

CITY COUNCIL AGENDA REQUEST FORM

Today's date: 10 / 2 / 20

Date of meeting 10 / 7 / 20

(City Council meetings are held the 1<sup>st</sup> and 3<sup>rd</sup> Wednesday of each month.)

Name of Elected Official, City Employee, Organization, or Citizen making request:

Amanda Wilson, Infrastructure and Development Services Manager

Address: 1123 Lake Street, Sandpoint, Idaho

Phone number and email address: awilson@sandpointidaho.gov

Authorized by: Amanda Wilson

*name of City official*

*City official's signature*

Subject: Revise City Code, Title 7, Chapter 7- Municipal Sewer System (Industrial Pretreatment)

Summary of what is being requested: Consider adopting proposed revisions to the City Code to better align with federal and state laws and the City's IPDES Permit. Proposed revisions are consistent with recent recommendations by the Idaho Department of Environmental Quality (IDEQ).

The following information **MUST** be completed before submitting your request to the City Clerk:

1. Would there be any financial impact to the city?  Yes  No Budgeted?  Yes  No  
If yes, in what way? \_\_\_\_\_

2. Name(s) of any individual(s) or group(s) that will be directly affected by this action:

Industrial Users

Have they been contacted?  
**Yes or No**

Yes

3. Is there a need for a general public information or public involvement plan? **Yes or No**

If yes, please specify and suggest a method to accomplish the plan: \_\_\_\_\_

4. Is an enforcement plan needed?  Yes  No Additional funds needed?  Yes  No

5. Have all the affected divisions been informed about this agenda item?  Yes  No

**This form must be submitted no later than 5:00pm Tuesday the week prior to the meeting. All pertinent documentation for the Council packet must be included.**

**ITEMS WILL NOT BE AGENDIZED WITHOUT THIS FORM**

**CITY OF SANDPOINT  
AGENDA REPORT**

**DATE:** October 2, 2020

**TO:** MAYOR AND CITY COUNCIL

**FROM:** Amanda Wilson, Infrastructure & Development Services Manager

**SUBJECT:** REVISE CITY CODE, TITLE 7, CHAPTER 7 – MUNICIPAL SEWER SYSTEM

**DESCRIPTION/BACKGROUND:**

On December 2, 2019, the Idaho Department of Environmental Quality (DEQ) transmitted a notice to the City summarizing the results of a wastewater pretreatment compliance inspection of the Sandpoint Industrial Pretreatment Program (IPP). The purpose of the inspection was to determine compliance with the facility's IPDES Permit ID0020842, IDAPA 58.01.25 "Rules Regulating the Idaho Pollutant Discharge Elimination System Program," the Clean Water Act.

The City is required to issue permits to Significant Industrial Users (SIU) and to monitor their compliance with federal, state, and local laws, and the City's IPDES Permit. A total of (3) three SIUs exist within the City of Sandpoint. Each SIU has been issued a permit. Permits were issued approximately 3 to 5 years ago. The compliance inspection concluded that the permits do not include a variety of required terms. This is considered a violation requiring action. Specifically, the permits require substantial revisions and updates.

Staff have been in close coordination with the IDEQ in drafting revised permits for each SIU. The necessary permit updates require that the City's Code, Title 7, Chapter 7 – Municipal Sewer System, be updated to better align with current federal and state requirements. The enclosed revisions have been reviewed by the IDEQ and if adopted will enable to complete the permit revisions. Completing the permit revisions will resolve the administrative violations.

**STAFF RECOMMENDATION:**

Consider adopting the proposed revisions to City Code Title 7, Chapter 7 – Municipal Sewer System, specific to the pretreatment requirements.

**ACTION:**

Move to approve the proposed revisions to City Code Title 7, Chapter 7 – Municipal Sewer System, specific to the pretreatment requirements.

**WILL THERE BE ANY FINANCIAL IMPACT? No HAS THIS ITEM BEEN BUDGETED? N/A**

**ATTACHMENTS:**

Proposed Ordinance and Summary

ORDINANCE NO. \_\_\_\_

AN ORDINANCE OF THE CITY OF SANDPOINT, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; AMENDING PORTIONS OF CHAPTER 7 OF TITLE 7, SANDPOINT CITY CODE, PERTAINING TO THE MUNICIPAL SEWER SYSTEM; PROVIDING THAT THIS PROVISION SHALL BE DEEMED SEVERABLE AND THAT REMAINING SECTIONS OF SANDPOINT CITY CODE SHALL NOT BE AFFECTED BY A FINDING THAT THESE PROVISIONS ARE UNLAWFUL OR UNENFORCEABLE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS: On December 2, 2019, the Idaho Department of Environmental Quality (IDEQ) transmitted a notice to the City, summarizing the results of a wastewater pretreatment compliance inspection of the Sandpoint Industrial Pretreatment Program (IPP), the purpose of which was to determine compliance with the facility's IPDES Permit ID0020842, IDAPA 58.01.25 "Rules Regulating the Idaho Pollutant Discharge Elimination System Program," the Clean Water Act;

