# SALT LAKE CITY TRANSMITTAL

**To:**
Salt Lake City Council Chair

**Submission Date:**
04/17/2025

**Date Sent to Council:**
04/21/2025

From:

**Department** *
Public Utilities

**Employee Name:**
Briefer, Laura

**E-mail**
Laura.Briefer@slc.gov

**Department Director Signature**
Laura Briefer

**Chief Administrator Officer's Signature**
Jill Love

**Director Signed Date**
04/17/2025

**Chief Administrator Officer's Signed Date**
04/21/2025

**Subject:**
Ordinance Updates to Title 17 to Comply with Rate Study and Regulatory Requirements

**New transmittal or Revision**
- ○ New transmittal
- ◉ Revision

**Revision Updates:**
Adding clean and legislative ordinance changes with signed attorney form approved.

**Additional Staff Contact:**
Lisa Tarufelli, Public Utilities Finance Administrator: lisa.tarufelli@slc.gov
Jamey West, Public Utilities Water Reclamation Facility Administrator: jamey.west@slc.gov

**Presenters/Staff Table**
Laura Briefer, laura.briefer@slc.gov
Lisa Tarufelli, lisa.tarufelli@slc.gov
Jamey West, jamey.west@slc.gov
Terry Price, terrence.price@slc.gov

**Document Type**
Ordinance

**Budget Impact?**
- ○ Yes
- ◉ No

**Recommendation:**
Recommendation to adopt proposed Title 17 ordinance updates to comply with the City's updated water, sewer, and stormwater rate structures, and to comply with regulatory requirements.

**Background/Discussion**
Salt Lake City Department of Public Utilities is requesting ordinance updates to align with recommendations identified in the 2024 Water, Wastewater, and Stormwater Rate Study (Rate Study). These changes amend Title 17 of Salt Lake City's ordinance and will need to be enacted upon adoption of the Fiscal Year 2025-2026 Consolidated Fee Schedule and the SLCDPU Fiscal Year 2025-2026 Budget. The Council received a copy of the Rate Study via a separate transmittal and was briefed regarding the Rate Study on January 7, 2025. The Council was briefed regarding the SLCDPU FY 2025-2026 Budget on April 15, 2025.

As part of this transmittal, SLCDPU is additionally requesting changes to Title 17 that are required by the Utah Department of Environmental Quality, Division of Water Quality (DWQ) in the 2023 SLCDPU Pretreatment Program Legal Authority Audit. These changes are not related to

the Rate Study or FY 2025-2026 Budget, but are a regulatory requirement from the DWQ, in their enforcement role of the City's Pretreatment Program.

**Will there need to be a public hearing for this item?** *

- (•) Yes
- ( ) No

**Public Process**

The City has included an extensive public process associated with the development of its updated Rate Study, the implementation of new rates and updated rate structures, and its Fiscal Year 2025-2026 Budget.

This page has intentionally been left blank

Enclosure 1

# PRETREATMENT AUDIT REPORT

# SALT LAKE CITY

**Prepared by:**

**Utah Division of Water Quality**
**Pretreatment Program**
**195 North 1950 West**
**PO Box 144870**
**Salt Lake City, Utah 84114**

## TABLE OF CONTENTS



Acronyms/Abbreviations

| | |
|---|---|
| Program | Approved POTW Pretreatment Program[i, ii] |
| $BOD_5$ | Biochemical Oxygen Demand for five days |
| CA | Control Authority |
| CFR | Code of Federal Regulations |
| CIU | Categorical Industrial User |
| CN | Cyanide |
| CROMERR | Cross-media electronic reporting rule |
| DMR | Discharge Monitoring Report |
| DWQ | Utah Division of Water Quality |
| ECHO | Enforcement and Compliance History Online |
| ELG | Effluent limit guideline |
| EPA | Environmental Protection Agency |
| ERP | Enforcement Response Plan |
| FTE | Full-time employee |
| FOG | Fats, oils and grease |
| FOGS | Fats, oils, grease and sand |
| IU | Industrial User |
| IUFRF | Industrial User File Review Form |
| IWS | Industrial Waste Survey |
| MAHL | Maximum Allowable Headworks Loading |
| MGD | Million Gallons a Day |
| MS4 | Municipal Separate Storm Sewer System |
| netDMR | The web-based system for the submittal of DMRs |
| NOV | Notice of Violation |
| PCI | Pretreatment Compliance Inspection |
| POTW | Publicly Owned Treatment Works |
| SIU | Significant Industrial User |
| SMP | Solvent Management Plan |
| SNC | Significant Noncompliance |
| SWPPP | Stormwater Pollution Prevention Plan |
| TDS | Total Dissolved Solids |
| TOMP | Toxic Organic Management Plan |
| TSS | Total Suspended Solids |
| TTOs | Total Toxic Organics |
| UPDES | Utah Pollution Discharge Elimination System |
| UST | Underground Storage Tank |
| WRF | Water Reclamation Facility |

**PRETREATMENT AUDIT**
**SALT LAKE CITY**

**IF AN EXTENSION IS NEEDED FOR ANY RECOMMENDATION STATED IN THE REPORT, A VERBAL OR EMAIL REQUEST SHOULD BE PROVIDED BY THE CA WITHIN 5 DAYS OF RECEIVING THIS REPORT TO DWQ. FOR A RECOMMENDATION THAT HAS A TIME FRAME OF MORE THAN 45 DAYS, A WRITTEN JUSTIFICATION FOR THE EXTENSION SHOULD BE PROVIDED WITHIN 15 DAYS OF RECEIVING THIS REPORT. FOR TIME FRAMES LESS THAN 45 DAYS, A WRITTEN JUSTIFICATION FOR AN EXTENSION SHOULD BE PROVIDED WITHIN 5 DAYS. WRITTEN APPROVAL FOR AN EXTENSION WILL BE PROVIDED BY DWQ IF GRANTED. EXTENSION REQUESTS SHOULD BE SUBMITTED TO THE DWQ PRETREATMENT COORDINATOR.**

**Information submitted for this report can be emailed if the document is a draft or to request an extension. Any final changes to the Program should be submitted per 40 CFR 403.18[iii] and mailed to DWQ.**

**ALL RECOMMENDATIONS SHOULD BE ADDRESSED AS SOON AS POSSIBLE. RECOMMENDATIONS SHOULD BE IMPLEMENTED BY THE CA IN ALL APPLICABLE AREAS OF THE PRETREATMENT PROGRAM. IF A RECOMMENDATION IS FOR A SPECIFIC PERMITTEE, THE RECOMMENDATION SHOULD BE ADDRESSED AND IMPLEMENTED IN ALL APPLICABLE AREAS OF THE PRETREATMENT PROGRAM. IF A RECOMMENDATION IS NOT COMPLETED OR IMPLEMENTED IN ALL APPLICABLE AREAS OF THE PRETREATMENT PROGRAM, FURTHER ACTION BY DWQ MAY OCCUR, INCLUDING ENFORCEMENT.**

**Sections 2 and 3 of the report are information based on the Statement of Basis/Fact Sheet for the UPDES Permit, the UPDES Permit issued to the CA, the Program, the information provided by the CA in the Pretreatment Annual Reports, or information stated by the CA during the inspection.**

**Section 4 of the report summarizes the information from the file review. The industrial user file review form (IUFRF) is used to gather the information for the file review. The information in the IUFRF assists in determining compliance with the pretreatment regulations for the files reviewed as part of the audit or PCI. Data from the file review is generally reviewed for the last twelve to twenty-four months. Guidance states, in the Control Authority Pretreatment Audit Checklist and Instructions from February 2010, "the auditor should review a representative number of SIU files." Therefore, files were selected based on the compliance history or when DWQ last reviewed the file.**

**Information in Sections 5.1, 6.1, 7.1, 8.1 and 9.1 is based on the Program implemented by the CA or information gathered during the inspection. The recommendations in Sections 2, 3 and 5 through 9 are based on the information found in Section 4 or information collected based on the Program, the information provided by the CA in the Pretreatment Annual**

**Reports, the file reviews or inspections at the SIUs. The Program developed and implemented by the CA, EPA Guidance and the Code of Federal Regulations were utilized to determine if a time frame should be provided for the CA to complete or submit the recommendation to DWQ.**

**Sections 10 and 11 are summary sections. Section 10 summarizes the documents reviewed for the report and received documentation from the permittee.**

**Section 11 summarizes some of the recommendations stated in this report. It is recommended that the table in Section 11 be used to document when information is provided to DWQ. Although some information may not need to be sent to DWQ, the CA should implement the recommendations, which state a time frame for completing the recommendation. The CA should review the report thoroughly to ensure all recommendations are addressed, as some may not be included in Section 11. DWQ may follow up on all recommendations in the report. Documentation should be submitted to DWQ for any pretreatment documents that are changed due to the recommendations (e.g., forms, inspection reports, permits, etc.) modified as a result of this report; the documents should be submitted per 40 CFR 403.18[iii].**

**Time frames for completing recommendations are stated as the days following receiving the report. This is interpreted as calendar days, including the weekend. If the time frame ends on the weekend or a state of Utah observed holiday, the recommendation should be submitted to DWQ on the next working day. Receipt of this report is either when the documents for the report are signed for by the CA if sent via the US Postal Service or when the email is sent from the DWQ to the CA.**

**A request for an extension beyond what is stated above should be made in writing with justification to DWQ at least 30 days before the due date indicated in the report. Failure to request an extension or complete a recommendation within the time frame stated for completing the recommendation could result in further action by DWQ.**

**The recommendations should be reviewed and modified based on the recommendation if SLC determines they are necessary. If a recommendation is not implemented, it is recommended that justification be documented as to why it was not implemented. The documentation does not need to be submitted to DWQ unless stated in the recommendation. If a modification or notification is required, it should occur within a year of receiving this report unless another time frame for completing the recommendation is stated.**

**PRETREATMENT AUDIT**
**REPORT**

## 1. INTRODUCTION

The Utah Division of Water Quality (DWQ) conducted a pretreatment audit of the Approved POTW Pretreatment Program (Program)[i, ii] implemented by Salt Lake City (SLC). The audit began on 26 July 2023 at 08:15 until 09:30 on 2 August 2023. The participants in the audit included:

| | |
|---|---|
| Terrence Price | Regulatory Compliance Manager<br>Salt Lake City |
| Lindsay Cowles | Pretreatment Program Coordinator<br>Salt Lake City |
| Kelly Curtin | Senior Permit Writer<br>Salt Lake City |
| Austin White | Senior Permit Writer<br>Salt Lake City |
| Conner Hansen | Permit Writer/Inspector<br>Salt Lake City |
| Mahonou Gaunou | Sampler/Inspector<br>Salt Lake City |
| Chad Stratton | FOG Program Manager<br>Salt Lake City |
| Dallin Stettler | FOG Sampler<br>Salt Lake City |
| Jennifer Robinson | Pretreatment Program Coordinator<br>Division of Water Quality |
| Jennifer Berjikian | Environmental Scientist<br>Division of Water Quality |

The purpose of the audit was to evaluate the Program. The audit consisted of discussions with the SLC Pretreatment Personnel, the examination of pretreatment records, and a closeout discussion. A file review and inspection were completed at: Fisher Brewery Company LLC, Actavis Laboratories, American Diamond Tool, Blackrock Microsystems, Cintas, Dominion Energy – Questar Gas Company, Graphic Ink Company, High West Holdings LLC, Meadow Gold Dairies, Passey & Son Jewelry LLC, Sportsman's Warehouse, Star Foundry and Machine, SLCDA – Deicing Fluid Reclamation Plant, Sweet Candy Company, Varex Imaging Corp and Welfare Square Cannery.

Information for this report was gathered from the following: the Program implemented by SLC, the UPDES Permit issued to SLC by DWQ, discussions, information regarding the SIU inspections and file reviews, EPA Guidance, categorical standards listed in 40 CFR and 40

CFR 403. A review of the following occurred: legal authority[iv], the procedures[v], the enforcement response plan[vi], the industrial waste survey[vii], the resources and funding,[viii] and the SLC Local Limit[ix] Development Document. Additional information regarding the review and discussions regarding these components of the SLC Program are provided in this report.

## 2. POTW INFORMATION, UPDES PERMIT and PERMIT REQUIREMENTS

### 2.1. POTW Basic Information

SLC owns, operates, and maintains the SLC Water Reclamation Facility (WRF) and the collection system. The POTW treats wastewater from residential, commercial, and Industrial Users within the city limits of Salt Lake City. The WRF is located at 1365 West 2300 North in Salt Lake City, Utah. The pretreatment personnel, offices, and files are located near the WRF at 2020 North Redwood Road in Salt Lake City, which is also the mailing address for the Program.

The City is modifying the WRF. The modification is due to more stringent effluent standards in the UPDES Permit. The modification is to a biological nutrient removal system (BNR).

### 2.2. Water Reclamation Facility (WRF) Information

The WRF has a design capacity of 56.0 MGD. It is a trickling filter system with chlorine disinfection. The Oil Drain Canal is the receiving stream for the effluent. The WRF was not inspected as part of the audit.

### 2.3. UPDES Permit Information

DWQ has issued an UPDES Permit to SLC, permit number UT0021725. The UPDES Permit became effective on 1 January 2021 and will expire on 31 December 2024.

Provisions for the Program are included in Part II of the UPDES Permit. This includes requirements for implementing the Program per 40 CFR 403 and R317-8-8. SLC must provide information to DWQ regarding Industrial Users discharging to the POTW, providing any modification to the Program to DWQ per 40 CFR 403.18[iii], monitoring the influent and effluent for the priority pollutants, providing the annual report yearly by March 28th and reviewing and updating Local Limits, as needed. The permit also allows DWQ to take action to ensure enforcement of the Program is occurring.

#### 2.3.1. POTW Compliance Information

Since the last pretreatment inspection and before the audit, no violations of the UPDES effluent limits have occurred. A WET test failure occurred for a chronic WET test in January 2020. Although, the permit requires chronic WET testing as an indicator only; therefore, the failure was not a violation of the UPDES Permit. This was also noted in the 2020 PCI Report.

### 2.3.2. Sampling, UPDES Part II H

The UPDES Permit requires influent and effluent samples to be analyzed every other month/six times yearly for metals and cyanide and twice yearly for toxic organics. Analysis for the metals listed in the permit must meet the sampling requirements stated in Part II H of the UPDES Permit.

DWQ reviewed the metals and cyanide data in Part II H of the permit for compliance with the permit, utilizing the EPA Enforcement and Compliance History Online (ECHO) website. The following link is to the ECHO data:

https://echo.epa.gov/effluent-charts#UT0021725

Based on the data review, SLC is sampling per the requirements of Part II H.

### 2.3.3. Reporting Requirements

Salt Lake City must report loads greater than the maximum allowable headworks loading (MAHL) for pollutants listed in Part II H. SLC has not reported information regarding this criterion in the permit to DWQ.

The permit requires SLC to submit an annual report yearly. The SLC submitted the pretreatment annual report for 2023 per the requirement of Part II C.

## 2.4. Recommendation

**Documentation regarding whether SLC implements the recommendation should be available to DWQ for review during future inspections. If SLC does not implement the recommendation, outreach may occur regarding the need to implement the recommendation.**

If the analysis for a pollutant of concern is non-detect, it is recommended that if a method with a lower detection is available, the lower detection method be utilized. This will assist with developing local limits; see EPA Local Limit Guidance (LLG) Section 4.6 for additional information on this topic.

It is recommended that the most sensitive method be used to analyze the parameters for which Local Limits have been developed. This ensures that data for Local Limit development is based on analysis from the POTW rather than literature values. Based on the data review in ECHO, this seems to be occurring for most of the parameters. However, this is not occurring for mercury. Since a local limit has been developed for mercury, it is recommended that a method with a lower detection limit be utilized to ensure that the data for the development of the limit is based on data from the SLC WRF rather than literature values. As stated in the EPA LLG page 9-5:

…the most accurate and technically defensible limits are the result of using site-specific data, rather than "generic" removal efficiency data derived from average, national-level treatment works "literature" data.

## 3. PRETREATMENT PROGRAM and OPERATING PROCEDURES

### 3.1. Pretreatment Program General Information

EPA approved the Program in 1982. Modifications and changes have been made to the Program and submitted to DWQ. However, discussions have occurred regarding modifications to Program documents, which have been modified due to wording. Some of these may not have been submitted to DWQ. However, if the modification was not submitted, this was communicated to DWQ, and DWQ agreed that the wording was similar; therefore, it did not need to be submitted per 40 CFR 403.18 (d)[iii].

### 3.2. Legal Authority [iv]

The legal authority was reviewed as part of the audit. The review checklist for the legal authority is attached to this report.

The legal authority has been updated to include the requirements for streamlining. DWQ last approved the legal authority for the SLC Program on 30 March 2022. The public comment period for the legal authority occurred from 30 January 2022 until 10 March 2022. During the public comment period, no comments were received, and no changes occurred of the legal authority; therefore, an additional public notice did not occur.

The legal authority has some optional provisions from 40 CFR 403 per the modifications that occurred in October 2005. The following optional streamlining provisions are incorporated into the legal authority:

- Equivalent mass limits, EPA Fact Sheet 3.0,
- Equivalent concentration based limits, EPA Fact Sheet 4.0,
- Equivalent limitations for average and maximum equivalent limitation;
- Non-Significant Categorical Industrial User, EPA Fact Sheet 5.0;
- Middle tier CIU, EPA Fact Sheet 5.0;
- Pollutants not present, EPA Fact Sheet 6.0; and
- BMPs[x] as Local Limits, EPA Fact Sheet 7.0.

Also included in the SLC Rules and Regulations are the following provisions:

- Determining that an SIU that does not violate a Pretreatment Standard[xi] is an IU;
- Affirmative Defense for general prohibitions;
- Affirmative Defense for Upset[xii]; and
- Affirmative Defense for Bypass[xiii].

SLC must ensure that the abovementioned provisions are appropriately implemented per the requirements of the SLC Ordinance, 40 CFR 403 and R317-8-8. Also, per 40 CFR 403.8 (f)(2)[v], procedures must be developed to ensure the conditions are consistently implemented.

### 3.3. Procedures [v]

DWQ reviewed some of the SLC procedures for implementing the Program. Sections related to the information based on the review of the SLC Standard Operating Instructions (SOI) for the Program may cover additional comments, information, and recommendations.

SLC must ensure updated procedures are submitted to DWQ per 40 CFR 403.18[iii]. However, as stated in the SLC SOI PT-PER-01, grammar corrections may not need to be submitted.

### 3.4. Funding and Resources [viii]

The budget for the Program has increased from $1,191,621.99 in 2023, an increase of about 9% from the previous budget year. SLC has not increased the staffing of the Program. Currently, nine members of the SLC staff administer the Program.

Adequate equipment seems to be provided to the pretreatment personnel to complete the requirements of the SLC Program. Technical documents are also available to implement the program.

Pretreatment personnel stay informed about current and developing regulations by attending workshops and receiving information from the EPA, the Water Environment Association of Utah (WEAU) and the Region 8 Pretreatment Association (R8PA).

Based on the budget and staffing, SLC appears to be providing adequate resources to the Program. DWQ will continue to review the resources during future audits.

### 3.5. Local Limits [ix]

SLC has developed Local Limits, which DWQ approved on 19 September 2017. A technical evaluation of the Local Limits occurred per the permit requirements. Based on the review of the documents submitted to DWQ on 26 May 2021, it was determined that the Local Limits were protective, and a revision was not necessary at that time. The UPDES Permit will be renewed soon; a new technical review must be submitted per the permit requirements.

### 3.6. Recommendations

**Documentation regarding whether SLC implements the recommendation should be available to DWQ for review during future inspections. If SLC does not implement**

**the recommendation, outreach may occur regarding the need to implement the recommendation.**

**If a recommendation in this section results in a change to the SLC Program, it should be submitted to the DWQ Pretreatment Coordinator within a year.**

**3.6.1.** The Program cannot go beyond the scope of the mailing requirements allowed by Region VIII for DWQ. This is implemented by the following means:

- If the submittal is being sent to DWQ by the US Postal Service, the postmark by the US Postal Service is the received date.
- If another carrier is used, the date DWQ receives the submittal is when it was received.

Procedures that allow other carriers to be covered as of the date the carrier receives the document should be modified. This was found on page 7 of the SLC ERP.

