discharge permit are severable, and if any provision of the pretreatment discharge permit, or the application of any provision of the permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of the permit shall not be affected thereby.

6. Property Rights. The issuance of a pretreatment discharge permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any infringement of federal, state or local regulations, nor any action, at law or in equity, for invasion of personal rights for violation of any federal, state or constitutional protections.

7. Permit Holders Outside City Limits. All users outside the city limits who discharge sewage, industrial wastes or other wastes to any sewer within the jurisdiction of the city, and/or to the POTW shall be subject to the wastewater pretreatment use regulations as users inside the city limits and at a minimum any other use regulation set forth in an agreement between the City and the permit holder.

F. Pretreatment Discharge Permit Appeals.

1. Any user may appeal to the city council, within thirty days of its issuance or denial, subject to the following conditions:

a. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

b. In its appeal petition, the appellant must indicate which pretreatment discharge permit provisions are objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place on the pretreatment discharge permit.

c. The issuance or denial of the pretreatment discharge permit shall not be stayed pending the appeal.

2. The City Council may affirm, modify or reverse a decision issuing or denying a pretreatment discharge permit. The City Council decision shall be considered final administrative action for purposes of judicial review. After a final administrative appeal has been brought before the city, an aggrieved party seeking judicial review of such final administrative pretreatment discharge permit decision must do so by filing a petition for review with the district court for Blaine County within the state of Idaho.

G. Reporting Requirements for Users.

1. Compliance Date Report.

a. Within thirty days following commencement of the introduction of wastewater into the POTW by a new source or new user, this new user shall, upon request of the wastewater division head, 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.

b. In the case of categorical users, the flows and pollutant concentrations (or mass) of the waste streams from processes regulated under categorical pretreatment standards must be reported separately. This 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 user into compliance with applicable pretreatment standards or requirements.

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

d. All compliance reports shall be signed by an authorized representative of the user.

2. Periodic Compliance Reports.

a. Any user that is required to have a pretreatment discharge permit and/or who is otherwise subject to any applicable pretreatment standard set forth in this chapter, after the compliance date of such pretreatment standard, or in the case of a new user, after commencement of discharge to the city, shall submit to the city during the months of June and December, unless required more frequently by the wastewater division head, a report indicating the nature and concentration of prohibited or regulated substances in the effluent which are limited by the pretreatment standards hereof and/or as prescribed within the pretreatment discharge permit. In addition, this report shall include a record of all measured or estimated average and maximum daily flows during the reporting period as set forth in Section 13.05.060 (G) (1) of this section.

b. Reports of users shall contain all results of sampling and analysis of the discharge, including the flow and the nature and concentration of regulated pollutants, or production and mass where required by the city. The frequency of monitoring by the user shall be as prescribed by wastewater division head, shall occur not less than twice a year, unless the city agrees to sample instead. All analyses shall be performed in accordance with procedures established by the city pursuant to Section 304 (g) of the Act and contained in 40 CFR, Part 136, and Section 13.05.060 (K) and (L) of this chapter, or with any other test procedures approved by the wastewater division head. The record of all flow measurements (average and maximum) taken at the designated sampling locations shall include any additional information required by this chapter and/or the pretreatment discharge permit. Both daily maximum and average concentration (or mass, where required) shall be reported.

c. Sampling shall be performed in accordance with the techniques approved by the wastewater division head and this chapter and shall be representative of wastewater discharges during the reporting period. Where 40 CFR, Part 136, does not include sampling or analytical techniques for the pollutants in question, or where the wastewater division head determines that the Part 136, sampling and analytical

techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed using validated analytical methods, or any other sampling and analytical procedures, including procedures suggested by the wastewater division head.

