

## Title 13. UTILITIES

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Chapter 13.04. General Utility Regulations

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13.04.010. Definitions

For the purpose of this Title, the following terms, phrases, words, and their derivations shall have the meanings given herein:

- A. As-built(s). Drawings depicting infrastructure as actually constructed. These drawings are typically surveyed and mapped by the City. They are integrated into the overall City utility maps.
- B. City. Spanish Fork City.
- C. City Council. The governing body of Spanish Fork City.
- D. City Engineer. The City Engineer for Spanish Fork City or his/her authorized representative.
- E. Construction Standards. The Construction Standards formally adopted by Spanish Fork City.
- F. Easement. A non-possessory interest in real property acquired by a person, corporation, municipality, or other legal entity that entitles the holder the right to use of the owner's land in the manner specified in the easement documents.
- G. Person. A Person is any individual, corporation, partnership, firm, association, company, trust, estate, any other legal entity or their legal representatives, agents, or assigns, or body politic organized or existing under the laws of this or any other

state or country, including any agency of the State of Utah and the United States government. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.

H. Property Owner. The owner of record of real property.

#### 13.04.020. General

The City provides the following utility services to the residents of the City:

1. Electricity;
2. Solid Waste disposal;
3. Stormwater drainage;
4. Telecommunications, including cable television, internet, and telephone, where possible;
5. Wastewater collection and treatment;
6. Water including drinking water and pressurized irrigation where possible.

The City will maintain these utilities in accordance with accepted utility practices in order to minimize outages and backups and protect Persons and property from dangerous conditions, and provide a safe working environment for its employees. The City Manager is responsible to establish policies and procedures necessary for the management, control, and proper maintenance of the City utility systems.

- A. Ownership of Utility Systems. All utility system components related to source development, distribution, or transmission shall be the property of the City.
- B. Ownership of Utility Services. Metered services up to and including the meter shall be the property of the City. Non-metered services up to the property line shall be the property of the City.
- C. Severability. If any provision of this Title is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other sections, provisions, clauses, or applications which can be implemented without the invalid provision, clause, or application. To this end, the provisions of this Title are declared to be severable.
- D. As-builts. Developers shall pay a fee to the City for the City to survey and map As-builts.
- E. Criminal Violation. Unless otherwise specifically provided in this Title, every person who violates any provision of this Title is guilty of a Class B misdemeanor. Each day that a violation of any provision of this Title continues constitutes a separate and distinct offense.

- F. Civil Penalty. In addition to any criminal penalties, offenders shall be assessed a civil fee established by the City Council in a resolution or in the budget. In addition and offender is liable for any damages caused, including attorney's fees, expert witness fees, and any other costs attributable to the violation.

#### 13.04.030. Utility Service

Every person desiring to obtain utility services from the City shall contract therefore, in writing, upon forms furnished by the City.

- A. Rates. The rates for City utility services shall be adopted by the City Council in a resolution or in the budget. The City Manager is responsible to, establish policies and procedures for levying, billing, guaranteeing, and collecting charges for utility services.
- B. Meters. Except as otherwise expressly permitted by this Title, all structures, dwelling units, and establishments using metered utilities from City systems must have such number and type of meters connected to the utility systems as are necessary, in the judgment of the City Engineer, to adequately measure use to the respective users.

Meters will be furnished by the City at the expense of the applicant, developer, or user, who shall be required to pay for the number of meters to be installed on the premises to cover the cost of the meters and their installation.

- C. Statements. The City shall provide to each customer receiving utility services a statement detailing the amount of utility service charges assessed them once each month or at such other regular interval as set forth by policy. Said statement shall separately specify the amount of the bill for the utility services used, the place of payment, and the due date.
- D. Delinquency and Loss of Utility Service. If any person fails to pay the utility charges within thirty days of the date due, the City shall have the authority to direct that some or all utility services to the premises involved be discontinued.

In addition to terminating utility service, the City is authorized and empowered to enforce the payment of all delinquent utility service charges by an action at law or by referral to a collection agency. In such event, the city shall be entitled to recover its costs and attorney fees.

- E. Reinstatement of Utility Service. Before utility service for discontinued services shall again be provided, all delinquent charges must have been paid to the City, together with such extra charge for turning the utilities on and off as the City Council may have established in the annual budget.

It is unlawful for any person, after utility service has been turned off at his/her premises for nonpayment of utility charges or other violation of the rules and regulations pertaining to the utility service, to turn on or allow the services to be turned on or used without permission from the City.

- F. Unauthorized Use. It is unlawful for any person to use or obtain utility services from the premises of another without the express permission of the other and the City.
- G. Liability. The City shall not be liable for any damage to a utility service user by reason of stoppage or interruption of his/her utility services caused by *force majeure*, scarcity of resources, accidents to the utility systems, equipment malfunction, the result of maintenance and extension operations, from actions of other parties, or from any unavoidable cause.

Nothing in this Title shall be construed to relieve or lessen the responsibility of any person owning, operating, or installing anything related to or connected to any utility system for damages to anyone injured or damaged either to person or property by any defect therein.

The City or any agent thereof shall not be held liable by reason of the inspection authorized herein or any approval resulting from inspections by any City inspector.

- H. Service Laterals. The City will maintain utility service laterals from the main line to and including the meter on metered services and from the main line to property line on unmetered services. The user shall maintain lines beyond these points. The user shall be responsible to clean sanitary sewer and storm drain service laterals to the main lines.

All users of City utility services shall keep their service lines and connections and other apparatus in good repair and protected from frost, trees, and other hazards at their own expense. No person shall be allowed to dig into a City street for the purpose of laying, removing, or repairing any utility line without first obtaining an excavation permit from the City.

- I. Building and Service Lateral Installation. Installations in and to buildings related to City utilities shall comply with all applicable codes adopted by the City and shall comply with all licensing and inspection ordinances now or hereafter adopted by the City, including the Construction Standards.

Installations in and to buildings shall be subject to the inspection and approval of a City building inspector before any building or structure shall receive service through a City utility system.

A City building inspector may require the removal of any flooring, wallboard, paneling, ceiling materials, encasement, or any and all construction materials covering or obstructing free access or view of any installation connected to a City utility system or device which has not been inspected and received inspector's approval. A City building inspector shall not approve any building utility system which has not been visually or otherwise inspected. The expenses of the removal and reinstallation of any materials undertaken pursuant to this section shall be borne by the owner or builder of said building or structure.

All costs and expense incidental to the installation and connection of a building to a City utility system shall be borne by the owner(s). The owner(s) shall indemnify the City from any loss or damage that may directly or indirectly be caused by the installation.

#### **13.04.040. Extension of Utility Systems**

All utility system wiring, piping, and appurtenances installed in conjunction with the utilities of the City shall be installed and inspected according to codes adopted by the City, the Construction Standards, and as directed by the City Engineer. No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any existing public utility or appurtenance thereof without first obtaining written authorization from the City Engineer.

A City public works inspector may require the removal of any fill, concrete, landscaping, structure, or any and all construction materials covering or obstructing free access or view of any installation connected to a City utility system or device which has not been inspected, surveyed, and received inspector's approval. A City public works inspector shall not approve any utility extension which has not been visually or otherwise inspected and surveyed. The expenses of the removal and reinstallation of any materials undertaken pursuant to this section shall be borne by the owner or contractor of said installation.

- A. Fees. All costs and expense incidental to the installation and connection of a utility extension to a City utility shall be borne by the developer. The developer shall indemnify the City from any loss or damage that may directly or indirectly be caused by the installation.

The City Engineer is responsible to establish policies and procedures for levying, billing, and collecting fees for utility extensions and all other rules necessary for the management and control of the extension of utility systems.

- B. Utility Extensions in the City. Any person or persons desiring to have utility lines extended in the City, and being willing to advance the whole expense of such extension, may make application to the City Engineer. The City Engineer may grant or deny the petition to extend the existing utility lines within the City.

- C. Utility Extensions Out of the City. Extensions outside City limits must be approved by the City Council. In the event the extension is granted, the City Engineer shall designate the route to be taken. Plans and construction work shall be approved and bonded according to the City development code, Construction Standards, and City Engineer. Any such extension shall be the property of the City.

**13.04.050. Protection and Access to City Utilities**

- A. Access and Right of Entry. Employees or agents of the City shall have the right to enter upon any premises at all reasonable hours for the purpose of reading the demarc boxes and utility meters thereon. All other inspections, for whatever purpose, shall be made in accordance with Spanish Fork Municipal Code §1.08.010.

Each utility user shall keep each demarc box or meter freely accessible to employees of the City for the purpose of reading said meter and shall not obstruct access to said meter in any manner whatsoever, including but not limited to obstructions or inaccessibility caused by buildings, fences, gates, enclosures, vegetation, any structure of any kind, or by dogs or other animals.

In addition to any penalty imposed by this Chapter, the City may disconnect the utility service to any user who obstructs or makes inaccessible or who allows to be obstructed or to become inaccessible any demarc box or meter.

- B. Tree and Vegetation Trimming or Removal. Spanish Fork City has the right to go upon private property where it has easements, either formal or prescriptive, in order to trim or remove trees and other vegetation to keep them from interfering with hydrants, utility boxes, and electrical, sewers, meters and telecommunication lines. Tree and vegetation trimming does not have the purpose of being aesthetically pleasing, but will be for the purpose of maintaining safe and reliable lines.

The scope of any trimming or tree removal will be at the sole discretion of the City and will be based upon potential public safety hazard, potential for property damage, and the type of trees or vegetation involved and their propensity for rapid growth. If a tree needs to be removed, the City will advise and work with the property owners, but removal will ultimately be the responsibility of the owner. If the tree or vegetation is in the public right-of-way the City may proceed to remove trees or vegetation. The City may top a tree if a property owner fails to timely remove it.

The property owner shall be responsible to trim around lines feeding a residence from a transformer, pole, or junction box. Failure to trim will subject the property owner to damages if the growth causes an outage. The property owner shall not

be eligible to receive any reimbursement from the City, or its subcontractors or suppliers for damage to the owner's property due to their failure to trim trees or other vegetation.

- C. Willful or Malicious Acts and Damage. No person may willfully or maliciously:
1. Cut, break, or remove part of any component of a utility system without authorization from the City;
  2. Connect to any utility or intercept any transmission without applying or paying therefore;
  3. Use or obtain by any means or device any utility except through a meter or other device approved by the City Engineer;
  4. Interfere with the use of any utility system or obstruct or postpone the transmission of service systems or to procure or advise any such injury;
  5. Perform, procure, or advise the performance or procurement of any said listed acts.
  6. Open or operate any manhole, vault, hydrant, valve, or other utility appurtenance without permission from the City.

**Chapter 13.08.     Electric Utility****13.08.010     General****13.08.020     Rates****13.08.030     Net Metering****13.08.040     Large Solar Generation****13.08.010     General**

This Chapter creates an electric utility known as Spanish Fork Electric, which shall be a division of the Public Works Department. The electric utility shall provide electricity to the City. The electric utility shall be responsible for the proper installation and maintenance of all electric facilities including but not limited to: poles, conduit, conductor, substations, switching, transformers, meters, sectionalizers, and junction boxes.

This Chapter is enacted to promote the health, safety and welfare of the citizens of Spanish Fork City, by providing for the efficient, safe, and environmentally sound distribution of electricity.

**13.08.020     Rates**

All users of the electric system shall pay a monthly base rate, a usage rate and any applicable power cost adjuster (PCA). The City may, under normal circumstances, make adjustments as needed to ensure equitable service charges.

**13.08.030     Net Metering**

Spanish Fork City allows small customer owned grid connected electric generating systems (net metering) based upon the requirements and standards of this section. The system is limited to a maximum of 25kW. The total energy generated by customer owned systems pursuant to this section shall not exceed five percent (5%) of the average total energy load within the City for the three preceding fiscal years. The total may be extended to 10% with City Council approval. Net metering allows for interconnected non-utility owned electric generation to be connected for parallel operation with the electrical system of Spanish Fork Electric. For net metering systems larger than 25kW refer to Spanish Fork Municipal Code §13.08.040

Net metering will be allowed to interconnect with Spanish Fork Electric's electrical distribution system at a service level voltage only after determination by Spanish Fork Electric that such interconnection will not interfere with the operation of the distribution circuit and ensures the safety of the electric utility employees and customers.

**A. Interconnection Requirements:**

1. Customer shall comply with all the latest applicable National Electric Code (NEC) requirements [NEC Articles 690 and 705], National Electrical Safety



- Code (NESC) requirements, State of Utah requirements, building codes, and shall obtain building permit(s) for the equipment installation.
2. Meter and transformer or transformer pole serving the Customer-Generator shall be labeled to indicate potential electric current back feed. Spanish Fork Electric will provide and install labels when Customer-Generator's electric system is approved for interconnection.
  3. Customer shall provide space for metering equipment and meter base as per Spanish Fork Electric requirements.
  4. Customer's over-current device at the service panel shall be marked to indicate power source and connection to Spanish Fork Electric's distribution system.
  5. The Customer shall assume the full responsibility for all maintenance of the generator and protective equipment and keeping of records for such maintenance. These records shall be available to Spanish Fork Electric for inspection at all times.
  6. Customer's power production control system shall comply with NEC Articles 690 and 705; and applicable and current Institute of Electrical and Electronics Engineers (IEEE) Standards including Standard number 1547 Interconnecting Distributed Resources with Electric Power Systems for parallel operation with Spanish Fork Electric; in particular the following:
    7. Power output control system shall automatically disconnect from Spanish Fork Electric's source upon loss of voltage and not reconnect until Spanish Fork Electric's voltage has been restored for at least five (5) minutes continuously.
    8. Power output control system shall automatically initiate a disconnection from Spanish Fork Electric source within six (6) cycles if Customer's voltage falls below 60 Volts rms to ground (nominal 120 V rms base) on any phase.
    9. Power output control system shall automatically initiate a disconnect from Spanish Fork Electric's system within two (2) seconds if the voltage rises above 132 Volts rms phase to ground or falls below 104 Volts rms phase to ground (nominal 120 V rms base) on any phase.
    10. Power output control system shall automatically initiate a disconnection from Spanish Fork Electric's system within three (3) cycles for any reverse power flow condition.
  11. Customer shall provide a written description of how the protection devices will achieve compliance with the requirements of this policy as part of the Building Permit Application.
  12. Customer shall furnish and install on customer's side of the meter, a UL-approved safety disconnect switch which shall be capable of fully disconnecting the Customer's generating facility from Spanish Fork Electric's electric system. The disconnect switch shall be located adjacent to Spanish Fork Electric's meters and shall be of the visible break type in a metal enclosure which can be secured by a padlock. The disconnect switch shall be accessible to Spanish Fork Electric personnel at all times.

13. Additional Metering: For purposes of gathering research data, Spanish Fork Electric may, at its expense, install and operate additional metering and data-gathering devices.
  14. Solar Photovoltaic Equipment shall be in compliance with Underwriters Laboratories (UL) 1741, Standard for Static Inverters and Charge Controllers for Use in Photovoltaic Systems; UL 1703, Standard for Safety: Flat-Plate Photovoltaic Modules and Panels; and IEEE 1262-1995, Recommended Practice for Qualification of Photovoltaic (PV) Modules; and the solar system shall be installed in compliance with IEEE Standard 929-2000, Recommended Practice for Utility Interface of Photovoltaic Systems.
  15. Wind turbines shall meet the requirements of Spanish Fork Municipal Code §15.3.24.090(H).
- B. Safety. All Safety and operating procedures for joint use equipment shall be in compliance with the Occupational Safety and Health Administration (OSHA) standard 29 CFR 1910.269, the NEC, the NESC, State of Utah rules, City standards, and equipment manufacturer's safety and operating manuals.
- C. Guidelines for System Diagrams. A system diagram or schematic must be submitted with a building permit application. The required System Diagram is one of the most important parts of the application for interconnection. The system diagram is used by Spanish Fork Electric during the review and approval process, and again during field testing and meter installation. The diagram is a permanent record copy of the system and is filed with Spanish Fork Electric for reference.

Discrepancies between the diagram and the actual installation as built are cause for rejection at the final testing and net meter installation.

The System Diagram can be anything from a One-Line, to a Schematic, to a complete Wiring Diagram that shows every wire and every connection throughout. Any of these are acceptable as long as the minimum key information is included. Spanish Fork Electric has the discretion to reject the diagram submitted and require a specified format. The diagram does not need to be overly complex, but accuracy and clarity are critical. At a minimum, the System Diagram must show how the components of the customer generator system are connected electrically. Additional information, such as equipment part numbers and physical locations, should also be included on the diagram. Some of this additional information may be contained in the application forms as well, but documenting it on the System Diagram provides a single complete reference for the project and speeds the engineering reviews and field work.

Some systems have more complex requirements for interconnection and will require much more significant design drawings for review and approval.

The System Diagram should provide the information as described below:

1. Generator (PV panels, wind turbine, hydro turbine, etc.) - Include manufacturer, part number, nameplate maximum capacity (kW), and physical location. For modular systems (e.g. PV panels), also include: number of modules, configuration, nameplate maximum capacity of each module, and total nameplate maximum capacity.
2. Inverter - Include manufacturer, type or series, part number, serial number, nameplate maximum capacity (kW), output voltage, physical location.
3. Disconnect Switch - Include the physical location relative to the Spanish Fork Electric service meter.
4. Electrical Service Panel -Include the panel or main breaker size and the position at which the generation is connected. Show all panels (if there are multiple panels or subpanels) even if not directly connected into the generation system.
5. Spanish Fork Electric Service Meter - Include existing meter serial number, meter form, and class.
6. Other Related Equipment (battery banks, transfer or bypass switches, backup generators, etc.).