**3.6.2.** New pretreatment staff should be provided with additional training opportunities. Since the audit, a new pretreatment coordinator and permit writers have been hired. Additional training of these staff members will ensure the Program is implemented per the requirements of the SLC Ordinance, the SLC Program Procedures and 40 CFR 403.8 (f). Additional training opportunities are available on the EPA website at the following links.

https://www.epa.gov/npdes/national-pretreatment-program-training-and-webinars

https://www.epa.gov/npdes/national-pretreatment-program-events

https://www.epa.gov/npdes/npdes-recorded-training-and-webinars

**3.6.3.** It is recommended that if the SLC Development Review Division finds that a facility does not need a permit, however, it is determined that a permit is necessary by the SLC Pretreatment Staff that additional outreach be provided to the SLC Development Review Division. This ensures that if an inconsistency occurs, it is corrected or referred to the SLC Pretreatment Staff as needing additional review by the SLC Development Review Division. This recommendation is based on the information in the SOI PT-IWS Section 5.2 as follows:

> …Informing Development Review Division if a User (identified on the Master IU List) requires a Wastewater Discharge Permit;
>
> If/when not specifically requested by the Development Review Division, the Pretreatment Program is responsible for requesting the IU to complete

an Industrial & Commercial User Questionnaire (i.e., IWS Survey form) and/or a Wastewater Discharge Permit Application…

**3.6.4.** The staffing and funding of the Program seem adequate. However, it is recommended that staff in management, the collection system, the treatment plant and the SLC Development Review Division receive training regarding pretreatment to ensure communication is provided to the SLC Pretreatment Personnel and management regarding issues within the POTW. This could be provided by attending local pretreatment training or having staff watch the pretreatment webinars hosted by the EPA. The following link is to the pretreatment webinars that the EPA has recorded:

https://www.epa.gov/npdes/national-pretreatment-program-training-and-webinars

## 3.7. Recommendations

**Documentation regarding whether SLC implements the recommendation should be available to DWQ for review during future inspections. If SLC does not address the recommendation, the information regarding the recommendation needing to be addressed may be referred to the DWQ Compliance and Enforcement Section.**

**3.7.1.** Review the summary of the legal authority for the SLC Rules and Regulations. Based on the review, notify the DWQ Pretreatment Coordinator of any modifications to the legal authority that will occur. This should be submitted to the DWQ Pretreatment Coordinator within 30 days of receiving this report. The notification should include the timeframe for submitting a draft of the legal authority to the DWQ Pretreatment Coordinator.

**3.7.2.** The legal authority allows the postmark date to be the date of receipt for any postal carrier. EPA and DWQ have historically allowed for the postmark of the U.S. Postal Service as the receipt date per the air quality rule for the receipt of payment. In Utah, this allowance is based on the Air Quality Rule R305-4-10 (11).

Modify the SLC Ordinance regarding report receipt. This is recommended because the provision goes beyond what has been allowed per the Air Quality Rule by EPA and DWQ. This modification and any other recommended modifications based on the attached ordinance review should be completed within a year of receiving this report.

**3.7.3.** The following statement is in the SOI PT-PER-01:

Any substantive changes (i.e., anything more than administrative and grammar corrections) to the Permit Application/BMR must be submitted to the State prior to implementation in accordance with UAC R317-8-8.

SLC has discussed administrative and grammar corrections to the procedures in the past with DWQ; this should continue. This has ensured that DWQ and SLC agreed that the changes did not need to be submitted before changes were implemented. The changes not submitted and discussed with DWQ included title changes and minor wordsmithing of the procedures.

## 4. SIU FILE REVIEW

### 4.1. General File Review Findings

The fact sheet provides justification for the permit. It includes information regarding the facility and the requirements the permittee must meet. Also included is information for the Local Limit parameters, with justification regarding why a parameter was included or not included as a limitation in the permit and information regarding the permittee's compliance history.

The files that were reviewed contained inspection reports that met the requirements of the IUFRF. Based on the review, the Program reviews previous inspections before the inspection. The program also sends a certified letter to the permittee regarding the inspection and, if necessary, any issues that need to be addressed.

The permits clearly state the requirements for the permittee regarding the development and implementation of a slug control plan. Information is included in the permit, which is not supported by 17.36.150. A discussion occurred regarding this, and SLC is of the opinion that with information in the ordinance, the information in the permit is supported by the ordinance.

The files documented enforcement actions well. The file contained information regarding the action taken against the permittee. If the action was a verbal warning, information was documented regarding the conversation with the permittee.

Reports are required to be submitted on the 28th day following the end of the reporting period. A table in the permit indicates when the permittee must submit the reports to SLC.

### 4.2. Specific Permit Findings

#### 4.2.1. A. Fisher Brewery Company, LLC

A. Fisher Brewery Company, LLC is a beer manufacturing facility. The facility is being permitted as an SIU.

The permittee developed a slug control plan, which was submitted on 13 December 2022. Based on the review, information was included for the requirements in 40 CFR 403.8 (f)(2)(vi)(A)-(C)[v] and met the file review

requirements. Documentation regarding the review by SLC was found in the file. The review indicated that SLC found the plan to meet the permit requirements.

Four reports were reviewed, with information being received per the requirements of the permit. However, SLC noted a few minor compliance issues, which were followed up on with the permittee. The sample taken by the Program complied with the permit requirements. No additional compliance issues were found as part of the review by DWQ.

### 4.2.2. Actavis Laboratories

Actavis Laboratories is a pharmaceutical facility. It manufactures transdermal patches and topical gels, which are also packaged at the facility. The facility is permitted as a CIU with limitations based on 40 CFR 439.40 and local limits. Based on the information in the file, the permittee has been properly categorized, and appropriate limitations are included in the permit.

The permit stated the date the permittee began operation. This provided the information needed to ensure the correct standard was used for the categorical limitations. Based on this information, the facility is an existing source subject to the standards in 40 CFR 439.46.

The facility developed a slug control plan, which was submitted on 5 October 2017. Based on the review, information was included for the requirements in 40 CFR 403.8 (f)(2)(vi)(A)-(C)[v] and met the file review requirements. Documentation regarding the review by SLC was found in the file. The review indicated that SLC found the plan to meet the permit requirements.

### 4.2.3. American Diamond Tool

American Diamond Tool manufactures diamond drill bits and downhole tooling for the drilling industry. If the facility discharged to the POTW, the facility would be required to meet the categorical standards found in 40 CFR 464. However, the facility does not discharge, so a zero-discharge permit has been issued.

The permittee was not required to develop a slug control plan. However, the permit does include language that a plan must be developed and submitted for approval if required. The inspection report provided information regarding the review for a slug control plan and supported the continuation of not requiring a plan to be submitted for approval.

Three zero-discharge reports were reviewed. The reports were received per the requirements of the permit. However, one was not signed by the signatory authority. SLC included information regarding this issue in the file. The information included the updated signatory authority, with the report being

resubmitted by the permittee. No additional compliance issues were found as part of the review by DWQ.

### 4.2.4. Blackrock Microsystems

Blackrock Microsystems develops and manufactures medical devices used in neuro-technology research. The facility is permitted as a CIU with limitations based on 40 CFR 469.

The permit stated the date the permittee began operation. This provided the information needed to ensure the correct standard was used for the categorical limitations. Based on this information, the facility is a new source subject to the standards in 40 CFR 469.18.

A sample was taken on 12 August 2021 for the POTW sample. The following sample was taken on 18 August 2022.

The facility developed a slug control plan, which was submitted on 13 September 2022. Based on the review, information was included for the requirements in 40 CFR 403.8 (f)(2)(vi)(A)-(C)[v] and met the file review requirements. The file also included information regarding the review of the plan by SLC. The review indicated that SLC found the plan to meet the permit requirements.

The facility was responsible for a spill discharged to the POTW. The spill occurred on 23 May 2023. A verbal warning was noted in the file, which was conveyed during a phone call when the spill was reported on 24 May 2023. The report regarding the spill was received on 26 May 2023.

The facility submitted a TOMP that met 40 CFR 469. The reporting requirements were provided for the TOMP per the requirements of 40 CFR 469 and the permit. These were submitted as part of the self-monitoring reports.

Two reports were reviewed. SLC provided notes regarding the review of the reports. A report was submitted late, so SLC issued an NOV to the permittee. It seems that the permittee addressed the issue of the report being submitted late.

### 4.2.5. Cintas

Cintas is an industrial laundry that rents garments, mats, mops, linen and shop towels. The facility also includes delivery and collection to customers. The facility is being permitted as an SIU.

The permittee developed a slug control plan, which was submitted on 22 July 2021. Based on the review, information was included for the requirements in 40 CFR 403.8 (f)(2)(vi)(A)-(C)[v] and met the file review requirements.

Documentation regarding the review by SLC was found in the file. The review indicated that SLC found the plan to meet the permit requirements.

The facility is allowed to sample utilizing timed composite sampling techniques. Little was found in the file regarding the justification for the timed sampling other than the facility having a flow meter. The permit states that a minimum of 12 aliquots should be taken for the composite sample. It does not state the time between aliquots.

A sample was taken on 2 June 2022 for the POTW sample. The following sample was taken on 6 June 2023.

Four reports were reviewed, with information being received per the requirements of the permit. Notes regarding flags on the lab reports were noted. The sample taken by the Program complied with the permit requirements.

### 4.2.6. Dominion Energy – Questar Gas Company

Dominion Energy —Questar Gas Company distributes natural gas to customers. The facility discharges to the POTW from groundwater extraction wells, an oil/water separator and an air stripper. It has not discharged into the POTW since October 2017.

The information in the file indicates that a slug control plan is not required at this time. However, it will be required if the permittee resumes groundwater remediations. The permit states that a slug control plan is required.

An inspection occurred on 10 May 2022. The following inspection occurred on 16 May 2023.

The facility has not discharged into the POTW, so the permittee and SLC have not taken samples since 2017. The permittee submitted reports indicating that the facility was not discharging to the POTW. Five reports were reviewed, which were received per the permit requirements. SLC noted on the reviews of the report that there were no violations.

### 4.2.7. Graphic Ink Company

Graphic Ink Company manufactures oil, acrylate and water inks for printing. This is done at the facility by mixing and milling raw materials. The tanks used in the process are cleaned using solvents. The facility is covered by the categorical standard found in 40 CFR 447, which indicates that the facility cannot discharge process wastewater into a POTW. SLC has issued the facility a zero-discharge permit as required by 40 CFR 447.

The permittee was not required to develop a slug control plan. However, the permit does include language that a plan must be developed and submitted for approval if required. The inspection report provided information regarding the review for a slug control plan and supported the continuation of not requiring a plan to be submitted for approval.

Three zero-discharge reports were reviewed. The reports were received per the requirements of the permit. The reviews by SLC noted compliance issues. No additional compliance issues were found as part of the review by DWQ.

### 4.2.8. High West Holdings LLC

High West Holdings, LLC (HWH) is a whiskey distillery. The facility stores, matures and bottles the whisky. HWH is a new permittee and is being permitted as an SIU.

The permittee developed a slug control plan, which was submitted on 2 September 2022. Based on the review, information was included for the requirements in 40 CFR 403.8 (f)(2)(vi)(A)-(C) and met the file review requirements. Documentation regarding the review by SLC was found in the file. The review indicated that SLC found the plan to meet the permit requirements.

DWQ reviewed the reporting information, which was received per the permit requirements. SLC noted issues with the reports and followed up with the permittee. No additional compliance issues were found as part of the review by DWQ.

### 4.2.9. Meadow Gold Dairies

Meadow Gold Dairies processes and packages dairy and other products. The products manufactured at the facility include the following: eggnog, sour cream, buttermilk, juices, other beverages and 1%, 2% skim, whole, chocolate and strawberry milk. The facility is being permitted as an SIU.

A spill plan was submitted. The plan included detailed information regarding the discharge from each area of the facility, including actions to take if there is an issue in the area that could impact the POTW. However, information regarding the description of discharge into the POTW was not provided per 40 CFR 403.8 (f)(2)(vi)(A)[v]. Information regarding 40 CFR (f)(2)(vi)(B) and (C) was included, and the information from D seemed to be included too. The facility has been responsible for a spill/slug to the POTW, and information regarding the historic spill was included in the plan.

Four reports were reviewed. SLC noted issues with the reports, which resulted in an NOV being issued to the permittee. The sample taken by SLC complied with

the permit requirements. No additional compliance issues were found as part of the review by DWQ.

### 4.2.10. Passey & Son Jewelry, LLC

Passey & Son Jewelry, LLC repairs and cleans jewelry for customers. If the facility discharged to the POTW, it would be required to meet the categorical standards found in 40 CFR 433 and subject to the new source standards. However, the facility does not discharge, so a zero-discharge permit has been issued.

The permittee was not required to develop a slug control plan. However, the permit does include language that a plan must be developed and submitted for approval if required. The inspection report provided information regarding the review for a slug control plan and supported the continuation of not requiring a plan to be submitted for approval.

Three zero-discharge reports were reviewed. The reports were received per the requirements of the permit. The file included information regarding the SLC review of the reports. SLC did not find any issues or violations of the reports. No additional compliance issues were found as part of the review by DWQ.

### 4.2.11. Sportsman's Warehouse

Sportsman's Warehouse repairs and refinishes firearms. The firearms are recoated using a bluing solution as part of the refinishing. The rinse water is evaporated. If the facility discharged to the POTW, the facility would be required to meet the categorical standards found in 40 CFR 433. However, the facility does not discharge, so a zero-discharge permit has been issued.

The permittee was not required to develop a slug control plan. However, the permit does include language that a plan must be developed and submitted for approval if required. The inspection report provided information regarding the review for a slug control plan and supported the continuation of not requiring a plan to be submitted for approval.

Three zero-discharge reports were reviewed. One report was received late. The following reports were received per the requirements of the permit. No additional compliance issues were found as part of the review by DWQ.

### 4.2.12. Star Foundry and Machine

Star Foundry and Machine manufactures components and parts, which are cast and machined at the facility. These operations include melting, molding pattern making, grinding, welding, heat treating and machining the components. If the facility discharged to the POTW, it would be required to meet the categorical standards found in 40 CFR 464 and subject to the existing source standards.

However, the facility does not discharge, so a zero-discharge permit has been issued.

The permittee was not required to develop a slug control plan. However, the permit does include language that a plan must be developed and submitted for approval if required. The inspection report provided information regarding the review for a slug control plan and supported the continuation of not requiring a plan to be submitted for approval.

Three zero-discharge reports were reviewed. One report was received late. Information was indicated in the file that the permittee was given a verbal warning regarding the late report. No additional compliance issues were found as part of the review by DWQ.

### 4.2.13. SLCDA – Deicing Fluid Reclamation Plant

SLCDA – Deicing Fluid Reclamation Plant recycles propylene glycol from spent aircraft deicing fluid. The spent deicing fluid comes from activities at the SLC airport. The facility has not discharged into the POTW since 2014; however, it has requested that the permit stay in effect. This ensures the facility has an active permit in case a discharge needs to occur.

The facility developed a slug control plan, which was submitted on 3 November 2021. Based on the review, information was included for the requirements in 40 CFR 403.8 (f)(2)(vi)(A)-(C)[v] and met the file review requirements. The file also included information regarding the review of the plan by SLC. The review indicated that SLC found the plan to meet the permit requirements.

The facility has not discharged into the POTW since 2014, so the permittee and SLC have not taken samples. The permittee has submitted letters indicating that the facility is not discharging into the POTW, which included the certification statement. Three letters and certification statements were reviewed; these met the permit requirements for the reporting requirements. SLC noted no violations, and none were found as part of the DWQ review of the file.

### 4.2.14. Sweet Candy Company

Sweet Candy Company manufactures and packages candy. The facility is being permitted as an SIU.

The facility developed a slug control plan, which was submitted on 22 July 2021. Based on the review, information was included for the requirements in 40 CFR 403.8 (f)(2)(vi)(A)-(C)[v] and met the file review requirements. Documentation regarding the review by SLC was found in the file. The review indicated that SLC found the plan to meet the permit requirements.

DWQ reviewed four reports. SLC noted issues with the reports, which the permittee addressed. The sample taken by SLC complied with the permit requirements.

A sample was taken on 20 August 2021 for the POTW sample. The following sample was taken on 11 August 2022.

### 4.2.15. Varex Imaging Corp

Varex Imaging Corp manufactures X-ray tubes, flat panel detectors and other imaging components. It also conducts research, development, sales and servicing for these devices. The facility has been permitted as a categorical Industrial User covered by the standard found in 40 CFR 433.

The permittee submitted a spill plan. Based on the review, information was included for the requirements in 40 CFR 403.8 (f)(2)(vi)(A)-(C)[v] and met the file review requirements.

Reports were reviewed as part of the file review. One of the reports was submitted late, and SLC sent a letter to the permittee regarding the late report. Information was included in the file regarding the facility being in SNC and failing to report a violation within 24 hours. The facility was published for SNC on 28 March 2023. No additional compliance issues were found as part of the review by DWQ.

### 4.2.16. Welfare Square Cannery

Welfare Square Cannery is a food processing plant. The facility is a cannery that includes distribution to the Bishop's Storehouse for the Church of Jesus Christ. The facility is being permitted as an SIU.

The facility developed a slug control plan, which was submitted on 9 November 2021. Based on the review, information was included for the requirements in 40 CFR 403.8 (f)(2)(vi)(A)-(C)[v] and met the file review requirements. Documentation regarding the review by SLC was found in the file. The review indicated that SLC found the plan to meet the permit requirements.

Five reports were reviewed, with information being received per the requirements of the permit. Notes were noted regarding a pH violation. The sample taken by the Program complied with the permit requirements.

An inspection occurred on 9 September 2021. The following inspection was on 13 September 2022.

## 5. SIU PERMITS

### 5.1. General Information

SLC has permitted 106 SIUs. Forty-eight SIUs are permitted as CIUs, and seventeen have been permitted as zero-discharging SIUs.

SLC utilizes a permit as its control mechanism. Permits are issued to SIUs for a maximum term of five years. However, most of the permits were issued for about 4.5 to 4 years, as recommended in Section 16.2 of the SLC SOI PT-PER-01.

Section 16.2 suggests that new permittees be issued permits for one to two years. This shortened permit cycle is suggested for permittees that might be subject to reduced reporting requirements once sampling has been completed.

The SLC has procedures for permitting IUs, provided in SLC SOI PT-PER-01. The methods include reviewing the application and ensuring it is complete. If the application is incomplete, it is returned to the permittee with information regarding its deficiencies.

Note: Section 9.1 states the following:

> If the Pretreatment Program finds that an IU meeting either of the first two criteria described above has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the Pretreatment Program may, on its own initiative or in response to a petition from an IU, determine that such User should NOT be considered a Non- Categorical SIU and should NOT be required to apply for and be issued with a Permit.

If this occurs, these SIUs should be noted on the list of industrial users meeting the criteria in 40 CFR 403.3 (v)(1)[xiv] and indicate that the Program has decided per 40 CFR 403.3 (v)(2) or (3) that such IU should not be considered an SIU. The changes to the IU from being classified as an SIU to an IU should be reported to DWQ as a non-substantial modification.

Note: Section 9.2 states the following:

> The inclusion of the streamlining regulations in 40 CFR 403 has increased the required oversight of Categorical Industrial Users (CIUs) by Pretreatment Programs. Prior to this inclusion, all CIUs subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I Subchapter N were considered to be SIUs subject to permitting. Under the new regulations, a Pretreatment Program must now recognize three oversight scenarios for CIUs.

This is not a requirement, and the Program does not have to oversee the three scenarios for CIUs. These are options that SLC has decided to implement as part of the Program.

Most of the changes to 40 CFR 403.6 did not increase the oversight of CIUs. EPA provided flexibility for Programs to permit and regulate CIUs if the options met the needs of the Program. The modification to 40 CFR 403.6 allows Programs to choose some optional provisions previously not allowed for CIUs. However, Programs do not have to implement these provisions if they feel the provision does not meet the needs for permitting or regulating CIUs within the service area of the Program. The provisions in 40 CFR 403.6 allow for additional flexibility for implementing the Pretreatment Standards and Requirements for the CIUs. If SLC feels this is a burden, the ordinance can be changed to remove these optional provisions.

It is recommended that the wording "must" and "are not required" be changed to "may" and "may not be required" regarding permitting NSCIUs or "Middle Tier" CIUs.

Note: Section 16.5.4 states the following:

> A TOMP may be approved by the City to exclude one, several or all 40 CFR-required parameters depending on the nature of the IU's discharge). If the IU discharges some TTO parameters, but does not discharge the remaining TTO parameters required to be monitored, then the IU may certify for those parameters not present in their discharge but cannot certify for parameters present in the discharge (and must monitor and report for these parameters). Once the TOMP is approved, the facility may limit the TTOs for which they have to sample (or eliminate TTO monitoring altogether) and must certify that they have operated in accordance with the approved TOMP.

Guidance on implementing a BMP may not support the above information. When implementing a BMP/TOMP/SMP, the plan is implemented, and sampling is no longer required. However, the Program should continue to sample for the TTOs. This is to ensure that the TOMP or SMP is being implemented. If the TTO being sampled by the Program violates the limitation in the categorical standard, the Program should evaluate the need to implement the TTO sampling or have the permittee revise the TOMP or SMP. For more information regarding implementing the TTO Pretreatment Standards, see the EPA Guidance Manual for Implementing TTO Pretreatment Standards, September 1985.

Note: Section 16.5.5 states the following:

> The minimum number of required aliquot samples used to make up a composite sample should be included in the Permit. For composite

> sampling, the Pretreatment Program uses time-proportional composite sampling techniques or a series of grab samples that are ultimately mixed together to form the final composite (with the exception of Volatile Organics and Total Oil and Grease, in which 40 CFR Part 136 requires individual grab samples to be collected and the individual results analyzed and then the results averaged and reported). The specific sampling method required should be indicated for each pollutant in the Permit.

Sampling for grab or time-proportional compliance sampling techniques rather than flow-proportional compliance sampling techniques must meet the requirements of 40 CFR 403.12 (g)(3)[xv]. The following is the information from 40 CFR 403.13 (g)(3) regarding these requirements:

> …For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Control Authority. Where time-proportional composite sampling or grab sampling is authorized by the Control Authority, the samples must be representative of the Discharge and the decision to allow the alternative sampling must be documented in the Industrial User file for that facility or facilities…

SLC must ensure that justification is included in the permit file indicating that the method authorized for the sampling is representative of the discharge. This includes the method SLC is using to collect the samples. For more information regarding sampling, see the EPA Webinar, Sampling: Dos and Don'ts, on 27 January 2021.