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

e. The wastewater division head, for good cause shown, and considering such factors as local high or low flow rates, holidays, budget cycles, or other extenuating factors, may authorize the submission of such reports on months other than those specified above.

f. The city 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 city agrees to perform such periodic compliance monitoring, it may charge the user for such monitoring, based upon the costs incurred by the city for sampling and analyses. Any such charges shall be added to the normal sewer charge and shall be payable as part of the sewer bills. The city is under no obligation to perform periodic compliance monitoring for a user.

g. A certification statement signed by an authorized representative of the user is required as a part of the periodic compliance reports.

3. Notification of Significant Production Changes. Any user operating under a pretreatment discharge permit incorporating equivalent mass or concentration limits shall notify the city within two 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 pretreatment discharge permit.

4. Notice of Potential Problems Including Accidental Spills and/or Slug Loadings. Any user shall notify the city immediately of all discharges that could cause problems to the POTW including any slug loadings as defined in Sections 13.05.010 through 13.05.040 of this Ordinance. The notification shall include the concentration and volume of the discharge. Corrective action, including steps being taken to reduce any adverse impact should also be noted during the notification. Any user who discharges a “slug” (or slugs) of prohibited materials shall be liable to the city for any expense, loss or damage to the POTW in addition to the amount of any fines imposed under state or federal law.

5. Noncompliance Reporting. If sampling performed by a user indicates a violation, the user shall notify the city within twenty-four hours of becoming aware of the violation. The user shall also repeat the sampling within five days and shall submit the results of the repeat analysis to the city within thirty days after becoming aware of the violation, except the user is not required to resample if the city performs sampling at the user facility between the time when the user performs its initial sampling and the time when the user receives the results of this sampling.

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

7. Notification of Hazardous Waste.

a. Existing users that are discharging fifteen kilograms of hazardous wastes as defined in 40 CFR 261 (listed or characteristic wastes) in a calendar month, or any facility which generates any amount of acutely hazardous wastes as specified in 40 CFR 261.30 (d) and 261.33 (e) are required to provide a one time notification in writing to the city and the EPA regional waste management division director. Any existing user exempt from this notification, shall comply with the requirements contained herein within thirty days of becoming aware of a discharge of fifteen kilograms of hazardous wastes in a calendar month or the discharge of acutely hazardous wastes to the city sewer system. Such notification shall include:

- i. The name of the hazardous waste as set forth in 40 CFR Part 261;
- ii. The EPA hazardous waste number; and
- iii. The type of discharge (continuous, batch, or other).

b. If a user generates more than one hundred kilograms 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 user:

- i. An identification of the hazardous constituents contained in the wastes;
- ii. An estimation of the mass and concentration of such constituents in the waste streams discharged during that calendar month; and
- iii. An estimation of the mass of constituents in the waste streams expected to be discharged during the following twelve months.

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

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

e. In the case of any notification made under this subsection, a 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.

H. Reports From Unpermitted Users. All others not required to obtain a pretreatment discharge permit pursuant to this chapter shall provide appropriate access for sampling, flow measurements, and analysis to the city as the wastewater division head, or his or her designee, may require. 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; and the name of the person 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 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 wastewater division head.

I. Compliance Schedules for Meeting Applicable Pretreatment Standards. The compliance 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.). No increment referred to above shall exceed nine months.

J. Monitoring Facilities. The city may require the user to install monitoring equipment as necessary.

1. Each user shall provide and operate, at the user's own expense, a monitoring facility to allow inspection, sampling, and flow measurement of each sewer discharge to the sewer.

2. Each monitoring facility shall be situated on the user's premises, except where such location would be impractical or cause undue hardship on the user. The city may permit the monitoring facility to be 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.

3. 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. All devices used to measure wastewater flow and quality shall be calibrated at a frequency determined by the city to ensure their accuracy.

4. All monitoring facilities shall be constructed and maintained in accordance with all applicable local construction standards and specifications as well as local construction standards and specifications as well as local zoning and land use ordinances. Construction shall be completed within one hundred twenty days of receipt of the permit by the user, unless a compliance schedule has been approved by the wastewater division head.