WHEREAS: The City is required to issue permits to Significant Industrial Users (SIU) and to monitor their compliance with federal, state, and local regulations and the City's IPDES Permit;

WHEREAS: There are currently a total of three (3) SIUs within the City of Sandpoint, and each was issued a permit approximately 3 to 5 years ago;

WHEREAS: The compliance inspection concluded that these permits are missing a variety of required terms, which is considered a violation requiring action;

WHEREAS: Substantial revisions and updates to the permits are needed;

WHEREAS: The necessary permit updates require amendments to City Code Title 7, Chapter 7, Municipal Sewer System, in order to better align with current federal and state requirements; and

WHEREAS: These amendments have been reviewed by IDEQ and, once adopted, will enable completion of the permit revisions and updates and resolve the administrative violations.

NOW THEREFORE, be it ordained by the Mayor and City Council of the City of Sandpoint:

**Ordinance Section 1:** That Sandpoint City Code Title 7, Chapter 7, Section 2, is hereby amended as follows:

7-7-2: PURPOSE AND OBJECTIVE:

It is hereby determined and declared to be necessary and conducive to and for the protection of the health, safety, and welfare of the public and inhabitants of the city, as well as to protect publicly owned treatment works (POTW) personnel who may be affected by wastewater and sludge in the course of their employment and for the purpose of controlling the use and for providing an equitable distribution of the costs and expenses of maintenance, operation, upkeep, and repair and

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replacement of the entire sewage treatment system which includes the pump stations, sewage treatment facilities, and sludge disposal facilities of the city, to charge and collect service charges or fees upon all lots, lands, property and premises served or benefited by the sewage system of the city, which system and facilities consist generally of all pipelines, conduits, manholes, cleanouts, sewer mains, intercepting sewers, outfall sewers, lift stations, pumps, structures, mechanical equipment and facilities for the treatment and disposal of sewage or sewage byproducts.

The objectives of this chapter are to:

- A. Prevent the introduction of pollutants into the city wastewater system which will interfere with the normal operation of the system or the use and disposal of the resulting municipal sludge;
- B. Prevent the introduction of pollutants into the city wastewater system which do not receive adequate treatment in the POTW, and which will pass through the system into receiving waters or the atmosphere or otherwise be incompatible with the system;
- C. Improve the opportunity to recycle and reclaim wastewater and sludge from the POTW;
- D. Ensure that the quality of the wastewater treatment plant sludge is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations;
- E. Protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public.

Except as otherwise provided herein, the director of public works shall administer, implement, and enforce the provisions of this chapter. Any powers granted to or duties imposed upon the director may be delegated by the director to other city personnel.

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

This chapter provides for the regulation of discharges into the city wastewater system through the enforcement of administrative regulations. As of July 1, 2018, the primacy over the National Pollution Discharge Elimination System program transferred from the USEPA to Idaho and the Idaho Pollution Discharge Elimination System (IPDES) program. The Idaho Department of Environmental Quality (DEQ) is the Approval Authority.

**Ordinance Section 2:** That Sandpoint City Code Title 7, Chapter 7, Section 3, Definitions, is hereby amended as follows:

**APPROVAL AUTHORITY:** ~~EPA region 10.~~ The Director of Idaho Department of Environmental Quality or their designee.

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GRAB SAMPLE: A sample which is taken from a waste stream on a onetime basis without regard to the flow in the waste stream ~~and without consideration of time~~ whereby the sample time does not exceed 15 minutes.

IPDES: Idaho Pollutant discharge elimination system permit program.

~~NPDES: National pollutant discharge elimination system permit program of the USEPA.~~

**Ordinance Section 3:** That Sandpoint City Code Title 7, Chapter 7, Sections 5-D-3 and 5-D-24 are hereby amended as follows:

- 3. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference (but in no case solids greater than 0.05 inch(es) in any dimension);
- 24. Sewage sludge, except in accordance with the city's ~~NPDES~~ permits, providing that it specifically allows the discharge to surface waters of sewage sludge pollutants.