## 5.2. Recommendations

**Documentation regarding whether SLC implements the recommendation should be available to DWQ for review during future inspections. If SLC does not implement the recommendation, outreach may occur regarding the need to implement the recommendation.**

**If a recommendation in this section results in a change to an SLC Program Document, it should be submitted to the DWQ Pretreatment Coordinator within a year.**

**5.2.1.** The permitting procedure, SOI PT-PER-01, indicated the following:

> By State of Utah policy, the Permit may have to be public noticed depending upon the specific monitoring requirements.
>
> By State of Utah Policy, the Permit may have to be Public Noticed if it contains BMPs.

DWQ has advised Programs that if requirements in the permit are not supported by the legal authority, Local Limits or include additional requirements beyond what DWQ and the governing body have approved for implementation by the Program, then the permit should be public noticed. However, the Program must determine whether documents that may deviate from those approved by DWQ and the SLC Council for implementing the Program need to be public noticed.

If a BMP has not been public noticed or approved by the SLC Council or DWQ, it is advised that the permit or document requiring a permittee to implement a BMP be public noticed. This is to ensure the public, permittee, DWQ and other interested parties have the opportunity to comment on the requirements.

If documents deviate from those approved by the SLC Council, it is recommended that they be public notice. If this occurs, SLC should provide a copy of the public notice to DWQ.

If a BMP is developed requiring IUs to meet requirements, it should be submitted to DWQ during the public notice. This includes documents that will be implemented as sector control programs not covered by the Program.

**5.2.2.** It is recommended that "sampling" be removed from the SOI PT-PER-01 zero-discharge section on page 36 of 40. Instead, it should state "the alternative legal method(s) of disposal of the process wastewater implemented by the industry."

**5.2.3.** The SOI PT-PER-01 Section 19 stated "Water Reclamation Manger" rather than "Water Reclamation Manager." Because this is a typo, it does not need to be submitted to DWQ per 40 CFR 403.18.

### 5.3. Recommendation

**Documentation regarding whether SLC implements the recommendation should be available to DWQ for review during future inspections. If SLC does not address the recommendation, the information regarding the recommendation needing to be addressed may be referred to the DWQ Compliance and Enforcement Section.**

**5.3.1.** The application should include the priority pollutants list. The current permit applications in Part 10 A.1 and 2. have information regarding the sampling completed by the permittee based on the process or the data for the Local Limit parameters. This limits the permittee to only those parameters listed. It is recommended that the application be modified to require the permittee to note if a parameter is present, suspected present or absent. This allows the permittee to provide better information on the potential parameters of concern that may need to be limited by the permit. See the EPA Industrial User Permitting Guidance Manual 833-R-12-001 A September 2012 Appendix C Section F.

**5.3.2.** Section 22 of the SOI PT-PER-01 states the following:

The Permittee does not need to complete the "BMR" portions of the Permit Application/BMR form when completing the form as a part of Permit renewal.

When renewing the permit, permittees should complete all of the information on the application/BMR. This ensures the permit writer understands the parameters of concern. The permittee should also provide information regarding the priority pollutants and the monitoring that has occurred since the facility submitted the last application. Also, the EPA Industrial User Permitting Guidance Manual, September 2012, Sections 2.11 and 4.1, supports submitting a complete application.

Also, the permittee should update this information with each permit renewal. The current application in Part 10 A. states that this is for new permittees. The permittees should provide this data with each renewal. This will ensure that sampling information not previously submitted is provided to the Program in the renewal application.

This recommendation should be implemented within 120 days of receiving this report.

## 6. REPORTING and REPORT SUBMITTALS

### 6.1. General Information

Permittees submitted reports per the permit requirements. SLC reviews the reports to ensure the information submitted is complete. If information was missing from the report, the reviews provide detailed information, including the action taken to correct the information.

### 6.2. Requirements

**Documentation regarding whether SLC implements the recommendation should be available to DWQ for review during future inspections. If SLC does not address the recommendation, the information regarding the recommendation needing to be addressed may be referred to the DWQ Compliance and Enforcement Section.**

**6.2.1.** The Meadow Gold slug control plan was found without information regarding the description of discharge into the POTW per 40 CFR 403.8 (f)(2)(vi)(A). The plan included detailed information regarding the discharge from each facility area. The Meadow Gold slug control plan should be reviewed if information is included in the plan per 40 CFR 403.8 (f)(2)(vi)(A); no further requirement is necessary for the recommendation. However, if information is not in the plan regarding discharging into the POTW, Meadow Gold should be required to resubmit the plan per the requirement of the SLC procedure regarding the resubmittal of slug

control plans. This recommendation should be completed within 120 days of receiving this report.

**6.2.2.** The Dominion Energy permit requires the permittee to have a slug control plan. The permit should be modified to not require the plan or a plan must be submitted per the permit requirements. This recommendation should be completed within 120 days of receiving this report.

## 7. MONITORING

### 7.1. General Information

SLC evaluates non-discharging facilities that are permitted as zero dischargers. This is completed during inspections to ensure permittees are not discharging per the permit requirements or the requirements of the categorical standard.

SLC has established protocols that include sampling procedures. All samples are collected and analyzed in conformance with 40 CFR 136.

### 7.2. Recommendations

**Documentation regarding whether SLC implements the recommendation should be available to DWQ for review during future inspections. If SLC does not implement the recommendation, outreach may occur regarding the need to implement the recommendation.**

**If a recommendation in this section results in a change to the SLC Program Document, it should be submitted to the DWQ Pretreatment Coordinator within a year.**

**7.2.1.** The following from SOI PT-INSP-01 Section 5.1 is an inaccurate statement:

> Considering the USEPA and Utah Department of Water Quality (UDWQ) monitor the number of permitted SIU's in Significant Noncompliance (SNC), and the City's Pretreatment Program can be in regulatory noncompliance if an excessive number (20 percent (%)) of permitted SIUs are in SNC in any annual reporting year, the focus if each inspection should be assessing user compliance with program requirements and educating the IU/User of these requirements in an effort to prevent future violations.

SNC could occur for a Program if it does not adequately address SNC or public notice an IU for SNC. Also, there is a criterion for failure to enforce standards, local limits or reporting requirements. However, this is evaluated as the Program failing to do this for 15% of the SNC SIUs and not for having 20% of the permitted SIUs in SNC.

DWQ is basing this not being an accurate statement per the criteria for SNC in the EPA database known as ICIS (Integrated Compliance Information System). If there is a document that SLC is aware of that supports the information cited in the SOI PT-INSP-01, please provide the document to DWQ.

**7.2.2.** It is recommended that unannounced inspections be incorporated into the program based on the Permit Writer's understanding of the facility. SOI PT-INSP-01 Section 5.2.2 states that the pretreatment program manager should approve an unannounced inspection.

As stated in the EPA Industrial User Inspection and Sampling Manual for POTWs Section 2.7.4:

> …During unannounced inspections the inspector may have the opportunity to observe things that the facility has not had the chance to clean up or hide (e.g., improperly stored chemicals, inadequate treatment), and to observe the facility operating under normal conditions. When determining compliance with pretreatment standards during both announced and unannounced inspections, the inspector must ensure that the industrial user is operating under normal circumstances at the time of the on-site inspection in order to ensure any samples taken will be representative.

**7.2.3.** It is recommended that the bullet point on page 9 of 20 of the SOI PT-INSP-01 include "POTW Staff and the public." The following is the information from the bullet point on page 9:

> IPP Program and related Permit requirements are intended to minimize IU's discharge from impacting the City's collection system, Reclamation PlantProcesses and City's compliance with UPDES Permit.

## 7.3. Recommendations

**Documentation regarding whether SLC implements the recommendation should be available to DWQ for review during future inspections. If SLC does not address the recommendation, the information regarding the recommendation needing to be addressed may be referred to the DWQ Compliance and Enforcement Section.**

**7.3.1.** Some facilities are allowed to sample using timed composite sampling techniques. Little was found in the file regarding the justification for the timed sampling. The permit states that a minimum of 12 aliquots should be taken for the composite sample. It does not state the time between aliquots. Information in the file must justify utilizing timed composite sampling techniques per 40 CFR 403.12 (g)(3).

SLC must ensure that justification is included in the permit file indicating that the method authorized for the sampling is representative of the discharge. This

includes the method SLC is using to collect the samples per the sampling Program requirements, as well as the sampling being conducted by the permittee.

Additional aliquots are recommended to ensure that the sampling technique is representative of the discharge. For more information regarding sampling, see the EPA Webinar, Sampling: Dos and Don'ts, on 27 January 2021. In the webinar, EPA stated that if the flow from the treatment system is in a steady state and timed sampling is done with an aliquot taken every 15 minutes, it is consistent with flow-proportional composite sampling.

**7.3.2.** Two facilities were not sampled within 365 days of the prior sampling event, which must occur per the EPA requirements regarding yearly sampling. Based on the review criteria, this was determined not to be SNC; however, SLC must ensure that sampling events are completed within 365 days of the previous sampling event.

## 8. INDUSTRIAL USER CHARACTERIZATION AND INSPECTIONS

### 8.1. General Information

The inspection reports that were reviewed were detailed. The reports provided information on the pre-inspection, post-inspection and inspection information. The post-inspection information included sending a letter to the facility regarding the observations during the inspection and noting if any deficiencies needed to be addressed. If deficiencies were noted, information was provided in the report indicating the time frame for the permittee to address the issue.

### 8.2. Recommendations

**Documentation regarding whether SLC implements these recommendations should be available to DWQ for review during future inspections. If SLC does not implement these recommendations, outreach may occur regarding the need to implement the recommendation.**

**If a recommendation in this section results in a change to the SLC Program Document, it should be submitted to the DWQ Pretreatment Coordinator within a year.**

The SOI PT-IWS does not include IUs that could potentially harm POTW workers. It is recommended that another criterion be added to the list in section 4.2 D, which would be "viii. The potential to discharge pollutants that could harm POTW workers or the public."

### 8.3. Recommendations

**Documentation regarding whether SLC implements the recommendation should be available to DWQ for review during future inspections. If SLC does not address the**

**recommendation, the information regarding the recommendation needing to be addressed may be referred to the DWQ Compliance and Enforcement Section.**

Two facilities of the sixteen files that were reviewed were determined not to meet the EPA requirement that inspections be completed within 365 days of the previous inspection. Based on the review criteria, this was determined not to be SNC; however, SLC must ensure that inspections are completed within 365 days.

It is recommended that the inspection information that is reviewed for the upcoming inspections is gathered a month in advance rather than the 3rd Thursday before the upcoming month. The following is stated on page 3 of 4 in the SOI PT-INSP-02:

> By the 3rd Thursday of the month, a monthly inspection list report shall be generated in Linko for the next month should be created by the Pretreatment Program Staff from review of the "Events" Module, considering the Department expectation to complete the inspection two weeks prior to the regulatory mandated date.

## 9. ENFORCEMENT

### 9.1. General Information

The files included details regarding the actions taken to resolve compliance issues. This included notes, calls and written correspondence regarding compliance and enforcement actions taken by SLC.

### 9.2. Recommendations

**Documentation regarding whether SLC implements the recommendation should be available to DWQ for review during future inspections. If SLC does not implement the recommendation, outreach may occur regarding the need to implement the recommendation.**

**If a recommendation in this section results in a change to the SLC Program Document, it should be submitted to the DWQ Pretreatment Coordinator within a year.**

Based on a review of the SLC ERP, information regarding Pass Through or Interference is not stated in the ERP section starting on page 20. It is recommended that information be included in the ERP for Pass Through and Interference as separate enforcement actions in the section starting on page 20 of the ERP. Pass Through is only being addressed as part of a noncompliance action regarding bypass. Interference is not included in this section of the ERP as a noncompliance action.

## 10. DOCUMENT REVIEW

| Documents reviewed for the Audit | Document Information |
|---|---|
| UPDES Permit | NA |
| Public Notice for Ordinance | DWQ-2022-001579 |
| Approval of the SLC Ordinance by DWQ | DWQ-2022-004334 |
| SLC ERP | Sent by SLC via email |
| SOI PT-PER-01 | Sent by SLC via email |
| SOI PT-INSP-01 | Sent by SLC via email |
| SOI PT-INSP-02 | Sent by SLC via email |
| SOI PT-IWS | Sent by SLC via email |

## 11. SUMMARY

The Summary of Actions Table summarizes the requirements and recommendations in the 2023 Audit Report. SLC should use the table as a reference when transmitting information to DWQ. This will assist SLC in ensuring that information is provided to DWQ per the 2023 Audit Report. If stated as NR, this information is not required to be submitted to DWQ; however, if any Program documents are changed due to the recommendation, the information should be submitted to DWQ per 40 CFR 403.18.

| **Summary of Actions Table** | | | | | |
|---|---|---|---|---|---|
| **Section** | **Summary of Recommendation** | **Update Time Frame** | **Submit Documentation to DWQ** | **Documentation for Review by DWQ** | **Date Documentation was submitted to DWQ** |
| Recommendation 3.7.1 | Review legal authority | 30 days | 30 days | Yes | |
| Recommendation 3.7.2 | Update legal authority | 1 year | 1 year | Yes | |
| Recommendation 5.3.1 | Include the priority pollutants in the application | 120 days | 120 days | Yes | |
| Recommendation 5.3.2 | Ensure permittees complete all of the information in the application, including the priority pollutants in the future. | 120 days | NR | NR | NR |
| Recommendation 6.2.1 | Ensure slug control plans meet the requirements of 40 CFR 403.8 (f)(2)(vi) | 120 days | NR | NR | NR |
| Recommendations 6.2.2 | Update the permit or require a slug control plan to be submitted. | 120 days | NR | NR | NR |

| Summary of Actions Table | | | | | |
|---|---|---|---|---|---|
| **Section** | **Summary of Recommendation** | **Update Time Frame** | **Submit Documentation to DWQ** | **Documentation for Review by DWQ** | **Date Documentation was submitted to DWQ** |
| Recommendation 7.3.1 | Review permit files to ensure permits and documentation are provided regarding sampling requirements per 40 CFR 403.12 (g)(3). | 1 year | NR | NR | NR |
| Recommendation 7.3.2 | Ensure sampling events do not exceed 365 days | 5 Days | NR | NR | NR |
| Recommendation 8.3 | Ensure inspections do not exceed 365 days | 5 Days | NR | NR | NR |

[i] 40 CFR 403.3 (d) The term Approved POTW Pretreatment Program or Program or POTW Pretreatment Program means a program administered by a POTW that meets the criteria established in this regulation (§§ 403.8 and 403.9) and which has been approved by a Regional Administrator or State Director in accordance with § 403.11 of this regulation.

[ii] 40 CFR 403.8 (a) POTWs required to develop a pretreatment program. Any POTW (or combination of POTWs operated by the same authority) with a total design flow greater than 5 million gallons per day (mgd) and receiving from Industrial Users pollutants which Pass Through or Interfere with the operation of the POTW or are otherwise subject to Pretreatment Standards will be required to establish a POTW Pretreatment Program unless the NPDES State exercises its option to assume local responsibilities as provided for in § 403.10(e). The Regional Administrator or Director may require that a POTW with a design flow of 5 mgd or less develop a POTW Pretreatment Program if he or she finds that the nature or volume of the industrial influent, treatment process upsets, violations of POTW effluent limitations, contamination of municipal sludge, or other circumstances warrant in order to prevent Interference with the POTW or Pass Through.

40 CFR 403.8 (f) POTW pretreatment requirements. A POTW pretreatment program must be based on the following legal authority and include the following procedures. These authorities and procedures shall at all times be fully and effectively exercised and implemented.

[iii] 40 CFR 403.18 Modification of POTW pretreatment programs.

(a) *General.* Either the Approval Authority or a POTW with an approved POTW Pretreatment Program may initiate program modification at any time to reflect changing conditions at the POTW. Program modification is necessary whenever there is a significant change in the operation of a POTW Pretreatment Program that differs from the information in the POTW's submission, as approved under § 403.11.

(b) *Substantial modifications defined.* Substantial modifications include:

(1) Modifications that relax POTW legal authorities (as described in § 403.8(f)(1)), except for modifications that directly reflect a revision to this part 403 or to 40 CFR chapter I, subchapter N, and are reported pursuant to paragraph (d) of this section;

(2) Modifications that relax local limits, except for the modifications to local limits for pH and reallocations of the Maximum Allowable Industrial Loading of a pollutant that do not increase the total industrial loadings for the pollutant, which are reported pursuant to paragraph (d) of this section. Maximum Allowable Industrial Loading means the total mass of a pollutant that all Industrial Users of a POTW (or a subgroup of Industrial Users identified by the POTW) may discharge pursuant to limits developed under § 403.5(c);

(3) Changes to the POTW's control mechanism, as described in § 403.8(f)(1)(iii);

(4) A decrease in the frequency of self-monitoring or reporting required of industrial users;

(5) A decrease in the frequency of industrial user inspections or sampling by the POTW;

(6) Changes to the POTW's confidentiality procedures; and

(7) Other modifications designated as substantial modifications by the Approval Authority on the basis that the modification could have a significant impact on the operation of the POTW's Pretreatment Program; could result in an increase in pollutant loadings at the

POTW; or could result in less stringent requirements being imposed on Industrial Users of the POTW.

(c) *Approval procedures for substantial modifications.*

(1) The POTW shall submit to the Approval Authority a statement of the basis for the desired program modification, a modified program description (see § 403.9(b)), or such other documents the Approval Authority determines to be necessary under the circumstances.

(2) The Approval Authority shall approve or disapprove the modification based on the requirements of § 403.8(f) and using the procedures in § 403.11(b) through (f), except as provided in paragraphs (c) (3) and (4) of this section. The modification shall become effective upon approval by the Approval Authority.

(3) The Approval Authority need not publish a notice of decision under § 403.11(e) provided: The notice of request for approval under § 403.11(b)(1) states that the request will be approved if no comments are received by a date specified in the notice; no substantive comments are received; and the request is approved without change.

(4) Notices required by § 403.11 may be performed by the POTW provided that the Approval Authority finds that the POTW notice otherwise satisfies the requirements of § 403.11.

(d) *Approval procedures for non-substantial modifications.*

(1) The POTW shall notify the Approval Authority of any non-substantial modification at least 45 days prior to implementation by the POTW, in a statement similar to that provided for in paragraph (c)(1) of this section.

(2) Within 45 days after the submission of the POTW's statement, the Approval Authority shall notify the POTW of its decision to approve or disapprove the non-substantial modification.

(3) If the Approval Authority does not notify the POTW within 45 days of its decision to approve or deny the modification, or to treat the modification as substantial under paragraph (b)(7) of this section, the POTW may implement the modification.

(e) *Incorporation in permit.* All modifications shall be incorporated into the POTW's NPDES permit upon approval. The permit will be modified to incorporate the approved modification in accordance with 40 CFR 122.63(g).