D. License Approval.

1. Each customer desiring to engage in net metering must enter into a net metering license agreement as prepared by Spanish Fork City. The license agreement will contain additional conditions to maintain the integrity and reliability of the Spanish Fork Electric system and/or conditions deemed necessary to maintain the health, safety, and welfare of the residents and employees of the City.
2. The license agreement application shall be accompanied by the design or schematic required by this section, together with a filing fee in the amount of \$500.00. Adjustments to the amount of the fee may be made by the City Council in the annual budget, or by resolution.
3. The license may be revoked for violations of any of the terms of the license agreement or for violation of any of the terms of this Chapter.

E. Temporary Connections. This section shall not apply to the temporary generation of electric energy for emergency or standby purposes, except as noted below.

1. All emergency or standby generation shall not be interconnected with Spanish Fork Electric's system at any time. A positive, physical means of transferring and separating loads between normal and alternate sources of supply must be used to prevent inadvertent interconnection.
2. All emergency or standby generation shall comply with the provisions of the latest revision of the National Electric Code and National Electrical Safety Code.

*(ORD 02-18, amended 01/16/2018)*

**13.08.040 Large Solar Generation**

Spanish Fork City permits commercial and industrial users to generate electric power with solar panels upon meeting the requirements of this section. To qualify, the applicant must have a business location within city limits, be current on its utility bill for the last three years or since its opening for business in the City, whichever is shorter, apply for a large solar generation permit with Spanish Fork City and UMPA, and pay an application fee established by the Council in the annual budget. In addition, the following requirements must be met:

- A. All electricity generated must be sold to UMPA at the rate established by UMPA;
- B. All electricity consumed must be purchased from Spanish Fork City at the rate of the customer category the applicant is in;
- C. The solar electric generation system must have a generation capacity larger than 25Kw and not to exceed 750 Kw. Anything smaller must meet the net metering requirements of §13.08.030 and anything larger is prohibited.
- D. The applicant must enter into an interconnection agreement with the City and with UMPA;
- E. The applicant must enter into a power sales agreement with UMPA;
- F. The applicant must install the system according to the National Electric Safety Code, building and fire codes, electric utility standards, UMPA requirements, and Spanish Fork City electrical connection and solar panel regulations;
- G. Pay an inspection fee upon installation in the amount established by the Council in the annual budget to cover the costs of the inspection; and
- H. Receive a permit from Spanish Fork City and UMPA to commence generation.

*(ORD 02-18, created 01/16/2018)*

Chapter 13.12. Solid Waste Utility13.12.010 Definitions13.12.020 General13.12.030 Dumping, Littering and Sanitary Condition of Property13.12.040 Solid Waste Vehicles and Contractors13.12.050 Receptacles and Containers13.12.060 Prohibited Solid Waste13.12.010 Definitions

For the purpose of this Chapter, the following terms, phrases, words and their derivations shall have the meanings given herein:

- A. Bin Container. Shall mean any large type of Solid Waste depository normally used in the collection of Solid Waste from educational, multi-family, and commercial/industrial premises. It shall include dumpsters, front end containers, roll off containers, and compaction units. When used in reference to a Solid Waste Vehicle, container shall mean that part of such Solid Waste Vehicle into which Solid Waste is emptied for transport and disposal purposes.
- B. Curbside Can Receptacle. Shall mean a ninety (90) gallon or larger plastic, Solid Waste depository designed and manufactured for automated collection of Solid Waste.
- C. Food Waste. Shall mean every waste accumulation of animal, fruit or vegetable matter, or food, liquid or otherwise that attends the preparation, use, cooking, dealing in, or storing of edible materials.
- D. Recyclable Material. Shall mean material which may be reused in a valuable form following a remanufacturing process. Since specific items may change over time, specific items will be spelled out in contracts between the City and recyclable providers.
- E. Refuse. Shall mean waste material and rubbish of every character collected or accumulated within the City, except Food Waste, and shall include but shall not be limited to grass, leaves, sticks, bottles, tin cans, pasteboard boxes, rags, paper, sawdust, shavings, packing material and other recyclable materials, but shall not include hazardous waste (as defined by appropriate federal, state and local authorities), dangerous or corrosive chemicals, explosives, highly flammable material, dead animals, poisons, heavy metals or metal parts, ashes, or bulky waste.
- F. Solid Waste. Shall mean garbage, Recyclable Materials, Food Waste, and Refuse, both collectively and separately, and shall not include hazardous or toxic wastes of any description.

- G. Solid Waste Contractor. Shall mean any person engaged in the business of collecting, hauling or transporting through the streets of the City any Solid Waste for disposal or for any other purpose.
- H. Solid Waste Vehicle. Shall mean any vehicle specifically designed and manufactured for the purpose of collecting, transporting, or disposing of Solid Waste.

### 13.12.020 General

This Chapter creates a Solid Waste utility known as Spanish Fork Solid Waste, which shall be a division of the Public Works Department. The Solid Waste utility shall provide for the collection, removal, and disposal of Solid Waste from the City. The Solid Waste utility shall be responsible for the procurement, delivery, retrieval, and maintenance of garbage and recycling Curbside Can Receptacles.

The City of Spanish Fork is hereby charged with the responsibility of ensuring that all residential, educational, multiple dwelling, and commercial/industrial premises within the city are serviced by a Solid Waste collection, transport, and disposal system.

The City may perform the service or may require the property owner and/or tenant to provide or otherwise contract for the services. Before any entity, other than the City, operates as a Solid Waste Contractor, it shall obtain a business license from the City as set forth in this Title.

This Chapter is enacted to promote the health, safety, and welfare of the citizens of Spanish Fork City, by providing for the efficient, safe, and environmentally sound collection, transportation, and disposal of Solid Waste.

- A. Rates. All residents shall pay a monthly rate per garbage or recycling Curbside Can Receptacle. Residents will be required to have a minimum of one (1) garbage Curbside Can Receptacle unless in a large multi-family development with Bin Containers. Residents with recycling Curbside Can Receptacles may opt-out of the service each December. The City may, under normal circumstances, make adjustments as needed to ensure equitable service charges.
- B. Accumulation Prohibited. It shall be unlawful for any person owning and/or occupying any premise or lot in the City to permit to collect or remain upon such premise or lot any Food Waste or Refuse for a period of more than one (1) week, or any approved recyclable material for a period of more than two (2) weeks, unless written approval is granted by the City. Accumulations of leaves, grass, and other green materials used to produce mulch are excluded from the requirements of this section.

It shall also be unlawful to accumulate any of the materials specifically excluded

from the definitions of Refuse, Food Waste, or Solid Waste herein. It shall be the responsibility of the owner of the property to have all such materials removed within a reasonable time depending upon the type of the materials, but in no event shall the materials be allowed to accumulate for more than thirty (30) days.

- C. Title to Solid Waste. The title to Solid Waste transfers to the City when it is placed curbside. The generator of any Solid Waste may reclaim materials placed in a container or reciprocal at any time prior to its collection.

### **13.12.030 Dumping, Littering, and Sanitary Condition of Property**

- A. Dumping and Littering. Except as provided by the terms of this Chapter, it shall be unlawful for any person to place, deposit, bury, or dump upon any lot, street, alley, or into any water, waterway, or container not intended for his or her use, within the City limits any Solid Waste or other matter constituting a nuisance.
- B. Sanitary Condition of Property. The occupant of any premises within the City shall be primarily responsible for the sanitary condition of the premises. The owner of any unoccupied property shall be primarily responsible for the sanitary condition of the property. It shall be unlawful for any person to place, deposit, or allow to be placed or deposited on his/her premises or property any Solid Waste, except as permitted by the terms of this Chapter.
- C. Enforcement. Authorized city representatives may, with a proper warrant or with the consent of the owner or occupant of the premises, inspect any premises or lots within the City limits from time to time in order to examine the sanitary conditions of the property and to determine whether the property is in compliance with all applicable provisions contained in this Chapter. All persons shall, within three (3) days after written notice of any violation, comply with all applicable City ordinances and regulations.

### **13.12.040 Solid Waste Vehicles and Contractors**

Solid Waste Contractors providing service in the City must have a business license. This license shall not constitute a grant of franchise nor shall it confer any vested rights but shall be a license to perform the services specified in this Chapter subject to the restrictions and limitations contained herein. The license shall be subject to the requirements of Title 5, dealing with business licenses.

All Solid Waste Contractors, prior to making application for a business license, shall cause all vehicles to be properly registered with the State of Utah, including compliance with any safety inspections, emissions testing, and such other rules and regulations as may be required. Proof of compliance shall be provided upon demand.

- A. Solid Waste Vehicles. It shall be unlawful for any person or governmental entity to operate any Solid Waste Vehicle within the City limits unless the Solid Waste Vehicle shall conform to the following minimum requirements:
1. The Solid Waste Vehicle body, container, and associated equipment must be in such condition and repair as to ensure their safe operation.
  2. The container of the Solid Waste Vehicle must be metal lined with steel or other suitable metal to the full length, width and height of the container, and must be welded at all seams so as to prevent the escape of any solid or liquid waste. The container shall be so constructed as to prevent the spillage or loss of any solid or liquid waste during the loading or transportation of the Solid Waste.
  3. The name and telephone number of the Solid Waste Vehicle owner (either the City or the Solid Waste Contractor operating the Solid Waste Vehicle) shall be displayed on both sides of the Solid Waste Vehicle in legible letters and numbers at least four (4) inches in height.
  4. Each Solid Waste Vehicle shall display an identification number and tag, on both sides of the Solid Waste Vehicle in legible numbers at least four (4) inches in height.

All Solid Waste Vehicles shall be kept in a neat and clean condition while operating within the corporate City limits.

- B. Transportation of Solid Waste. It shall be unlawful for any person to transport upon the streets within the City any waste of any kind, unless the same is completely contained in a Solid Waste Vehicle or is covered sufficiently to prevent the spillage or blowing of the waste, or the escape of noxious or offensive odors, from the transporting vehicle. If a Solid Waste Contractor causes Solid Waste to be deposited and remain on the streets of the City, the contractor shall be responsible to clean up the material. If he or she fails to do so, the City may do it and charge the Solid Waste Contractor the reasonable costs incurred.
- C. Parking of Solid Waste Vehicles. It shall be unlawful for any person to permit, suffer, allow, or cause any Solid Waste Vehicle controlled by him or her which is loaded with waste of any kind to be or remain standing on any street within the City longer than is necessary for the purpose of loading the Solid Waste Vehicle or moving the same to its destination in accordance with applicable traffic laws and regulations.
- D. Disposal Site for Solid Waste. All residential Solid Waste collected within the City shall be disposed of at a disposal site specified by the City.
- E. Operating Hours. Solid Waste pickup shall only be allowed between the hours of 7:00 a.m. and 8:00 p.m.



All Solid Waste, shall be placed in approved Curbside Can Receptacles or Bin Containers as described herein, and shall be completely contained within the receptacles or containers. It shall be the responsibility of users of all Curbside Can Receptacles or Bin Containers to see that the area around such is kept neat, clean, and sanitary at all times.

- A. Bin Containers. Institutional, commercial, industrial, and authorized multi-family premises shall be supplied with Bin Containers by the owner unless the City authorizes the premises for Curbside Can Receptacle service. All such containers shall be so constructed as to be capable of pick-up and emptying by Solid Waste Vehicles designed for that purpose and shall be so constructed as to prevent the spillage or loss of any Solid Waste during the loading or transportation of Solid Waste.

All Bin Containers shall have the name and telephone number of the authorized collector which services them printed or displayed on the container in legible, four (4) inch high letters. Such information shall be put in a location on the container so that the information is easily visible. All containers must be in such condition and repair as to ensure safe operation. They shall be kept in a neat, clean, and sanitary condition.

Bin Containers shall be emptied at least once each week. City may require bins if too many Curbside Receptacles are being used.

- B. Curbside Can Receptacles. All residential dwelling units, unless otherwise authorized by the City Engineer, shall have Curbside Can Receptacles. All Residential Curbside Can Receptacle Solid Waste removal may only be provided by the City, either itself or through a contract with a Solid Waste provider. The City will provide and own the Curbside Can Receptacles. Any damage caused by improper use, or loss of the receptacle shall be the responsibility of the person using them. It shall be unlawful for any person to willfully break, deface, or damage any receptacle or container.

Bulky waste such as stoves, refrigerators, water tanks, washing machines, furniture, large concrete, and asphalt chunks and other waste materials, with weights and volumes greater than those that can reasonably be accommodated by the collection vehicles for Curbside Can Receptacles shall not be placed in Curbside Can Receptacles.

Curbside Can Receptacles may not contain waste that is industrial according to the Federal or State definition, or is of such a volume and composition so as to indicate obvious commercial activities rather than normal residential activities.

- C. Collection of Curbside Can Receptacles. Curbside Can Receptacles containing Solid Waste shall be set out for collection at the front curb line of the premises, or

at a location indicated by the City. Receptacles shall be set out on the day of collection by 7:00 a.m. All empty receptacles must be removed from the curb as soon as practicable after being emptied and, in every case, must be removed from the curb the same day they are emptied.

All containers shall be located at appropriate places so as to be readily accessible for emptying and so as not to constitute a nuisance or hazard. No container shall be permanently placed on a City street, right-of-way, or sidewalk.

Solid Waste Vehicle operators shall not be required to pick up any Solid Waste that has been spilled, or that is laying outside the receptacle or container unless the vehicle operator is responsible for the spillage.

### **13.12.060 Prohibited Solid Waste**

It shall be unlawful for any person to place materials excluded from the definition of Food Waste or Refuse into receptacles or containers or to set such materials out for collection. Such items shall be disposed of as directed by the City and at the owner's expense.

It shall be unlawful for any person to place materials excluded from the definition of recyclable materials into receptacles or containers not identified for recyclable materials. Such items shall be disposed of as Solid Waste or as otherwise directed by the City, and at owner's expense.

It shall be unlawful for any person to place materials of any kind into a receptacle or container that is not owned, or assigned, to that person. Except as otherwise provided herein, no person shall knowingly collect or dispose of:

1. Any unmarked sealed barrel for any reason;
2. Any sealed or unsealed barrel upon suspicion of hazardous waste content;
3. Waste that is hazardous by Federal or State definition. Any hazardous waste of any description. This shall not apply to persons licensed pursuant to federal and state law to dispose of hazardous wastes.
4. Waste that poses a danger to the truck and/or operator (e.g. hot ashes, ammunition, hazardous or toxic chemicals or chemical agents, heavy or jagged metal, oversized concrete or rock material, large sumps, large accumulations of human or liquid waste (as from RV holding tanks), sod or dirt or other items that cause a fine dust/particles that is a hazard to the driver and his/her ability to breathe.
5. Waste that is of such volume, weight, and/or composition that it cannot be reasonable accommodated by the collection vehicles, including waste that is stacked/placed into the garbage receptacle in a way where the lid to the receptacle cannot be closed fully.

Chapter 13.16. Stormwater Utility

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13.16.010 Definitions

For the purpose of this Chapter, the following terms, phrases, words and their derivations shall have the meanings given herein:

- A. Best Management Practices (BMP). Physical, structural, and/or managerial practices that, when used singly or in combination, prevent or reduce pollution of water.
- B. BMP Manual. The City SWMP, Standard Procedures, Storm Drain Design Manual, and Constructions Standards.
- C. Channel. A natural or artificial watercourse with a definite bed and banks that conducts flowing water continuously or periodically.
- D. City Storm Water System. The drainage structures, conduits, ditches, combined sewers, sewers, and all device appurtenances by means of which stormwater is collected, transported, pumped, treated, or disposed of.
- E. Community Water. Any and all rivers, streams, creeks, lakes, reservoirs, ponds, drainage systems, springs, wetlands, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the City or which receive stormwater originating in the City.
- F. Contaminant. Any physical, chemical, biological, or radiological substance or matter in water.
- G. Debris. Dirt, rock, sand, tree, grass clippings, or other rubbish, litter, etc.

- H. Design Storm Event. A hypothetical storm event, of a given frequency interval and duration, used in the analysis and design of a stormwater facility.
- I. Developed Parcel. Developed Parcel shall be all property which is altered from a natural state by grading, paving, compaction, construction of structures, impervious surfaces, or drainage works so that stormwater runoff from the properties is changed in quantity, quality, or point of discharge from that which would occur in its natural condition.
- J. Discharge. To dispose, deposit, spill, pour, inject, seep, dump, leak, or place by any means, or that which is disposed, deposited, spilled, poured, injected, seeped, dumped, leaked, or placed by any means including any direct or indirect entry of any solid or liquid matter into the City Storm Water System.
- K. Drain Inlet. A point of entry, for stormwater, into a sump, detention/retention basin, storm drain pipe, or ditch.
- L. Equivalent Service Unit (ESU). Represents the amount of impervious surface in the average residential lot within the City as adopted by the City Council in a resolution or in the budget when setting rates.
- M. Erosion. The removal of soil particles by the action of water, wind, ice, or other geological agents, whether naturally occurring or acting in conjunction with or promoted by anthropogenic activities or effects.
- N. Erosion and Sediment Control Plan. A written plan (including drawings or other graphic representations) that is designed to minimize the accelerated erosion and sediment runoff at a site during or after construction activities.
- O. General Construction Storm Water Permit. A permit required by the Utah Department of Environmental Quality, Division of Water Quality prior to commencing construction of any project within the City.
- P. High Priority Area. An area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.
- Q. Illicit Connections. May be defined as either one of the following:
1. Any drain or conveyance, whether on the surface or subsurface that allows a contaminated or illicit discharge to enter the City Storm Water System.