K. Compliance Monitoring.

1. Inspection and Sampling.

a. The city shall have the right to obtain consent to enter the facilities of any user to ascertain whether the purpose of this chapter, and any pretreatment discharge permit, or order issued hereunder, is being met and whether the user is complying with all requirements thereof. Users shall allow the city 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.

2. Search Warrants. If the wastewater division head, or his or her 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 city designed to verify compliance with this chapter or any pretreatment discharge permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the wastewater division head, or his or her designee, shall seek issuance of search and/or seizure warrant from the district court in and for the county of Blaine. Such warrant shall be served by the wastewater division head, and his or her designee, in the company of a uniformed police officer of the city or local county.

3. 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.

L. Sampling and Analytical Requirements.

1. Sampling Requirements for Users.

a. A minimum of four grab samples must be used for pH, cyanide, total phenols, fats, oils and greases, sulfide and volatile organics. The wastewater division head will determine on a case-by-case basis whether the user may be able to composite the individual grab samples. For all other pollutants, twenty-four-hour composite must be obtained through flow-proportional composite sampling techniques where feasible. The wastewater division head may waive flow-proportional composite sampling for any user that demonstrates that flow-proportional sampling is infeasible. In such cases, samples may be obtained through time-proportional composite sampling techniques, or through a minimum of eight grab samples, where the user demonstrates that this will provide a representative sample of the effluent being discharged.

b. Samples should be taken immediately downstream from pretreatment facilities if such exist, or immediately downstream from the regulated or manufacturing process if no pretreatment exists, or as determined by the wastewater division head and contained in the user's pretreatment discharge permit.

i. For categorical users, if other wastewaters are mixed with the regulated wastewater prior to pretreatment, the user should measure the flows and concentrations necessary to allow use of the combined wastes formula of 40 CFR 403.6 (e) in order to evaluate compliance with the applicable pretreatment standards.

ii. For other SIUs, for which the city has adjusted its local limits to factor out dilution flows, the user should measure the flows and concentrations necessary to evaluate compliance with the adjusted pretreatment standard(s).

c. All sample results shall indicate the time, date and place of sampling and methods of analysis and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges from the user. If a user samples more frequently than what was required in its pretreatment discharge permit, it must submit all results of sampling and analysis of the discharge as part of a self-monitoring report during the reporting period.

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.

M. Pretreatment Facilities.

1. Detailed plans showing the pretreatment facilities shall be submitted to the city for review, and must be acceptable to the city before construction of the facility. The review of such plans shall in no way relieve the user from the responsibility of modifying its facility as necessary to produce an effluent acceptable to the city under the provisions of this chapter.

2. Within a reasonable time after the completion of the wastewater pretreatment facility, the user shall furnish its operation and maintenance procedures for the wastewater division head to review.

3. Any subsequent, significant changes to the pretreatment facility or its method of operation shall be reported to and accepted by the wastewater division head prior to the user's initiation of the changes.

N. TTO Reporting. Categorical users which are required by EPA to eliminate and/or reduce the levels of toxic organics (TTOs) discharged into the sewer system must follow the categorical pretreatment standards for that industry. Those users must also meet the following requirements:

1. Categorical users must sample, as part of the application requirements, for all the organics listed under the TTO limit (no exceptions); and

2. The user elects to develop a solvent management plan in lieu of continuously monitoring for TTO, the user must routinely submit a certification statement as part of its self-monitoring report that there has been no dumping of concentrated toxic organic into the wastewater and that it is implementing a solvent management plan as approved by the city. (Ord. 1086 §§ 1-5, 2011; Ord. 1070 §1, 2010; Ord. 741 §1 (part), 1999)

13.05.070 Enforcement.

A. Emergency Suspension of Service and Pretreatment Discharge Permit. The city may, without advance notice, order the suspension of the wastewater treatment service to a user when it appears to the city that an actual or threatened discharge:

1. Presents or threatens an imminent or substantial danger to the health or welfare of persons, or substantial danger to the environment. Any user notified by the city's suspension order shall immediately cease all discharges. In the event of failure of the users to comply with the suspension order, the city is authorized to physically prevent the discharge from entering the public-owned sewerage collection system, and assess all associated costs to the user.