**Ordinance Section 4:** That Sandpoint City Code Title 7, Chapter 7, Section 5-E (chart), is hereby amended as follows:

E. Discharge Limits: In addition to previous stated discharge limits, no discharger shall discharge any water or wastes containing heavy metals and similar objectionable or toxic substances to such a degree that any such material received in the composite sewage at the point of discharge exceeds the following daily maximum concentration limits:

|   | Concentration, mg/l      |
|---|--------------------------|
| Arsenic                                 | 0.13                     |
| Cadmium                                 | 0.69                     |
| Chromium (total)                        | 2.77                     |
| Copper                                  | 1.91                     |
| Cyanide                                 | 1.2                      |
| Fats, oils and grease:                  |                          |
| Mineral based                           | 100                      |
| Nonmineral based                        | 250                      |
| Lead                                    | 0.69                     |
| Mercury                                 | 0.002                    |
| Methylene chloride                      | 0.1                      |
| Nickel                                  | 3.98                     |
| Silver                                  | 0.97                     |
| <del>Stoddard solvent</del>             | <del>nondetectible</del> |
| Tetrachloroethylene (perchloroethylene) | nondetectible            |

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|                         |               |
|-------------------------|---------------|
| 1,1,1-trichloroethylene | nondetectible |
| Zinc                    | 2.61          |

**Ordinance Section 5:** That Sandpoint City Code Title 7, Chapter 7, Section 13-B, is hereby amended as follows:

B. Whenever deemed necessary to protect the POTW from interference, pass through, slug load, or other potentially harmful effects, the City may require industrial users to apply for and obtain a discharge permit, restrict their discharge or deny wastewater discharges from industrial users during peak flow periods and/or other conditions that create vulnerability at the POTW, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, install treatment including storage or flow- equalization facilities, submit timely and factual reports from the industrial user responsible for such discharge, pay any additional cost or expense incurred by the City for handling, treating, disposing or remediation as a result of wastes discharged to the wastewater treatment system, and such other conditions as may be necessary to protect the POTW and determine the industrial user's compliance with the requirements of this chapter.

C. The industrial user shall provide grease, oil, or sand interceptors when the POTW has notified the industrial user that such interceptors are necessary to protect the POTW from interference, pass through, slug load, or other potentially harmful effects of excessive discharges of grease, oil or sand, except that such interceptors are not required of domestic sources. All interceptors shall be of a type and capacity approved by the City and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed to protect the POTW, by the industrial user at its expense.

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

E. Wastewater Discharge Permits: No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the City. Other industrial users do not need to apply for a permit unless required to do so by the City based on a technical review of the potential for the discharge to exceed a pretreatment standard or pretreatment requirement, or cause or contribute to pass through or interference of the POTW.

F. Wastewater Discharge Permitting, Existing SIU: Any SIU that was discharging wastewater into the POTW prior to the effective date of this chapter and that wishes to continue such discharges in the future shall, within ninety (90) days after notification by the Director, submit a permit application to the City in accordance with this chapter and shall not cause or allow discharges to the POTW to continue after one hundred eighty (180) days after the effective date of this chapter except in accordance with a wastewater discharge permit issued by the City.

G. Wastewater Discharge Permitting, New Source and New User: At least ninety (90) days prior to the anticipated start-up, any new SIU and any new source so required by the City shall apply for a wastewater discharge permit and will be required to submit to the City at least the information listed in this chapter. Such new sources or new SIUs shall not discharge without first receiving a wastewater

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discharge permit from the City. Such new sources and new SIUs shall also be required to include in their application information on the method of pretreatment they intend to use to meet applicable pretreatment standards.

BH. Wastewater Discharge Disclosure Requirements-Permit Application:

~~1. Disclosure Declaration; Fee: Significant industrial dischargers shall complete and file with the city, a disclosure declaration in the form prescribed by the city, and accompanied by the appropriate fee.~~

~~Existing significant industrial dischargers shall file disclosure forms within thirty (30) days after the effective date of this chapter unless the same has already done so, and proposed new dischargers shall file their disclosure forms at least ninety (90) days prior to connecting to the POTW. Categorical users submitting the following information shall have complied with 40 CFR 403.12(b). The city will evaluate the complete disclosure form and data furnished by the discharger and may require additional information. Within thirty (30) days of receipt of a complete wastewater discharge permit application, the director will determine whether or not to issue a wastewater discharge permit. Upon determination to issue, the permit shall be issued within thirty (30) days of full elevation and acceptance of the data furnished. The director may deny any application for a wastewater discharge permit. The disclosure to be made by the discharger shall be made on written forms provided by the city and shall cover: All industrial users required to obtain a wastewater discharge permit must submit an application in a form provided by the City and shall include the following information. Categorical industrial users shall also comply with the baseline report requirements pursuant to 40 CFR 403.12(b), or any superseding amendments thereto.~~