[iv] 40 CFR 403.8 (f)(1) Legal authority. The POTW shall operate pursuant to legal authority enforceable in Federal, State or local courts, which authorizes or enables the POTW to apply and to enforce the requirements of sections 307 (b) and (c), and 402(b)(8) of the Act and any regulations implementing those sections. Such authority may be contained in a statute, ordinance, or series of contracts or joint powers agreements which the POTW is authorized to enact, enter into or implement, and which are authorized by State law. At a minimum, this legal authority shall enable the POTW to:

(i) Deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by Industrial Users where such contributions do not meet applicable Pretreatment Standards and Requirements or where such contributions would cause the POTW to violate its NPDES permit;

(ii) Require compliance with applicable Pretreatment Standards and Requirements by Industrial Users;

(iii) Control through Permit, order, or similar means, the contribution to the POTW by each Industrial User to ensure compliance with applicable Pretreatment Standards and

Requirements. In the case of Industrial Users identified as significant under § 403.3(v), this control shall be achieved through individual permits or equivalent individual control mechanisms issued to each such User except as follows.
(A)
(1) At the discretion of the POTW, this control may include use of general control mechanisms if the following conditions are met. All of the facilities to be covered must:
(i) Involve the same or substantially similar types of operations;
(ii) Discharge the same types of wastes;
(iii) Require the same effluent limitations;
(iv) Require the same or similar monitoring; and
(v) In the opinion of the POTW, are more appropriately controlled under a general control mechanism than under individual control mechanisms.
(2) To be covered by the general control mechanism, the Significant Industrial User must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general control mechanism, any requests in accordance with § 403.12(e)(2) for a monitoring waiver for a pollutant neither present nor expected to be present in the Discharge, and any other information the POTW deems appropriate. A monitoring waiver for a pollutant neither present nor expected to be present in the Discharge is not effective in the general control mechanism until after the POTW has provided written notice to the Significant Industrial User that such a waiver request has been granted in accordance with § 403.12(e)(2). The POTW must retain a copy of the general control mechanism, documentation to support the POTW's determination that a specific Significant Industrial User meets the criteria in paragraphs (f)(1)(iii)(A)(1) through (5) of this section, and a copy of the User's written request for coverage for 3 years after the expiration of the general control mechanism. A POTW may not control a Significant Industrial User through a general control mechanism where the facility is subject to production-based categorical Pretreatment Standards or categorical Pretreatment Standards expressed as mass of pollutant discharged per day or for Industrial Users whose limits are based on the Combined Wastestream Formula or Net/Gross calculations (§§ 403.6(e) and 403.15).
(B) Both individual and general control mechanisms must be enforceable and contain, at a minimum, the following conditions:
(1) Statement of duration (in no case more than five years);
(2) Statement of non-transferability without, at a minimum, prior notification to the POTW and provision of a copy of the existing control mechanism to the new owner or operator;
(3) Effluent limits, including Best Management Practices, based on applicable general Pretreatment Standards in part 403 of this chapter, categorical Pretreatment Standards, Local Limits, and State and local law;
(4) Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored (including the process for seeking a waiver for a pollutant neither present nor expected to be present in the Discharge in accordance with § 403.12(e)(2), or a specific waived pollutant in the case of an individual control mechanism), sampling location, sampling frequency, and sample type, based on the applicable general Pretreatment Standards in part 403 of this chapter, categorical Pretreatment Standards, Local Limits, and State and local law;

(5) Statement of applicable civil and criminal penalties for violation of Pretreatment Standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable federal deadlines;
(6) Requirements to control Slug Discharges, if determined by the POTW to be necessary.
(iv) Require
(A) the development of a compliance schedule by each Industrial User for the installation of technology required to meet applicable Pretreatment Standards and Requirements and
(B) the submission of all notices and self-monitoring reports from Industrial Users as are necessary to assess and assure compliance by Industrial Users with Pretreatment Standards and Requirements, including but not limited to the reports required in § 403.12.
(v) Carry out all inspection, surveillance and monitoring procedures necessary to determine, independent of information supplied by Industrial Users, compliance or noncompliance with applicable Pretreatment Standards and Requirements by Industrial Users. Representatives of the POTW shall be authorized to enter any premises of any Industrial User in which a Discharge source or treatment system is located or in which records are required to be kept under § 403.12(o) to assure compliance with Pretreatment Standards. Such authority shall be at least as extensive as the authority provided under section 308 of the Act;
(vi)
(A) Obtain remedies for noncompliance by any Industrial User with any Pretreatment Standard and Requirement. All POTW's shall be able to seek injunctive relief for noncompliance by Industrial Users with Pretreatment Standards and Requirements. All POTWs shall also have authority to seek or assess civil or criminal penalties in at least the amount of $1,000 a day for each violation by Industrial Users of Pretreatment Standards and Requirements.
(B) Pretreatment requirements which will be enforced through the remedies set forth in paragraph (f)(1)(vi)(A) of this section, will include but not be limited to, the duty to allow or carry out inspections, entry, or monitoring activities; any rules, regulations, or orders issued by the POTW; any requirements set forth in control mechanisms issued by the POTW; or any reporting requirements imposed by the POTW or these regulations in this part. The POTW shall have authority and procedures (after informal notice to the discharger) immediately and effectively to halt or prevent any discharge of pollutants to the POTW which reasonably appears to present an imminent endangerment to the health or welfare of persons. The POTW shall also have authority and procedures (which shall include notice to the affected industrial users and an opportunity to respond) to halt or prevent any discharge to the POTW which presents or may present an endangerment to the environment or which threatens to interfere with the operation of the POTW. The Approval Authority shall have authority to seek judicial relief and may also use administrative penalty authority when the POTW has sought a monetary penalty which the Approval Authority believes to be insufficient.
(vii) Comply with the confidentiality requirements set forth in § 403.14.

[v] 40 CFR 403.8 (f)(2) Procedures.

The POTW shall develop and implement procedures to ensure compliance with the requirements of a Pretreatment Program. At a minimum, these procedures shall enable the POTW to:

(i) Identify and locate all possible Industrial Users which might be subject to the POTW Pretreatment Program. Any compilation, index or inventory of Industrial Users made under this paragraph shall be made available to the Regional Administrator or Director upon request;
(ii) Identify the character and volume of pollutants contributed to the POTW by the Industrial Users identified under paragraph (f)(2)(i) of this section. This information shall be made available to the Regional Administrator or Director upon request;
(iii) Notify Industrial Users identified under paragraph (f)(2)(i) of this section, of applicable Pretreatment Standards and any applicable requirements under sections 204(b) and 405 of the Act and subtitles C and D of the Resource Conservation and Recovery Act. Within 30 days of approval pursuant to 40 CFR 403.8(f)(6), of a list of significant industrial users, notify each significant industrial user of its status as such and of all requirements applicable to it as a result of such status.
(iv) Receive and analyze self-monitoring reports and other notices submitted by Industrial Users in accordance with the self-monitoring requirements in § 403.12;
(v) Randomly sample and analyze the effluent from Industrial Users and conduct surveillance activities in order to identify, independent of information supplied by Industrial Users, occasional and continuing noncompliance with Pretreatment Standards. Inspect and sample the effluent from each Significant Industrial User at least once a year, except as otherwise specified below:
(A) Where the POTW has authorized the Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard in accordance with § 403.12(e)(3), the POTW must sample for the waived pollutant(s) at least once during the term of the Categorical Industrial User's control mechanism. In the event that the POTW subsequently determines that a waived pollutant is present or is expected to be present in the Industrial User's wastewater based on changes that occur in the User's operations, the POTW must immediately begin at least annual effluent monitoring of the User's Discharge and inspection.
(B) Where the POTW has determined that an Industrial User meets the criteria for classification as a Non-Significant Categorical Industrial User, the POTW must evaluate, at least once per year, whether an Industrial User continues to meet the criteria in § 403.3(v)(2).
(C) In the case of Industrial Users subject to reduced reporting requirements under § 403.12(e)(3), the POTW must randomly sample and analyze the effluent from Industrial Users and conduct inspections at least once every two years. If the Industrial User no longer meets the conditions for reduced reporting in § 403.12(e)(3), the POTW must immediately begin sampling and inspecting the Industrial User at least once a year.
(vi) Evaluate whether each such Significant Industrial User needs a plan or other action to control Slug Discharges. For Industrial Users identified as significant prior to November 14, 2005, this evaluation must have been conducted at least once by October 14, 2006; additional Significant Industrial Users must be evaluated within 1 year of being designated a Significant Industrial User. For purposes of this subsection, 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. The results of such activities shall be available to the Approval

Authority upon request. Significant Industrial Users are required to notify the POTW immediately of any changes at its facility affecting potential for a Slug Discharge. If the POTW decides that a slug control plan is needed, the 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 POTW of Slug Discharges, including any Discharge that would violate a prohibition under § 403.5(b) with procedures for follow-up written notification within five days;
(D) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response;
(vii) Investigate instances of noncompliance with Pretreatment Standards and Requirements, as indicated in the reports and notices required under § 403.12, or indicated by analysis, inspection, and surveillance activities described in paragraph (f)(2)(v) of this section. Sample taking and analysis and the collection of other information shall be performed with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions; and
(viii) Comply with the public participation requirements of 40 CFR part 25 in the enforcement of National Pretreatment Standards. These procedures shall include provision for at least annual public notification in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW of Industrial Users which, at any time during the previous 12 months, were in significant noncompliance with applicable Pretreatment requirements. For the purposes of this provision, a Significant Industrial User (or any Industrial User which violates paragraphs (f)(2)(viii)(C), (D), or (H) of this section) is in significant noncompliance if its violation meets one or more of the following criteria:
(A) Chronic violations of wastewater Discharge limits, defined here as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);
(B) Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);
(C) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative Standard) that the POTW 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);

(D) 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 under paragraph (f)(1)(vi)(B) of this section to halt or prevent such a discharge;
(E) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
(F) Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
(G) Failure to accurately report noncompliance;
(H) Any other violation or group of violations, which may include a violation of Best Management Practices, which the POTW determines will adversely affect the operation or implementation of the local Pretreatment program.

[vi] 40 CFR 403.8 (f)(5) The POTW shall develop and implement an enforcement response plan. This plan shall contain detailed procedures indicating how a POTW will investigate and respond to instances of industrial user noncompliance. The plan shall, at a minimum:
(i) Describe how the POTW will investigate instances of noncompliance;
(ii) Describe the types of escalating enforcement responses the POTW will take in response to all anticipated types of industrial user violations and the time periods within which responses will take place;
(iii) Identify (by title) the official(s) responsible for each type of response;
(iv) Adequately reflect the POTW's primary responsibility to enforce all applicable pretreatment requirements and standards, as detailed in 40 CFR 403.8 (f)(1) and (f)(2).

[vii] 40 CFR 403.8 (f)(6) The POTW shall prepare and maintain a list of its Industrial Users meeting the criteria in § 403.3(v)(1). The list shall identify the criteria in § 403.3(v)(1) applicable to each Industrial User and, where applicable, shall also indicate whether the POTW has made a determination pursuant to § 403.3(v)(2) that such Industrial User should not be considered a Significant Industrial User. The initial list shall be submitted to the Approval Authority pursuant to § 403.9 or as a non-substantial modification pursuant to § 403.18(d). Modifications to the list shall be submitted to the Approval Authority pursuant to § 403.12(i)(1).

[viii] 40 CFR 403.8(f)(3) Funding.
The POTW shall have sufficient resources and qualified personnel to carry out the authorities and procedures described in paragraphs (f) (1) and (2) of this section. In some limited circumstances, funding and personnel may be delayed where
(i) the POTW has adequate legal authority and procedures to carry out the Pretreatment Program requirements described in this section, and
(ii) a limited aspect of the Program does not need to be implemented immediately (see § 403.9(b)).

[ix] 40 CFR 403.8 (f)(4) Local Limits. The POTW shall develop Local Limits as required in § 403.5(c)(1), or demonstrate that they are not necessary.

[x] 40 CFR 403.3 (e)

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

40 CFR 403.5(c)(4)

POTWs may develop Best Management Practices (BMPs) to implement paragraphs (c)(1) and (c)(2) of this section. Such BMPs shall be considered local limits and Pretreatment Standards for the purposes of this part and section 307(d) of the Act.

[xi] 40 CFR 403.3 (v)(3)

Upon a finding that an Industrial User meeting the criteria in paragraph (v)(1)(ii) of this section has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standards or requirement, the Control Authority may at any time, on its own initiative or in response to a petition received from an Industrial User or POTW, and in accordance with 40 CFR 403.8(f)(6), determine that such Industrial User is not a Significant Industrial User.

40 CFR 403.8 (f)(6)

The POTW shall prepare and maintain a list of its Industrial Users meeting the criteria in § 403.3(v)(1). The list shall identify the criteria in § 403.3(v)(1) applicable to each Industrial User and, where applicable, shall also indicate whether the POTW has made a determination pursuant to § 403.3(v)(2) that such Industrial User should not be considered a Significant Industrial User. The initial list shall be submitted to the Approval Authority pursuant to § 403.9 or as a non-substantial modification pursuant to § 403.18(d). Modifications to the list shall be submitted to the Approval Authority pursuant to § 403.12(i)(1).

[xii] 403.16 Upset provision.

(a) Definition. 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 Industrial User. An Upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(b) Effect of an upset. An Upset shall constitute an affirmative defense to an action brought for noncompliance with categorical Pretreatment Standards if the requirements of paragraph (c) are met.

(c) Conditions necessary for a demonstration of upset. An Industrial User who wishes to establish the affirmative defense of Upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An Upset occurred and the Industrial User can identify the cause(s) of the Upset;

(2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures;

(3) The Industrial User has submitted the following information to the POTW and Control Authority within 24 hours of becoming aware of the Upset (if this information is provided orally, a written submission must be provided within five days):
(i) A description of the Indirect Discharge and cause of noncompliance;
(ii) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue;
(iii) Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.
(d) Burden of proof. In any enforcement proceeding the Industrial User seeking to establish the occurrence of an Upset shall have the burden of proof.
(e) Reviewability of agency consideration of claims of upset. In the usual exercise of prosecutorial discretion, Agency enforcement personnel should review any claims that non-compliance was caused by an Upset. No determinations made in the course of the review constitute final Agency action subject to judicial review. Industrial Users will have the opportunity for a judicial determination on any claim of Upset only in an enforcement action brought for noncompliance with categorical Pretreatment Standards.
(f) User responsibility in case of upset. The Industrial User shall control production or 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.

[xiii] § 403.17 Bypass.
(a) Definitions.
(1) Bypass means the intentional diversion of wastestreams from any portion of an Industrial 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) Bypass not violating applicable Pretreatment Standards or Requirements. An Industrial 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 paragraphs (c) and (d) of this section.
(c) Notice.
(1) If an Industrial User knows in advance of the need for a bypass, it shall submit prior notice to the Control Authority, if possible at least ten days before the date of the bypass.
(2) An Industrial User shall submit oral notice of an unanticipated bypass that exceeds applicable Pretreatment Standards to the Control Authority within 24 hours from the time the Industrial User becomes aware of the bypass. A written submission shall also be provided within 5 days of the time the Industrial 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 Control Authority may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
(d) Prohibition of bypass.
(1) Bypass is prohibited, and the Control Authority may take enforcement action against an Industrial User for a bypass, unless;
(i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
(ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
(iii) The Industrial User submitted notices as required under paragraph (c) of this section.
(2) The Control Authority may approve an anticipated bypass, after considering its adverse effects, if the Control Authority determines that it will meet the three conditions listed in paragraph (d)(1) of this section.

[xiv] 40 CFR 403.3 (v)(1) Except as provided in paragraphs (v)(2) and (v)(3) of this section, the term Significant Industrial User means:

(i) All Industrial Users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; and

(ii) Any other Industrial User that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW Treatment plant; or is designated as such by the Control Authority on the basis that the Industrial User has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

[xv] 40 CFR 403.12 (g)(3) The reports required in paragraphs (b), (d), (e) and (h) of this section must be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data are representative of conditions occurring during the reporting period. The Control Authority shall require that frequency of monitoring necessary to assess and assure compliance by Industrial Users with applicable Pretreatment Standards and Requirements. Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Control Authority. Where time-proportional composite sampling or grab sampling is authorized by the Control Authority, the samples must be representative of the Discharge and the decision to allow the alternative sampling must be documented in the Industrial User file for that facility or facilities. Using protocols

(including appropriate preservation) specified in 40 CFR part 136 and appropriate EPA guidance, multiple grab samples collected during a 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 & 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 Control Authority, as appropriate.

This page has intentionally been left blank

**SLCWRF RESPONSES TO THE DWQ 2023 PRETREATMENT PROGRAM LEGAL AUTHORITY REVIEW**

The information below provides a summary of the Utah Division of Water Quality (DWQ) required or requested updated to the Salt Lake City Wastewater Control and Sewer System Ordinances (City Code) and the Salt Lake City Water Reclamation Facility (SLCWRF) responses and/or requirements. Note, Section 3.7.1 and the Summary of Actions Table in the 2024 DWQ issued Pretreatment Audit Report provides for the submittal of proposed updates to the DWQ within 30 days and updates completion within one year. The response were revised on 11/18/2024, after discussion with DWQ about the required revisions.

NONE = No revision necessary REQ = Require Revision REC = Recommend Revision

| | Part 403 Citation | EPA Model Sewer Use Ordinance (SUO) Section | REVISIONS | | | POTW Ordinance Section | DWQ Comments / Notes | SLCWRF Response to DWQ Comments / Notes |
|---|---|---|---|---|---|---|---|---|
| | | | NONE | REQ | REC | | | |
| **A. Definitions [403.3 & 403.8(f)(2)]** | | | | | | | | |
| 1. Act, Clean Water Act | 403.3(b) | § 1.4 A | X | | | 17.32.060 | | No action taken |
| 2. Approval Authority | 403.3(c) | § 1.4 B | X | | | 17.32.070 | | No action taken |
| 3. Authorized or Duly Authorized Representative of the User | 403.12(l) | § 1.4 C | X | | | 17.32.080 | | No action taken |
| 4. Best Management Practices or coms | 403.3(e) | § 1.4 E | | | X | 17.32.090 | Due to BMPs being LL the following should be add from the MSUO "BMPs shall be considered local limits and Pretreatment Standards for the purposes of this [ordinance] and Section 307(d) of the Act, 40 CFR 403.5(c)(4) and R317-8-8" | The definition in Ordinance 17.32.090 matches the EPA model SUO and 40 Code of Federal Regulations (CFR) 403.3(e) and R317-8.2(3). Moreover, Ordinance 17.36.090.E generally matches the wording in 40 CFR 403.5(c)(4) and R317-8.5(7), stating that BMPs may be developed to implement local limits and the requirements of the Ordinance. No changes made. |
| 5. Categorical Pretreatment Standard or Categorical Standard | | § 1.4 F | X | | | 17.32.130 | | No action taken |
| 6. Control Authority | 403.12(a) | § 1.4 J | X | | | 17.32.190 | | No action taken |
| 7. Grab sample | | § 1.4 O | X | | | 17.32.290 | | No action taken |
| 8. Hazardous Waste | | § 1.4 P | X | | | 17.32.300 | | No action taken |
| 9. Indirect Discharge or Discharge | 403.3(i) | § 1.4 Q | X | | | 17.32.320 | | No action taken |
| 10. Industrial User (or equivalent) | 403.3(j) | § 1.4 PP | X | | | 17.32.330 | | No action taken |
| 11. Interference | 403.3(k) | § 1.4 S | X | | | 17.32.360 | | No action taken |
| 12. Local Limit | 403.5 | § 1.4 T | | | X | 17.32.370 | Remove the reference to 403 due to the information being included in 17.36.060 | The definition in Ordinance §17.32.370 matches the definitions in both the EPA model SUO and the Region 8 example ordinance. Both of these example documents include a reference to 40 CFR 403.5(a)(1) and (b). Therefore, no change was made. |
| 13 National Pretreatment Standard, Pretreatment Standard or Standard | 403.3(l) | § 1.4 FF | | | X | 17.32.490 | Reference the prohibited standard in the ordinance rather than 403 | The definition generally matches those provided in 40 CFR 403.3(l), the EPA model SUO, the Region 8 example ordinance, and R317-8-8.2(8). The SCLWRF is currently reviewing the recommendation and the specific wording used in the Ordinance and are in active dialogue with internal City stakeholders If a revision to the Ordinance is justified the proposed modification shall be submitted to DWQ. |
| 14 National Prohibitive Discharge Standard | | § 1.4 GG | X | | | 17.32.500 | | No action taken |
| 15 New Source | 403.3(m) | § 1.4 X | X | | | 17.32.410 | | No action taken |
| 16 Pass Through | 403.3(p) | § 1.4 Z | X | | | 17.32.430 | | No action taken |

| | Part 403 Citation | EPA Model Sewer Use Ordinance (SUO) Section | REVISIONS | | | POTW Ordinance Section | DWQ Comments / Notes | SLCWRF Response to DWQ Comments / Notes |
|---|---|---|---|---|---|---|---|---|
| | | | NONE | REQ | REC | | | |
| 17. Pretreatment | 403.3(s) | § 1.4 DD | X | | | 17.32.470 | | No action taken |
| 18. Pretreatment Requirement | 403.3(t) | § 1.4 EE | X | | | 17.32.480 | | No action taken |
| 19. Publicly Owned Treatment Works or POTW | 403.3(q) | § 1.4 HH | X | | | 17.32.520 | | No action taken |
| 20. Significant Industrial User ***[NOTE: §1.4 GG(3) is an optional streamlining provision for Non-Significant Categorical Industrial User classification.]*** | 403.3(v) | § 1.4 KK | X | | | 17.32.570 | | No action taken |
| 21. Significant Noncompliance | **403.8(f)(2)(viii)(A)-(H)** | § 9 (A-H) | | X | | 17.32.580 | Include a reference to Section 2, as the information in 40 CFR refers to the Pretreatment Standard and not information regarding instantaneous limits. | The definition matches those provided in 40 CFR 403.8(f)(2)(viii)(A-H) and/or the EPA model SUO. The DWQ requirement to reference Section 2 in the EPA SUO is not appropriate with respect to the Ordinance organization and references.<br><br>The SLCWRF and DWQ discussed this requirement on 11/15/2024, and agreed that a revision to the Ordinance is not required. |
| 22. Slug Load or Slug Discharge | **403.8(f)(2)(vi)** | § 1.4 LL | X | | | 17.32.590 | | 17.32.590 |

| | Part 403 Citation | EPA Model Sewer Use Ordinance (SUO) Section | REVISIONS | | | POTW Ordinance Section | DWQ Comments / Notes | SLCWRF Response to DWQ Comments / Notes |
|---|---|---|---|---|---|---|---|---|
| | | | NONE | REQ | REC | | | |
| 23. Waters of the State | | § 1.4 SS | | | X | 17.32.730 | Include the following "… thereof, except that 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" | The reference to the definition for Waters of the State in the EPA model SUO provided by DWQ could not be located.<br><br>No change was made. |
| Other definitions (include definitions that the POTW has that may need req or rec edits here) | Reference | | | | | | | |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Compatible Pollutant | https://www.owp.csus.edu/glossary/compatible-pollutants.php | | | | X | 17.32.180 | "Those pollutants that are normally removed by the POTW treatment system. Biochemical oxygen demand (BOD), suspended solids (SS), and ammonia are considered compatible pollutants." | The website cited or referenced by DWQ is a wastewater training program offered by Sacramento State College of Engineering. The program has strict academic honesty and copyright rules. Use of this DWQ recommended definition would likely violate said copyright. Moreover, the use of a definition not provided or referenced by EPA or other regulatory agencies could be open to scrutiny and less defensible.<br><br>No change was made. |
| Pollutant | https://www.owp.csus.edu/glossary/pollutant.php | | | | X | 17.32.460 | "Any substance that causes an impairment (reduction) of water quality to a degree that has an adverse effect on any beneficial use of the water. Pollutants may include dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste." | The definition in the Ordinance matches those in 40 CFR 401.11(f), the EPA model SUO, and R317-8-1.5(35). Moreover, the website cited or referenced by DWQ is a wastewater training program offered by Sacramento State College of Engineering. The program has strict academic honesty and copyright rules. Use of this DWQ recommended definition would likely violate said copyright. The use of a definition not provided or referenced by EPA or other regulatory agency could be open to scrutiny and less defensible.<br><br>No change was made. |