Examples include, but are not limited to, any conveyance which allows non-stormwater discharge such as sewage, processed wastewater, or wash water to enter the City Storm Water System, and any connections to the

- system from indoor drains or sinks regardless of whether said drain or connection had been previously allowed, permitted, or approved; or
2. Any drain or conveyance connected to the City Storm Water System, whether or not such connection results in discharges into that system, which has not been (1) documented in plans, maps, or equivalent records submitted to the City, and (2) approved in writing by the City.
- R. Illicit Discharge. Any discharge to the MS4 that is not composed entirely of stormwater, stormwater that is being discharged without an approved treatment methodology, and not specifically exempted under this Chapter. Illicit discharges include both direct connections (e.g. wastewater piping either mistakenly or deliberately connected to the stormwater system) and indirect connections (e.g., infiltration into the stormwater system or spills collected by drain inlets).
- S. Impervious Surface. Any hard surface, other than the natural surface, that prevents or retards the absorption of water into the soil, or that causes water to run off the surface in greater quantities or at a greater rate of flow than the natural surface. Common impervious surfaces include, but are not limited to, rooftops, streets, sidewalks, walkways, patio areas, driveways, parking lots, storage areas, compacted gravel and soil surfaces, and other similar structures and/or surfaces.
- T. Irrigation Ditches. Gravity flow irrigation ditches having a right of water passageway by right-of-way, easement, prescriptive easement, or ownership. Irrigation ditches also include those facilities that function as a combined stormwater and irrigation conveyance intended at times as a water routing and disposal system.
- U. Land Disturbing Activity. Any activity on real property that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land-disturbing activities include, but are not limited to, development, re-development, demolition, construction, reconstruction, clearing, grading, filling, and excavation.
- V. Land Disturbance Permit. Land Disturbance Permit issued by the City.
- W. Low Impact Development (LID). The control of the peak flow rates of stormwater discharge associated with design storms specified in this ordinance or in the BMP Manual to reduce the generation of post construction stormwater runoff to pre-construction levels or 100 year historical runoff flow rates. LID practices should seek to utilize pervious areas for stormwater treatment and to infiltrate stormwater runoff from Impervious Surfaces or semi-impervious services to the maximum extent practical to provide treatment for both water quality and quantity.
- X. Maintenance. Any activity that is necessary to keep a stormwater facility in good working order so as to function as designed. Maintenance shall also include the

correction of any problem on the property site that may directly impair the functions of the stormwater facility.

- Y. Maintenance Agreement. A document recorded with the Utah County Recorder that acts as a property deed restriction, and which provides for long-term maintenance of a stormwater management facility or stormwater BMP.
- Z. Municipal Separate Storm Sewer System (MS4). The stormwater conveyance facilities owned or operated by the City for the collection and transportation of stormwater, including the streets and their drainage systems, catch basins, curbs, gutters, ditches, man-made channels, storm drains, etc.
- AA. National Pollutant Discharge Elimination System Permit (NPDES Permit). A permit issued by the Utah Division of Environmental Quality pursuant to 33 U.S.C. §1342.
- BB. Notice of Violation (NOV). Whenever the City finds that a Person is in non-compliance with this ordinance, he/she will be ordered to comply by giving written NOV to the responsible Person. Requirements in this notice are at the discretion of the City Engineer, and may include monitoring, payment to cover costs relating to the non-compliance, and/or the implementation of BMPs.
- CC. Off-site Facility. A structural BMP located outside the subject property boundary described in the permit application for land development activity, which provides an integral part of the storm drain system for a given parcel.
- DD. On-site Facility. A structural BMP located within the subject property boundary described in the permit application for land development activity.
- EE. Peak Flow. The maximum instantaneous rate of flow of water at a particular point resulting from a storm event.
- FF. Pre-Existing Conditions. Conditions of property in its native state or changed under approval by the City or changed property that is grandfathered.
- GG. Priority Area. Hot Spot as herein defined.
- HH. Retention/Detention Basin. A depression, designed with an inlet and outlet that regulates water flow and allows debris to settle out, and is capable of detaining or retaining stormwater runoff.
- II. Runoff. That portion of the precipitation or other naturally or artificially occurring water on a drainage area that is discharged from the area into the MS4. Also, water produced by storms, surface drainage, snow and ice melt, and other water handled by the MS4.

- JJ. Sediment. Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface either above or below sea level or within any part of the storm drainage system.
- KK. Sedimentation. Soil particles suspended in stormwater that can or have settled in stream beds and which disrupt the natural flow of the stream or otherwise disrupt the intended storm drain system function.
- LL. Sensitive Lands. Wetlands, slopes of 30% grade or greater, and other unique features on land as designated by the City Engineer.
- MM. Soils Report. Study of soils on a subject property with the primary purpose of characterizing and describing the soils. The soils report shall be prepared by a qualified soils engineer, licensed in the State of Utah, who shall be directly involved in the soil characterization either by performing the investigation or by directly supervising employees who do so.
- NN. Spanish Fork City Storm Water Management Program. Those certain manuals, drawings, documents, specifications, ordinances, practices, and policies set in place by the City to regulate, permit, manage, and otherwise oversee the discharge of stormwater within the corporate boundaries of the City. This includes both those manuals and practices which are in place at the time of the passage of this ordinance and those which will yet be put in place, adopted, or revised in future actions.
- OO. Stabilization. Providing adequate measures, vegetative and/or structural, that will prevent erosion.
- PP. Storm Drain Pipe. A closed conduit for transmitting stormwater that has been collected by inlets or other means.
- QQ. Storm Water. Stormwater runoff, snowmelt runoff, surface runoff, street wash waters related to street cleaning or maintenance, infiltration, and drainage.
- RR. Storm Drain Ditch. An open conduit for transmitting stormwater that has been collected or routed by inlets, curb and gutter, or other means.
- SS. Storm Water Management. The programs adopted to maintain the quality and quantity of stormwater runoff to pre-development levels.
- TT. Storm Water Management Plan. The drawings and other documents that comprise all the information and specifications for the programs, drainage systems, structures, BMPs, concepts, and techniques intended to maintain or

restore quality and quantity of stormwater runoff to pre-development levels using LID and other BMPs.

- UU. Storm Water Master Plan. The most recent version of the City Storm Water Master Plan as adopted by the City Council.
- VV. Storm Water Pollution Prevention Plan (SWPPP). A Technical Report including a copy of the Land Disturbance Permit, Notice of Intent (NOI), if applicable, Storm Water Pollution Prevention Plan during construction and post construction, storm water pollution prevention BMPs, spill prevention and countermeasure information, inspection records, and signed and dated Certification Statement from the Site Operator and the responsible person preparing the report.
- WW. Storm Water Runoff. Water flow on the surface of the ground, resulting from precipitation.
- XX. Storm Water Utility. The stormwater utility created by ordinance to administer the stormwater management ordinance, and other stormwater rules and regulations adopted by City.
- YY. Structural BMPs. Devices that are constructed to control stormwater runoff.
- ZZ. Sump. A formalized underground structure surrounded by drain rock, which acts as a detention basin to allow the slow release of water into the surrounding sub-soil. Sumps generally receive stormwater runoff from paved areas such as streets, parking lots, building roofs, etc.
- AAA. Surface Water. Includes waters upon the surface of the earth created naturally or artificially including, but not limited to, streams, ditches, lakes, reservoirs, ponds, sloughs, canals, or other bodies of water.
- BBB. Utah Pollution Discharge Elimination System (UPDES). The Pollution Discharge Elimination System created by the State of Utah.
- CCC. Watercourse. A permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.
- DDD. Watershed. All the land area that contributes runoff to a particular point along a waterway.

### 13.16.020 General

There is created a stormwater utility known as Spanish Fork Storm Water, which shall be a division of the Public Works Department. The stormwater utility shall provide and maintain stormwater drainage facilities for the City. The stormwater utility shall be



responsible for the proper installation and maintenance of all storm water facilities including but not limited to all piping, clean out, junction, retention and detention facilities, LID facilities, rivers, ditches, and wetlands to which the stormwater system drains.

This Chapter is enacted to promote the health, safety, and welfare of the citizens of Spanish Fork City, by providing for the efficient, safe, and environmentally sound collection, treatment, and release of stormwater and to comply with federal and state requirements.

- A. Rates. All Developed Parcels shall pay a monthly storm drain fee. All single and multi-family residential parcels shall be assessed one ESU per dwelling unit. All other developed parcels will be assessed the number of ESU's on the parcel, with a minimum of one ESU.
- B. Obstruction of Facilities. It is unlawful for any person to obstruct or contribute to the obstruction of the flow of stormwater runoff or non-stormwater runoff into any sump, retention basin, storm drain, storm drain ditch, curb and gutter, drain inlet, or other associated structural controls that convey stormwater and/or non-stormwater runoff.

It is unlawful for any person to cause any obstruction that inhibits the normal flow of stormwater and/or non-stormwater runoff in any curb and gutter, unless the obstruction is associated with a street and/or storm drainage improvements project and is authorized by the City Engineer and granted with the issuance of a permit signed by the City Engineer.

It is unlawful for any person to cover over any drain inlet for any reason or purpose.

- C. Dumping. It is unlawful for any person to dump, or allow to be dumped into any sump, detention basin, storm drain, curb and gutter, drain inlet, storm drain ditch or other storm drainage structure that conveys stormwater and/or non-stormwater, any type of debris, petroleum product, chemical, paint, pesticide, herbicide, heavy metal, acid or base product, solid or liquid waste product, hazardous waste product, and/or human or animal waste.

Soil, sediment, and debris brought onto streets and public ways must be removed by the end of the work day by machine, broom, or shovel to the satisfaction of the City Engineer. Failure to remove the sediment, soil, or debris shall be deemed a violation of this Chapter. The restrictions set forth in this section shall not apply to the normal runoff of non-stormwater related to domestic home uses; for example, lawn watering, washing cars, etc.

### 13.16.030 Land Disturbance Permits

No Land Disturbing Activities shall be allowed until a Land Disturbance Permit has been issued. Land Disturbance Permits are required in the following cases:

1. Land Disturbing Activity which generally disturbs one (1) or more acres;
2. Land Disturbing Activity of less than one (1) acre of land if such activity is part of a larger common plan of development that affects one (1) or more acres;
3. Land Disturbing Activity of less than one (1) acre of land, if in the discretion of the City Engineer, such activity poses a unique threat to water, public health, or safety;
4. The creation and use of borrow pits or those excavation sites used to generate fill and/or decorative material for off-site location;
5. Development of a single-family home, which is not part of a subdivision project;
6. Processing of earthen materials such as top soil and gravel screening;
7. Construction of parking lots;
8. Creation of an impervious area 0.25 acres/10,890 square feet constructed with compacted gravel, asphalt, concrete, or other impervious or semi-impervious material;
9. Creation or alteration of storm drain works or systems;
10. Excavation or disturbance of more than 1,000 cubic yards of material in any non-agricultural earth moving activity; and
11. As otherwise required in this Section.

- A. Drainage Channels, Waterways, and Sensitive Areas. Property owners shall not fill, alter, or restrict natural channels, wetlands, waterways or any other Sensitive Lands without proper permits from all responsible governing agencies, including a Land Disturbance Permit from the City.

Property owners proposing to redirect runoff, surface, and/or pipe flow to properties or facilities outside Spanish Fork City boundaries must provide written approval from the applicable governing agency. Discharges or modifications to irrigation ditches or canals require written approval from the canal owners and applicable governing agencies.

Property owners are responsible for the protection of Channels located within their property in compliance with this ordinance.

- B. Building Permit. No building permit shall be issued until the applicant has obtained a Land Disturbance Permit where the same is required by this Chapter.

- C. Exemptions. The following activities are exempt from the Land Disturbance Permit requirement:

1. Any emergency activity that is immediately necessary for the protection of life, property, or natural resources including activities required to promote public safety, repairs to water lines, and/or other City infrastructure repairs.
2. Nursery operations conducted as permitted use.
3. Any agricultural activity.

4. Additions or modifications to existing single-family structures.
5. Landscape modifications resulting in disturbances below the limits identified in this section.
6. Excavation activities necessary for public purposes approved by City.

D. Application. Each Land Disturbance Permit application shall include the following information:

1. Name of applicant;
2. Address of applicant;
3. Name, address, and telephone number of the Property Owner;
4. Address and legal description of the subject property including the tax serial/parcel number of the subject property;
5. Name, address, and telephone number of the contractor and any subcontractor(s) who shall perform the land disturbing activity and who are responsible for the erosion and sediment control plan;
6. A statement indicating the nature, extent, and purpose of the land disturbing activity, including the size of the area for which the permit shall be applicable, and a schedule for the starting and completion dates of the land disturbing activity;
7. A sediment and erosion control plan according to requirements of this Chapter;
8. A Storm Water Management Plan (SWPPP) providing for stormwater management during the land disturbing activity and after the activity has been completed;
9. Maintenance Agreement;
10. Recorded maintenance easements if necessary to ensure access to the site for the purpose of inspection and repair by securing all the easements needed; and
11. The payment of appropriate fees.

E. Regulatory Agencies. The applicant shall obtain from any state or federal agency any other appropriate environmental permits that pertain to the property. Copies of these approved permits shall be included with the Land Disturbance Permit Application. However, the inclusion of those permits in the application shall not preclude the City Engineer from imposing additional development requirements and conditions, commensurate with this Chapter, on the development of property covered by those permits. Failure of the applicant to obtain the necessary permits may be a basis for denial of issuance of a Land Disturbance Permit among other required permits.

Such other required permits will be to obtain and maintain coverage during the duration of the project under the UPDES with a Notice of Intent (NOI) permit. Developers are also required to maintain a SWPPP during the duration of the project. A completed SWPPP is required to obtain an NOI permit from the State.

F. Review and Approval. The City Engineer will review each application for a land disturbance permit to determine its conformance with the provisions of this

Chapter. Within 45 days after receiving an application, the City Engineer shall provide one of the following responses:

1. Approval of the permit application;
2. Approval of the permit application, subject to such reasonable conditions as may be necessary to secure the objectives of this Chapter; or
3. Denial of the permit application, indicating the reason(s) for the denial.

If the SWMP Administrator has granted conditional approval of the permit, the applicant shall submit a revised plan that conforms to the conditions established. However, the applicant shall be allowed to proceed with the land disturbing activity provided it conforms to conditions established by the City Engineer, and provided the revised plan is submitted within 15 days.

G. Permit Duration. Every land disturbance permit shall expire and become null and void if substantial work authorized by such permit has not commenced within one hundred eighty (180) calendar days of issuance, or is not complete within one year from the date of the preconstruction meeting.

H. Notice of Construction. The applicant must notify the City ten (10) working days in advance of the commencement of construction. Regular inspections of the stormwater management system construction shall be conducted by the City. All inspections shall be documented and written reports prepared that contain the following information:

1. The date and location of the inspection;
2. Whether construction is in compliance with the approved stormwater management plan;
3. Variations from the approved construction specifications;
4. Any violations that exist.

I. Performance Bonds. The City Engineer shall require the submittal of a performance bond in the form of an escrow bond, letter of credit, or cash. The bond must be drawn on financial institutions licensed to conduct business in the State of Utah. For single family residences, the performance bond is required in cash.

The bond shall be provided prior to issuance of a permit in order to ensure that the storm water pollution prevention practices are installed by the permit holder as required by the approved Storm Water Management Plan. Bonds shall be subject to the following provisions:

1. The amount of the performance bond shall be the total estimated construction cost of the structural BMPs approved under the permit plus any reasonably foreseeable additional related costs, e.g., for administration, enforcement, etc.
2. The performance bond shall be forfeited for failure to timely complete work specified in the Stormwater Management Plan.

3. The applicant shall provide an itemized construction cost estimate, complete with unit prices, which shall be subject to acceptance, amendment, or rejection by the City Engineer.
4. Alternatively, the City Engineer shall have the right to calculate the cost of construction cost estimates and revise the opinion of probable costs accordingly.
5. The bond may be released in full only upon completion and City approval of all final inspection punch list items and removal of all temporary control measures.
6. The City will make a final inspection of the structural BMP to ensure that it is compliant with the approved plan and the provisions of this Chapter. Provisions for a partial pro-rata release of the performance bond based on the completion of various development phases may be made at the discretion of the City Engineer.

#### **13.16.040 Storm Water System Design**

- A. Surface Irrigation Ditches and Facilities. Existing irrigation ditches located on the site or straddling a site property boundary shall be piped with a sufficient size pipe to handle the irrigation need and shall be coordinated with the City Engineer and the irrigation company or ditch owner by following the provisions of Utah Code Ann. §73-1-15.5, unless otherwise approved by the City Engineer.

Piping of irrigation ditches and modification to the diversion boxes require the irrigation company to approve the construction plans. If the City Engineer deems the conditions onerous, he/she may approve less onerous conditions. All work must meet the requirements of the BMP Manual.

Developers are responsible for the protection of surface irrigation ditches and facilities from damage resulting from the development work.

- B. Discharges to Private Ditches, Land, or Facilities. Discharges to private ditches, lands, or facilities require written easements from the ditch, land, or facility owner(s).
- C. Design Standards and Regulations. All work related to the City Storm Water System and MS4 shall meet the requirements of the BMP Manual, Land Disturbance Permit, and requirements set forth in the most recent edition of the International Building Code, and the State of Utah UPDES requirements.
- D. Utah Registered Professional Engineer. Design of storm drain systems in City boundaries and discharges into the City Stormwater System requires direct supervision of a Utah Registered Professional Engineer, and shall carry his/her seal.

- E. Low Impact Development (LID). All site designs shall implement LID principles as defined in this Chapter and in the BMP Manual. Runoff rates from one lot to another may not exceed pre-existing conditions as defined by the City, nor in such a manner that may unreasonably and unnecessarily cause more harm than formerly.
- F. Channel Protection. Specific Channel protection criteria shall be provided as prescribed in this Chapter and the BMP manual to protect stream Channels from degradation.
- G. Critical Areas with Sensitive Resources. Stormwater discharges to critical areas with sensitive resources (e.g. cold water fisheries, recharge areas, water supply reservoirs) may be subject to additional performance criteria, or may need to utilize or restrict certain stormwater management practices.
- H. High Priority Area. Storm water discharges from High Priority Areas as defined in this Chapter may require the application of specific structural BMPs and pollution prevention practices.
- I. Storm Water Management Plan. All designs shall include Storm Water Management Plans as defined in this Chapter. Storm Water Management Plans require Property Owners to manage storm water runoff and sediment which originates on their property.