2. Threatens to interfere with the operation of the POTW, or to violate any pretreatment limits imposed by this chapter. Any user notified of the city's suspension order shall immediately cease all discharges. In the event of failure of the user to comply with the suspension order, the city may commence judicial proceedings immediately thereafter to compel the user's specific compliance with such order and/or to recover civil penalties. The city shall reinstate the wastewater treatment service upon proof by the user of the elimination of the noncomplying discharge or conditions creating the threat as set forth above. Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

B. Termination of Treatment Services–Nonemergency Procedures.

1. The city may terminate wastewater treatment services to any user who:

- a. Fails to factually report accurately the wastewater constituents and characteristics of its discharge;
- b. Fails to report significant changes in wastewater constituents or characteristics; or
- c. Violates the provisions of this chapter, or any order of the city with respect thereto.

2. Cease and Desist Orders. When the wastewater division head finds that a user has violated (or continues to violate) any provision of this chapter, a pretreatment 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 wastewater division head 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.

C. Administrative Enforcement Remedies.

1. Notices of Violation (NOV). When the city finds that a user has violated (or continues to violate) any provision of this chapter, a pretreatment discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the city may serve that user a written notice of violation (NOV). If required, within five working 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 city. 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 city to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

2. Consent Orders. The city may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document and as determined by the wastewater division head. Use of a consent order shall not be a bar against, or a prerequisite for, taking any other action against the user.

3. Compliance Orders. When the wastewater division head finds that a user has violated or continues to violate any provision of this chapter, a pretreatment discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the wastewater division head may issue an order to the user responsible for the discharge directing that the user come into compliance within a time specified in the order. If the user does not come into compliance within the time specified in the order, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the noncompliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a federal categorical pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

4. Show Cause Hearing. Where the violation of this chapter is not corrected in adherence to compliance orders or any other enforcement action in a timely manner, the city may order any user which suffers or permits a violation of this chapter 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 user by personal service, or certified or registered mail, return receipt requested,

a.) specifying the time and place of a hearing to be held by the city or its designee regarding the violation;

b.) the reasons why the enforcement action is to be taken;

c.) the proposed enforcement action.

The notice shall further direct the user 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 days before the hearing. Service may be made on any agent, officer, or

authorized representative of a user. 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 user.

D. Judicial Proceedings. Following the entry of any order by the city with respect to the violation by a user of this chapter, the city may commence in an action for appropriate legal and/or equitable relief in the appropriate local court, including the following:

1. Injunctive Relief. When the wastewater division head or his designee determines that a user has violated (or continues to violate) any provision of this chapter, a pretreatment discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the wastewater division head or his designee may petition the district court of the fifth judicial in and for the county of Blaine for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the pretreatment discharge permit, order or other requirement imposed by this chapter on activities of the user. The city 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 prerequisite for, taking any other action against a user.

2. Criminal Prosecution.

a) It shall be unlawful for any user to:

i) violate any provision of this chapter, a pretreatment discharge permit, or order issued hereunder, or any other pretreatment standard or requirement;

ii) introduce any substance into the POTW which causes personal injury or property damage;

iii) knowingly make any false statements, representations or certifications in any application, report, plan, or other documentation filed, or required to be maintained, pursuant to this chapter, pretreatment discharge permit, or order issued hereunder; or

iv) falsify, tamper with or knowingly render inaccurate any monitoring device or method required under this chapter.

b) Any person, firm or other legal entity violating any provision of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars (\$1000.00) or imprisonment in the county jail for a period not to exceed six (6) months, or both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable

as such hereunder. Any penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.