| | Part 403 Citation | EPA Model Sewer Use Ordinance (SUO) Section | REVISIONS | | | POTW Ordinance Section | DWQ Comments / Notes | SLCWRF Response to DWQ Comments / Notes |
|---|---|---|---|---|---|---|---|---|
| | | | NONE | REQ | REC | | | |
| Pollution | https://www.owp.csus.edu/glossary/pollution.php | | | | X | 17.32.460 | "The impairment (reduction) of water quality by agricultural, domestic, or industrial wastes (including thermal and radioactive wastes) to a degree that the natural water quality is changed to hinder any beneficial use of the water or render it offensive to the senses of sight, taste, or smell or when sufficient amounts of wastes create or pose a potential threat to human health or the environment." | The definition in the Ordinance matches 40 CFR 401.11(f), and generally that in R317-8-1.5(36). Moreover, the website cited or referenced by DWQ is a wastewater training program offered by Sacramento State College of Engineering. The program has strict academic honesty and copyright rules. Use of this DWQ recommended definition would likely violate said copyright. The use of a definition not provided or referenced by EPA or other regulatory agency could be open to scrutiny and less defensible.<br><br>No change was made. |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Sewage | https://www.owp.csus.edu/glossary/sewage.php | | | | X | 17.32.550 | "The used household water and water-carried solids that flow in wastewater collection systems to a wastewater treatment plant. The preferred term is wastewater." | The definition in the Ordinance matches those in Section 312 of the Clean Water Act, and the EPA model SUO. Moreover, the website cited or referenced by DWQ is a wastewater training program offered by Sacramento State College of Engineering. The program has strict academic honesty and copyright rules. Use of this DWQ recommended definition would likely violate said copyright. The use of a definition not provided or referenced by EPA or other regulatory agency could be open to scrutiny and less defensible.<br><br>No change was made. |
| Toxic Pollutant | https://www.owp.csus.edu/glossary/toxic-pollutant.php | | | | X | 17.32.660 | "Those pollutants or combinations of pollutants, including disease-causing agents, that cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions in reproduction), or physical deformations." | The definition in the Ordinance generally matches that in R317-8-1(56). Moreover, the website cited or referenced by DWQ is a wastewater training program offered by Sacramento State College of Engineering. The program has strict academic honesty and copyright rules. Use of this DWQ recommended definition would likely violate said copyright. The use of a definition not provided or referenced by EPA or other regulatory agency could be open to scrutiny and less defensible.<br><br>No change was made. |

| | Part 403 Citation | EPA Model Sewer Use Ordinance (SUO) Section | REVISIONS | | | POTW Ordinance Section | DWQ Comments / Notes | SLCWRF Response to DWQ Comments / Notes |
|---|---|---|---|---|---|---|---|---|
| | | | NONE | REQ | REC | | | |
| Wastewater Discharge Permit or Permit | | | | | X | 17.32.700 | State "IU" rather than "SIU" | Use of the term SIU or significant industrial user is correct. Wastewater discharge permits are issued to those industrial users who meet the definition of SIU as provided in Ordinance 17.32.570.<br><br>No change made. |
| Storm Sewer | | | | | X | 17.32.620 | State "uncontaminated groundwater or treated groundwater allowed by an UPDES General Permit" rather than "groundwater." | The SCLWRF is currently reviewing the recommendation and the specific wording used in the Ordinance and are in active dialogue with internal City stakeholders If a revision to the Ordinance is justified the proposed modification shall be submitted to DWQ. |
| Viscosity | https://www.owp.csus.edu/glossary/viscosity.php | | | | | | A property of water, or any other fluid, that resists efforts to change its shape or flow. | The website cited or referenced by DWQ is a wastewater training program offered by Sacramento State College of Engineering. The program has strict academic honesty and copyright rules. Use of this DWQ recommended definition would likely violate said copyright. Moreover, the use of a definition not provided or referenced by EPA or other regulatory agency could be open to scrutiny and less defensible. No change was made. |

NONE = No revision necessary REQ = Require Revision REC = Recommend Revision

| | Part 403 Citation | Model SUO Section | REVISIONS | | | POTW Ordinance Section | DWQ Comments / Notes | SLCWRF Response to DWQ Comments / Notes |
|---|---|---|---|---|---|---|---|---|
| | | | NONE | REQ | REC | | | |
| **B. National Pretreatment Standards – Prohibited Discharges** | | | | | | | | |
| 1. General Prohibitions | | | | | | | | |
| a. Interference | 403.5(a) | § 2.1A | X | | | 17.36.060A | | No change made |
| b. Pass Through | 403.5(a) | § 2.1A | X | | | 17.36.060A | | No change made |
| 2. Specific Prohibitions [403.5(b)] | | | | | | | | |
| a. Fire/Explosion Hazard (60° C or 140° F flashpoint) | 403.5(b)(1) | § 2.1B(1) | X | | | 17.36.060 B.2 | | No change made |
| b. pH/Corrosion | 403.5(b)(2) | § 2.1B(2) | X | | | 17.36.060 B.4 | | No change made |
| c. Solid or Viscous/Obstruction | 403.5(b)(3) | § 2.1B(4) | X | | | 17.36.060 B.3 | | No change made |
| d. Flow Rate/Concentration (BOD, etc.) | 403.5(b)(4) | § 2.1B(6) | X | | | 17.36.060 B.6.a | | No change made |
| e. Heat; exceeds 40° C (104°F) | 403.5(b)(5) | § 2.1B(7) | X | | | 17.36.060 B.12 | | No change made |
| f. Petroleum/Nonbiodegradable Cutting/Mineral Oils | 403.5(b)(6) | § 2.1B(9) | X | | | 17.36.060 B.14 | | No change made |
| g. Toxic Gases/Vapor/Fumes | 403.5(b)(7) | § 2.1B(10) | X | | | 17.36.060 B.8 | | No change made |
| h. Trucked/Hauled Waste | 403.5(b)(8) | § 2.1B(11) | X | | | 17.36.060 B.15 | | No change made |
| 3. National Categorical Standards | 403.5(f)(1)(ii) | § 2.2 | X | | | 17.36.070 | | No change made |
| 4. Local Limits Development ***[NOTE: POTWs may develop Best Management Practices (BMPs) to implement the prohibitions listed in 40 CFR 403.5(a)(1). Such BMPs shall be considered local limits and Pretreatment Standards.]*** | 403.5(c) & (d) | § 2.4 | X | | | 17.36.090 | | No change made |
| 5. Prohibition Against Dilution as Treatment | 403.6(d) | § 2.6 | | | X | 17.36.110 | Recommend removing the reference to 40 CFR 403.6 | The reference is appropriate. No change made. |
| 6. Best Management Practices Development ***[NOTE: Optional streamlining provision.]*** | 403.5(c)(4) | § 2.4C | X | | | 17.36.090E | | No change made |
| 7. Combined Waste stream formula | 403.6(e) | § 2.2E. | X | | | 17.36.070C | | No change made |
| | | § 4.5A.(6) | X | | | 17.52.030A.7 | | No change made |
| | | § 4.6D. | X | Not included | | | | |
| | | §6.1B(2)c. | X | | | 17.52.160 A.2.c | | No change made |

NONE = No revision necessary REQ = Require Revision REC = Recommend Revision

| | Part 403 Citation | Model SUO Section | REVISIONS | | | POTW Ordinance Section | DWQ Comments / Notes | SLCWRF Response to DWQ Comments / Notes |
|---|---|---|---|---|---|---|---|---|
| | | | NONE | REQ | REC | | | |
| **C. Control Discharges to POTW System** | | | | | | | | |
| 1. Deny/Condition New or Increased Contributions | 403.8(f)(1)(i) | § 2.5 | | | X | 17.36.100 | Include the language from the MSUO 2.5 | The wording in Ordinance 17.36.100 is consistent with Section 2.5 of the EPA model SUO. No change made. |
| | | § 4.8 | | | X | 17.52.060 | Stating IU rather than SIU | Agree, Ordinance 17.52.060.B should be revised to read<br><br>"The director will evaluate the data furnished by the IU ~~SIU~~ and may require additional information. Within one hundred twenty (120) days of receipt of a complete permit application, the director will determine whether to issue a wastewater discharge permit. The director may conditionally approve or deny any application for a wastewater discharge permit." |
| | | § 5.2 | X | | | 17.52.080 B.10 | Does not state timeframe however a timeframe is stated in other sections of the LA | No change made |
| 2. Individual Control Mechanism (e.g., permit) to ensure compliance<br>- *Permit Content* | 403.8(f)(1)(iii) | § 4.2 | | | X | 17.52.010 | Adding "if required" to 17.52.010 A. see MSUO | The wording in Ordinance 17.52.010.A is consistent with Section 4.2 of the EPA model SUO. No change made. |
| a. Statement of Duration | 403.8(f)(1)(B)(1) | § 5.1 | X | | | 17.52.070B | | No change made |
| | | § 5.2A(1) | X | | | 17.52.080A.1 | | No change made |
| b. Statement of Nontransferability | 403.8(f)(1)(B)(2) | §5.2A(2) | X | | | 17.52.080A.2 | | No change made |
| c. Effluent Limits | 403.8(f)(1)(B)(3) | § 5.2A(3) | X | | | 17.52.080A.3 | | No change made |
| d. Best Management Practices<br>***[Note: This is a required streamlining provision for CIUs with BMP requirements as part of its Categorical Standards. But if BMPs are being applied to other CIUs or noncategorical SIUs without categorical BMP requirements, then this provision would be optional and is only required if the POTW has incorporated the use of BMPs (§ 2.4 C).]*** | 403.8(f)(1)(B)(3) | § 5.2A(3) | | X | | 17.52.080A.3 | | No change made |
| e. Self-Monitoring Requirements | 403.8(f)(1)(B)(4) | § 5.2A(4) | X | | | 17.52.080A.4 | | No change made |
| f. Reporting & Notification Requirements | 403.8(f)(1)(B)(4) | § 5.2A(4) | X | | | 17.52.080A.4 | | No change made |
| g. Recordkeeping Requirements | 403.8(f)(1)(B)(4) | § 5.2A(4) | X | | | 17.52.080A.4 | | No change made |
| h. Process for Seeking a Waiver for Pollutants Not Present or Expected to be Present<br>***[NOTE: Optional streamlining provision. Required only if the POTW has incorporated § 6.4B o the Model SUO.]*** | 403.8(f)(1)(B)(4) & 403.12(e)(2) | § 5.2A(5) | | X | | 17.52.080A.5 | | No change made |

NONE = No revision necessary REQ = Require Revision REC = Recommend Revision

| | Part 403 Citation | Model SUO Section | REVISIONS | | | POTW Ordinance Section | DWQ Comments / Notes | SLCWRF Response to DWQ Comments / Notes |
|---|---|---|---|---|---|---|---|---|
| | | | NONE | REQ | REC | | | |
| i. Statement of Applicable Civil and Criminal Penalties | 403.8(f)(1)(lll)(5) | § 5.2A(6) | X | | | 17.52.080A.6 | | No change made |
| j. Slug Discharge Requirements (if necessary) ***[NOTE: Required streamlining change. Where the POTW has determined that slug controls are necessary, the ordinance must provide authority for the POTW to include such requirements in IU permits.]*** | 403.8(f)(1)(lll)(6) | § 5.2A(7) | X | | | 17.52.080A.7 | | No change made |
| k. Specific waived pollutant ***[NOTE: Optional streamlining provision. Required only if the POTW has incorporated § 6.4B of the Model SUO.]*** | 403.8(f)(1)(lll)(4) | § 5.2A(8) | X | | | 17.52.080A.8 | | No change made |
| l. Permit Application/Reapplication Requirements ***[Note: Optional permit provision]*** | | § 5.3 | X | | | 17.52.090 | | No change made |
| | | § 5.7 | X | | | 17.52.130 | 90 days prior to expiration of existing permit | No change made |
| | | §4.5 A. | | | X | 17.52.030A | Adding "All permittees that will be continuing to discharge are required to complete an application [90] days prior to the permit expiring." | A "permittee" or SIU is considered a "User" as addressed in Ordinance 17.52.030. No change made. |
| m. Permit Modification ***[Note: Optional permit provision]*** | | § 5.4 | X | | | 17.52.100 | | No change made |
| n. Permit Revocation/Termination ***[Note: Optional permit provision]*** | | § 5.6 | X | | | 17.52.120 | | No change made |

NONE = No revision necessary REQ = Require Revision REC = Recommend Revision

| | Part 403 Citation | Model SUO Section | REVISIONS | | | POTW Ordinance Section | DWQ Comments / Notes | SLCWRF Response to DWQ Comments / Notes |
|---|---|---|---|---|---|---|---|---|
| | | | NONE | REQ | REC | | | |
| o. Proper Operation and Maintenance ***[Note: Optional permit provision]*** | | § 3.1 | X | | | 17.36.120 | | No change made |
| p. Duty of Halt/Reduce ***[Note: Optional permit provision]*** | | § 10.7 | X | | | 17.68.070 | | No change made |
| q. Requirement to submit Chain-of-Custody forms with monitoring data ***[Note: Optional permit provision]*** | | | X | | | 17.52.200 | | No change made |
| r. Accidental Discharge/Slug Discharge Control Plan | 403.8(f)(2)(vi)(A)-(D) | § 3.3 | X | | | 17.36.150 | States that the director may develop a slug plan. | No change made |
| 3. General Control Mechanism to ensure compliance ***[NOTE: Optional streamlining provision. Required only if the POTW has incorporated the use of General Permits (§ 4.6 of the Model SUO).]*** | 403.8(f)(1)(iii)(A) | § 4.2<br>4.6 | This option is not included | | | | | No change made |
| - *Permit Content* | | | | | | | | |
| a. Statement of Duration | 403.8(f)(1)(B)(i) | §5.1<br>§ 5.2A(1) | | | | | | |
| b. Statement of Nontransferability | 403.8(f)(1)(B)(ii) | § 5.2A(2) | | | | | | |
| c. Effluent Limits | 403.8(f)(1)(B)(iii) | § 5.2A(3) | | | | | | |
| d. Best Management Practices ***[Note: This is a required streamlining provision for CIUs with BMP requirements as part of its Categorical Standards. But if BMPs are being applied to other CIUs or noncategorical SIUs without categorical BMP requirements, then this provision would be optional and is only required if the POTW has incorporated the use of BMPs (§ 2.4C).]*** | 403.8(f)(1)(B)(iii) | § 5.2A(3) | | | | | | |
| e. Self-Monitoring Requirements | 403.8(f)(1)(B)(iv) | § 5.2A(4) | | | | | | |
| | | | | | | | | |
| f. Reporting & Notification Requirements | 403.8(f)(1)(B)(iv) | § 5.2A(4) | | | | | | |
| | | | | | | | | |
| g. Recordkeeping Requirements | 403.8(f)(1)(B)(iv) | § 5.2A(4) | | | | | | |
| | | | | | | | | |
| h. Process for Seeking a Waiver for Pollutants Not Present or Expected to be Present ***[Note: Required only if POTW has incorporated the use of Pollutants Not Present and § 6.4 of the Model SUO.]*** | 403.8(f)(1)(B)(iv) & 403.12(e)(2) | § 5.2A(5) | | | | | | |
| ***Model SUO.]*** | | | | | | | | |
| i. Statement of Applicable Civil and Criminal Penalties | 403.8(f)(1)(B)(v) | § 5.2A(7) | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

NONE = No revision necessary REQ = Require Revision REC = Recommend Revision

| | Part 403 Citation | Model SUO Section | REVISIONS | | | POTW Ordinance Section | DWQ Comments / Notes | SLCWRF Response to DWQ Comments / Notes |
|---|---|---|---|---|---|---|---|---|
| | | | NONE | REQ | REC | | | |
| c. Effluent Limits | 403.8(f)(1)(iii)(3) | § 5.2A(3) | This option is not included | | | | | |
| d. Best Management Practices ***[Note: This is a required streamlining provision for CIUs with BMP requirements as part of its Categorical Standards. But if BMPs are being applied to other CIUs or noncategorical SIUs without categorical BMP requirements, then this provision would be optional and is only required if the POTW has incorporated the use of BMPs (§ 2.4(3).]*** | 403.8(f)(1)(iii)(3) | § 5.2A(3) | | | | | | |
| e. Self-Monitoring Requirements | 403.8(f)(1)(iii)(4) | § 5.2A(4) | | | | | | |
| f. Reporting & Notification Requirements | 403.8(f)(1)(iii)(4) | § 5.2A(4) | | | | | | |
| g. Recordkeeping Requirements | 403.8(f)(1)(iii)(4) | § 5.2A(4) | | | | | | |
| h. Process for Seeking a Waiver for Pollutants Not Present or Expected to be Present ***[Note: Required only if POTW has incorporated the use of Pollutants Not Present and § 6.4 of the Model SUO.]*** | 403.8(f)(1)(iii)(4) & 403.12(e)(2) | § 5.2A(5) | | | | | | |
| i. Statement of Applicable Civil and Criminal Penalties | 403.8(f)(1)(iii)(5) | § 5.2A(7) | | | | | | |
| | | | | | | | | |

NONE = No revision necessary REQ = Require Revision REC = Recommend Revision

| | Part 403 Citation | Model SUO Section | REVISIONS NONE | REQ | REC | POTW Ordinance Section | DWQ Comments / Notes | SLCWRF Response to DWQ Comments / Notes |
|---|---|---|---|---|---|---|---|---|
| j. Slug Discharge Requirements (if necessary) ***[NOTE: Required streamlining change. The ordinance should indicate that a user is required to develop a slug discharge control plan if determined by the POTW to be necessary.]*** | 403.8(f)(1)(B)(6) | § 5.2A(8) | | | | | | |
| k. Permit Application/Reapplication Requirements ***[Note: Optional permit provision]*** | | § 5.3 | | | | | | |
| | | § 5.7 | | | | | | |
| l. Permit Modification ***[Note: Optional permit provision]*** | | § 5.4 | | | | | | |
| m. Permit Revocation/Termination ***[Note: Optional permit provision]*** | | § 5.6 | | | | | This option is not included | No change made |
| | | § 10.8 | | | | | | |
| n. Proper Operation and Maintenance ***[Note: Optional permit provision]*** | | § 3.1 | | | | | | |
| o. Duty of Halt/Reduce ***[Note: Optional permit provision]*** | | § 10.7 | | | | | | |
| p. Requirement to submit Chain-of-Custody forms with monitoring data ***[Note: Optional permit provision]*** | | | | | | | | |
| q. Accidental Discharge/Slug Discharge Control Plan | 403.8(f)(2)(vi(A)-(D) | § 3.3 | | | | | | |
| **D. Required Reports** | | | | | | | | |
| 1. Develop compliance schedule for installation of technology | 403.8(f)(1)(iv) | § 5.2B(2) | X | | | 17.52.080 B.3 | | No change made |
| | | § 10.4 | | | X | 17.68.040 | Not included | Ordinance 17.68.040 is consistent with Section 10.4 of the EPA model SUO. No change made. |

NONE = No revision necessary REQ = Require Revision REC = Recommend Revision

| | Part 403 Citation | Model SUO Section | REVISIONS | | | POTW Ordinance Section | DWQ Comments / Notes | SLCWRF Response to DWQ Comments / Notes |
|---|---|---|---|---|---|---|---|---|
| | | | NONE | REQ | REC | | | |
| 2. Reporting Requirements [403.12]<br>*Types of Reports* | | | | | | | | |
| a. Baseline monitoring report | 403.12(b) | § 6.1 | X | | | 17.52.160 | | No change made |
| (i) Identifying Information | 403.12(b)(1) | § 6.1B(1) | X | | | 17.52.160A.1 | | No change made |
| | | § 4.5A(1)a | | X | | 17.52.030A.1. | Include an "or" between "authorized representative duly authorized" in 17.52.030 A.1.b | Agree, Ordinance 17.52.030.A.1.b should be revised to read<br>"The name of an authorized representative or duly authorized to act on behalf of the facility." |
| (ii) Other Environmental Permits Held | 403.12(b)(2) | § 6.1B(1) | X | | | 17.52.160A.1 | | No change made |
| | | § 4.5A(2) | X | | | 17.52.030A.3 | | No change made |
| (iii) Description of operations | 403.12(b)(3) | § 6.1B(1) | X | | | 17.52.160A.1 | | No change made |
| | | §4.5A(3) a | X | | | 17.52.030A.4 | | No change made |
| (iv) Flow measurements | 403.12(b)(4) | §6.1B(1)<br>2? | X | | | 17.52.160A.1 | | No change made |
| | | § 4.5A(6) | X | | | 17.52.030A.7 | | No change made |
| (v) Measurement of pollutants | 403.12(b)(5) | § 6.1B(2) | X | | | 17.52.160A.2 | | No change made |
| | | § 4.5A(7) | X | | | 17.52.030A.8 | | No change made |
| (vi) Certification | 403.12(b)(6) | § 6.1B(3) | X | | | 17.52.160A.3 | | No change made |
| (vii) Compliance schedule | 403.12(b)(7) | § 6.1B(4) | X | | | 17.52.160A.4 | | No change made |
| b. Compliance schedule progress report | 403.12(c) | § 6.2 | X | | | 17.52.160B | What will happen if the compliance proposal is beyond 18 months? | No change made |
| c. Report on compliance with categorical Pretreatment Standard deadline | 403.12(d) | § 6.3 | X | | | 17.52.160C | | No change made |
| d. Periodic reports on continued compliance | | | | | | | | |
| - From categorical users | 403.12(e) | § 6.4A | X | | | 17.52.160D.1 | | No change made |
| - From significant non-categorical users | 403.12(h) | § 6.4A | X | | | 17.52.160D.1 | | No change made |
| e. Notice of potential problems to be reported immediately (including slug loads) | 403.12(f) | § 6.6 | X | | | 17.52.160F | | No change made |