**Ordinance Section 6:** That Sandpoint City Code Title 7, Chapter 7, Section 13-C, is hereby amended as follows:

CI. Industrial Wastewater Discharge Permit:

1. Issuance of Permit: The city shall issue to the discharger an industrial wastewater discharge permit (hereinafter, "permit"), which will be based on information in the disclosure form:

a. Wastewater discharge permits must contain the following:

- (1) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years, and a specific date upon which the permit will expire;
- (2) A statement that the wastewater discharge permit is nontransferable without prior notification to and approval from the city, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
- (3) Applicable pretreatment standards (including local limits) and requirements, including any special state requirements and effluent limits;
- (4) Self-monitoring, sampling, reporting, notification, submittal of technical reports, compliance schedules, and record keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law;
- (5) Requirement for immediate notification to the city where self-monitoring results indicate noncompliance;
- (6) Requirement to report a bypass or upset of a pretreatment facility;

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- (7) Requirement to report immediately to the city all discharges, including slug loadings, that could cause problems to the POTW;
- (8) Requirement for the SIU who reports noncompliance to repeat the sampling and analysis and submit results to the city within thirty (30) days after becoming aware of the violation;
- (9) A statement of applicable civil, criminal, and administrative penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule;
- (10) Requirements to control slug discharges, if determined by the POTW to be necessary;
- (11) Requirement to report the results of monitoring of any regulated pollutant that is conducted more frequently than required by the permit.

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

- (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
- (2) Requirements for the installation and proper operations and maintenance of pretreatment technology, pollution control or construction of appropriate containment devices designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
- (3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine discharges;
- (4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
- (5) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
- (6) Requirements for installation and maintenance of inspection and sampling facilities and equipment;
- (7) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit;
- (8) Any special agreements the director chooses to continue or develop between the city and user;
- (9) Other conditions as deemed appropriate by the director to ensure compliance with this chapter, and state and federal laws, rules and regulations.

2. Wastewater Discharge Permit Modification: Modifications to a wastewater discharge permit may be allowed for the following reasons:

- a. To incorporate any new or revised federal, state, or local requirements;
- b. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
- c. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

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- d. Information indicating that the permitted discharge poses a threat to the city's POTW, personnel, or the receiving waters;
  - e. Violation of any terms or conditions of the wastewater discharge permit;
  - f. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
  - g. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
  - h. To correct typographical or other errors in the wastewater discharge permit; or
  - i. To reflect a transfer of the facility ownership and/or operation to a new owner/operator.
3. Wastewater Discharge Permit Transfer: Wastewater discharge permits may be reassigned or transferred to a new owner and/or operator only if the permittee gives at least one hundred eighty (180) days' notice to the ~~public works director~~ City and the city approves the wastewater discharge permit transfer and provides a copy of the permit to the new owner. The notice to the ~~public works director~~ City must include a written certification by the new owner and/or operator which:
- a. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
  - b. Identifies the specific date on which the transfer is to occur; and
  - c. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

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

**Ordinance Section 7:** That Sandpoint City Code Title 7, Chapter 7, Sections 13-D through 13-H, are hereby amended as follows:

**DJ. Reporting Requirements for Dischargers:**

~~1. Reports Required: Within ninety (90) days following the date for final compliance by the discharger with applicable pretreatment standards and requirements set forth in this chapter, federal categorical standards, or in an industrial wastewater discharge permit or, in the case of a new source or a new user considered by the city to fit the definition of a new significant industrial discharger, within thirty (30) days following commencement of the introduction of wastewater into the POTW by a new discharger, any discharger subject to this chapter shall submit to the city a report indicating the nature and concentration of all prohibited or regulated substances contained in its discharge, and the average and maximum daily flow in gallons. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the discharger into compliance with the applicable pretreatment standards or requirements. In cases where the pretreatment standard requires compliance with a best management practice or pollution prevention alternative, the user shall submit documentation as required by the city of the applicable standards to determine compliance with the standard. This statement shall be signed by an~~

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~~authorized representative of the discharger, and certified by a qualified engineer licensed to practice in the state of Idaho.~~