3. Restitution. Any user violating any of the provisions of this chapter who discharges or causes a discharge producing a deposit or obstruction, or causes damage to or impairs the city's wastewater system shall be liable to the city for any expense, loss, or damage caused by such violation of discharge. The city may bill the user for the actual and/or estimated cost incurred by the city for any cleaning, sampling and monitoring expenses, repair, or replacement work caused by the violation or discharge, including reasonable attorney's fees, court costs, and other expenses associated with the violation.

E. Civil Penalty.

1. Any user who violates an order of the city, or who fails to comply with any provision of this chapter, or any regulations, rules or permits of the city, issued pursuant to this chapter, shall be liable to the city for a civil penalty not to exceed one thousand dollars (\$1,000.00) per violation. Each day upon which a violation occurs or continues shall constitute a separate violation. In the case of a monthly or other long-term average discharge limit, the penalties shall accrue for each day during the period of the violation. Such penalties may be recovered by judicial actions and/or, to the extent permissible by state law, by administrative procedures.

2. A users desiring to dispute such penalty must file a written request for the city to reconsider the fine, along with full payment of the fine, within fifteen (15) days of the imposition of the penalty. Upon receipt of the request to reconsider the penalty, the city council shall convene a hearing within thirty (30) days of receiving the request. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user.

3. In determining the amount of civil liability, the city 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 user's violation, corrective actions by the user, the compliance history of the user and any other factor as justice requires.

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

F. Remedies Nonexclusive. The provisions in this section are not exclusive remedies. The rights and remedies provided by this ordinance are cumulative and the use of any one right or remedy shall not preclude the city from pursuing any or all other remedies the city may have by law, statute, ordinance or otherwise.

G. Affirmative Defenses to Discharge Violation.

1. An upset shall constitute an affirmative defense to an action brought for noncompliance with applicable pretreatment standards if the requirements of Section 13.05.070 (E)(2) are met.

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

a. An upset occurred and that the user can identify the cause(s) of the upset;

b. The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures; and

c. The user has submitted the following information to the city within twenty-four hours of becoming aware of the upset (if this information is submitted orally, a written submission must be provided within five days):

i. A description of the discharge and cause of noncompliance;

ii. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

iii. Steps being taken and/or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

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

4. 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.

5. 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 treatment facility is restored or an alternative method of treatment is provided. This requirement applies to the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails. (Ord. 1086 §§ 1-5, 2011; Ord. 1070 §1, 2010; Ord. 741 §1 (part), 1999)

13.05.080 Records retention. All users subject to this chapter shall retain and preserve, for no less than three years, any records, books, documents, memoranda, reports, correspondence and any and all summaries thereof, relating to monitoring, sampling and chemical analyses made by or in behalf of a user in connection with its discharge. All records which pertain to matters which are the subject of administrative adjustment or any other enforcement of litigation activities brought by the city pursuant hereto shall be retained and preserved by the user until all enforcement activities have

concluded and all periods of limitation with respect to any and all appeals have expired. (Ord. 1070 §1, 2010; Ord. 741 §1 (part), 1999)

13.05.090 Nonliability. A. It is expressly the purpose of this chapter to provide for and promote the health, safety and welfare of the general public. It is not the intent of this chapter to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this chapter.

B. It is the specific intent of this chapter to place the obligation of complying with these regulations upon the applicant or user and no provision nor any term used in this chapter is intended to impose any other duty whatsoever upon the city or any of its officers, employees or agents except as provided under the Act or other related statutes of the United States or the state of Idaho.

C. Nothing contained in this chapter is intended to be nor shall be construed to create or form the basis for any tort liability on the part of the city or its officers, employees or agents, for any injury or damage resulting from failure of an applicant or user to comply with the provisions of this chapter, or by reason or in consequence of any inspection, notice, order, certificate, permission or approval authorized or issued or done in connection with the implementation or enforcement of this chapter or inaction on the part of the city related in any manner to the implementation or the enforcement of this chapter by its officers, employees or agents. (Ord. 1070 §1, 2010; Ord. 741 §1 (part), 1999)

Chapter 13.08

WATER CONSERVATION

Sections:

- 13.08.010 Municipal water conservation measures.
- 13.08.020 Powers and authority of city.
- 13.08.030 Prohibited conduct.
- 13.08.040 Violation–penalty.