NONE = No revision necessary REQ = Require Revision REC = Recommend Revision

| | Part 403 Citation | Model SUO Section | REVISIONS | | | POTW Ordinance Section | Comments / Notes | SLCWRF Response to DWQ Comments / Notes |
|---|---|---|---|---|---|---|---|---|
| | | | NONE | REQ | REC | | | |
| f. Notification of changes affecting potential for a slug discharge ***[NOTE: Required streamlining revision]*** | 403.8(f)(2)(vi) | § 6.5 | | | X | 17.52.160E | Information is not included regarding slug discharge. | Ordinance 17.52.160.E describes Reports of Changed Conditions. Ordinance 17.52.160.F describes Reports of Potential Problems and includes provisions for slug discharge reporting and is consistent with Section 6.6 in the EPA model SUO. No change made |
| | | § 6.6 | X | | | 17.52.160F.4 | | No change made |
| g. Notice of violation/sampling requirement ***[NOTE: Required streamlining revision.]*** | 403.12(g)(2) | § 6.8 | X | | | 17.52.160H | | No change made |
| h. Requirement to conduct representative sampling | 403.12(g)(3) | § 6.4E | X | | | 17.52.160D.5 | | No change made |
| i. Notification of changed discharge | 403.12(j) | § 6.5 | X | | | 17.52.160E | | No change made |
| j. Notification of discharge of hazardous waste | 403.12(p)<br>403.8(f)(2)(iii) | § 6.9 | X | | | 17.52.160I | | No change made |
| *Other Reporting Requirements* | | | | | | | | |
| k. Data accuracy certification & authorized signatory | 403.6(a)(2)(ii) & 403.12(l) | § 6.4D<br>§ 6.14 | X<br>X | | | 17.52.160D.4<br>17.52.210 | | No change made<br>No change made |
| l. Recordkeeping Requirement (3 years or longer) | 403.12(o) | § 6.13 | X | | | 17.52.200 | Five years | No change made |
| - Including documentation associated with Best Management Practices ***[NOTE: Required streamlining provision.]*** | 403.12(o) | § 6.13 | X | | | 17.52.200 | | No change made |
| m. Submission of all monitoring data ***[NOTE: Required streamlining revision]*** | 403.12(g)(6) | § 6.4F | X | | | 17.52.160D.6 | | No change made |
| n. Annual certification by Non-significant categorical Industrial Users ***[Note: Optional provision, required only if the POTW has incorporated §1.4GG(3) of the Model SUO.]*** | 403.3(v)(2) | § 4.7C<br>§ 6.14B | X | | X | 17.52.050C<br>17.52.210B | Needs to include "The facility during the reporting period never discharged untreated concentrated wastewater" | No change made<br>Disagree, Ordinance 17.52.210.B provides for annual certification statements from non-significant CIUs. The certification statement wording is consistent with 40 CFR 403.12(q) and Section 6.14B of the EPA SUO. The recommended wording provided by DWQ references 40 CFR 403.3(v)(2) which prescribes criteria for a determination that a facility is a non-significant CIU and not directly relevant to the certification statement requirements. Therefore, the SLCWRF respectfully requests DWQ reevaluate this "required" change.<br><br>The SLCWRF and DWQ discussed this requirement on 11/15/2024 and agreed that a revision to the Ordinance is not required. |

NONE = No revision necessary REQ = Require Revision REC = Recommend Revision

| | Part 403 Citation | Model SUO Section | REVISIONS | | | POTW Ordinance Section | Comments / Notes | SLCWRF Response to DWQ Comments / Notes |
|---|---|---|---|---|---|---|---|---|
| | | | NONE | REQ | REC | | | |
| o. Certification of pollutant not present ***[NOTE: Optional provision, required only if the POTW has incorporated § 6.4 B of the Model SUO]*** | 403.12(e)(2)(v) | § 6.14C | X | | | 17.52.210C | | No change made |
| **E. Test Procedures [40 CFR Part 136 & 403.12(o)]** | | | | | | | | |
| 1. Analytical procedures (40 CFR Part 136) ***[NOTE: Required streamlining provisions] Available*** | 403.12(g) | § 6.10 | X | | | 17.52.170 | | No change made |
| 2. Sample collection procedures ***[NOTE: Required streamlining provisions]*** | 403.12(g)(3) & (4) | § 6.11 | X | | | 17.52.180 | | No change made |
| 3. Sampling type (grad or composite for self monitoring | | § 6.11 A. | X | | | 17.52.180A | | No change made |
| | | § 6.11 B. | X | | | 17.52.180 B | | No change made |
| **F. Inspection and Monitoring Procedures [403.8(f)]** | | | | | | | | |
| 1. Right to enter all parts of the facility at reasonable times | 403.8(f)(1)(v) | § 7.1 | X | | | 17.52.230 | | No change made |
| 2. Right to inspect generally for compliance | 403.8(f)(1)(v) | § 7.1 | X | | | 17.52.230 | | No change made |
| 3. Right to take independent samples | 403.8(f)(1)(v), 403.8(f)(2)(v) & 403.8(f)(2)(vii) | § 7.1 | X | | | 17.52.220 | | No change made |
| 4. Right to require installation of monitoring Equipment | 403.8(f)(1)(v) | § 7.1 | X | | | 17.52.220 | | No change made |
| 5. Right to inspect and copy records | 403.12(o)(2) | § 7.1 | X | | | 17.52.220 | | No change made |
| **G. Remedies for Non-compliance (Enforcement) [403.8(f)(1)(vi)]** | | | | | | | | |
| 1. Non-emergency response | | | | | | | | |
| a. Injunctive relief | 403.8(f)(1)(vi) | § 11.1 | X | | | 17.68.090 | | No change made |
| b. Civil/Criminal penalties | 403.8(f)(1)(vi) | § 11.2 | X | | | 17.68.100 | | No change made |
| | | § 11.3 | X | | | 17.68.110 | | No change made |

NONE = No revision necessary REQ = Require Revision REC = Recommend Revision

| | Part 403 Citation | Model SUO Section | REVISIONS | | | POTW Ordinance Section | DWQ Comments / Notes | SLCWRF Response to DWQ Comments / Notes |
|---|---|---|---|---|---|---|---|---|
| | | | NONE | REQ | REC | | | |
| 2. Emergency response | | | | | | | | |
| a. Immediately halt actual/threatened discharged | 403.8(f)(1)(vi)(B) | § 10.7 | X | | | 17.68.070 | | No change made |
| 3. Legal authority to enforce Enforcement Response Plan | 403.8(f)(1)(vi) | § 11.4 | X | | | 17.68.170 | | No change made |
| **H. Public Participation** | | | | | | | | |
| 1. Publish list of Industrial Users in Significant Noncompliance *[NOTE: Required streamlining revision]* | 403.8(f)(2)(viii) | § 9 | X | | | 17.52.260 | | No change made |
| 2. Access to data [403.8(f)(1)(vii) & 403.14] | | | | | | | | |
| a. Government | 403.14(a) & (c) | § 8 | X | | | 17.52.250 | | No change made |
| b. Public | 403.14(b) | § 8 | X | | | 17.52.250 | | No change made |
| **I. Optional Provisions** | | | | | | | | |
| 1. Net/Gross adjustments *[streamlining provision]* | 403.15 | § 2.2 D | Optional not included | | | | | No change made |
| 2. Equivalent mass limits for concentration Limits *[streamlining provision]* | 403.6(c) | § 2.2 E | X | | | 17.36.070D | | No change made |
| 3. Equivalent concentration limits for mass limits *[streamlining provision]* | 403.6(c) | § 2.2 F | X | | | 17.36.070E | | No change made |
| 4. Upset Notification | 403.16 | § 13.1 | X | | | 17.69.010 | | No change made |
| 5. Waive monitoring for pollutant not present or expected to be present *[streamlining provision]* | 403.12(e)(2) | § 6.4B | X | | | 17.52.160D.2 | | No change made |
| 6. Reduce periodic compliance reporting *[streamlining provision]* | 403.12(e)(3) | § 6.4C | X | | | 17.52.160D.3 | | No change made |
| 7. Other special agreement or waivers (excluding wavier of National Categorical Pretreatment Standards and Requirements) | | | | | | | | No change made |

NONE = No revision necessary REQ = Require Revision REC = Recommend Revision

| | Part 403 Citation | Model SUO Section | REVISIONS | | | POTW Ordinance Section | DWQ Comments / Notes | SLCWRF Response to DWQ Comments / Notes |
|---|---|---|---|---|---|---|---|---|
| | | | NONE | REQ | REC | | | |
| 8. Hauled Waste Reporting/Requirements | | § 3.4 | X | | | 17.36.160 | | No change made |
| 9. Grease Interceptor Reporting/Requirements | | § 3.2 C | X | | | 17.36.140 | | No change made |
| 10. Authority to issue Notice of Violations (NOVs) | | § 10.1 | X | | | 17.68.010 | | No change made |
| 11. Authority to issue Administrative Orders (AOs) (optional) | | | X | | | 17.68.040 | | No change made |
| 12. Authority to issue Administrative Penalties | | § 10.6 | X | | | 17.68.060 | | No change made |
| 13. Authority to enforce again falsification or tempering | | 11.3 C | X | | | 17.68.110 | | No change made |
| 14. Any other supplemental enforcement actions as noted in the POTW's enforcement response plan | | § 12. | | | | 17.68.120 to 160 | | No change made |
| 15. Permit Appeals Procedures | | | | | | | | No change made |
| 16. Penalty or Enforcement Appeals Procedures | | | | | | | | No change made |
| 17. Bypass Notification | 403.17 | § 13.3 | X | | | 17.69.030 | | No change made |
| **J. Other Provisions** | | | | | | | | |
| 1. 17.36.010 | | | | | X | 17.36.010 | Stating "or designee" | Agree, Ordinance 17.36.010 should be revised to read<br><br>"The POTW shall be supervised and directed by the director, or their duly authorized designee." |
| 2. 414,419,455 | | | X | | | 17.36.070 E | | No change made |
| 3. Equivalent limitation | | | X | | | 17.36.070 G | | No change made |
| 4. Zero discharge permit reports are required to be submitted in December and June | | | | | | 17.52.040 | | No change made |
| 5. Accidental discharge to slug discharge | | | | X | | 17.52.080 B.4 | Change accidental discharge to slug discharge | Disagree, Ordinance 17.52.080.B.4 describes permit requirements for spill plans and the management/prevention of accidental, unanticipated, or nonroutine discharges into the sewer system (i.e., slug loads). Ordinance 17.52.080.A.7. details the requirements to control slug discharges. Holistically these two provisions, and others, allow for control of accidental and slug discharges. Therefore, the SLCWRF respectfully requests DWQ reevaluate this "required" change.<br><br>The SLCWRF and DWQ discussed this requirement on 11/15/2024 and agreed that a revision to the Ordinance is not required. |
| 6. Date of Receipt of reports | | § 6.12 | | X | | 17.52.190 | SLC cannot go beyond what is allowed by Region VIII and being implemented by DWQ, which is utilizing the air quality rule regarding receiving payment. Use the language in the MSUO | The wording in Ordinance 17.52.190 shall be updated to read<br><br>"Written reports that are mailed through a mail facility serviced by the United States postal service, such reports will be deemed to have been submitted on the date postmarked. ~~For written reports that are shipped using other common reliable carriers, the carrier's pick up or ship date will be deemed the submittal date.~~ If a postmark or pick up/ship date is not available, the date of receipt of the report shall govern. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States postal service, the date of receipt of the report shall govern". |

NONE = No revision necessary REQ = Require Revision REC = Recommend Revision

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | | | | | | | | ts.” |

This page has intentionally been left blank

SALT LAKE CITY ORDINANCE
No. _____ of 2025

(Amending *Salt Lake City Code Chapter 17* regarding Salt Lake City's Water System, Wastewater Control and Sewer System, and Stormwater Sewer System)

An ordinance adopting new Sections 17.16.655, 17.32.061, and 17.32.451; repealing Section 17.16.345; and amending Sections 17.16.020, 17.16.100, 17.16.220, 17.16.345, 17.16.400, 17.16.670, 17.16.685, 17.16.790, 17.32.650, 17.36.010, 17.52.030, 17.52.060, 17.52.190, 17.64.030, 17.72.030, and 17.81.200.

WHEREAS, Salt Lake City Department of Public Utilities completed a Water, Sewer, and Stormwater Rate Study in 2024; and

WHEREAS, the 2024 Water, Sewer, and Stormwater Rate Study recommends changes to the structure of water, sewer, and stormwater rates to meet the objectives of revenue sufficiency, fairness and equity, economic efficiency, sustainability and predictability, clarity, cost allocation, and affordability; and

WHEREAS, the Salt Lake City Consolidated Fee Schedule is proposed to be amended to incorporate new water, sewer, and stormwater structures in coordination with the approval of the Public Utilities' Fiscal Year 2025-2026 budget; and

WHEREAS, Salt Lake City Department of Public Utilities underwent a Public Utilities Pretreatment Program Legal Authority Audit in 2023 conducted by the Utah Department of Water Quality; and

WHEREAS, the Department of Water Quality requires changes to *Salt Lake City Code Chapter 17* to comply with findings in the 2023 Pretreatment Program Legal Authority Audit; and

WHEREAS, it is now proposed that *Salt Lake City Code Chapter 17, Public Services* be amended to modify certain language to implement rate changes identified in the 2024 Water,

Sewer, and Stormwater Rate Study; and to implement changes identified in the 2023 Salt Lake City Department of Public Utilities Pretreatment Program Legal Authority Audit; and

WHEREAS, the City Council finds (i) these amendments to *Salt Lake City Code Chapter 17* are necessary and reasonable to implement new water, sewer, and stormwater rates; and (ii) the City Council finds the amendments to *Salt Lake City Code Chapter 17* are necessary and reasonable to comply with regulatory requirements imposed by Department of Water Quality; and (iii) adoption of this ordinance reasonably furthers the welfare of the citizens of Salt Lake City.

WHEREAS, the City Council of Salt Lake City, Utah, desires to adopt new Sections 17.16.655, 17.32.061, and 17.32.451; repeal Section 17.16.345; and amend Sections 17.16.020, 17.16.100, 17.16.220, 17.16.400, 17.16.670, 17.16.685, 17.16.790, 17.32.650, 17.36.010, 17.52.030, 17.52.060, 17.52.190, 17.64.030, 17.72.030, and 17.81.200.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

**SECTION 1.** Amending the text of *Salt Lake City Code Chapter 17.16 Article IX*. That Chapter 17.16 Article IX of the *Salt Lake City Code* (Culinary Water System: Rates and Payments) shall be, and hereby is, amended to adopt a new Section 17.16.655, which shall read as follows:

**17.16.655: ABATEMENTS:**

Customers who qualify for a property tax abatement may qualify for a water, sewer, and/or stormwater fee abatement pursuant to the city's consolidated fee schedule.

**SECTION 2.** Amending the text of *Salt Lake City Code Chapter 17.32 Article II*. That Chapter 17.32 Article II of the *Salt Lake City Code* (General Provisions and Definitions: Definitions) shall be, and hereby is, amended to adopt a new Section 17.32.061, which shall read as follows:

**17.32.061: AMMONIA (NH3)**

"Ammonia (NH3)" means nitrogen in the form of free ammonia and ionic ammonium measured using methods set forth in 40 CFR 136 or its successor.

**SECTION 3.** Amending the text of *Salt Lake City Code Chapter 17.32 Article II*. That Chapter 17.32 Article II of the *Salt Lake City Code* (General Provisions and Definitions: Definitions) shall be, and hereby is, amended to adopt a new Section 17.32.451, which shall read as follows:

**17.32.451: Total Phosphorus (TP)**

"Total Phosphorus (TP)" means all forms of phosphorus (orthophosphate, condensed phosphate, or organic phosphorus) measured using methods set forth in 40 CFR 136 or its successor.

**SECTION 4.** Repealing *Salt Lake City Code Section 17.16.345.* That Section 17.16.345 of the *Salt Lake City Code* (Lot Hydrant; Fee) shall be, and hereby is, repealed in its entirety.

**SECTION 5.** Amending Section 17.16.020. That Section 17.16.020 of the *Salt Lake City Code* (Application; Contents), shall be, and hereby is, amended to read as follows:

**17.16.020: APPLICATION; CONTENTS:**

The applicant shall state fully and truly the purpose for which water is required, the anticipated daily water use, and shall agree to conform to and be governed by such ordinances, rules and regulations as may be prescribed by the city for the control of the water supply. The applicant(s) agrees to be responsible for and pay all bills due the city on account of costs incurred to provide services.

**SECTION 6.** Amending Section 17.16.100. That Section 17.16.100 of the *Salt Lake City Code* (Connections from Mains; Specifications) shall be, and hereby is, amended to read as follows:

**17.16.100: CONNECTIONS FROM MAINS; SPECIFICATIONS:**

The service pipes and connections from the main to the water meter, including the meter box, a meter yoke and valve are to be placed within the parking strip by a licensed, bonded plumber, to city standards, and subject to city inspection and approval. In the absence of a parking strip, service pipes and connections are to be placed in the public right of way or private right of way as determined by the director. The meter shall be accessible to the department and remain unobstructed at all times. The city shall install, and applicant will pay the city's costs of such installation when so determined by the director. The plumber shall warrant the work and

facilities installed by him/her against defects in workmanship or materials for a period of one year from date of acceptance thereof by the city.

**SECTION 7.** Amending Section 17.16.220. That Section 17.16.220 of the *Salt Lake City Code* (Responsibility for Costs of Service) shall be, and hereby is, amended to add a new subsection to read as follows:

**17.16.220: RESPONSIBILITY FOR COSTS OF SERVICE:**

A. Before water will be supplied through such service pipe, some person(s) must agree in writing to be responsible for and pay for all water delivered through the service meter.

B. Where water is now supplied through one service to one or more houses or persons, the public utilities director may, in his/her discretion, either refuse to furnish water until separate services are provided, or may continue the supply, on condition that one person shall be responsible for and pay for all water delivered through the service meter.

C. Where water is now supplied for culinary and outdoor irrigation uses, the director may, in his/her discretion, require the installation of separate meters to account for culinary water use separately from outdoor irrigation use.

**SECTION 8.** Amending Section 17.16.400. That Section 17.16.400 of the *Salt Lake City Code* (Meter Maintenance Charges) shall be, and hereby is, amended to read as follows:

**17.16.400: METER MAINTENANCE CHARGES:**

A. After the one year guarantee of the plumber or if the city makes the installation, the city shall maintain all water connections of three-fourths inch (3/4") and one inch (1") sizes within the city, or as otherwise determined by written contract, from the point of connection with the water main up to and including the meter, where the meter is set in the parking strip, or in the absence of a parking strip, in the public right of way or private right of way as determined by the director. The meter shall be accessible to the department and remain unobstructed at all times.

B. All maintenance and replacement, where necessary, on all service lines and meters above one inch (1") in size, is to be kept at the entire expense of the consumer.

**SECTION 9.** Amending Section 17.16.670. That Section 17.16.670 of the *Salt Lake City Code* (Minimum Charges) shall be, and hereby is, amended to read as follows:

**17.16.670: MINIMUM CHARGES:**

Each customer shall pay the following minimum fixed charge shown on the Salt Lake City consolidated fee schedule, effective for all meter readings during the periods from and including July 1, 2011, and thereafter until further amended, to cover costs incurred to provide service.

**SECTION 10.** Amending Section 17.16.685. That Section 17.16.685 of the *Salt Lake City Code* (Urban Vegetable Garden Adjustment Program) shall be, and hereby is, amended to read as follows:

**17.16.685: URBAN VEGETABLE GARDEN ADJUSTMENT PROGRAM:**

Customers who occupy property with a vegetable garden of a size between 0.10 and 0.25 of an acre are eligible to request an adjustment related to additional allocation of water in block 2 for the months of April through October in support of the city's local food production initiative. The additional block 2 water allocation is based on 17.22 Ccf per month for each 0.1 acre of vegetable garden between 0.1 acre and 0.25 acre. Water used in excess of the adjusted block 2 allocation will be billed at block 3 and/or block 4 rates. Applications for an urban vegetable garden adjustment, which includes an additional block 2 water allocation, are made through the city's department of public utilities.