- ~~2. Contents Of Report: Any significant industrial discharger and new sources and new users considered by the city to fit the definition of significant industrial discharger subject to a pretreatment standard set forth in this chapter, after the compliance date of such pretreatment standard, or, in the case of a new discharger, after commencement of the discharge to the city, shall submit to the city during the months of June and December, unless required more frequently by the city, a report indicating the nature and concentration, of prohibited or regulated substances in the effluent which are limited by the pretreatment standards hereof. In addition, this report shall include a record of all measured or estimated average and maximum daily flows during the report period reported in subsection D1 of this section. Flows shall be reported on the basis of actual measurement; provided, however, where cost or feasibility considerations justify, the city may accept reports of average and maximum flows estimated by verifiable techniques. The city, for good cause shown, considering such factors as local high or low flow rates, holidays, budget cycles, or other extenuating factors, may authorize the submission of said reports in months other than those specified above.~~
- ~~3. Discharge Report: Reports of discharges shall contain all results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where required by the city. The frequency of monitoring by the discharger shall be as prescribed by the city, but in no case shall be less than twice per calendar year. All analyses shall be performed in accordance with 40 CFR part 136 and amendments thereto.~~
- ~~4. Notification Of Hazardous Waste Dischargers To The City System: Any industrial user discharging hazardous wastes shall notify the city in accordance with 40 CFR 403.12. Any industrial user who commences discharging after August 23, 1990, shall provide notification in accordance with 403.12(p) no later than one hundred eighty (180) days after the discharge of any listed or characteristic hazardous waste(s).~~
- ~~5. Hazardous Wastes: Whenever the EPA publishes new RCRA rules identifying additional hazardous wastes or new characteristics of hazardous wastes, any affected user must notify the city, EPA, RCRA director, and state hazardous wastes director if any of these wastes are discharged to the city's treatment system. The notification must occur within ninety (90) days of the effective date of the published regulation.~~
  - ~~1. Baseline Monitoring Reports:
    - ~~a. Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), or any superseding amendment thereto, (whichever is later) existing categorical industrial users currently discharging to or scheduled to discharge to the POTW, shall be required to submit to the City a report which contains the information listed in subsection B of this section. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the City a report which contains the information listed in subsection (b) of this section. A new source shall also be required to report the method of pretreatment it intends to use to meet applicable~~~~

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category standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged.

b. Industrial users described above shall submit the information set forth below.

i. Identifying Information: The name and address of the facility, including the name of the operator and owner.

ii. Environmental Permits: A list of any environmental control permits held by or for the facility.

iii. Description Of Operations: A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

iv. Flow Measurement: Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e), or any superseding amendment thereto.

v. Measurement Of Pollutants:

(a) The categorical pretreatment standards applicable to each regulated process.

(b) The results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the standard or by the City) of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long term average concentrations (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in this chapter.

vi. Certification: A statement, reviewed by the industrial user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment, is required to meet the pretreatment standards and requirements.

vii. Compliance Schedule: If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the industrial user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in this chapter.

viii. Signature And Certification: All baseline monitoring reports must be signed and certified in accordance with this chapter.

ix. Sampling And Analyses: Sampling and analyses must be performed in accordance with procedures set out in this chapter.

2. Final Compliance Report (Initial Compliance Report)

a. Within ninety (90) days following the date for final compliance of an existing significant industrial user with applicable pretreatment standards and requirements set forth in this chapter, in Federal categorical standards, or in a wastewater discharge permit, or, in the case of a new source or a new SIU, within ninety (90) days following commencement of the introduction of wastewater into the POTW, the affected industrial user shall submit to the City a report containing the information outlined in this chapter.

b. For industrial users subject to equivalent mass or concentration limits established by the City in accordance with procedures established in 40 CFR 403.6(c), or any superseding amendments

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thereto, this report shall contain a reasonable measure of the industrial user's long term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the industrial user's actual production during the appropriate sampling period.

3. Periodic Compliance Report

a. Any industrial user that is required to have an industrial waste discharge permit and performs self-monitoring shall comply with all applicable requirements under 40 CFR 403.12, or any superseding amendments thereto, and submit to the City during the months specified in the permit, unless required on other dates or more frequently by the City, a report indicating the nature of the effluent over the previous reporting period. The frequency of monitoring shall be as prescribed within the industrial waste discharge permit. At a minimum, industrial users shall sample their discharge at least twice per year.

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

c. Any industrial user subject to equivalent mass or concentration limits established by the City or by unit production limits specified in the applicable categorical standards shall report production data as outlined in this chapter.

d. If the City calculated limits to factor out dilution flows or non-regulated flows, the industrial user will be responsible for providing flows from the regulated process flows, dilution flows and non-regulated flows.

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

f. Discharges sampled shall be representative of the industrial user's daily operations and samples shall be taken in accordance with the requirements specified in this chapter.

g. The City may require reporting by industrial users that are not required to have an industrial wastewater discharge permit if information or data is needed to establish a sewer charge, determine the treatability of the effluent, or determine any other factor which is related to the operation and maintenance of the sewer system.