13.08.010 Implementation of municipal water usage conservation measures.

A. Prohibition and Restriction of Municipal Water Usage. The sprinkling or watering of outdoor plantings such as grass, lawns, gardens, ground cover, shrubbery, trees or other landscaping shall be restricted upon all properties with even numbered street addresses to even numbered calendar days, upon all properties with odd numbered street addresses to odd numbered calendar days, and upon all properties on the 31st day of any month, and shall be prohibited between the hours of ten a.m. and six p.m. daily, except as provided below:

1. Upon written request made by a water user, the water superintendent may grant an exception to the prohibition and restriction of municipal water usage if one or more of the following conditions are met:
 - a. The water user is now using, or will use as condition of the granting of the exception, water conservation irrigation devices such as drip or bubbler style irrigation systems that minimize water evaporation losses; or
 - b. The water user’s water usage will be for the purpose of sprinkling or watering new plantings for a specified time period.

B. Exclusion. Sprinkling or watering by commercial nurseries on their own sites is specifically excluded from the prohibitions and restrictions of this chapter.

C. Emergency Powers. The Mayor may, upon notification by the Idaho Department of Water Resources of curtailment of City of Hailey water rights, declare an emergency and restrict water use to domestic purposes only. (Ord. 1007 §1, 2008; Ord. 956 §3, 2006; Ord. 943 §1, 2006; Ord. 760 §1, 2000; Ord. 751 §1, 2000)

13.08.020 Powers and authority of city. The city, through its authorized representative, bearing proper credentials and identification, shall be permitted to enter all properties, premises or buildings to which water is furnished from the municipal water system for testing or for any other purpose necessary for the proper administration of the water system in accordance with the provisions and restrictions of this chapter. (Ord. 956 §3, 2006; Ord. 580 §5, 1991)

13.08.030 Prohibited conduct. A. It is unlawful for any water user to waste water or allow water to be wasted by leaky water stops, valves, joints or pipes that are not under the jurisdiction of the city, or to permit the malicious or willful consumption of water from the municipal water system.

B. It is unlawful to allow a flow of water for animal consumption that is in excess of the actual water needs of the animals having access thereto.

C. It is unlawful to permit a continuous stream of water to flow from hydrants, irrigation systems, faucets, wash basins, water closets, urinals or other fixtures that does not serve a useful purpose.

D. It is unlawful to allow water from the municipal water system to flow beyond the boundaries of the owner's property. (Ord. 956 §3, 2006)

13.08.040 Violation–penalty. Any person found to be violating any provision of this chapter shall be subject to the following:

A. First violation: warning citation.

B. All subsequent violations:

1. All subsequent violations shall result in immediate termination of water service to the property. Prior to reinstatement of service, the person violating the provisions of this chapter shall pay a discontinuance fee and recommencement fee as established by city council resolution.

2. Any person, firm or other legal entity violating any provision of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than three hundred dollars (\$300.00) or imprisonment in the county jail for a period not to exceed six (6) months, or both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. (Ord. 956 §3, 2006; Ord. 580 §§6, 7, 1991)

Chapter 13.12

AIRPORT

Sections:

13.12.010 Violation of airport regulations.

13.12.010 Violation of airport regulations. A. It is unlawful for any individual to violate, or to cause another to violate, any regulations of the Friedman memorial airport authority, or any predecessor or successor to the Friedman memorial airport authority, whether presently existing or hereafter passed and adopted.

B. Any individual violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor and be subject to a fine not exceeding three hundred dollars, imprisonment in the county jail for a period not exceeding six months, or by both such fine and imprisonment. (Ord. 641 §1, 1994)