This responsibility may extend to the defining of agreements, easements, and other appropriate measures to address storm water management. The Storm Water Management Plan shall include sufficient information to allow the City Engineer to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing stormwater generated at the project site.

#### **13.16.050 Maintenance Agreement**

The Property Owner to be served by a Long Term Storm Water Management Plan (LTSMP) must execute a Maintenance Agreement for the purpose of keeping the MS4 clean and to follow state law. The maintenance agreement shall include the following provisions.

- A. Owner Responsibility. Assign responsibility for the maintenance and repair of the stormwater facility to the Property Owner upon whose property the facility is located.
- B. Owner Inspections. Provide for a periodic inspection by the Property Owner or qualified designee for the purpose of documenting maintenance and repair needs and ensure compliance with the purpose and requirements of this Chapter. The

Property Owner will arrange for this inspection to be conducted by a qualified person as defined by the Utah Division of Water Quality, who will submit a sealed report of the inspection to the City Engineer.

- C. City Inspections. Grant permission to City's employees or agents to enter the property at reasonable times to inspect the stormwater facility to ensure that it is being properly maintained.
- D. Minimum Maintenance Requirements. Provide that the minimum maintenance and repair needs for detention and retention basins, and inlets and drainage pipes and any other stormwater facilities including, but not limited to: the removal of silt, litter, and other debris, the cutting of grass, grass cuttings, and vegetation removal, and the replacement of landscape vegetation. It shall also provide that the Property Owner shall be responsible for additional maintenance and repair needs consistent with the needs and standards outlined in the BMP Manual.
- E. Time Requirements for Maintenance. Provide that maintenance needs must be addressed in a timely manner, on a schedule to be determined by the City Engineer.
- F. Reimbursement of City Executed Maintenance. Provide that if the property is not maintained or repaired within the prescribed schedule, City may perform the maintenance and repair at Property Owner's expense, and bill the same to the Property Owner. The Maintenance Agreement shall also provide that unpaid City costs of performing maintenance shall be a lien against the property until paid in full.

#### **13.16.060 Sediment and Erosion Control Plans**

The sediment and erosion control plan shall accurately describe the potential for soil erosion and sedimentation problems resulting from land disturbing activity and shall explain and illustrate the measures that are to be taken to control these problems. The length and complexity of the plan is to be commensurate with the size of the project, severity of the site condition, and potential for off-site damage.

The plan shall be prepared by a qualified individual as defined by the State of Utah. The plan shall also conform to the requirements found in the BMP manual, and shall include at least the following:

- A. Project Description. Include a project description which briefly describes the intended project and proposed land disturbing activity including number of units and structures to be constructed and infrastructure required.
- B. Topographic Map. Include a topographic map with contour intervals of two (2) feet or less showing present conditions and proposed contours resulting from land disturbing activity.

- C. Existing Drainage Ways. Show all existing drainage ways, including intermittent and wet-weather drainage ways. Include any designated floodways or flood plains.
- D. Existing Land Cover Description. Include a general description of existing land cover. Individual trees and shrubs do not need to be identified.
- E. Landscaping Plan. A landscaping plan must be submitted with the final design describing the vegetative stabilization and management techniques to be used at a site after construction is completed. This plan will explain not only how the site will be stabilized after construction, but who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved.
- F. Tree Plan. Include a tree plan that shows stands of existing trees as they are to be preserved upon project completion, specifying their general location on the property. Also, include any proposed trees in the tree plan. Differentiation shall be made between existing trees to be preserved, trees to be removed, and proposed trees.

Tree protection measures must be identified, and the diameter of the area involved must also be identified on the plan and shown to scale. Information shall be supplied concerning the proposed destruction of exceptional and historic trees in setbacks and buffer strips, where they exist. Complete landscape plans may be submitted separately. The plan must include the sequence of implementation for tree protection measures.

- G. Process to evaluate LID design of overall site. All development and redevelopment in Spanish Fork City are required to consider a LID approach for managing storm water. The planning and design process are critical for the successful implementation of LID. The applicant must refer to Section 3 of the Spanish Fork Storm Water Drainage Design Manual when designing or redesigning storm water drainage systems.
- H. Limits. Show approximate limits of proposed clearing, grading, and filling.
- I. Minimizing the Disturbance Area and Soil Compaction. Minimize the amount of excavation by designing the building/construction to the site topography rather than flattening the site to fit the project. During construction, protect vegetation and native soil areas from disturbance and soil compaction. Restrict construction vehicle traffic to designated driveways/accesses to reduce damage to soils and vegetation. Designate specific staging areas for materials.
- J. Flows. Show approximate flow calculations for existing stormwater leaving any portion of the site. Also show the approximate flows leaving site after construction and incorporating water Run-off mitigation measures. The evaluation



must include projected effects on property adjoining the site and on existing drainage facilities and systems.

The plan must address the adequacy of outfalls from the development: when water is concentrated, what is the capacity of waterways, if any, accepting stormwater off-site; and what measures, including infiltration, sheeting into buffers, etc., are going to be used to prevent the scouring of waterways and drainage areas off-site, etc.

- K. Soil Description. Include a general description of existing soil types and characteristics and any anticipated soil erosion and sedimentation problems resulting from those characteristics.
- L. Sedimentation Control Improvements. Identify location, size, and layout of proposed stormwater and sedimentation control improvements.
- M. Proposed Drainage Network. Complete plans for all the proposed drainage of the site. Include any proposed drain tile, LID, or waterway extent and sizes. Also include all proposed sizing for storm system piping, dewatering facilities, or other waterways.
- N. Sequence of Work. Show the projected sequence of work represented by the grading, drainage, and sedimentation and erosion control plans as related to other major items of construction, beginning with the initiation of excavation and including the construction of any sediment basins, retention facilities, or any other structural BMP's.
- O. Remediation Measures. Identify specific remediation measures to prevent erosion and sedimentation Run-off. Plans shall include detailed drawings of all control measures used; stabilization measures, including vegetation and non-vegetation measures, both temporary and permanent. Detailed construction notes and a maintenance schedule shall be included for all control measures in the plan.
- P. Detail Drawings. Include detail drawings for the construction of rock pads, wash down pads, and settling basins for controlling erosion; road access points; eliminating or mitigating soil, sediment, and debris on streets and public ways to a level acceptable to the City Engineer.
- Q. Proposed Structures. Show proposed structures; location (to the extent possible) and identification of any proposed additional buildings, structures, or development on the site.
- R. Future Phasing Plans. Show future phasing plans and impervious areas, if applicable.

**13.16.070 Post Construction**

- A. Re-vegetation. Any area of land from which the natural vegetative cover has been either partially or wholly cleared by development activities shall be re-vegetated according to a schedule approved by the City Engineer. The following criteria shall apply to re-vegetation efforts:
1. Reseeding must be done with an annual or perennial cover crop accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until such time as the cover crop is established over ninety percent (90%) of the seeded area.
  2. Replanting with native woody and herbaceous vegetation must be accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until the plantings are established and are capable of controlling erosion.
  3. Any area of re-vegetation must exhibit survival of a minimum of seventy-five percent (75%) of the cover crop throughout the full year immediately following re-vegetation. Re-vegetation must be repeated in successive years until the minimum seventy-five percent (75%) survival rate for one (1) year is achieved.
- B. Inspections. Periodic inspections of Stormwater management facilities shall be performed as provided for in this Chapter by the Owner and the City. This is defined in detail in §13.16.140.
- C. Records. Parties responsible for the operation and maintenance of a stormwater management facility shall make records of the installation of the stormwater facility, and of all maintenance and repairs to the facility, and shall retain the records for at least five (5) years. These records shall be made available to the City Engineer during inspection of the facility and at other reasonable times, upon request. This is defined in detail in §13.16.140.
- D. Violations. If a responsible party fails or refuses to meet the design or maintenance standards required for stormwater facilities under this Chapter, the City Engineer, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition.

In the event that the storm water management facility becomes a danger to public safety or public health, the City Engineer shall notify, in writing, the party responsible for maintenance of the stormwater management facility. Upon receipt of that notice, the responsible person shall have 15 days to effect maintenance and repair of the facility in an approved manner. In the event that corrective action is not undertaken within that time, the City Engineer may take necessary corrective action. The cost of any action by the City Engineer under this section shall be charged to the responsible party, and may act as a lien against the property until paid in full. See §13.16.110 and 13.16.120 for other enforcement, violation, and penalty provisions the City may use.

**13.16.080 Waivers**

Every applicant shall provide for post construction stormwater management as required by this Chapter, unless a written request to waive this requirement is filed and approved. Requests to waive the stormwater management plan requirements shall be submitted to the City SWMP Administrator for approval.

For post construction, minimum requirements for stormwater management may be waived in whole or in part upon written request of the applicant, provided that at least one of the following conditions applies:

1. It can be demonstrated that the proposed development is not likely to impair attainment of the objectives of this Chapter.
2. Alternative minimum requirements for on-site management of stormwater discharges have been established in a stormwater management plan that has been approved by the City Engineer.
3. Provisions are made to manage stormwater by an off-site facility. The off-site facility must be in place and designed to provide the level of stormwater control that is equal to or greater than that which would be afforded by on-site practices. Further, the facility must be operated and maintained by an entity that is legally obligated to continue the operation and maintenance of the facility.

In order to receive a waiver, the applicant must demonstrate to the satisfaction of the City Engineer and SWMP Administrator that the waiver will not lead to any of the following conditions downstream:

1. Deterioration of existing culverts, bridges, dams, or other structures;
2. Degradation of biological functions or habitat;
3. Accelerated stream bank or streambed erosion or siltation;
4. Increased threat of flood damage to public health, life, or property.

No land disturbance permit shall be issued where a waiver has been requested until the waiver is granted. If no waiver is granted, the plans must be resubmitted with a Storm Water Pollution Prevention Plan.

5. For Construction, an EPA Low Erosivity Waiver or Rainfall Erosivity Waiver may be used if it is obtained in accordance with Appendix C.1 of the 2017 Construction General Permit. If this waiver is filed with the State incorrectly, the owner of the property, or the contractor over the construction will have seven days to complete a Storm Water Pollution Prevention Plan (SWPPP) and file a Notice of Intent (NOI) with the State. If either party do not comply, subsection F, of §13.16.110 may be issued and any necessary Enforcements or Penalties described in this chapter.

**13.16.090 Existing Land and Developments**

Stormwater runoff shall be controlled to the extent reasonable to prevent pollution of local waters. Such control measures shall include those methods and measures identified in the City SWMP. The following requirements shall apply to all locations and developments at which land disturbing activities have occurred previous to the enactment of this Chapter.

1. Denuded Areas. Denuded areas must be vegetated or covered under the standards and guidelines specified in the BMP Manual and on a schedule approved by the City Engineer.
  2. Cuts and Slopes. Cuts and slopes must be properly covered with appropriate vegetation and/or properly designed retaining walls constructed.
  3. Drainage Ways. Drainage ways shall be properly covered in vegetation or secured with rip-rap, channel lining, etc., to prevent erosion.
  4. Clean-up Areas. Trash, junk, rubbish, etc. shall be cleared from drainage ways.
- A. Notice. The City Engineer shall, in writing, notify the owners of existing locations and developments of specific drainage, erosion, or sediment problems affecting such locations and developments, and the specific actions required to correct those problems. The notice shall also specify a reasonable time for compliance.
- B. Inspection. The City Engineer may, to the extent authorized by state or federal law, establish inspection programs to verify that all stormwater management facilities, including those built before as well as after the adoption of this Chapter, are functioning within design limits.

These inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints, or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of City's NPDES/UPDES stormwater permit; and joint inspections with other agencies inspecting pursuant to environmental or safety laws.

Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other BMPs.

- C. Appeals. Corrective measures imposed by the City Engineer under this section are subject to appeal as outlined in §13.16.120.

### **13.16.100 Illicit Discharges Detection and Elimination**

This Section shall apply to all water generated on developed or undeveloped land and then entering the MS4. No person shall introduce or cause to be introduced into the MS4 any discharge that is not composed entirely of stormwater.

- A. Exceptions. The commencement, conduct, or continuance of any non-stormwater discharge to the MS4 is prohibited unless it is an uncontaminated discharge from the following sources:
1. Water line flushing or other potable water source;
  2. Landscape irrigation or lawn watering with drinking water or City pressure irrigation water;
  3. Diverted stream flows;
  4. Rising ground water;
  5. Groundwater infiltration to storm drains;
  6. Uncontaminated pumped groundwater;
  7. Water from foundation or footing drains;
  8. Water from crawl space pumps;
  9. Air conditioning condensation;
  10. Springs;
  11. Natural riparian habitat or wetland flows;
  12. Swimming pools (if de-chlorinated - typically less than one PPM chlorine);
  13. Firefighting activities;
  14. Any other uncontaminated water source;
  15. Discharges specified in writing by the City Engineer as being necessary to protect public health and safety; or
  16. Dye testing is an allowable discharge if authorized by the City Engineer.

The prohibition shall not apply to any non-stormwater discharge permitted under an UPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the State of Utah Division of Water Quality, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the MS4.

- B. Illicit Connections. The construction, use, maintenance, or continued existence of illicit connections to the MS4 is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- C. Mitigation and UPDES Permits. Any person responsible for property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at the person's expense, the BMP's necessary to prevent the further discharge of pollutants to the MS4. Compliance with all terms and conditions of a valid UPDES permit authorizing the discharge of stormwater associated with

industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.

- D. Notification of Spills. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting in, or may result in, illicit discharges or pollutants discharging into the MS4, the person shall take all necessary steps to ensure the containment and cleanup of such release. In the event of such a release of hazardous materials the person shall immediately notify emergency response agencies of the occurrence.

In the event of a release of non-hazardous materials, the person shall notify the City SWMP Administrator or City Engineer in person, by telephone, or email, no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the City SWMP Administrator within three (3) business days of the notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

- E. Non-Compliance. Circumstances or individuals that introduce pollutants to the MS4 may receive enforcement, violations and penalties as stated in §13.16.110 and 13.16.120.

### **13.16.110 Enforcement**

The City SWMP Administrator shall have the authority to issue notices of violation, stop work orders, and citations, and to impose the civil penalties provided in this Chapter. The City SWMP Administrator shall be permitted to enter and inspect any site that may discharge some water into the MS4 at all times to investigate and determine compliance. Violations of this Chapter may result in penalties being assessed as established herein, or by other applicable laws.

- A. Responsible Parties. If in violation of this chapter, the responsible party is required to immediately cease unacceptable disposal activities according to §4.2.3.6 of the Spanish Fork City SWMP and State MS4 Permit. The responsible party must remove and properly dispose of, an illicit discharge(s) from the MS4, in accordance with §4.2.3.2.1 of the Spanish Fork City SWMP and State MS4 Permit.
- B. Notification of Violation (NOV). Whenever the City SWMP Administrator finds that any permittee or any other person discharging non-storm water has violated or is violating this Chapter or a permit or order issued hereunder, the City SWMP Administrator may serve upon such person a written NOV.

Within seventeen (17) days of a NOV, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the City SWMP Administrator. Submission of this plan in no way relieves the discharger of liability for any violations occurring before or after receipt of the NOV.

- C. Consent Orders. The City SWMP Administrator is empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person(s) responsible for the noncompliance. Such orders will include specific action(s) to be taken by the person(s) to correct the noncompliance within a time period that is appropriate for the severity of the noncompliance item. Consent orders shall have the same force and effect as orders issued pursuant to paragraphs (D) and (E) below.
- D. Show Cause Hearing. The City SWMP Administrator may order any person who violates this ordinance, permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the person(s) specifying the time and place for the meeting with the City SWMP Administrator, the proposed enforcement action, the reasons for such action, and a request that the violator show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by certified mail (return receipt requested) at least ten (10) days prior to the hearing.
- E. Compliance Order. When the City SWMP Administrator finds that any person has violated or continues to violate this Chapter or a permit or order issued thereunder, he/she may issue an order to the violator directing that, following a specific time period, adequate structures or devices, be installed or procedures implemented and properly operated to prevent future violations. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the construction of appropriate structures, installation of devices, self-monitoring, and management practices.
- F. Cease and Desist Orders. When the City SWMP Administrator finds that any person has violated or continues to violate this Chapter or any permit or order issued hereunder, the City Engineer or City SWMP Administrator may issue an order to cease and desist all such violations and direct those persons in noncompliance to:
1. Comply forthwith; or
  2. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

- G. Conflicting Standards. Whenever there is a conflict between any standard contained in this ordinance, BMP Manual, or any other applicable regulations the strictest standard shall prevail.
- H. SWPPP Enforcement. If the Storm Water Pollution Prevention Plan is out of compliance, enforcement will follow the SWPPP Enforcement BMP in the City BMP manual while using §13.16.110 and 13.16.120.

### **13.16.120 Violations and Penalties**

Any person who violates any provision of this Chapter, who violates the provisions of any permit issued pursuant to this Chapter, or who fails or refuses to comply with any lawful communication or notice to abate or take corrective action by the City Engineer or SWMP Administrator, shall be guilty of a Class C Misdemeanor. Each day of violation shall constitute a separate violation.