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

4. Compliance Schedules for Meeting Applicable Pretreatment Standards

a. The schedule shall contain increments of progress in the form of dates for the commencement and completion of milestones leading to the construction and operation of additional

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pretreatment required for the industrial user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

b. No increment referred to in this section shall exceed nine (9) months, unless an alternate schedule has been approved in writing by the Director.

c. Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the City including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the industrial user to return the construction to the schedule established. In no event shall more than one hundred eighty (180) days elapse between such progress reports.

5. Non-Compliance Reporting: If sampling performed by an industrial user indicates a violation, the industrial user shall notify the POTW within twenty four (24) hours of becoming aware of the violation. The industrial user shall also repeat the sampling within five (5) days and submit the results of the repeat analysis to the POTW within thirty (30) days after becoming aware of the violation. Where the POTW has performed the sampling and analysis in lieu of the industrial user, the POTW must perform the repeat sampling and analysis unless it notifies the industrial user of the violation and requires the industrial user to perform the repeat analysis. Resampling is not required if:

a. The POTW performs sampling at the industrial user at a frequency of at least once per month,  
or

b. The POTW performs sampling at the industrial user between the time when the initial sampling was conducted and the time when the industrial user or the POTW receives the results of this sampling.

6. Notification of Significant Production Changes: ~~Any user operating under a wastewater discharge permit incorporating equivalent mass or concentration limits shall notify the city within two (2) working days after the user has a reasonable basis to know that the production level will significantly change within the next calendar month. Any user not providing a notice of such anticipated change will be required to comply with the existing limits contained in its wastewater discharge permit.~~ All significant industrial users shall promptly notify the POTW in advance of a change in the average monthly volume greater than twenty percent (20%) or a significant change in the character of pollutants in their discharge, including significant manufacturing process changes, pretreatment modifications, and the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under 40 CFR 403.12(p). Any industrial user operating under a wastewater discharge permit incorporating equivalent mass or concentration limits shall notify the City within two (2) business days after the industrial user has a reasonable basis to know that the production level will significantly change within the next calendar month. Any industrial user not providing a notice of such anticipated change will be required to comply with the existing limits contained in its wastewater discharge permit.

7. Reports from Unpermitted Users: All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the city as the city ~~public works director~~ may require.

EK. Sampling Requirements for Users:

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~~1. Grab Samples: A minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. The public works director will determine on a case by case basis whether the user will be able to composite the individual grab samples. For all other pollutants, twenty four (24) hour composite samples must be obtained through flow proportional composite sampling techniques where feasible. The city may waive flow proportional composite sampling for any user that demonstrates that flow proportional is infeasible. In such cases, samples may be obtained through time proportional composite sampling techniques or through a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged.~~

~~2. Location of Samples: Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated or manufacturing process if no pretreatment exists or as determined by the city and contained in the user's wastewater discharge permit. For categorical users, if other wastewaters are mixed with the regulated wastewater prior to pretreatment, the user should measure the flows and concentrations necessary to allow use of the combined waste stream formula of 40 CFR 403.6(e) in order to evaluate compliance with the applicable categorical pretreatment standards. For other SIUs, for which the city has adjusted its local limits to factor out dilution flows, the user should measure the flows and concentrations necessary to evaluate compliance with the adjusted pretreatment standard(s).~~

~~1. Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, twenty four (24) hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the POTW, 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 the twenty four (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. Composite samples for other parameters unaffected by compositing procedures as documented in approved EPA methodologies may be authorized by the POTW, as appropriate.~~

~~2. For sampling required in support of baseline monitoring and ninety (90) day compliance reports, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the city may authorize a lower minimum. For the reports by 40 CFR 403.12(e) and (h), the city will require the number of grab samples necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements.~~

~~3. Samples shall be taken immediately downstream from pretreatment facilities if such exist, immediately downstream from the regulated or manufacturing process if no pretreatment exists, or at a location determined by the City and specified in the industrial user's wastewater discharge permit. For categorical industrial users, if other wastewaters are mixed with the regulated wastewater prior to pretreatment, the industrial user shall measure the flows and concentrations necessary to allow use of the combined wastestream formula of 40 CFR 403.6(e), or any superseding amendment thereto, in order to evaluate compliance with the applicable categorical pretreatment standards. For other SIUs, for which the City has adjusted its local limits to factor out~~

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dilution flows, the industrial user shall measure the flows and concentrations necessary to evaluate compliance with the adjusted pretreatment standard(s).

4. All sample results shall indicate the time, date and exact place of sampling, and methods of analysis and shall certify that the wastestream sampled is representative of normal work cycles and expected pollutant discharges from the industrial user. If an industrial user sampled and analyzed more frequently than what was required in its wastewater discharge permit, using methodologies in 40 CFR part 136, or any superseding amendment thereto, it must submit all results of sampling and analysis of the discharge as part of its self-monitoring report.