**SECTION 11.** Amending Section 17.16.790. That Section 17.16.790 of the *Salt Lake City Code* (Delinquent Payment; Penalty) shall be, and hereby is, amended to read as follows:

**17.16.790: DELINQUENT PAYMENT; PENALTY:**

In case of vacancy, where service is discontinued or meter taken out, unless delinquent bills are paid within thirty (30) days after the service has been discontinued, a penalty of ten percent (10%) may be charged in addition to the regular bill.

**SECTION 12.** Amending Section 17.32.650. That Section 17.32.650 of the *Salt Lake City Code* (Total Suspended Solids or Suspended Solids) shall be, and hereby is, amended to read as follows:

**17.32.650: TOTAL SUSPENDED SOLIDS (TSS) OR SUSPENDED SOLIDS (SS):**

"Total suspended solids" or "suspended solids" means 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 methods set forth in 40 CFR 136 or its successor.

**SECTION 13.** Amending Section 17.36.010. That Section 17.36.010 of the *Salt Lake City Code* (Supervision of POTW) shall be, and hereby is, amended to read as follows:

**17.36.010: SUPERVISION OF POTW:**

The POTW shall be supervised and directed by the director or his or her designee.

**SECTION 14.** Amending Section 17.52.030. That Section 17.52.030 of the *Salt Lake City Code* (Permit; Application Contents) shall be, and hereby is, amended to read as follows:

**17.52.030: PERMIT; APPLICATION CONTENTS:**

A. Users required to obtain a wastewater discharge permit shall complete and file with the POTW an application in the form prescribed by the POTW, accompanied by a fee as set forth in section 17.52.270 of this chapter. In support of the application, the user shall submit, in units and terms appropriate for evaluation, some or all of the following information:

1. Identifying Information:

a. Name, address, telephone number and location (if different from the address) of applicant and owner of the premises (if different from the tenant when property is leased) from which industrial wastes are intended to be discharged,

b. The name of an authorized or duly authorized representative to act on behalf of the facility,

c. Description of activities, facilities, and plant production processes on the premises.

**SECTION 15.** Amending Section 17.52.060. That Section 17.52.060 of the *Salt Lake City Code* (Permit; Decisions) shall be, and hereby is, amended to read as follows:

**17.52.060: PERMIT; DECISIONS:**

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

B. The director will evaluate the data furnished by the IU and may require additional information. Within one hundred twenty (120) days of receipt of a complete permit application, the director will determine whether to issue a wastewater discharge permit. The director may conditionally approve or deny any application for a wastewater discharge permit.

**SECTION 16.** Amending Section 17.52.190. That Section 17.52.190 of the *Salt Lake City Code* (Date of Receipt of Reports), shall be, and hereby is, amended to read as follows:

**17.52.190: DATE OF RECEIPT OF REPORTS:**

For written reports that are mailed through a mail facility serviced by the United States postal service, such reports will be deemed to have been submitted on the date postmarked. If a postmark or pick up/ship date is not available, the date of receipt of the report shall govern. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

**SECTION 17.** Amending Section 17.64.030. That Section 17.64.030 of the *Salt Lake City Code* (Classification of Users) shall be, and hereby is, amended to read as follows:

**17.64.030: CLASSIFICATION OF USERS:**

The users of the POTW may be divided into various classifications, including, but not limited to, single dwelling units, duplexes, multiple dwelling units, and nonresidential. Further classifications may be established by the POTW for each user class.

**SECTION 18.** Amending Section 17.72.030. That Section 17.72.030 of the *Salt Lake City Code* (Schedule 1; Rates and Fees) shall be, and hereby is, amended to read as follows:

**17.72.030: SCHEDULE 1; RATES AND FEES:**

A. Purpose: For the purpose of defraying the cost of construction, reconstruction, maintenance and operation of the city sewer system, there are hereby imposed the charges shown on the Salt Lake City consolidated fee schedule upon all persons and premises receiving sewer collection and treatment services.

B. Definitions:

AVERAGE WINTER CONSUMPTION: The average monthly water usage for residential customers for the consecutive months of December, January, and February, which is the basis for residential sewer billings for the twelve (12)-month period beginning July 1 immediately following such months.

CUSTOMER CLASS: The classification or classifications applicable to each customer of the sewer system for purposes of calculating such customer's service charge under this chapter.

DUPLEX: A single building containing two (2) independent dwelling units.

DWELLING UNIT: A building or other structure or portion thereof, in which: 1) an individual resides as a separate housekeeping unit, or 2) a collective body of persons (doing their own cooking) resides as a separate housekeeping unit in a domestic bond based upon birth, marriage, domestic employment or other family relationship, as distinguished from a boarding house, lodging house, club, fraternity, motel or hotel.

MONITORED CUSTOMER: Non-residential customers, designated by the director, subject to routine sample measurements of the customer’s wastewater flow and or discharge characteristics.

MULTI-FAMILY RESIDENTIAL: Any building or other structure having four (4) or more residential dwelling units therein, including a mobile home park.

NON-RESIDENTIAL: Buildings used for uses other than residential purposes.

RESIDENTIAL: Buildings or dwelling units used to house people or persons for residential purposes, including single dwelling units, duplexes, and triplexes, and excluding multi-family residential structures or buildings.

SERVICE CHARGE: The charge for sewer collection and treatment services levied on all users of the public sewer system, as calculated pursuant to this chapter.

SERVICE TO MULTIPLE BUILDINGS: Sewer service to multiple buildings shall be governed the same as section 17.16.200 of this title.

SINGLE DWELLING UNIT: A building containing one dwelling unit.

TRIPLEX: A single building containing three (3) independent dwelling units.

UNMONITORED CUSTOMER: Any non-residential customer not designated as monitored.

C. Sewer Charges:

1. a. Each residential sewer customer shall be charged a monthly service charge equal to the fixed monthly charge together with the flow rate of average winter consumption as shown on the Salt Lake City consolidated fee schedule.

b. Each monitored non-residential customer shall be charged a monthly service charge equal to the fixed monthly charge together with the monitored wastewater flow measured during the billing period as shown on the Salt Lake City consolidated fee schedule. The charges for wastewater pollutants shall be billed as shown on the Salt Lake City consolidated fee schedule.

c. Each unmonitored non-residential customer and each multi-family residential customer shall be charged a monthly service charge equal to the monthly service charge together with the flow rate per the Salt Lake City consolidated fee schedule. The monthly water meter reading for sewer billing purposes shall be equal to 70 percent (70%) of total water usage for the month.

d. In cases where little or no water is used during one or more of the winter months, such that the average metered usage during such winter months cannot be reasonably assumed to reflect typical monthly usage for an account, the director may use other consumptive information specific to such account to determine the average winter consumption.

e. Meter readings for sewer billing purposes shall only include meters which measure water entering the sewer system.

f. In the case of sewer users whose water usage is based in whole or in part on water sources other than the city, the city may require installation of a city approved meter, at the sewer user's expense, on the well(s) or other sources of water supply, for measurement by the city during the winter months to determine the sewer user's water use during the winter months.

g. For each single-family dwelling sewer user using water other than city water and desiring not to install a water meter as provided above, the director may waive the meter

requirement, in which event the user will be charged for sewer service as provided in subsection E of this section.

D. Metering Of Sewage Flows:

1. Meters will be allowed in sewer lines when the user is permitted or required by the director to have the sewage flow subject to the following requirements:

a. The charges for sewer service will be based upon the actual sewer meter readings rather than average winter consumption or adjusted water meter readings.

b. The user will furnish, install, and maintain at user's expense a meter pursuant to the city's standards and specifications.

E. New Sewer Accounts:

1. For new residential sewer accounts, until the data required by subsection C1a of this section is available, the monthly sewer rates shall be based on the average winter consumption for comparative users.

a. For monitored and unmonitored non-residential customers, new accounts shall be treated in the same manner as established accounts under subsections C1b and C1c, respectively, of this section.

F. Service Charge Adjustment:

1. The director may provide for adjustments as needed to ensure equitable service charges. Such adjustments may be made where excessive quantities of culinary water pass through the water meter but are consumed on the premises and do not enter the sewer system. In each such instance, the user will have the burden of providing evidence of such inequities by showing that the quantity of water not entering the sewer, but passing through the meter, exceeds thirty percent (30%) of the total flow in order to merit such consideration by the director. Each such adjustment proposed to be made by the director shall first be presented to the public utilities advisory committee for review and recommendation, following which review and recommendation the director shall make a final determination.

2. Additionally, the director may make adjustments under the following conditions due to faulty inside plumbing. All adjustments will be determined by prior usage. When the charge is not based on preceding usage and has not been established on average winter consumption, the charge will be determined as outlined in this section or its successor. Only one adjustment in total is allowed per account and under the following conditions:

a. When defective plumbing has caused the average winter water consumption to exceed the previous year's average by twenty-five percent (25%) or more, there may be an adjustment made based on prior usage. The customer must provide to the director evidence that plumbing repairs were made within thirty (30) days of issuance of the bill in which the defective plumbing caused an increase in usage. Such evidence may be in the form of a statement detailing the

repairs made and the date of completion. The adjustment shall be made following the determination by the director that the repairs have resulted in decreased water consumption.

b. In the event of a customer's unexplainable large increase in water consumption during the consecutive months of December, January, and February, the director may make adjustments to any account when there has been a twenty-five percent (25%) increase or more in usage during the winter months. Any adjustment may be made only after an in-depth review of the account has been completed and based solely on the merits of each individual request and the circumstances surrounding the request.

c. All adjustments will be determined by the sewer usage of the preceding year. When the usage for the preceding year is not established on average winter consumption, the charge will be determined by other consumptive data or comparative users.

G. Sewer Service Fees: The director shall charge, and the city shall collect the fees shown on the Salt Lake City consolidated fee schedule.

1. Special industrial and commercial uses, including car washes, laundromats, etc., as determined by the city's public utilities director, shall be charged the fee shown on the Salt Lake City consolidated fee schedule per equivalent fixture unit, as specified in the uniform plumbing code.

2. Connection fees on property with prior development:

a. When a residential building is demolished and the existing lateral is used for the same property, there is no new sewer connection fee for the property when residential use or building type is same as prior to demolition. After five (5) years from date of demolition no credit will be given for prior sewer connection fees. After five (5) years from demolition the property owner will be required to pay all connection fees.

b. When a commercial building such as a hotel, motel, industrial building, etc., is demolished the sewer fee shall be based and charged on new additional use pursuant to the applicable fee shown on the Salt Lake City consolidated fee schedule. After five (5) years from date of demolition no credit will be given for prior sewer connection fees. After five (5) years from demolition the property owner will be required to pay all connection fees required by the city.

3. Temporary sewer connections may only be made by approval of the director. Temporary connections cannot exceed twenty four (24) months. The fee for each temporary connection shall be shown on the Salt Lake City consolidated fee schedule. All other applicable fees will be effective for temporary connections.

4. All other fees necessary for the operations, maintenance, and services provided by the Wastewater Control and Sewer System and shown on the Salt Lake City consolidated fee schedule.

**SECTION 19.** Amending Section 17.81.200. That Section 17.81.200 of the *Salt Lake*

*City Code* (System of Rates and Charges) shall be, and hereby is, amended to read as follows:

**17.81.200: SYSTEM OF RATES AND CHARGES:**

A. Generally: There are hereby imposed stormwater sewer service fees, rates and charges, effective for all billing periods after and including July 1, 2011, and thereafter until further amended, on the owner of each developed parcel within the city, except: 1) governmentally owned streets, and 2) parcels on which are located stormwater sewer facilities operated and maintained by, or for, the county. The charges shall fund the administration, planning, design, construction, water quality programming, operation, maintenance and repair of existing and future stormwater sewer facilities.

B. Residential Service Charges: Residential service charges for use of the stormwater sewer system shall be as shown on the Salt Lake City consolidated fee schedule.

C. Undeveloped Parcels: Undeveloped parcels shall not be assessed a stormwater service charge.

D. Other Parcels: The charge for all other parcels shall be based upon the total square footage of measured impervious surface, divided by two thousand five hundred (2,500) square feet, or one ERU, and rounded to the nearest whole number. The actual total monthly service charge shall be computed by multiplying the total ERUs for a parcel by the monthly rate shown on the Salt Lake City consolidated fee schedule.

E. Credit For On Parcel Mitigation: Nonresidential parcels with on-site stormwater detention or retention facilities are eligible for a service charge credit upon application to the director by the person owning the parcel, or such person's agent. The amount of credit, if any, shall be no more than twenty-five percent (25%) of the full stormwater charge per the Salt Lake City consolidated fee schedule, except entities that are individually permitted under the Utah Water Quality Act and federal Clean Water Act.

1. Mitigation credit is available only for those non-residential parcels whose stormwater facilities meet the city's design and maintenance standards.

2. If the stormwater facilities are not properly maintained or if related structures are modified from an approved design, the mitigation credit may be modified or terminated by the city.

3. The director shall provide a complete on-site mitigation evaluation at the request and expense of the person owning the parcel, or the owner's duly authorized agent.

F. Low-Income Abatement: A person who owns a single-family residential parcel and is qualified for an abatement of the minimum monthly water charge pursuant to section 17.16.670 of this title shall be eligible for a fifty percent (50%) reduction of the service charge for such parcel.

G. Nonservice Abatement: A parcel which is not directly or indirectly benefited by the stormwater sewer utility shall be entitled to an abatement of the service charge for said parcel. In order to receive such abatement, the owner, or the owner's agent, shall apply, in writing, to the director pursuant to section 17.81.500 of this chapter.

**SECTION 20.** That a copy of the amended Salt Lake Code shall be published on the official Salt Lake City website.

**SECTION 21.** That this ordinance shall become effective July 1, 2025.

Passed by the City Council of Salt Lake City, Utah, this _____ day of _____, 2025.

_____
CHAIRPERSON

ATTEST:

_____
CITY RECORDER

Transmitted to the Mayor on _____
Mayor's Action: ____ Approved ____ Vetoed

_____
MAYOR

ATTEST:

_____

CITY RECORDER

(SEAL)

Bill No. _____ of 2025.
Published: _____

Salt Lake City Attorney's Office
Approved As To Form

/s/ Carly Castle
Carly Castle
Senior City Attorney

This page has intentionally been left blank

SALT LAKE CITY ORDINANCE
No. _____ of 2025

(Amending *Salt Lake City Code Chapter 17* regarding Salt Lake City's Water System, Wastewater Control and Sewer System, and Stormwater Sewer System)

An ordinance adopting new Sections 17.16.655, 17.32.061, and 17.32.451; repealing Section 17.16.345; and amending Sections 17.16.020, 17.16.100, 17.16.220, 17.16.345, 17.16.400, 17.16.670, 17.16.685, 17.16.790, 17.32.650, 17.36.010, 17.52.030, 17.52.060, 17.52.190, 17.64.030, 17.72.030, and 17.81.200.

WHEREAS, Salt Lake City Department of Public Utilities completed a Water, Sewer, and Stormwater Rate Study in 2024; and

WHEREAS, the 2024 Water, Sewer, and Stormwater Rate Study recommends changes to the structure of water, sewer, and stormwater rates to meet the objectives of revenue sufficiency, fairness and equity, economic efficiency, sustainability and predictability, clarity, cost allocation, and affordability; and

WHEREAS, the Salt Lake City Consolidated Fee Schedule is proposed to be amended to incorporate new water, sewer, and stormwater structures in coordination with the approval of the Public Utilities' Fiscal Year 2025-2026 budget; and

WHEREAS, Salt Lake City Department of Public Utilities underwent a Public Utilities Pretreatment Program Legal Authority Audit in 2023 conducted by the Utah Department of Water Quality; and

WHEREAS, the Department of Water Quality requires changes to *Salt Lake City Code Chapter 17* to comply with findings in the 2023 Pretreatment Program Legal Authority Audit; and

WHEREAS, it is now proposed that *Salt Lake City Code Chapter 17, Public Services* be amended to modify certain language to implement rate changes identified in the 2024 Water,

Sewer, and Stormwater Rate Study; and to implement changes identified in the 2023 Salt Lake City Department of Public Utilities Pretreatment Program Legal Authority Audit; and

WHEREAS, the City Council finds (i) these amendments to *Salt Lake City Code Chapter 17* are necessary and reasonable to implement new water, sewer, and stormwater rates; and (ii) the City Council finds the amendments to *Salt Lake City Code Chapter 17* are necessary and reasonable to comply with regulatory requirements imposed by Department of Water Quality; and (iii) adoption of this ordinance reasonably furthers the welfare of the citizens of Salt Lake City.

WHEREAS, the City Council of Salt Lake City, Utah, desires to adopt new Sections 17.16.655, 17.32.061, and 17.32.451; repeal Section 17.16.345; and amend Sections 17.16.020, 17.16.100, 17.16.220, 17.16.400, 17.16.670, 17.16.685, 17.16.790, 17.32.650, 17.36.010, 17.52.030, 17.52.060, 17.52.190, 17.64.030, 17.72.030, and 17.81.200.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

**SECTION 1.** Amending the text of *Salt Lake City Code Chapter 17.16 Article IX*. That Chapter 17.16 Article IX of the *Salt Lake City Code* (Culinary Water System: Rates and Payments) shall be, and hereby is, amended to adopt a new Section 17.16.655, which shall read as follows:

**17.16.655: ABATEMENTS:**

Customers who qualify for a property tax abatement may qualify for a water, sewer, and/or stormwater fee abatement pursuant to the city's consolidated fee schedule.

**SECTION 2.** Amending the text of *Salt Lake City Code Chapter 17.32 Article II*. That Chapter 17.32 Article II of the *Salt Lake City Code* (General Provisions and Definitions: Definitions) shall be, and hereby is, amended to adopt a new Section 17.32.061, which shall read as follows:

**17.32.061: AMMONIA (NH3)**

"Ammonia (NH3)" means nitrogen in the form of free ammonia and ionic ammonium measured using methods set forth in 40 CFR 136 or its successor.

**SECTION 3.** Amending the text of *Salt Lake City Code Chapter 17.32 Article II*. That Chapter 17.32 Article II of the *Salt Lake City Code* (General Provisions and Definitions: Definitions) shall be, and hereby is, amended to adopt a new Section 17.32.451, which shall read as follows:

**17.32.451: Total Phosphorus (TP)**

"Total Phosphorus (TP)" means all forms of phosphorus (orthophosphate, condensed phosphate, or organic phosphorus) measured using methods set forth in 40 CFR 136 or its successor.

**SECTION 4.** Repealing *Salt Lake City Code Section 17.16.345.* That Section 17.16.345 of the *Salt Lake City Code* (Lot Hydrant; Fee) shall be, and hereby is, repealed in its entirety.

~~**17.16.345: LOT HYDRANT; FEE:**~~

~~When a culinary water service meter is not used for construction purposes, then during any lot or subdivision construction in the city's service area, the contractor shall install for each lot a hose bib (standpipe with automatic drain) meeting the requirements of the city's director of public utilities. A flat fee, as shown on the Salt Lake City consolidated fee schedule, for water used during construction per residential lot shall be charged to and paid by the contractor. Commercial properties shall pay metered rates.~~

**SECTION 5.** Amending Section 17.16.020. That Section 17.16.020 of the *Salt Lake City Code* (Application; Contents), shall be, and hereby is, amended to read as follows:

**17.16.020: APPLICATION; CONTENTS:**

The applicant shall state fully and truly the purpose for which water is required, the anticipated daily water use, and shall agree to conform to and be governed by such ordinances, rules and regulations as may be prescribed by the city for the control of the water supply. The applicant(s) agrees to be responsible for and pay all bills due the city on account of ~~materials or labor furnished~~ costs incurred to provide services.

**SECTION 6.** Amending Section 17.16.100. That Section 17.16.100 of the *Salt Lake City Code* (Connections from Mains; Specifications) shall be, and hereby is, amended to read as follows:

**17.16.100: CONNECTIONS FROM MAINS; SPECIFICATIONS:**

The service pipes and connections from the main to the water meter, including the meter box, a meter yoke and valve are to be placed within the parking strip by a licensed, bonded plumber, to city standards, and subject to city inspection and approval. In the absence of a parking strip, service pipes and connections are to be placed in the public right of way or private right of way as determined by the director. The meter shall be accessible to the department and remain unobstructed at all times. The city shall install, and applicant will pay the city's costs of such installation when so determined by the director ~~of public utilities~~. The plumber shall warrant the work and facilities installed by him/her against defects in workmanship or materials for a period of one year from date of acceptance thereof by the city.

**SECTION 7.** Amending Section 17.16.220. That Section 17.16.220 of the *Salt Lake City Code* (Responsibility for Costs of Service) shall be, and hereby is, amended to add a new subsection to read as follows:

**17.16.220: RESPONSIBILITY FOR COSTS OF SERVICE:**

A. Before water will be supplied through such service pipe, some person(s) must agree in writing to be responsible for and pay for all water delivered through the service meter.

B. Where water is now supplied through one service to one or more houses or persons, the public utilities director may, in his/her discretion, either refuse to furnish water until separate services are provided, or may continue the supply, on condition that one person shall be responsible for and pay for all water delivered through the service meter.

C. Where water is now supplied for culinary and outdoor irrigation uses, the director may, in his/her discretion, require the installation of separate meters to account for culinary water use separately from outdoor irrigation use.