- A. Penalties. In addition to any criminal penalties, each violation may also subject the violator to civil penalties of not less than fifty dollars (\$50.00) and not more than one thousand dollars (\$1,000.00) per day for each day of violation.
- B. Measuring Civil Penalties. In assessing a civil penalty, the City Engineer may consider:
  - 1. The harm done to the public health or the environment;
  - 2. Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;
  - 3. The economic benefit gained by the violator;
  - 4. The amount of effort put forth by the violator to remedy the violation;
  - 5. Any unusual or extraordinary enforcement costs incurred by the City;
  - 6. The amount of penalty established by ordinance or resolution for specific categories of violations; and
  - 7. Any equities of the situation which outweigh the benefit of imposing any penalty or damage assessment.
- C. Recovery of Damages and Costs. In addition to the civil penalty outlined above, City may recover:
  - 1. All damages proximately caused by the violator to City, which may include any reasonable expenses incurred in investigating violations of and enforcing compliance with this Chapter, or any other actual damages caused by the violation.
  - 2. The costs of City's maintenance of stormwater facilities when the user of such facilities fails to maintain them as required by this Chapter.
- D. Legal Action. The City may bring legal action to enjoin the continuing violation of this Chapter, and the existence of any other remedy, at law or equity, shall be no defense to any such actions. The City is entitled to recover its attorney's fees incurred in enforcing the provisions of this Chapter.



- E. Remedies Cumulative. The remedies set forth in this Section shall be cumulative, not exclusive, and it shall not be a defense to any action, civil or criminal, that one or more of the remedies set forth herein has been sought or granted.
- F. Civil Fine Pass-through Recovery. In the event that a non-domestic user discharges water into the MS4 which causes the City to violate any conditions of its state or federal stormwater discharge obligations and the City is fined by the State of Utah or EPA for such violations, then such non-domestic user shall be fully liable for the total amount of the fines and civil penalties assessed against the City, together with all administrative costs incurred, including attorney's fees.
- G. Appeals. Any person aggrieved by the imposition of a civil penalty or damage assessment as provided by this Chapter may appeal said penalty or damage assessment to the City Council. Notice of appeal must be filed with the City Recorder within 10 days of receipt of notice of the civil penalty or damage assessment. A hearing with the City Council will be scheduled within 30 days of the receipt of the notice of appeal by the City Recorder. The decision of the City Council shall be final and non-appealable.

#### **13.16.130 Storm Water Pollution Prevention Plan (SWPPP)**

Developing a SWPPP is required by the UPDES before an NOI permit is obtained. A SWPPP is one of the most important requirements of the permit. A SWPPP should be kept at the site, and updated as need to reflect the current SWPPP activities on the site. Said SWPPP must be approved by the City SWMP Administrator or a Storm Water Consultant hired by Spanish Fork City to perform such actions. The SWPPP must abide by all items mentioned in §4.2.4 of the State Small MS4 UPDES Permit.

- A. Developers or Construction Operators must obtain and maintain Notice of Intent (NOI) coverage under the current Utah Pollutant Discharge Elimination System (UPDES) Storm Water General Permit for construction, or an individual permit. The permit must be kept current for the duration of the project. The NOI permit requires construction control provisions as described in §13.16.060, to affirmatively apply, at a minimum, to all construction sites that disturb equal to or larger than one acre, or disturb less than one acre but are part of a common plan of development.
- B. Developers or Construction Operators must maintain a Storm Water Pollution Prevention Plan (SWPPP) approved by the City SWMP Administrator. The SWPPP must be kept current and maintained for the duration of the project. SWPPP compliance, at a minimum, must include provisions related to, among other things, the following items:
  - a. Assemble a storm water team;
  - b. Describe the nature of the construction activities;
  - c. Document information for emergency-related projects;
  - d. Describe the sequence and estimated dates of construction activities;
  - e. Include a site map;

- f. List construction-site pollutants;
  - g. Identify all non-storm water discharges;
  - h. Provide buffer documentation, if applicable;
  - i. Describe storm water control measures;
  - j. Describe pollution-prevention procedures;
  - k. Describe procedures for inspection, maintenance, and corrective action;
  - l. Document staff training; and SWPPP certification
- C. Non-Compliance. Sites that become non-compliant with their SWPPP may receive enforcement, violations and penalties as stated in §13.16.110 and 13.16.120.
- D. Spanish Fork City uses the State provided Construction General Permit (CGP) or Common Plan of Development (CPoD) SWPPP templates. When creating your SWPPP, BMP's must be implemented. The BMP's must be described in detail in the appendices stated in the State SWPPP templates. The CPOD SWPPP template provides a list of sources that provide BMP details to include in your SWPPP. Spanish Fork City also has a BMP manual with detailed BMP's that can be included in your SWPPP.

#### **13.16.140 Long Term Storm Water Management Plan (LTSMP)**

A Long Term Storm Water Management Plan (LTSMP) or Post-Construction Control ordinances are designed to ensure that the storm water runoff associated with new development to mirror the pre-development storm water runoff of the previously undeveloped site or to improve the storm water runoff of a redeveloped site and reduce the discharge of storm water to the MS4.

- A. A LTSMP is required at commercial properties developed after 2015, new developments, redeveloped sites, and for any site that the City Engineer or City SWMP Administrator requires.
- B. A Maintenance Agreement is a mandatory document for sites required to implement an LTSMP. The maintenance agreement must be agreed upon and signed to legally bind the Property Owner and Spanish Fork City to the agreement. The document will last for the existence of the current established development of such property, beginning once both Property Owner and Spanish Fork City sign the agreement.
- C. Sites required to maintain an LTSMP must address Best Management Practices (BMP's), both structural and non-structural, that will be used to reduce pollutants and mitigate discharge to the MS4.
- D. Non-Structural BMP's are required to be used that address the pollutants that the owner/operator knows will enter or is susceptible to enter the MS4. Such pollutants must be listed in the LTSMP.
- E. The City SWMP Administrator must inspect permanent structural BMP's at least once, or as necessary during installation of said BMP's.
- F. Inspection Process
  - a. Both the owner/operator and City must perform inspections on a monthly scheduled basis, and as needed. High risk sites may require inspection more frequently.

- b. The maintenance agreement must be kept current, particularly for the owner/operator of the site.
  - c. Spanish Fork City holds the right to conduct oversight inspection of any BMP's as frequently as the City determines necessary for each individual site.
  - d. Account for any transfers in leases and/or deeds.
  - e. The city holds the right to perform maintenance or correct neglected MTSMP items at the owner/operator's expense.
  - f. An annual maintenance and inspection report are required by the owner/operator. This must be documented no later than the end of January of each new year.
  - g. Access for City inspections at least once every 5 years, or more frequently, to ensure the owner/operator has been performing adequate maintenance and that BMP's are working.
- G. Non-Compliance. Sites that become non-compliant with their LTSMP will receive enforcement, violations and penalties as set forth in §13.16.110 and 13.16.120.

(Ord. No. 18-18, Replaced 09/18/2018)

**Chapter 13.20.      Telecommunications Utility**

- 13.20.010    **General**
- 13.20.020    **Utility Rules and Regulations**
- 13.20.030    **Damage to Property - Interruption of Service – Liability**
- 13.20.040    **Installations**
- 13.20.050    **Telecommunications Competition**

**13.20.010    General**

There is created a telecommunications utility known as Spanish Fork Community Network (SFCN), which shall be a division of the Information Systems Department. The telecommunications utility shall provide telecommunication services including but not limited to: internet services, cable television, telephony, data transmission, and other telecommunications related services to City residents. The telecommunications utility shall be responsible for the proper installation and maintenance of all City telecommunication facilities including but not limited to: poles, conduit, conductor, nodes, switches, junction boxes, and head end.

SFCN is hereby granted authority to construct, own, purchase, hire, lease, maintain, and operate all aspects of the telecommunications system within the City. SFCN may enter into operation, management, license, joint construction, or other agreements with cable television providers, internet service providers, local telephone exchange carriers, and/or other telecommunications companies in order to provide quality telecommunications services to its subscribers.

Residents of the City, where such services are available, may subscribe to such telecommunications services as may be offered by the City, or may elect to not subscribe for such services. Subscribers will be bound by the requirements of the subscription contract.

Fiber and/or electronic cabling and other equipment installed by or at the direction of SFCN for the distribution of telecommunications services shall be the property of the City.

This Chapter is enacted to promote the health, safety and welfare of the citizens of Spanish Fork City, by providing for the efficient, safe, affordable, and environmentally sound distribution of telecommunications.

**13.20.020    Utility Rules and Regulations**

Spanish Fork City has the right to go upon private property where it has easements, either formal or prescriptive, in order to trim trees and other vegetation to keep them from interfering with the telecommunications cabling. Tree and vegetation trimming does not have the purpose of being aesthetically pleasing, but will be for the purpose of

maintaining safe and reliable lines. The scope of any trimming will be at the sole discretion of SFCN, and will be based upon equipment and facilities present, and the type of trees or vegetation involved and their propensity for rapid growth. If a tree should need to be removed, the City will still advise and work with the property owners, but removal will ultimately be the responsibility of the owner, unless the tree or vegetation is in the public right-of-way. In such an event the City will decide and may proceed to remove a tree or vegetation. The City may top a tree if a property owner fails to timely remove it.

#### **13.20.030 Damage to Property - Interruption of Service – Liability**

All consumers of telecommunications services from SFCN shall be responsible for all damages to or loss of property belonging to the City located on such consumer's premises unless occasioned by cause beyond their control or by the negligence of the telecommunications utility. The telecommunications utility shall not be responsible for any interruption or failure to supply telecommunications services. Nothing in this Chapter shall be construed to relieve or lessen the responsibility of any person owning, operating or installing cabling, wires, fixtures, appliances, apparatus, construction, or equipment for damages to anyone injured or damaged either in person or to property by any defect therein.

#### **13.20.040 Installations**

All installations related to the telecommunications utility shall comply with all applicable codes adopted by the City and shall comply with all licensing and inspection ordinances now or hereafter adopted by the City, including the design and development standards.

#### **13.20.050 Telecommunications Competition**

The City promotes and encourages competition for voice, data, video, and video programming services that make the latest and best technology available and which keep service prices affordable for all City residents and businesses.

The City will manage access to the public easements and rights-of-way for telecommunications purposes in a nondiscriminatory, competitively neutral, and in a nonexclusive manner, and, to the extent allowed under applicable law, receive fair compensation therefore.

Telecommunications and video programming franchises and licenses will be managed to preserve the integrity of the City infrastructure, assure efficient use of City property, and ensure compliance with City ordinances, rules, and regulations. The following guidelines shall be in effect:

1. Minimal disruption of public and private property will be a priority;

2. Telecommunications and video programming franchises will be required to place their facilities underground in situations where existing utility services are underground and/or whenever existing overhead facilities go underground and/or whenever City policy so requires;
3. All construction and development standards of the City shall be followed.

Any franchise fees assessed against private businesses providing telecommunications services shall have a like cost assessed against the telecommunications utility.

Chapter 13.24. Wastewater Utility

- 13.24.010 Definitions
- 13.24.020 General
- 13.24.030 Disposal of Waste
- 13.24.040 Septic Tanks and the Private Disposal of Wastewater
- 13.24.050 Sump Pumps
- 13.24.060 Shared Sewer Laterals
- 13.24.070 Discharging into City Wastewater System
- 13.24.080 Hauled Wastes
- 13.24.090 Commercial Food Waste Grinders
- 13.24.100 Notification Requirements for Hazardous Waste
- 13.24.110 Industrial Discharges – Notice, Permitting and Regulations
- 13.24.120 Permits
- 13.24.130 Special Agreements and Contracts
- 13.24.140 Restricted Substances – Discharge Alternatives
- 13.24.150 Industrial Pretreatment
- 13.24.160 Industrial User Compliance Assurance
- 13.24.170 Tests, Sampling, Measurements, Analyses - Standards
- 13.24.180 Accidental Discharge Control Plan
- 13.24.190 Pretreatment Facilities
- 13.24.200 Confidential Information
- 13.24.210 Publication of Users in Significant Noncompliance
- 13.24.220 Violations
- 13.24.230 Treatment Bypasses

13.24.010 Definitions

For the purpose of this Chapter, the following terms, phrases, words and their derivations shall have the meanings given herein:

- A. Act or The Act. Shall mean the Federal Water Pollution Control Act also known as the Clean Water Act, as amended, 33 U.S.C. §1251 et seq. and any subsequent amendments thereto.
- B. Approval Authority. Shall mean the State of Utah, Department of Environmental Quality, Division of Water Quality or its successor agency.
- C. Authorized Representative.
  - 1. If the user is a corporation or limited liability company:
    - a. The president, secretary, treasurer, or a vice-president of the corporation, or the member or manager of the LLC, in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

- b. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulation; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
  2. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
  3. If the user is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the governmental facility, or their designee.
  4. The individuals described in paragraphs 1 through 3, above, may designate a Duly Authorized Representative if the authorization is submitted in writing to the Wastewater Division Manager, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company.
- D. Best Management Practices (BMPs). Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in §13.24.070. BMPs may also include, but are not limited to, treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
- E. Biochemical Oxygen Demand (BOD). Means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees centigrade, expressed in milligrams per liter.
- F. Building Drain. Means that part of the lowest horizontal piping of a drainage system which receives the discharge from waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.



- G. Building Sewer. Means the extension from the building drain to the public sewer or other place of disposal, also called house connection.
- H. Business Classification Code or BCC. Shall mean a classification of discharges based on the 1972 Standard Industrial Classification Manual as amended, Office of Management and Budget of the United States of America.
- I. Contamination. Shall mean an impairment of the quality of the waters of the state by waste to a degree which creates a hazard to the environment or public health through poisoning or through spread of disease, as described in Standard Methods.
- J. Control Authority. Spanish Fork City.
- K. Cooling Water. Shall mean water discharged from any use such as air conditioning, cooler, or refrigeration unit to which the only pollutant added is heat.
- L. Daily Maximum. The arithmetic average of all effluent samples for a pollutant collected during a calendar day.
- M. Daily Maximum Limit. The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.
- N. Direct Discharge. Shall mean the discharge of treated or untreated wastewater directly into the waters of the State of Utah.
- O. Discharger. Shall mean any person who discharges or causes the discharge of wastewater into a POTW system.
- P. Environmental Protection Agency (EPA). Shall mean the United States Environmental Protection Agency or, where appropriate, the term may also be used as designation for the administrator or other duly authorized official of said Agency.
- Q. Existing Source. Any source of discharge that is not a "New Source."
- R. Federal Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. §1317) that apply to a specific

category of users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

- S. Floatable Oil. Shall mean oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the treatment system.
- T. Food Waste. Means the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.
- U. Grab Sample. A sample that is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.
- V. Hazardous Waste. Hazardous Waste as defined in 40 CFR 261.3, which is incorporated herein and made a part hereof.
- W. Indirect Discharge. Shall mean the introduction of pollutants into a POTW from any non-domestic source regulated under §307(b), (c) or (d) of the Act. An indirect discharge is the introduction of pollutants into the POTW from any non-domestic source.
- X. Industrial Waste. Shall mean the wastewater from industrial processes, trades, or businesses as distinct from domestic or sanitary waste.
- Y. Industrial Waste Surcharge. A charge levied on industrial users of the sewage treatment works for the additional cost of treating waste discharges of an abnormal strength or characteristic. This charge includes capital as well as operating and maintenance costs.
- Z. Industrial Wastewater Discharge Permit. A permit to deposit or discharge industrial waste into any sanitary sewer under the jurisdiction of the City.
- AA. Interference. A discharge that, alone or in conjunction with a discharge or discharges from other sources, both:
1. Inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and
  2. Therefore, is a cause of a violation of Spanish Fork City's UPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: §405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State

regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

- BB. Instantaneous Limit. The maximum or minimum concentration (or load) of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete, grab or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.
- CC. Local Limit. Specific discharge limits developed to protect the POTW in accordance with 40 CFR 403.5 and enforced by Spanish Fork City upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in §13.24.070. The development documents are kept on file at the Wastewater Division office.
- DD. Monthly Average. The sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.
- EE. Monthly Average Limit. The highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.
- FF. National Prohibitive Discharge Standard or Prohibitive Discharge Standard. Any regulation developed under the authority of §307(b) of the Act or under 40 CFR 403.5.
- GG. Natural Outlet. Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
- HH. New Source.
1. Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under §307(c) of the Act that 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, should be considered.

2. Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of §(1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
  3. Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:
    - a. 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
    - b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.
- II. Pass Through. A discharge which exits the POTW into Waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of Spanish Fork City's UPDES permit, including an increase in the magnitude or duration of a violation.
- JJ. Person. Any individual, partnership, copartner ship, firm, company, corporation, limited liability company, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.
- KK. PH. Means a measure of the acidity or basicity of a solution, expressed in standard units.

- LL. Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
- MM. Pretreatment or Treatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to, or in lieu of, discharging or otherwise introducing such pollutants into the POTW. The reduction or alteration can be obtained by physical, chemical, or biological processes, or process changes by other means, except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard.
- NN. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard, imposed on an industrial user.
- OO. Pretreatment Standards. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with §307 (b) and (c) of the Act, which applies to Industrial users, which includes but is not limited to prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.
- PP. Prohibited Discharge Standards. Absolute prohibitions against the discharge of certain substances as identified in §13.24.070.
- QQ. Properly Shredded Food Waste. The waste from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/4 inch in any dimension.
- RR. Public Sewer. A common sewer controlled by a governmental agency or public utility.
- SS. Publicly Owned Treatment Works or POTW. A treatment works, as defined by §212 of the Act (33 U.S.C. §1292), which is owned by Spanish Fork 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. It also includes sewers, pipes and other conveyances if they convey wastewater to a POTW Treatment Plant. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works.

- TT. Receiving Water Quality Requirements. Requirements for the POTW treatment plant effluent established by the City or by applicable state or federal regulatory agencies for the protection of receiving water quality. Such requirements shall include effluent limitations and waste discharge standards, requirements, limitations, or prohibitions which may be established or adopted from time to time by state or federal laws or regulatory agencies.
- UU. Sanitary Sewer. A pipe or conduit system and appurtenances for the collection, transportation, pumping, and treatment of sewage.
- VV. Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).
- WW. Sewer. A pipe or conduit that carries wastewater or drainage water.
- XX. Significant Industrial User. Except as provided in paragraphs (3) of this Section, a Significant Industrial User is:
1. An Industrial User subject to categorical pretreatment standards; or
  2. An industrial user that:
    - a. Discharges an average of twenty five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); or
    - b. Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
    - c. Is designated as such by Spanish Fork City on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.
  3. Upon a finding that a User meeting the criteria of an Industrial User has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, Spanish Fork City may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.
- YY. Slug Load or Slug Discharge. Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in §13.24.070. A slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions.
- ZZ. Standard Methods. The procedures described in the latest edition of Standard Methods for the Examination of Water and Wastewater as published by the

American Public Health Association, the American Waterworks Association, and the Water Pollution Control Federation.