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

6. Inspection and Sampling: Industrial users shall allow the Director ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties necessary to ascertain whether the industrial user complies with this chapter.

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

b. Industrial users shall allow the Director to set up on the industrial user's property, and the Director is authorized to require installation of such devices as are necessary to conduct sampling and/or metering of the industrial user's operations.

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

d. Unreasonable delays in allowing the Director access to the industrial user's premises shall be a violation of this chapter.

~~1. Results: All sample results shall indicate the time, date and place, of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges from the user. If a user sampled and analyzed more frequently than what was required in its wastewater discharge permit, using methodologies in 40 CFR part 136, it must submit all results of sampling and analysis of the discharge as part of its self-monitoring report.~~

~~27. Monitoring of User's Wastewater: Where the city has performed the sampling and analysis in lieu of the industrial user, the city must perform the repeat sampling and analysis unless it notifies the user of the violation and requires the user to perform the repeat analysis.~~

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~~38.~~ Search Warrants: If the ~~City public works director~~ has been refused access to a building, structure or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect as part of a routine inspection program of the city designed to verify compliance with this chapter or any wastewater discharge permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the ~~City public works director~~ shall be authorized to seek issuance of a search and/or seizure warrant from the magistrate court of Bonner County. Such warrant shall be served at reasonable hours by the public works director in the company of a uniformed police officer of the city.

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

~~5~~10. Confidential Information: Information and data obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the city inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the city, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable state law. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES Idaho Pollution Discharge Elimination System (IPDES) program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by ~~40~~ CFR 2.302 federal regulations will not be recognized as confidential information and will be available to the public without restriction.

~~F~~11. Recordkeeping: Users subject to the reporting requirements of this chapter shall retain and make available for inspection and copying all records of information obtained pursuant to any monitoring activities required by this chapter and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least ~~three (3)~~ five (5) years. This period shall be automatically extended for the duration of any litigation concerning the user or POTW, or where the user has been specifically notified of a longer retention period by the city.

~~G~~L. Hazardous Waste Notification: Any user that is discharging more than fifteen (15) kilograms of hazardous wastes as defined in 40 CFR 261 (listed or characteristic wastes) in a calendar month or any facility discharging any amount of acutely hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e) is required to provide a onetime notification in writing to the city, to the EPA region 10 office of waste and chemicals management director, and to the state hazardous waste division. Any existing user exempt from this notification shall comply with the requirements

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contained herein within thirty (30) days of becoming aware of a discharge of fifteen (15) kilograms of hazardous wastes in a calendar month or any discharge of acutely hazardous wastes to the city sewer system.

1. The name of the hazardous waste as set forth in 40 CFR part 261;
2. The EPA hazardous waste number; and
3. The type of discharge (continuous, batch, or other).
4. If an industrial user discharges more than one hundred (100) kilograms of which waste per calendar month to the sewer system, the notification shall also contain the following information to the extent it is known or readily available to the industrial user:
  - a. An identification of the hazardous constituents contained in the wastes;
  - b. An estimation of the mass and concentration of such constituents in the waste streams discharged during that calendar month; and
  - c. An estimation of the mass of constituents in the waste streams expected to be discharged during the following twelve (12) months.

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

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

HM. Reports for Unpermitted Users: All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the city as the director may require.

N. Notice of Potential Problems, including Accidental Spills, Slug Loads: Any user shall notify the POTW immediately of all discharges that could cause problems to the POTW, including any slug loads, as defined in this chapter. The notification shall include the concentration and volume, and the corrective actions and steps being taken by the industrial user to reduce any adverse impact to the POTW. Any industrial user who discharges a slug load of pollutants shall be liable for any expense, loss, or damage to the POTW, in addition to the amount of any fines imposed on the City under State or Federal law.

**Ordinance Section 8:** That Sandpoint City Code Title 7, Chapter 7, Section 14, is hereby amended as follows:

7-7-14: PRETREATMENT:

~~Users shall provide necessary wastewater pretreatment as required to comply with this chapter and shall achieve compliance with all applicable pretreatment standards within the time limitations as specified by appropriate statutes, ordinances and regulations. Any facilities required to pretreat wastewater shall be properly operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities shall be submitted to the city for review and must be acceptable to the city before construction of the facility. The user shall obtain all necessary construction operating permits from the city. Such pretreatment facilities shall be under the control and direction of a qualified wastewater treatment operator. The review of such plans shall in no way relieve the user from the~~