**SECTION 8.** Amending Section 17.16.400. That Section 17.16.400 of the *Salt Lake City Code* (Meter Maintenance Charges) shall be, and hereby is, amended to read as follows:

**17.16.400: METER MAINTENANCE CHARGES:**

A. After the one year guarantee of the plumber or if the city makes the installation, the city shall maintain all water connections of three-fourths inch (3/4") and one inch (1") sizes within the city, or as otherwise determined by written contract, from the point of connection with the water main up to and including the meter, where the meter is set in the parking strip, or in the absence of a parking strip, in the public right of way or private right of way as determined by the director. The meter shall be accessible to the department and remain unobstructed at all times.

B. All maintenance and replacement, where necessary, on all service lines and meters above one inch (1") in size, is to be kept at the entire expense of the consumer.

**SECTION 9.** Amending Section 17.16.670. That Section 17.16.670 of the *Salt Lake City*

*Code* (Minimum Charges) shall be, and hereby is, amended to read as follows:

**17.16.670: MINIMUM CHARGES:**

Each customer shall pay the following minimum fixed charge shown on the Salt Lake City consolidated fee schedule, effective for all meter readings during the periods from and including July 1, 2011, and thereafter until further amended, to cover ~~meter reading, billing, customer service and collection~~ costs incurred to provide service.

**SECTION 10.** Amending Section 17.16.685. That Section 17.16.685 of the *Salt Lake City Code* (Urban Vegetable Garden Adjustment Program) shall be, and hereby is, amended to read as follows:

**17.16.685: URBAN VEGETABLE GARDEN ADJUSTMENT PROGRAM:**

Customers who occupy property with a vegetable garden of a size between 0.10 and 0.25 of an acre are eligible to request an adjustment related to additional allocation of water in block 2 for the months of April through October in support of the city's local food production initiative. The additional block 2 water allocation is based on ~~17.94~~ 17.22 Ccf per month for each 0.1 acre of vegetable garden between 0.1 acre and 0.25 acre. Water used in excess of the adjusted block 2 allocation will be billed at block 3 and/or block 4 rates. Applications for an urban vegetable garden adjustment, which includes an additional block 2 water allocation, are made through the city's department of public utilities.

**SECTION 11.** Amending Section 17.16.790. That Section 17.16.790 of the *Salt Lake City Code* (Delinquent Payment; Penalty) shall be, and hereby is, amended to read as follows:

**17.16.790: DELINQUENT PAYMENT; PENALTY:**

In case of vacancy, where service is discontinued or meter taken out, unless delinquent bills are paid within thirty (30) days after the service has been discontinued, a penalty of ten percent (10%) ~~shall~~ may be charged in addition to the regular bill.

**SECTION 12.** Amending Section 17.32.650. That Section 17.32.650 of the *Salt Lake City Code* (Total Suspended Solids or Suspended Solids) shall be, and hereby is, amended to read as follows:

**17.32.650: TOTAL SUSPENDED SOLIDS (TSS) OR SUSPENDED SOLIDS (SS):**

"Total suspended solids" or "suspended solids" means 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 methods set forth in 40 CFR 136 or its successor.

**SECTION 13.** Amending Section 17.36.010. That Section 17.36.010 of the *Salt Lake City Code* (Supervision of POTW) shall be, and hereby is, amended to read as follows:

**17.36.010: SUPERVISION OF POTW:**

The POTW shall be supervised and directed by the director or his or her designee.

**SECTION 14.** Amending Section 17.52.030. That Section 17.52.030 of the *Salt Lake City Code* (Permit; Application Contents) shall be, and hereby is, amended to read as follows:

**17.52.030: PERMIT; APPLICATION CONTENTS:**

A. Users required to obtain a wastewater discharge permit shall complete and file with the POTW an application in the form prescribed by the POTW, accompanied by a fee as set forth in section 17.52.270 of this chapter. In support of the application, the user shall submit, in units and terms appropriate for evaluation, some or all of the following information:

1. Identifying Information:

a. Name, address, telephone number and location (if different from the address) of applicant and owner of the premises (if different from the tenant when property is leased) from which industrial wastes are intended to be discharged,

b. The name of an authorized ~~representative~~ or duly authorized representative to act on behalf of the facility,

c. Description of activities, facilities, and plant production processes on the premises.

**SECTION 15.** Amending Section 17.52.060. That Section 17.52.060 of the *Salt Lake City Code* (Permit; Decisions) shall be, and hereby is, amended to read as follows:

**17.52.060: PERMIT; DECISIONS:**

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

B. The director will evaluate the data furnished by the ~~SIU~~ IU and may require additional information. Within one hundred twenty (120) days of receipt of a complete permit application, the director will determine whether to issue a wastewater discharge permit. The director may conditionally approve or deny any application for a wastewater discharge permit.

**SECTION 16.** Amending Section 17.52.190. That Section 17.52.190 of the *Salt Lake City Code* (Date of Receipt of Reports), shall be, and hereby is, amended to read as follows:

**17.52.190: DATE OF RECEIPT OF REPORTS:**

For written reports that are mailed through a mail facility serviced by the United States postal service, such reports will be deemed to have been submitted on the date postmarked. ~~For written reports that are shipped using other common reliable carriers, the carrier's pick up or ship date will be deemed the submittal date.~~ If a postmark or pick up/ship date is not available, the date of receipt of the report shall govern. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

**SECTION 17.** Amending Section 17.64.030. That Section 17.64.030 of the *Salt Lake City Code* (Classification of Users) shall be, and hereby is, amended to read as follows:

**17.64.030: CLASSIFICATION OF USERS:**

The users of the POTW may be divided into various classifications, including, but not limited to, single dwelling units, duplexes, multiple dwelling units, and nonresidential. Further classifications may be established by the POTW for each ~~nonresidential~~ user class.

**SECTION 18.** Amending Section 17.72.030. That Section 17.72.030 of the *Salt Lake City Code* (Schedule 1; Rates and Fees) shall be, and hereby is, amended to read as follows:

**17.72.030: SCHEDULE 1; RATES AND FEES:**

A. Purpose: For the purpose of defraying the cost of construction, reconstruction, maintenance and operation of the city sewer system, there are hereby imposed the charges shown on the Salt Lake City consolidated fee schedule upon all persons and premises receiving sewer collection and treatment services.

B. Definitions:

AVERAGE WINTER CONSUMPTION: The average monthly water usage for residential customers for the consecutive months of December, January, and February, which is the basis for residential sewer billings for the twelve (12)-month period beginning July 1 immediately following such months.

CUSTOMER CLASS: The classification or classifications applicable to each customer of the sewer system for purposes of calculating such customer's service charge under this chapter~~,~~. ~~based on the applicable range of the strength of such customer's waste discharge, as measured by BOD and TSS, as follows:~~

| ~~Customer Class~~ | ~~BOD (mg/l)~~ | ~~TSS (mg/l)~~ |
|---|---|---|
| ~~Customer Class~~ | ~~BOD (mg/l)~~ | ~~TSS (mg/l)~~ |
| ~~1~~ | ~~<300~~ | ~~<300~~ |
| ~~2~~ | ~~300 - 600~~ | ~~300 - 600~~ |
| ~~3~~ | ~~601 - 900~~ | ~~601 - 900~~ |

| | | |
|---|---|---|
| 4 | 901—1,200 | 901—1,200 |
| 5 | 1,201—1,500 | 1,201—1,500 |
| 6 | 1,501—1,800 | 1,501—1,800 |
| 7 | >1,800 | >1,800 |

More than one class may apply to a customer at the same time. For example, a customer may be in class 2 for BOD, and in class 4 for TSS. The director shall assign class designations to customers based upon the nature of the facility owned or operated by the customer, and estimates based on sample measurements taken from similar facilities. Any customer may, at its expense, demonstrate that actual BOD or TSS discharges differ from the director's estimates, and the director shall assign such customer to a different class or classes, accordingly. Such actual measurements shall be conducted in accordance with procedures established by the director.

DUPLEX: A single building containing two (2) independent dwelling units.

DWELLING UNIT: A building or other structure or portion thereof, in which: 1) an individual resides as a separate housekeeping unit, or 2) a collective body of persons (doing their own cooking) resides as a separate housekeeping unit in a domestic bond based upon birth, marriage, domestic employment or other family relationship, as distinguished from a boarding house, lodging house, club, fraternity, motel or hotel.

MONITORED CUSTOMER: Non-residential customers, designated by the director, subject to routine sample measurements of the customer's wastewater flow and or discharge characteristics.

MULTIPLE DWELLING: Any building or other structure, having four (4) or more dwelling units therein, including a mobile home park.

MULTI-FAMILY RESIDENTIAL: Any building or other structure having four (4) or more residential dwelling units therein, including a mobile home park.

NON-RESIDENTIAL: Buildings used for uses other than residential purposes.

RESIDENTIAL: Buildings or dwelling units used to house people or persons for residential purposes, including single dwelling units, duplexes, and triplexes, and excluding multi-family residential structures or buildings.

SERVICE CHARGE: The charge for sewer collection and treatment services levied on all users of the public sewer system, as calculated pursuant to this chapter.

SERVICE TO MULTIPLE BUILDINGS: Sewer service to multiple buildings shall be governed the same as section 17.16.200 of this title.

SINGLE DWELLING UNIT: A building containing one dwelling unit.

TRIPLEX: A single building containing three (3) independent dwelling units.

UNMONITORED CUSTOMER: Any non-residential customer not designated as monitored.

C. Sewer Charges:

1. a. Each residential sewer customer ~~in classes 1 to 6~~ shall be charged a monthly service charge equal to ~~the greater of: 1)~~ the fixed monthly charge together with the ~~cumulative~~ flow rate~~, BOD rate and TSS rate per one hundred (100) cubic feet of metered water usage during the winter period,~~ of average winter consumption as shown on the Salt Lake City consolidated fee schedule~~, or 2) a minimum charge shown on the Salt Lake City consolidated fee schedule. The average monthly water meter readings during the consecutive months of November, December, January, February and March (hereinafter "winter months"), shall be the basis for sewer billings for the twelve (12) month period beginning July 1 and ending June 30, immediately following such winter months~~.

b. Each ~~customer in class 7 and all other classes that are monitored separately~~ monitored non-residential customer shall be charged a monthly service charge equal to the fixed monthly charge ~~based on actual discharge strength. The flow~~ together with the ~~component will be charged at a shown on the Salt Lake City consolidated fee schedule metered water~~ monitored wastewater flow measured ~~used~~ during the billing period as shown on the Salt Lake City consolidated fee schedule. The charges for wastewater pollutants shall be billed as shown on the Salt Lake City consolidated fee schedule.

~~Either a BOD or COD charge will be assessed, but not both. When there is an unexplained difference between the two (2) test results of COD and BOD the higher of the two will be used. Nothing in this section shall authorize discharges in excess of the maximum local limit concentrations established by the director pursuant to section 17.36.090 of this title.~~

c. Each unmonitored non-residential customer and each multi-family residential customer shall be charged a monthly service charge equal to the monthly service charge together with the flow rate per the Salt Lake City consolidated fee schedule. The monthly water meter reading for sewer billing purposes shall be equal to 70 percent (70%) of total water usage for the month.

~~c~~d. In cases where little or no water is used during one or more of the winter months, such that the average metered usage during such winter months cannot be reasonably assumed to reflect typical monthly usage for an account, the director may use other consumptive information specific to such account to determine ~~average monthly minimum usage for sewer billing purposes~~ the average winter consumption.

~~d~~e. Meter readings for sewer billing purposes shall only include meters which measure water entering the sewer system.

~~e~~f. In the case of sewer users whose water usage is based in whole or in part on water sources other than the city, the city may require installation of a city approved meter, at the sewer user's expense, on the well(s) or other sources of water supply, for measurement by the city during the winter months to determine the sewer user's water use during the winter months.

~~f~~g. For each single-family dwelling sewer user using water other than city water and desiring not to install a water meter as provided above, the director may waive the meter

requirement, in which event the user will be charged for sewer service as provided in subsection E of this section.

D. Metering Of Sewage Flows:

1. Meters will be allowed in sewer lines when the user is permitted or required by the director to have the sewage flow subject to the following requirements:

a. The charges for sewer service will be based upon the actual sewer meter readings rather than ~~upon the average of said winter readings~~ average winter consumption or adjusted water meter readings.

b. The user will furnish, install, and maintain at user's expense a meter pursuant to the city's standards and specifications.

E. New Sewer Accounts:

1. For new residential sewer accounts, until the data required by subsection C1a of this section is available, the monthly sewer rates shall be based on the average winter consumption for comparative users. ~~as shown on the Salt Lake City consolidated fee schedule.~~

a. For monitored and unmonitored non-residential ~~class 7~~ customers, new accounts shall be treated in the same manner as established accounts under subsections C1b and C1c, respectively, of this section.

F. Service Charge Adjustment:

1. The director may provide for adjustments as needed to ensure equitable service charges. Such adjustments may be made where excessive quantities of culinary water pass through the water meter~~,~~ but are consumed on the premises and do not enter the sewer system. In each such instance, the user will have the burden of providing evidence of such inequities by showing that the quantity of water not entering the sewer, but passing through the meter, exceeds ~~twenty~~ thirty percent (~~20~~ 30%) of the total flow in order to merit such consideration by the director. Each such adjustment proposed to be made by the director shall first be presented to the public utilities advisory committee for review and recommendation, following which review and recommendation the director shall make a final determination.

2. Additionally, the director may make adjustments under the following conditions due to faulty inside plumbing. All adjustments will be determined by prior usage. When the charge is not based on preceding usage and has not been established on average winter consumption, ~~winter average~~ the charge will be determined as outlined in this section or its successor. Only one adjustment in total is allowed per account and under the following conditions:

a. When defective plumbing has caused the average winter water consumption to exceed the previous year's average by twenty-five percent (25%) or more, there may be an adjustment made based on prior usage. The customer must provide to the director evidence that plumbing repairs were made within thirty (30) days of ~~notification from the city~~ issuance of the bill in which the defective plumbing caused an increase in usage. Such evidence may be in the form of

a statement detailing the repairs made and the date of completion. The adjustment shall be made following the determination by the director that the repairs have resulted in decreased water consumption.

b. In the event of a customer's unexplainable large increase in water consumption during the consecutive months of ~~November through March~~ December, January, and February ~~of any year~~, the director may make adjustments to any account when there has been a twenty-five percent (25%) increase or more in usage during the winter months. Any adjustment may be made only after an in-depth review of the account has been completed, and based solely on the merits of each individual request~~,~~ and the circumstances surrounding the request.

~~c. The director may make adjustments to the account of a single- family residence, if the user or a user's tenant who has also signed the agreement for water service has temporary additional (2 or more) people living at the residence during all or part of the "winter meter readings" period and it has caused the average winter water consumption to exceed the previous year's average by twenty five percent (25%) or more. Such adjustment may be made by using the following guidelines:~~

~~(1) For one month or less, no adjustment will be allowed;~~

~~(2) For more than one month to twelve (12) months, the charge will be based on the new average winter water use for the number of months said additional people were in the residence;~~

~~(3) For all months following the period when said additional people are not in the residence, the charge will be based upon the previous year's established average use, or the fee shall be as outlined in subsection F2d of this section, or its successor subsection.~~

~~d~~c. All adjustments will be determined by the sewer ~~charge~~ usage of the preceding year. When the ~~charge~~ usage for the preceding year is not established on ~~winter~~ average winter consumption, the charge will be determined ~~as outlined in subsection F2c of this section, or its successor subsection~~ by other consumptive data or comparative users.

G. Sewer Service Fees: The director shall charge, and the city shall collect the fees shown on the Salt Lake City consolidated fee schedule.

1. Special industrial and commercial uses, including car washes, laundromats, etc., as determined by the city's public utilities director, shall be charged the fee shown on the Salt Lake City consolidated fee schedule per equivalent fixture unit, as specified in the uniform plumbing code.

2. Connection fees on property with prior development:

a. When a residential building is demolished and the existing lateral is used for the same property, there is no new sewer connection fee for the property when residential use or building type is same as prior to demolition. After five (5) years from date of demolition no credit will be given for prior sewer connection fees. After five (5) years from demolition the property owner will be required to pay all connection fees.

b. When a commercial building such as a hotel, motel, industrial building, etc., is demolished the sewer fee shall be based and charged on new additional use pursuant to the applicable fee shown on the Salt Lake City consolidated fee schedule. After five (5) years from date of demolition no credit will be given for prior sewer connection fees. After five (5) years

from demolition the property owner will be required to pay all connection fees required by the city.

3. Temporary sewer connections may only be made by approval of the director. Temporary connections cannot exceed twenty four (24) months. The fee for each temporary connection shall be shown on the Salt Lake City consolidated fee schedule. All other applicable fees will be effective for temporary connections.

4. All other fees necessary for the operations, maintenance, and services provided by the Wastewater Control and Sewer System and shown on the Salt Lake City consolidated fee schedule.

**SECTION 19.** Amending Section 17.81.200. That Section 17.81.200 of the *Salt Lake City Code* (System of Rates and Charges) shall be, and hereby is, amended to read as follows:

**17.81.200: SYSTEM OF RATES AND CHARGES:**

A. Generally: There are hereby imposed stormwater sewer service fees, rates and charges, effective for all billing periods after and including July 1, 2011, and thereafter until further amended, on the owner of each developed parcel within the city, except: 1) governmentally owned streets, and 2) parcels on which are located stormwater sewer facilities operated and maintained by, or for, the county. The charges shall fund the administration, planning, design, construction, water quality programming, operation, maintenance and repair of existing and future stormwater sewer facilities.

B. Residential Service Charges: Residential service charges for use of the stormwater sewer system shall be as shown on the Salt Lake City consolidated fee schedule.

C. Undeveloped Parcels: Undeveloped parcels shall not be assessed a stormwater service charge.

D. Other Parcels: The charge for all other parcels shall be based upon the total square footage of measured impervious surface, divided by two thousand five hundred (2,500) square feet, or one ERU, and rounded to the nearest whole number. The actual total monthly service charge shall be computed by multiplying the total ERUs for a parcel by the monthly rate shown on the Salt Lake City consolidated fee schedule.

E. Credit For On Parcel Mitigation: Nonresidential parcels with on-site stormwater detention or retention facilities are eligible for a service charge credit upon application to the director by the person owning the parcel, or such person's agent. The amount of credit, if any, shall be no more than twenty-five percent (25%) of the full stormwater charge per the Salt Lake City consolidated fee schedule, with the exception of entities that are individually permitted under the Utah Water Quality Act and federal Clean Water Act. ~~, for on site detention or retention facilities is based on the following formula:~~

~~P = 0.25 + 0.70 (factor) + 0.05 (permit)~~

~~The foregoing symbols have the following meanings:~~

| | |
|---|---|
| ~~P~~ | ~~Percentage of total service charge to be applied to each parcel.~~ |

| | |
|---|---|
| ~~0.25~~ | ~~Represents 10 percent for department administration cost plus 15 percent for utility operation and maintenance costs (half of the estimated total cost for utility operation and maintenance).~~ |
| ~~0.70~~ | ~~Represents 15 percent for utility operation and maintenance (half of the estimated total cost for utility operation and maintenance) plus 55 percent for a utility capital improvement program.~~ |
| ~~Factor~~ | ~~Restricted discharge (Qr) from a developed parcel divided by the peak discharge (Qp) from the same developed parcel which would result if the flow restriction facilities were not in place.~~ |
| ~~0.05~~ | ~~Represents 5 percent for NPDES stormwater permit for the parcel.~~ |
| ~~Permit~~ | ~~The rate adjustment, which applies when the parcel has an NPDES discharge permit from the state, will be equal to 0. When the parcel is included in the city NPDES permit, this rate adjustment is equal to 1.~~ |

1. Mitigation credit is available only for those non-residential parcels whose stormwater facilities meet the city's design and maintenance standards.

2. If the stormwater facilities are not properly maintained or if related structures are modified from an approved design, the mitigation credit may be modified or terminated by the city.

3. The director shall provide a complete on-site mitigation evaluation at the request and expense of the person owning the parcel, or the owner's duly authorized agent.

F. Low-Income Abatement: A person who owns a single-family residential parcel and is qualified for an abatement of the minimum monthly water charge pursuant to section 17.16.670 of this title shall be eligible for a fifty percent (50%) reduction of the service charge for such parcel

G. Nonservice Abatement: A parcel which is not directly or indirectly benefited by the stormwater sewer utility shall be entitled to an abatement of the service charge for said parcel. In order to receive such abatement, the owner, or the owner's agent, shall apply, in writing, to the director pursuant to section 17.81.500 of this chapter.

**SECTION 20.** That a copy of the amended Salt Lake Code shall be published on the official Salt Lake City website.

**SECTION 21.** That this ordinance shall become effective July 1, 2025.

Passed by the City Council of Salt Lake City, Utah, this _____ day of _____, 2025.

_____
CHAIRPERSON

ATTEST:

_____
CITY RECORDER

Transmitted to the Mayor on _____
Mayor's Action: ____ Approved ____ Vetoed

_____
MAYOR

ATTEST:

_____
CITY RECORDER

(SEAL)

Bill No. _____ of 2025.
Published: _____

Salt Lake City Attorney's Office
Approved As To Form

/s/ Carly Castle
Carly Castle
Senior City Attorney

This page has intentionally been left blank