- AAA. Standard Industrial Classification. A classification pursuant to the 1972 Standard Industrial Classification Manual as amended, Office of Management and Budget of the United States of America.
- BBB. Storm Sewer. A sewer that carries only storm, surface, and groundwater drainage.
- CCC. Stormwater. Any flow occurring during or following any form of natural precipitation and resulting therefrom.
- DDD. Suspended Solid. The total suspended matter that floats on the surface of or is suspended in water, wastewater, or other liquids, and which is removable by laboratory filtering in accordance with procedures set forth in Standard Methods.
- EEE. Toxic Pollutants. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of EPA under §307(a) of the Act or which may be listed in any schedule formulated by the Wastewater Division Manager and approved by the City Council.
- FFF. Unpolluted Water. Water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewer and wastewater treatment facilities provided.
- GGG. User or Industrial User. Shall mean a source of indirect discharge.
- HHH. Utah Pollution Discharge Elimination System (UPDES Permit). A permit issued pursuant to §402 of the Act by the State of Utah.
- III. Wastewater. The liquid and water carrying industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any infiltrating groundwater, surface water, and stormwater that may be present, whether treated or untreated, which enters the POTW.
- JJJ. Wastewater Division Manager. The manager of the City wastewater collection system and treatment plant. Except as otherwise provided herein, the Wastewater Division Manager shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon Wastewater Division Manager may be delegated by the Wastewater Division Manager to a duly authorized City employee.

- KKK. Wastewater Facilities. The structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.
- LLL. Wastewater Treatment Plant or Treatment Plant (WWTP). That portion of the POTW which is designed to provide treatment of municipal sewage and compatible industrial waste.
- MMM. Wastewater Treatment Works. An arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes this term is used as synonymous with waste treatment plant or wastewater treatment plant or water pollution control plant.
- NNN. Watercourse. A natural or artificial channel for the passage of water, either continuously or intermittently.
- OOO. Waters of the State. All streams, lakes, ponds, marshes, water-courses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through, or border upon this state or any portion thereof. Bodies of water confined to and retained within the limits of private property, and which do not develop into or constitute a nuisance, or a public health hazard, or a menace to fish and wildlife, shall not be considered to be "waters of the state" under this definition.

#### **13.24.020 General**

There is created a wastewater utility known as Spanish Fork Wastewater, which shall be a division of the Public Works Department. The wastewater utility shall provide wastewater collection and treatment for the City. It shall be responsible for the proper installation and maintenance of all wastewater facilities including, but not limited to: piping, manholes, siphons, lift stations, and treatment facilities.

- A. This Chapter is enacted to promote the health, safety and welfare of the citizens of Spanish Fork City, by providing for the efficient, safe, and environmentally sound collection, treatment, and release of wastewater. This Chapter sets forth uniform requirements for Users of the Publicly Owned Treatment Works for Spanish Fork City and enables Spanish Fork City to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code [U.S.C.] §1251 et seq.) and the General Pretreatment Regulations (Title 40 of the Code of Federal Regulations (CFR) Part 403) and the Utah Administrative Code R317-8-8. The objectives of this ordinance are:
1. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation or contaminate the resulting sludge;



2. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or the atmosphere, or otherwise be incompatible with the Publicly Owned Treatment Works;
  3. To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
  4. To promote reuse and recycling of wastewater and sludge from the Publicly Owned Treatment Works;
  5. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and
  6. To enable Spanish Fork City to comply with its Utah Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.
- B. This Chapter shall apply to all Users of the Publicly Owned Treatment Works. This Chapter authorizes the issuance of individual wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires User reporting.
- C. Rates. All users of the wastewater system shall pay a monthly base rate and a usage rate. The City may, under normal circumstances, make adjustments as needed to ensure equitable service charges.
- D. Mandatory Connection to Public Sanitary Sewer. The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the City, is required, at the owner's expense, to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Chapter, within sixty days after date of official notice to do so, provided, that said public sewer is within three hundred (300) feet of the property line.

#### 13.24.030 Disposal of Waste

- A. Excrement, Food Waste and Objectionable Wastes. 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, Food Waste, or other objectionable waste.
- B. Disposal to Natural Outlets. It is unlawful to discharge to any natural outlet within the City, or in any area under the jurisdiction of the City, any sewage or other

polluted waters, except where suitable treatment has been provided in accordance with the provisions of this Chapter and all State and Federal laws.

#### **13.24.040 Septic Tanks and the Private Disposal of Wastewater**

Except as provided in this Chapter, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater. Where a public sanitary sewer is not available under the provisions of this Chapter, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this Chapter, if approved by the City Engineer.

- A. Permit. Before commencement of construction of a septic tank or any other private wastewater disposal system, the owner(s) shall first obtain a building permit, which will be approved by the City Engineer.
- B. Inspection. A permit for a septic tank or any other private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the City Engineer. The City shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the City when the work is ready for final inspection, and before any underground portions are covered.
- C. State Regulations. The type, capacities, location, and layout of a septic tank or any other private wastewater disposal system shall comply with all recommendations of the Department of Public Health and the Department of Water Quality of the State of Utah. A permit from the Utah County Health Department is required prior to filing an application with the City. A permit from the Utah Department of Water Quality may need to be obtained if required.
- D. Lot Size. No permit shall be issued for a septic tank or any other private wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than five (5) acres.
- E. Outlets. Septic tanks or any other private wastewater disposal systems shall not be permitted to discharge to any natural outlet.
- F. Maintenance. The owner(s) of septic tanks or any other private wastewater disposal facilities shall operate and maintain the facilities in a sanitary manner at all times, at no expense to the City.

#### **13.24.050 Sump Pumps**

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any indoor building drain is

too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

#### **13.24.060 Shared Sewer Laterals**

A separate and independent building sewer lateral shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer service, but the City does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection as designated in this section.

#### **13.24.070 Discharging into City Wastewater System**

- A. Unpolluted Non-sanitary Sewage Water. No person(s) shall discharge or cause to be discharged any unpolluted waters such as stormwater, surface water, groundwater, subsurface drainage, or cooling water directly or indirectly to the City wastewater system. Types of these discharges not allowed include but are not limited to: roof downspouts, foundation drains, land drains, parking lot drains, and areaway drains.
- B. Polluted Non-sanitary Sewage Water. Polluted non-sanitary sewage water may only be discharged into the City wastewater system when authorized by the Wastewater Division Manager.
- C. General Prohibited Discharges. 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 and specific prohibitions (listed in §13.24.070D) apply to all Users of the POTW whether or not they are subject to categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.
- D. Specific Prohibitions. No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
  1. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21;
  2. Pollutants which will cause corrosive structural damage to the POTW, but in no case Discharges with pH lower than 5.0, unless the works is specifically designed to accommodate such Discharges;
  3. Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with a pH of more than 10.0.
  4. Solid or viscous pollutants in amounts which will cause obstruction of the flow in the POTW resulting in Interference;
  5. Solids shall not be discharged that are greater than 1/4 inch;

6. Any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW;
  7. Heat in amounts which will inhibit biological activity in the POTW resulting in Interference, but in no case heat in such quantities that the temperature at the POTW Treatment Plant exceeds 40 °C (104 °F) unless the Approval Authority, upon request of the POTW, approves alternate temperature limits;
  8. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through;
  9. 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;
  10. Any trucked or hauled pollutants, except at discharge points designated by the POTW. See §13.24.080.
  11. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
  12. 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;
  13. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
  14. Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, Noncontact Cooling Water, and unpolluted wastewater, unless specifically authorized by the Wastewater Division Manager;
  15. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
  16. Medical Wastes, except as specifically authorized by the Wastewater Division Manager in an individual wastewater discharge permit;
  17. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test;
  18. Detergents, surface active agents, or other substances which that might cause excessive foaming in the POTW;
- E. 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.

**13.24.080**    Hauled Wastes

Septic tank waste may be introduced into the POTW only at locations designated by the Wastewater Division Manager, and at such times as are established by the Wastewater Division Manager. Such waste shall not violate §13.24.070 of this Chapter or any other requirements established by the City. The Wastewater Division Manager may require septic tank waste haulers to obtain individual wastewater discharge permits.

Only wastes from residential sewage disposal systems (i.e.: septic tank waste, cesspool waste) may be discharged into the public sewer system by waste haulers.

Any wastes, including septic wastes removed by a hauler from nonresidential, industrial, or commercial customers are specifically prohibited, and may not be discharged.

#### **13.24.090 Commercial Food Waste Grinders**

Mechanically operated grinders or disposals for producing ground food waste are permitted in commercial establishments, provided all grinder installations be approved in writing by the Wastewater Division Manager prior to their use. Each such grinder and disposer shall meet the following standards:

- A. It shall use a wet process pulping system, including a pulper and a dewatering press, or other devices, which discharge at least 75% of the volume of pulp or solid wastes run through it into a garbage can or other container for transport to a proper and lawful solid waste disposal site.
- B. It shall utilize a closed loop or other design which provides for a minimum of 85% use of recirculated water.
- C. The fluid discharged therefrom into the sewer shall flow readily through an approved trap or interceptor, drain line, or soil line in a manner which prevents clogging or stoppage of the drain line.
- D. The entire installation shall comply in all particulars with the applicable provision of state and local plumbing and electrical codes.
- E. The grinder or disposal will be operated with only cold water flowing into the grinder while connected to the POTW sewer.

#### **13.24.100 Notification Requirements for Hazardous Waste**

- A. Any User who commences the discharge of hazardous waste shall notify the Wastewater Division Manager, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR 261. Such notification must include the name of the

hazardous waste as set forth in 40 CFR 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the Industrial User discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the Industrial User:

1. An identification of the hazardous constituents contained in the wastes;
  2. An estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month; and
  3. An estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve months.
- B. All notifications must take place within 180 days after the discharge of the listed or characteristic hazardous waste. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under §13.24.110(L). The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of §13.24.160(B).
- C. Dischargers are exempt from the requirements of paragraph A, above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the User discharges more than such quantities of any hazardous waste do not require additional notification.
- D. In the case of any new regulations under §3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify the Wastewater Division Manager, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- E. In the case of any notification made under this Section, the 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.
- F. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable Federal or State law.

**13.24.110 Industrial Discharges - Notice, Permitting and Regulations**

- A. Industrial User Application Questionnaire. No person shall discharge, or cause to be discharged, any commercial or industrial wastewaters directly or indirectly, or make a connection to the sewage system or facilities owned by the City without first submitting a Notification of Intent and a Discharge Industrial Wastewater Questionnaire to the Wastewater Division Manager ninety (90) days prior to discharge. Those industries deemed significant by the Wastewater Division Manager, and so notified, shall obtain a discharge permit prior to discharging as required by ordinance. The ninety (90) day prior notice may be waived by the Wastewater Division Manager, upon request and good cause. All permittees that will be continuing to discharge are required to complete and application ninety (90) days prior to the permit expiring.

The Application shall include the following information:

1. Identifying Information.
  - a. The name and address of the facility, including the name of the operator and owner.
  - b. Contact information for the authorized representative and duly authorized representative for the facility.
  - c. The description of activities, facilities, and plant production processes on the premises.
2. Environmental Permits. A list of any environmental permits held by or for the facility.
3. Description of Operations.
  - a. A brief description of the nature, average rate of productions (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation carried out by such user. The description should include a schematic process diagram, which indicated points of discharge to the POTW from the regulated processes.
  - b. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW.
  - c. Number and type of employees, hours of operations, and proposed or actual hours of operation.
  - d. Type and amount of raw materials processed (average and maximum per day)
  - e. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.
4. Time and durations of discharges.
5. The location for monitoring all wastes covered by the permit.
6. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other

streams, as necessary, to allow the use of the combined waste stream formula as set out in §13.24.110(G).

7. Measurement of Pollutants.
    - a. The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for existing sources.
    - b. The results of sampling and analysis identifying the nature and concentrations, and/or mass, where required by the Standard or by the Wastewater Division Manager, of regulated pollutants in the discharge from each regulated process.
    - c. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required shall be reported.
    - d. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in section 13.24.170. Where the Standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the Wastewater Division Manager or the applicable Standards to determine compliance.
    - e. Sampling must be performed in accordance with procedures set out in §13.24.170.
  8. Any requests for a monitoring waiver for a pollutant neither present or expected to be present in the discharge based on §13.24.160(C).
  9. Any other information as may be deemed necessary by the Wastewater Division Manager.
- B. Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.
- C. Based on information provided by the permittee in §13.24.110(A), the City will within 30 days determine if additional information is needed, a permit is not necessary, or if a permit will be required to be issued before the Industrial User discharge is allowed to the POTW.
- D. Should any of the information requested or supplied be considered by the User to be of a confidential nature, the User should request confidential status in accordance with §13.24.200 of this Ordinance. Information regarding sampling and analysis of the discharge is not considered confidential information.
- E. Baseline Monitoring Reports
1. Within either one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the Wastewater Division



Manager a Baseline Monitoring Report which contains the information listed in section 2, below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable categorical standard, shall submit to the Wastewater Division Manager a Baseline Monitoring Report which contains the information listed in section 2, below. A New Source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

2. The Baseline Monitoring Report shall include the following information:
  - a. All information required in §§13.24.110(A)(1), 13.24.110(A)(2), 13.24.110(A)(3), and 13.24.110(A)(6).
  - b. Measurement of pollutants.
    1. All information required in §13.24.110(A)(7);
    2. The user shall take a minimum of one representative sample to compile the data necessary to comply with the requirements of this paragraph;
    3. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment, the user should measure the flows and concentrations necessary to allow the use of the combined waste stream formula in 40CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;
    4. Sampling and analysis shall be performed in accordance with §13.24.170;
    5. The Wastewater Division Manager may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatments measures; and
    6. The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW;
  - c. Compliance Certification. A statement, reviewed by the users Authorized Representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and

- maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and requirements.
- d. Compliance Schedule. If additional pretreatment and/or O&M will be required for the user to meet the Pretreatment Standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this section must meet the requirements outlined in §13.24.110(C).
  - e. Signature and Report Certification. All baseline monitoring reports must be certified in accordance with §13.24.120(G) of this ordinance and signed by an Authorized Representative.
- F. Compliance Schedule and Progress Reports. The following conditions shall apply to the compliance schedule required by §13.24.110(E)(2)(d):
1. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable Pretreatment Standards. Such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation;
  2. No increment referred to above shall exceed nine (9) months;
  3. The user shall submit a progress report to the Wastewater Division Manager no later than fourteen (14) days following each date in the schedule and final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and if appropriate, the steps being taken by the user to return to the established schedule; and
  4. In no event shall more than nine (9) months elapse between such progress reports to the Wastewater Division Manager.
- G. Federal Categorical Pretreatment Standards. Federal Categorical Pretreatment Standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged to a POTW by existing or new industrial users in specific industrial subcategories have been established by EPA in 40 CFR Chapter I, Subchapter N, Parts 405-471 and are hereby incorporated. Users subject to categorical standards shall comply with these standards.

When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the Wastewater Division Manager shall impose an alternate limit in accordance with 40 CFR 403.6(e).

- H. State Requirements. Users must comply with Utah State Pretreatment Standards codified in Rule R-317-8-8.
- I. Local Limits. The Wastewater Division Manager is authorized to establish Local Limits pursuant to 40 CFR 403.5(c).

Local limits apply at the point where the wastewater is discharged to the POTW. All loading for metallic substances are for total metal unless indicated otherwise. The development documents for local limits are kept at the Wastewater Division office and can be reviewed if requested.

The Wastewater Division Manager may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits, to implement local limits and the requirements of §13.24.070.

No Significant Industrial User or other designated non-SIU shall discharge wastewater containing pollutants in excess of the specific local limits as established by the City as needed. The local limits are developed and implemented per the requirements of 40 CFR 403.

The following pollutant limits are established to protect against pass through and interference. Allocations of constituents listed below will be distributed on a case by case basis. Oil and grease shall be limited to a maximum daily concentration of 100 mg/l.

Constituent	Maximum Allocatable Industrial Load
Arsenic	0.68 lb/day
Cadmium	0.07 lb/day
Total Chromium	27.48 lb/day
Chromium III	26.3 lb/day
Chromium IV	1.18 lb/day
Copper	1.15 lb/day
Lead	1.18 lb/day
Mercury	0.0005 lb/day
Molybdenum	0.94 lb/day

Nickel	4.77 lb/day
Selenium	0.19 lb/day
Silver	1.71 lb/day
Zinc	12.93 lb/day
Cyanide	0.29 lb/day
Phenol	3.34 lb/day
BOD <sub>5</sub>	2,400 lb/day
TSS	2,030 lb/day

Local requirements and limitations on discharge shall apply in any case where such requirements and limitations are more stringent than Federal or State requirements and limitations and have been approved.

- J. Spanish Fork City Right of Revision. Spanish Fork City reserves the right to establish, by ordinance or individual wastewater discharge permits, more stringent standards or requirements on discharges to the POTW consistent with the purpose of this Chapter. In addition, the Wastewater Division Manager is authorized to temporarily or permanently revoke or suspend issuance of any type of permit at any time in order to protect the POTW from Pass Through or Interference in order to maintain compliance with any UPDES permit requirement or pretreatment program requirement. The Wastewater Division Manager shall also have the right to deny new or increased contributions or to set additional conditions on such contributions to protect the POTW, including limits that may be more stringent than the approved local limits.
- K. Reports of Potential Problems. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a non-customary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately notify either in person or via a phone conversation with the Wastewater Division Manager of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.

A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in the paragraph above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.

Significant Industrial Users are required to notify the Wastewater Division Manager immediately of any changes at its facility affecting the potential for a Slug Discharge.

In addition to the above, users are required, within five (5) days following a discharge in violation of this ordinance, Federal Categorical Pretreatment Standards, State or City regulations, to submit to the Wastewater Division Manager a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent 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 persons 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 law.

- L. Reports of Changed Conditions. Users must notify the Wastewater Division Manager of any significant changes to the user's operations or systems which might alter the nature, quality, or volume of its wastewater at least 90 days before the change, including changes that may affect slug discharges to the POTW.

The Wastewater Division Manager may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of an Industrial User Application Questionnaire under §13.24.110. The Wastewater Division Manager may issue an individual wastewater discharge permit or modify an existing wastewater discharge permits in response to the changed conditions.

The Wastewater Division Manager may approve, deny or conditionally approve the change based on the affects the change may have on the POTW and/or the pretreatment program.

- M. Treatment Upset Notification.

1. For the purposes of this Section, upset means an exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
2. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical Pretreatment Standards if the requirements of paragraph 3, below, are met.

3. A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - a. An upset occurred and 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 Wastewater Division Manager within twenty-four (24) hours of becoming aware of the upset [if this information is provided orally, a written submission must be provided within five (5) days]:
    1. A description of the indirect discharge and cause of noncompliance;
    2. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
    3. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
    4. In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.
    5. Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical Pretreatment Standards.
    6. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails

N. Wastewater Concentration Fees. Any user whose concentration of Biological Oxygen Demand (BOD) and/or Total Suspended Solids (TSS) exceeds an average of 200 mg/l BOD and/or 250 mg/l TSS per month shall be assessed a surcharge, in addition to the monthly sewer charge as set in the annual budget adopted by the City Council. The City shall take one sample per month for testing, the results of which test shall establish that month's surcharge billing. The user may request additional testing for fluctuating or abnormal conditions.

#### 13.24.120 Permits

- A. Permit Requirement. No Significant Industrial User shall discharge wastewater into the POTW without first completing a baseline monitoring report and obtaining a wastewater discharge permit as outlined in §13.24.110, except that a Significant

Industrial User that has filed a timely application pursuant to Section B below may continue to discharge for the time period specified therein.

The Wastewater Division Manager may require other users to obtain individual wastewater discharge permits as necessary to carry out the purposes of this chapter.

Any violation of the terms and conditions of an individual wastewater discharge permit shall be deemed a violation of this Chapter and subjects the wastewater discharge permittee to the sanctions outlined in §13.24.220. Obtaining an individual wastewater 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.

- B. Conditions. An individual wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Wastewater Division Manager to prevent Pass Through or Interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.
1. Individual wastewater discharge permits must contain:
    - a. A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;
    - b. A statement that the wastewater discharge permit is nontransferable without prior notification to the Wastewater Division Manager in accordance with §13.24.120(D) of this Chapter, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
    - c. Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;
    - d. Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.
    - e. The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the Discharge in accordance with §13.24.160(C).
    - f. A statement of applicable administrative, civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
    - g. Requirements to control Slug Discharge, if determined by the Wastewater Division Manager to be necessary.

- h. Requirements to report immediately to the Wastewater Division Manager any slug discharge or any changes at its facility affecting potential for a slug discharge.
  - i. Any grant of the monitoring waiver by the Wastewater Division Manager must be included as a condition in the User's permit, see §13.24.160(C) for additional requirements
  - j. Requirements to notify the Wastewater Division Manager of changes to the industrial users discharge (30) day prior to the change. The Wastewater Division Manager may deny or conditional approve the change prior to the user making the change at the facility that may impact the discharge at the facility to the POTW.
2. Individual wastewater discharge permits may contain, but need not be limited to, the following conditions:
- a. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
  - b. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the POTW;
  - c. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
  - d. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
  - e. The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;
  - f. Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
  - g. A statement that compliance with the individual wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the individual wastewater discharge permit; and
  - h. Other conditions as deemed appropriate by the Wastewater Division Manager to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.;
- C. Duration. Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period of less than 5 years or may be stated to expire on a specified date at the discretion of the Wastewater Division Manager. Each individual wastewater discharge permit will indicate a specific date upon



which it will expire. The user shall apply for permit reissuance a minimum of ninety (90) days prior to the expiration of the user's existing permit.

- D. Transfer. Individual wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least ninety (90) days advance notice to the Wastewater Division Manager and the Wastewater Division Manager approves the individual wastewater discharge permit transfer. The notice to the Wastewater Division Manager must include a written certification by the new owner or operator which:
1. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
  2. Identifies the specific date on which the transfer is to occur;
  3. Acknowledges full responsibility for complying with the existing individual wastewater discharge permit;
  4. The conditions of the permit will not change.

Failure to provide advance notice of a transfer renders the individual wastewater discharge permit void as of the date of facility transfer.

- E. Modifications. The Wastewater Division Manager may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:
1. To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
  2. To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;
  3. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
  4. Information indicating that the permitted discharge poses a threat to Spanish Fork City's POTW, City personnel, the treatment of sludge, or the receiving waters;
  5. Violation of any terms or conditions of the individual wastewater discharge permit;
  6. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
  7. Revision of or a grant of variance from categorical Pretreatment Standards pursuant to 40 CFR 403.13;
  8. To correct typographical or other errors in the individual wastewater discharge permit; or
  9. To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with §13.24.120(D).

- F. Revocation. The Wastewater Division Manager may revoke an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:
1. Failure to notify the Wastewater Division Manager of significant changes to the wastewater prior to the changed discharge;
  2. Failure to provide prior notification to the Wastewater Division Manager of changed conditions pursuant to §13.24.110(L) of this ordinance;
  3. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
  4. Falsifying self-monitoring reports
  5. Falsifying certification statements;
  6. Tampering with monitoring equipment;
  7. Refusing to allow the Wastewater Division Manager timely access to the facility premises and/or records;
  8. Failure to meet effluent limitations;
  9. Failure to pay fines;
  10. Failure to pay sewer charges;
  11. Failure to meet compliance schedules;
  12. Failure to complete a wastewater survey or the wastewater discharge permit application or reapplication;
  13. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
  14. Violation of any Pretreatment Standard or Requirement, or any terms of the wastewater discharge permit or this ordinance.

Individual wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All individual wastewater discharge permits issued to a User are void upon the issuance of a new individual wastewater discharge permit to that User.

- G. Certification Statements. The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with §13.24.110(A); Users submitting baseline monitoring reports under §13.24.110(E); Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under §13.24.110(E); Users submitting periodic compliance reports required by §13.24.160(B), and Users submitting an initial request to forego sampling of a pollutant on the basis of §13.24.160(C). The following certification statement must be signed by an Authorized Representative as defined in §13.24.010(C):

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information

submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and/or imprisonment for knowing violations.

- H. Certification of Pollutants Not Present. Users that have an approved monitoring waiver based on §13.24.160(C) must certify on each report with the following statement that there has been no increase in the pollutant in its waste stream due to activities of the User:

Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR \_\_\_\_\_ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of \_\_\_\_\_ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under §13.24.160(B)

#### **13.24.130 Special Agreements and Contracts**

Nothing in this Chapter shall be construed as prohibiting special written agreements between the City and any other person allowing industrial waste or wastewater of unusual strength or character to be admitted to the POTW, provided said person compensates the City for any additional costs of treatment. A special agreement made pursuant to this section shall not, in any manner, waive any Pretreatment Standard.

#### **13.24.140 Restricted Substances - Discharge Alternatives**

If any waters or wastes are discharged, or are proposed to be discharged to the public sewer, which waters contain the substances or possess the characteristics enumerated in this Chapter, and which, in the judgment of the Wastewater Division Manager, may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Wastewater Division Manager may:

1. Reject the waters or wastes;
2. Require pretreatment to an acceptable condition for discharge to the public sewers;
3. Require control over the quantities and rates of discharge; and/or
4. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of this Title.

When considering the alternatives designated in this Chapter, the Wastewater Division Manager shall give consideration to the economic impact of each alternative on the discharger. If the Wastewater Division Manager permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Wastewater Division Manager. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under the provisions of this Chapter.

**13.24.150 Industrial Pretreatment**

- A. Flow-Equalizing Facilities. The Wastewater Division Manager may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow control facility to ensure equalization of flow. An individual wastewater discharge permit may be issued solely for flow equalization.
- B. Dilution. No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with the discharge limitation unless expressly authorized by an applicable Pretreatment Standard or requirement. The Wastewater Division Manager may impose mass limitations on users who are using dilution to meet applicable Pretreatment Standards, or in other cases where the imposition of mass limitations is appropriate.
- C. Meters. When required by the Wastewater Division Manager, the owner(s) of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structures, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Wastewater Division Manager. The structure shall be installed by the owner at owner's expense and shall be maintained by owner so as to be safe and accessible at all times.
- D. Separate Systems. The Wastewater Division Manager may require the use of separate systems to handle sanitary and commercial or industrial wastewater for sampling purposes, or such that in the event that the user's wastewater is or could cause an interference or a potential interference with the POTW, that the discharge could be separated, preventing discharge to the POTW and still allow the user's sanitary wastewater to discharge to the POTW.
- E. Grease, Oil and Sand Interceptors. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Wastewater Division Manager, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the Wastewater Division Manager and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captivated material and shall maintain records of the dates and means of disposal which are subject to review by the Wastewater Division Manager. Any removal and hauling of the collected materials not performed by owner(s) or his/her/their personnel must be performed by currently licensed waste disposal firms.

- F. Flammable Substances. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.
- G. Sampling Manholes. Sampling manholes shall be located in an area to allow for ease of cleaning, sampling, and inspection by the User and the City. If located in a parking area parking shall not be allowed on the sampling manhole.

#### **13.24.160 Industrial User Compliance Assurance**

The Wastewater Division Manager may require a user of industrial sewer services to provide information needed to determine compliance with this Chapter. The required information may include:

1. Wastewater discharge peak rate and volume over a specific time period;
2. Chemical analyses of wastewaters;
3. Information on raw materials, processes, and products affecting wastewater volume and quality;
4. Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control;
5. A plot plan of sewers on the user's property showing sewer and pretreatment facility location;
6. Details of wastewater pretreatment facilities;
7. Details of systems to prevent and control the losses of materials through spills to the POTW.

Such information may be obtained by reports, site visits, questionnaires, permit applications, monitoring programs and the copying of user records.

- A. Final Compliance Report. Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to the Wastewater Division Manager a report containing the information described in §§13.24.110(A)(6), 13.24.110(A)(7), and 13.24.110(E)(2)(b) of this Chapter. For Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with §13.24.120(G) of this ordinance. All sampling will be done in conformance with §13.24.170.
- B. Periodic Compliance Reports. All permitted Significant Industrial Users must, at a frequency determined by the Wastewater Division Manager submit no less than twice per year (June and December) reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the

measured or estimated average and maximum daily flows for the reporting period.

In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Wastewater Division Manager or the Pretreatment Standard necessary to determine the compliance status of the User.

All reports, applications, and/or submissions required by this Chapter shall be signed and certified, as outlined in §13.24.120(G), by the permittee or an authorized representative of the user.

- C. The Wastewater Division Manager may authorize an industrial user subject to a Categorical Pretreatment Standard to forego sampling of a pollutant regulated by a Categorical Pretreatment Standard if the user has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge or is present only at background levels from intake water and without any increase in the pollutant due to activities of the industrial user. This authorization is subject to the following conditions:
1. The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable Categorical Pretreatment Standard and otherwise includes no process wastewater.
  2. The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than five years. The user must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit. See §§13.24.110 and 13.24.120(A)(8).
  3. In making a demonstration that a pollutant is not present, the industrial user must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.
  4. The request for a monitoring waiver must be signed by the Authorized Representative and include the certification statement referred to in §13.24.120(G).
  5. Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.
  6. Any grant of the monitoring waiver by the Wastewater Division Manager must be included as a condition of the user's permit. The reasons supporting the waiver and any information submitted by the user in its request for the waiver must be maintained by the Wastewater Division Manager for three years after the expiration of the waiver.
  7. Upon approval of the monitoring waiver and revision of the user's permit by the Wastewater Division Manager, the industrial user must certify on each

report with the statement in §13.24.120(H) that there has been no increase in the pollutant in its wastewater due to activities of the industrial user.

8. In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the User's operations, the User must immediately: Comply with the monitoring requirements of §13.24.160(B), or other more frequent monitoring requirements imposed by the Wastewater Division Manager and notify the Wastewater Division Manager.
  9. This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard.
- D. The City may reduce the requirement for periodic compliance reports, based on Paragraph B above, to a requirement to report no less frequently than once a year, unless required more frequently in the Pretreatment Standard or by the Approval Authority, where the Industrial User's total categorical wastewater flow does not exceed any of the following:
1. Six hundred (600) gallons per day;
  2. 0.9 pounds of biochemical oxygen demand per day; and
  3. 0.01 percent of the maximum allowable headworks loading for any pollutant listed in the Spanish Fork City WRF Pretreatment Program Local Limit Development Document.

Reduced reporting is not available to Industrial Users that have in the last two years been in Significant Noncompliance, as defined in this Chapter. In addition, reduced reporting is not available to an Industrial User with daily flow rates, production levels, or pollutant levels that vary so significantly that, in the opinion of the Wastewater Division Manager, decreasing the reporting requirement for this Industrial User would result in data that are not representative of conditions occurring during the reporting period.

- E. Monitoring Facilities. All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge..
- F. Right of Entry. The Wastewater Division Manager or designee shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this Chapter and any individual wastewater discharge permit or order issued hereunder. Users shall allow the Wastewater Division Manager ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and/or the performance of any additional duties.

Monitoring and inspections shall be conducted at a frequency as determined by the City and may be announced or unannounced.

1. Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Wastewater Division Manager shall be permitted to enter without delay for the purposes of performing specific responsibilities.
  2. The Wastewater Division Manager shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.
  3. The Wastewater Division Manager may require the User to install monitoring equipment, as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated per manufacturers recommendations to ensure their accuracy.
  4. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the Wastewater Division Manager and shall not be replaced. The costs of clearing such access shall be borne by the User.
  5. Unreasonable delays in allowing the Wastewater Division Manager access to the User's premises shall be a violation of this ordinance.
  6. The City may use a camera to photograph areas of the facility as necessary for carrying out the duties of the pretreatment inspection including, but not limited to, documentation of the User's compliance status and for reinforcement of written reports. The User shall be allowed to review copies of the photographs for confidentiality claims.
  7. Fees associated with analysis of samples taken for purposes of compliance monitoring shall be billed to and paid by the User.
- G. Search Warrants. If the Wastewater Division Manager 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 and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this Chapter or any permit or order issued hereunder, or to protect the overall public health, safety, and welfare of the community, the Wastewater Division Manager may seek issuance of a search warrant as authorized by law.
- H. Notice of Violation/Repeat Sampling and Reporting. If sampling performed by a User indicates a violation, the User must notify the Wastewater Division Manager within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis



to the Wastewater Division Manager within thirty (30) days after becoming aware of the violation. Resampling by the Industrial User is not required if the City performs sampling at the User's facility at least once a month, or if the City performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the City receives the results of this sampling, or if the City has performed the sampling and analysis in lieu of the Industrial User.

- I. Failure to Permit Inspection. In the event a duly authorized officer or agent of the City is refused admission for any purpose, the Wastewater Division Manager may cause sewer service to the premises in question to be discontinued until the City's agents have been afforded reasonable access to the premises and sewer system to accomplish the inspection or sampling.
- J. Recordkeeping. Users subject to the reporting requirements of this Chapter shall retain, and make available for inspection and copying:
  1. All records of information obtained pursuant to any monitoring activities required by this Chapter,
  2. Any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and
  3. Documentation associated with Best Management Practices established in §13.24.110(I).

Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses.

These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the User or the City, or where the User has been specifically notified of a longer retention period by the Wastewater Division Manager.

#### **13.24.170 Tests, Sampling, Measurements, Analyses – Standards**

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application, report, permit or other requirement by this Chapter shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Wastewater Division Manager or other parties approved by EPA.

All laboratory samples collected for this ordinance shall be analysis by a laboratory that is either certified by the Utah Bureau of Laboratory Improvements or approved by the Wastewater Division Manager.

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

- A. Except as indicated in subparagraphs B and C below, the User must collect wastewater samples using 24-hour flow proportional composite sampling techniques, unless time proportional composite sampling or grab sampling is authorized by the Wastewater Division Manager. Where time proportional composite sampling or grab sampling is authorized by the City, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the City, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.
- B. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- C. For sampling required in support of baseline monitoring and 90 day compliance reports required in §§13.24.110(E) and 13.24.160(B), a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Wastewater division Manager may authorize a lower minimum. For the reports required by paragraphs in §13.24.160, the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

#### **13.24.180 Accidental Discharge Control Plan**

The Wastewater Division Manager shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control Slug Discharges. The Wastewater Division Manager will evaluate a SIU for a slug discharge control plan within the first year of determining that an IU is a SIU. If the Wastewater Division Manager determines that the SIU does not require a slug discharge control plan, then the SIU will be evaluated every two years, thereafter, for the need to develop a slug discharge control plan. The Wastewater Division Manager may require any User to

develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. Users shall submit an Accidental Discharge Control Plan within ninety (90) days after notification by the Wastewater Division Manager. The control plan shall contain, at a minimum, the following elements:

- A. Description of discharge practices, including non-routine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying the Wastewater Division Manager of any accidental or Slug Discharge, as required by §13.24.110(K);
- 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.

Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's cost and expense. Review and approval of such plans and operating procedures shall not relieve the user from the responsibility to modify the user's facility as necessary to meet the requirements of this Chapter.

#### **13.24.190 Pretreatment Facilities**

Users shall provide wastewater treatment as necessary to comply with this Chapter and shall achieve compliance with all categorical Federal Categorical Pretreatment Standards, Local Limits, and the prohibitions set out in §13.24.070 within the time limitations specified by EPA, the State, or the Wastewater Division Manager, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Wastewater Division Manager for review, and shall be acceptable to the Wastewater Division Manager before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under the provisions of this Chapter.

#### **13.24.200 Confidential Information**

Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge permits, and monitoring programs, and from the Wastewater Division Manager's inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the Wastewater Division Manager, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be

made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

#### **13.24.210 Publication of Users in Significant Noncompliance**

The City shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates subparagraphs 3, 4 or 8 of this Section) and shall mean:

1. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all measurements for the same pollutant parameter during a six-month period exceed (by any magnitude) a numeric pretreatment standard, including instantaneous limits;
2. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);
3. Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the City determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
4. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or to the environment, or has resulted in the POTW's exercise of its emergency authority to halt or prevent such discharge;
5. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
6. Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, periodic compliance reports, and reports on compliance with compliance schedules.
7. Failure to accurately report noncompliance; or
8. Any other violation(s), which may include a violation of Best Management Practices, which the Wastewater Division Manager determines will adversely affect the operation or implementation of the local pretreatment program.

#### **13.24.220 Violations**

- A. Notification of Violation. When the Wastewater Division Manager finds that a User has violated, or continues to violate, any provision of this Chapter, an

individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Wastewater Division Manager may serve upon that User a written Notice of Violation. Within ten (10) days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the Wastewater Division Manager. Submission of such a 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 Wastewater Division Manager to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

- B. Consent Order. The Wastewater Division Manager may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to subparagraphs D and E below and shall be judicially enforceable.
- C. Show Cause Hearing. The Wastewater Division Manager may order a User which has violated, or continues to violate, any provision of this Chapter, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the Wastewater Division Manager and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any Authorized Representative of the User as defined in §13.24.010(C) and required by §13.24.120(F). A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.
- D. Compliance Order. When the Wastewater Division Manager finds that a User has violated, or continues to violate, any provision of this Chapter, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Wastewater Division Manager may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may 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 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.

- E. Cease and Desist Orders. When the Wastewater Division Manager finds that a User has violated, or continues to violate, any provision of this Chapter, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the Wastewater Division Manager may issue an order to the User directing it to cease and desist all such violations and directing the User to:
1. Immediately comply with all requirements; and
  2. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.
- F. Administrative Fines.
1. When the Wastewater Division Manager finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Wastewater Division Manager may fine such User in an amount not to exceed one thousand dollars (\$1,000) per violation. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.
  2. Unpaid charges, fines, and penalties shall, after 30 calendar days, be assessed an additional penalty of five percent (5%) of the unpaid balance, and interest shall accrue thereafter at a rate of five percent (5%) per month. A lien against the User's property shall be sought for unpaid charges, fines, and penalties.
  3. Users desiring to dispute such fines must file a written request for the Wastewater Division Manager to reconsider the fine along with full payment of the fine amount within ten (10) days of being notified of the fine. Where a request has merit, the Wastewater Division Manager may convene a hearing on the matter. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. The Wastewater Division Manager may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
  4. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

- G. Emergency Suspensions. The Wastewater Division Manager may immediately suspend a User's discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The Manager may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.
1. Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Wastewater Division Manager may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Wastewater Division Manager may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Wastewater Division Manager that the period of endangerment has passed, unless the termination proceedings in paragraph H below initiated against the User.
  2. A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Wastewater Division Manager prior to the date of any show cause or termination hearing under §13.24.220(C) and (H).

Nothing in this Section shall be interpreted as requiring a hearing prior to any Emergency Suspension of a permit and/or discharge to the POTW.

- H. Termination of Permit. Any User who violates the following conditions, provisions of this Chapter, a Wastewater Discharge Permit, order, or any applicable federal, State, and/or City regulation is subject to permit termination:
1. Violation of individual wastewater discharge permit conditions;
  2. Failure to accurately report the wastewater constituents and characteristics of its discharge;
  3. Failure to report significant changes in operations or wastewater constituents and characteristics of its discharge;
  4. Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or
  5. Violation of the Pretreatment Standards in §13.24.070.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under §13.24.220(C) why the proposed action should not be taken. Exercise of this option by the Wastewater Division

Manager shall not be a bar to, or a prerequisite for, taking any other action against the User.

I. Appeal Procedure.

1. Any person, including the User, may petition the Wastewater Division Manager to reconsider the terms of an individual wastewater discharge permit within ten (10) days of notice of its issuance.
2. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
3. In its petition, the appealing party must indicate the individual wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the individual wastewater discharge permit.
4. The effectiveness of the individual wastewater discharge permit shall not be stayed pending the appeal.
5. If the Wastewater Division Manager fails to act within ten (10) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider an individual wastewater discharge permit, not to issue an individual wastewater discharge permit, or not to modify an individual wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.
6. If the decision of the Wastewater Division Manager is unsatisfactory to the User appealing, he/she may file a written appeal to the City Council within ten (10) days after receipt of the decision. The City Council must schedule a date to hear the appeal within forty-five (45) days from the receipt of the notice of appeal. A decision on the appeal shall be made within 21 days of the hearing. The decision, action, or determination of the Wastewater Division Manager shall remain in effect during such appeal period. The decision of the City Council shall be binding on all entities and the User until and unless ruled otherwise by an appropriate court.

J. Judicial Remedies. If any person discharges sewage, industrial wastes, or other wastes into the wastewater disposal system contrary to the provisions of this Chapter, any order, or permit issued hereunder, the City, may commence an action for appropriate legal and/or equitable relief in any court of competent jurisdiction within Utah County.

K. Injunctive Relief. When the Wastewater Division Manager finds that a User has violated, or continues to violate, any provision of this Chapter, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Wastewater Division Manager may petition the Court through the City Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual wastewater discharge permit, order, or other requirement imposed by this Chapter on activities of the User. The Wastewater



Division Manager may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

L. Civil Penalties.

1. A User who has violated, or continues to violate, any provision of this Chapter, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to the City for a maximum civil penalty of \$1,000 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
2. The Wastewater Division Manager may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.
3. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the 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.

M. Criminal Prosecution.

1. A User who willfully or negligently violates any provision of this Chapter, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a Class B misdemeanor, punishable by a fine of not more than \$1,000 per violation, per day, and/or imprisonment for not more than one (1) year, or both.
2. A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of Class B misdemeanor and be subject to a penalty of \$1,000, and/or be subject to imprisonment for not more than one (1) year, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.
3. A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this Chapter, individual wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Chapter shall, upon conviction, be punished by a

fine of not more than \$1,000 per violation, per day, and/or imprisonment for not more than one (1) year, or both.

- N. Remedies Nonexclusive. The remedies provided for in this Chapter are not exclusive. The Wastewater Division Manager may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the Wastewater Division Manager is empowered to take more than one enforcement action against any noncompliant user.

### 13.24.230 Treatment Bypasses

- A. For the purposes of this Section,
1. Bypass means the intentional diversion of waste streams from any portion of a User's treatment facility.
  2. Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- B. A User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of subparagraphs C and D of this section.
- C. Bypass Notifications.
1. If a User knows in advance of the need for a bypass, it shall submit prior notice to the Wastewater Division Manager, at least ten (10) days before the date of the bypass, if possible.
  2. A User shall submit oral notice to the Wastewater Division Manager of an unanticipated bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of the time the User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Wastewater Division Manager may waive the written report on a case by case basis if the oral report has been received within twenty-four (24) hours.
- D. Bypass.
1. Bypass is prohibited, and the Wastewater Division Manager may take an enforcement action against a User for a bypass, unless
    - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

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

The Wastewater Division Manager may approve an anticipated bypass, after considering its adverse effects, if [the Wastewater Division Manager determines that it will meet the three conditions listed in this subparagraph D.

*(Ordinance 23-18, Repealed & Reenacted 12/11/2018)*

Chapter 13.28. Water Utility

- 13.28.010 Definitions
- 13.28.020 General
- 13.28.030 Water Transfer
- 13.28.040 Backflow Prevention
- 13.28.050 Source Protection

13.28.010 Definitions

For the purpose of this Chapter, the following terms, phrases, words and their derivations shall have the meanings given herein:

- A. Pollution Source. Means point source discharges of contaminants to ground water or potential discharges of the liquid forms of extremely hazardous substances which are stored in containers in excess of applicable threshold planning quantities as specified in SARA Title III (SARA Title III is the Emergency Planning and Community Right-To-Know section of the Superfund Amendments and Reauthorization Act). Examples of possible pollution sources include, but are not limited to, the following: storage facilities that store the liquid forms of extremely hazardous substances, septic tanks, drain fields, class V underground injection wells, landfills, open dumps, land filling of sludge and seepage, manure piles, salt piles, pit privies, and animal feeding operations with more than ten animal units. The following clarify the definition of pollution source:
  - 1. Animal Feeding Operation means a lot or facility where the following conditions are met: animals have been or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12 month period, and crops, vegetation forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility. Two or more animal feeding operations under common ownership are considered to be a single feeding operation if they adjoin each other, if they use a common area, or if they use a common system for the disposal of wastes.
  - 2. Animal Unit means a unit of measurement for any animal feeding operation calculated by adding the following numbers; the number of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighing over 55 pounds multiplied by 0.4, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0.
  - 3. Extremely Hazardous Substances means those substances which are identified in the SARA Title III Section 302.

- B. Potential Contamination Source. Means any facility or site which employs an activity or procedure which may potentially contaminate ground water. A pollution source is also referred to as a PCS.
- C. Regulatory Agency. Means any governmental agency with jurisdiction over hazardous waste as defined herein.
- D. Sanitary Landfill. Means a disposal site where solid wastes, including putrescible wastes, or hazardous wastes, are disposed of on land by placing earth cover thereon.
- E. Septic Tank/Drain-Field Systems. Means a system which is comprised of a septic tank and a drain-field which accepts domestic wastewater from buildings or facilities for subsurface treatment and disposal. By their design, septic tank/drain-field system discharges do not have controls to prevent discharges to the ground water.
- F. Wellhead. Means the upper terminal of a well, including adapters, ports, seals, valves, and other attachments.

#### 13.28.020 General

This Chapter creates a water utility known as Spanish Fork Water, which shall be a division of the Public Works Department. The water utility shall provide drinking water and pressurized irrigation water to the City. The water utility shall be responsible for the proper installation and maintenance of all drinking water and pressurized irrigation water facilities throughout the City, including but not limited to: pipes, valves, services up to and including the meters, reservoirs, pump houses, springs, and wells.

This Chapter is enacted to promote the health, safety, and welfare of the residents of Spanish Fork City, by providing for the efficient, safe, and environmentally sound collection, treatment, and distribution of drinking water and pressurized irrigation water.

The purpose of this Chapter also is to insure the provision of a safe and sanitary drinking water supply for the City by the establishment of drinking water source protection zones surrounding the wellheads and spring collection systems for all wells and springs which are the supply source for the City drinking water system and by the designation and regulation of property uses and conditions which may be maintained within such zones.

- A. Rates. All users of the drinking water system shall pay a monthly base rate and a usage rate. All users of the pressurized irrigation system shall pay a monthly base rate and a usage rate. The City may, under normal circumstances, make adjustments to ensure equitable service charges.

- B. Mandatory Connection to Public Sanitary Sewer. At such time as the drinking water system becomes available to a property, located within the City, which is served by a private well, a direct connection shall be made to the drinking water system within sixty (60) days in compliance with this Chapter. The drinking water system shall be deemed available when the water mains are within three hundred (300) feet of a building serviced by a private well.
- C. Waste. No water user may waste water or allow water to be wasted by imperfect stops, taps, valves, leaky joints or pipes, to allow tanks or watering troughs to leak or overflow, to wastefully run water from hydrants, faucets or stops, through basins, toilets, urinals, sinks or other apparatus, sprinklers or anything related to a sprinkler system.
- D. Scarcity. In time of scarcity of water, as determined by the Mayor and the City Council, the Mayor shall, by proclamation, limit the use of water to such extent as may be necessary to protect the health and safety of the residents of the City. It is an infraction for any person by themselves, or by family members, servants or agents, to violate any proclamation made by the Mayor pursuant to this section.
- E. Heavy Outlet or Sprinkler Use. It is unlawful for any Person to use such number of outlets or sprinklers simultaneously as will, in the opinion of the City Engineer, materially affect the pressure or supply of water in the municipal drinking water or pressurized irrigation systems.
- The City Engineer shall, after a determination that such improper use exists, notify the affected water user or the owner of the premises whereon such use occurs, of such determination, in writing, and order such use discontinued and advise the user that such continued usage constitutes a violation of this Chapter which shall be punishable as set forth in this Chapter.
- F. Propulsion and Generation. No City water shall be used for the purpose of driving any motor, siphon, turbine or other wheels, or hydraulic engines, or elevators, or for driving or propelling machinery of any kind whatsoever, unless authorized by the City Engineer.

### **13.28.030 Water Transfer**

Any Person desiring a connection to the City water system shall transfer to the City, or reimburse the City for, the quantity of water rights as determined and established by Spanish Fork Municipal Code §15.4.16.080.

Water dedicated to the City will be valued by the volume the water right supplies the City in an 80% precipitation year. The City Engineer shall determine whether a water right is acceptable for dedication, for any water that is not described as acceptable in the resolution adopted under §15.4.16.080.

Land being developed which has Strawberry Water attached to it just prior to development, shall have that water dedicated to the City while attached to the land before development. Excess dedicated water than that required for development may be sold to the City or transferred to other land.

(Ord. No. 10-18, Amended 05/01/2018)

### **13.28.040 Backflow Prevention**

It shall be unlawful, at any location supplied with water from the City drinking water distribution system, to do any of the following:

1. To install or use any physical connection or arrangement of piping or fixtures which may allow any fluid or substance not suitable for human consumption to come in contact with water in the City drinking water distribution system;
2. To install any connection arrangement, or fixtures, without using a backflow prevention device or assembly designed to prevent any fluid or other substance to come in contact with water in the City drinking water distribution system. Any such device or assembly must be approved for installation by the City Engineer, with respect to each application;
3. To install any backflow prevention device or assembly as required by the version of the International Plumbing Code in effect of the time of installation.

A. Right of Entry. Employees of the City shall have the right to enter any place which is plumbed with water from the City drinking water distribution system to conduct a hazard survey or any other examination or test reasonably necessary for the enforcement of this section.

B. Responsibility for Cost. Any user of drinking water installing a backflow prevention device or assembly shall pay all costs for installation and testing.

C. Testing. Backflow prevention devices or assemblies required by this section shall be tested at least once a year by a technician certified by the Utah State Bureau of Drinking Water Committee. Test results shall be furnished to the Public Works Department of the City and the Utah State Bureau of Drinking Water and Sanitation.

D. Violation. Drinking water service may be discontinued to any user who is found in violation of this section and who fails to take corrective action within ten days after violation notification, except that drinking water service may be discontinued immediately if a threat to the water supply exists. Any person who violates the provisions of this section shall be civilly liable to Spanish Fork City, or to third persons suffering damage, for all damages proximately caused by said violation.

E. Pressurized Irrigation Cross Connection. Pressurized irrigation water is not treated and is not to be used for any drinking water purpose, but is for outdoor watering use only. No cross connections with the drinking water system shall be allowed without backflow prevention. In addition to any criminal penalty, such person shall also be

subject to termination of drinking and pressurized irrigation water service from the City and shall be responsible for the costs of disinfecting the City's drinking water system, together with all other costs incurred by the City as a result of the cross connection.

### **13.28.050 Source Protection**

The policies and procedures for administration of any source protection zone established under this Chapter, including without limitation those applicable to nonconforming uses, exceptions, enforcement, and penalties, shall be the same as provided in the existing zoning ordinance as the same may from time to time be amended.

- A. Source Protection Zones. There is hereby established use districts to be known as zones one, two, three, and four of the drinking water source protection area; identified and described in the City's drinking water source protection plans and as follows:
1. Zone one is the area within a 100-foot radius from a wellhead.
  2. Zone two is the area within a 250-day ground-water time of travel to a wellhead, the boundary of the aquifer(s) which supplies water to the ground-water source, or the ground-water divide, whichever is closer.
  3. Zone three (waiver criteria zone) is the area within a three year ground-water time of travel to a wellhead or margin of the collection area, the boundary of the aquifer(s) which supplies water to the ground-water source, or the ground-water divide, whichever is closer.
  4. Zone four is the area within a 15-year ground-water time of travel to a wellhead, the boundary of the aquifer(s) which supplies water to the ground-water source, or the ground-water divide, whichever is closer.
- B. Permitted Uses in Source Protection Zones. The following uses shall be permitted within drinking water source protection zones.
1. Any use permitted within existing agricultural, single family residential, multi-family residential, and commercial districts so long as uses conform to the rules and regulations of the regulatory agencies having jurisdiction.
  2. Any other open land use where any building located on the property is incidental and accessory to the primary open land use.
- C. Unpermitted Uses in Source Protection Zones. The following uses or conditions shall be and are hereby prohibited within drinking water source protection zones, whether or not such use or condition may otherwise be ordinarily included as a part of a permitted use.
1. Zone one: the location of any uncontrolled PCS as defined herein.
  2. Zone two: the location of a pollution source unless its contaminated discharges have a control which prevents discharges to the ground water.



3. Zones three and four: the location of a PCS unless it can be controlled through land management strategies including zoning and non-zoning controls which include, but are not limited to, the following: zoning and subdivision ordinances, site plan reviews, design and operating standards, source prohibitions, purchase of property and development rights, public education programs, ground-water monitoring, household hazardous waste collection programs, water conservation programs, memoranda of understanding, written contract and agreements, and so forth.