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~~responsibility of modifying its facility as necessary to produce an effluent acceptable to the city under the provisions of this chapter. Within a reasonable time after the completion of the wastewater treatment facility, the user shall furnish its operations and maintenance procedures for the city to review. Any subsequent significant changes in the pretreatment facilities or method of operation shall be reported to and be accepted by the city prior to the user's initiation of the changes. Industrial users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all applicable pretreatment standards and requirements set out in this chapter within the time limitations specified by the EPA or the City, whichever is more stringent. Any facilities required to pretreat wastewater to a level acceptable to the City shall be provided, operated, and maintained at the industrial user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the City for review and must be acceptable to the City before construction of the facility. The review of such plans and operating procedures will in no way relieve the industrial user from the responsibility of modifying the facility as necessary to produce a discharge acceptable to the City under the provisions of this chapter.~~

**Ordinance Section 9:** That Sandpoint City Code Title 7, Chapter 7, Section 15, is hereby amended as follows:

7-7-15: FEDERAL AND STATE REQUIREMENTS:

A. Federal Categorical Pretreatment Standards: The national categorical pretreatment standards found at 40 CFR chapter I, subchapter N, parts 405-471 are hereby adopted and incorporated as if fully set forth herein and are enforceable under this chapter. All industrial users subject to a categorical pretreatment standard shall comply with all requirements of such standard, and shall also comply with any limitations contained in this chapter. Where the same pollutant is limited by more than one pretreatment standard, the limitations which are more stringent shall prevail. Compliance with categorical pretreatment standards shall be in the timeframe specified in the applicable categorical pretreatment standard.

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

**Ordinance Section 10:** Repeal and Severability

- A. That any provisions of the *Sandpoint City Code* found to be inconsistent with this Ordinance be and the same is hereby repealed.
- B. Should any provision of this ordinance be deemed unlawful or unconstitutional, such finding shall not affect the remaining provisions of this ordinance.

**Ordinance Section 11:** Effective Date

This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

ORDINANCE NO. \_\_\_\_\_

PASSED BY THE CITY COUNCIL as an Ordinance of the City of Sandpoint on the 7<sup>th</sup> day of October, 2020.

\_\_\_\_\_  
Shelby Rognstad, Mayor

ATTEST:

\_\_\_\_\_  
Melissa Ward, City Clerk

SUMMARY OF CITY OF SANDPOINT  
ORDINANCE NO. \_\_\_\_  
Municipal Sewer System

AN ORDINANCE OF THE CITY OF SANDPOINT, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; AMENDING PORTIONS OF CHAPTER 7 OF TITLE 7, SANDPOINT CITY CODE, PERTAINING TO THE MUNICIPAL SEWER SYSTEM; PROVIDING THAT THIS PROVISION SHALL BE DEEMED SEVERABLE AND THAT REMAINING SECTIONS OF SANDPOINT CITY CODE SHALL NOT BE AFFECTED BY A FINDING THAT THESE PROVISIONS ARE UNLAWFUL OR UNENFORCEABLE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Following is a summary of the provisions of Ordinance No. \_\_\_\_, amending Sandpoint City Code Title 7, Chapter 7:

Ordinance Section 1 amends Sandpoint City Code Title 7, Chapter 7, Section 2, to state that primacy over the National Pollution Discharge Elimination System program transferred from the USEPA to Idaho and the Idaho Pollution Discharge Elimination System (IPDES) program, with Idaho Department of Environmental Quality (DEQ) as Approval Authority.

Ordinance Section 2 amends Sandpoint City Code Title 7, Chapter 7, Section 3, to make necessary updates to Definitions.

Ordinance Section 3 amends Sandpoint City Code Title 7, Chapter 7, Sections 5-D-3 and 5-D-24, to amend the size of solids prohibited from being introduced into the treatment system and update an abbreviated term.

Ordinance Section 4 amends the chart related to discharge limits in Sandpoint City Code Title 7, Chapter 7, Section 4.

Ordinance Section 5 amends Sandpoint City Code Title 7, Chapter 7, Section 13-B, stating City requirements for industrial users in order to protect the treatment system from potentially harmful effects and determine industrial users' compliance with these requirements.

Ordinance Section 6 amends Sandpoint City Code Title 7, Chapter 7, Section 13-C, pertaining to the Industrial Wastewater Discharge Permit.

Ordinance Section 7 amends Sandpoint City Code Title 7, Chapter 7, Sections 13-D through 13-H, pertaining to reporting and sampling requirements for dischargers.

Ordinance Section 8 amends Sandpoint City Code Title 7, Chapter 7, Section 14, pertaining to pretreatment requirements.

Ordinance Section 9 amends Sandpoint City Code Title 7, Chapter 7, Section 15, pertaining to federal and state requirements.

Sections 10 and 11 provide for repeal and severability, publication, and an effective date.

This publication is a summary of the full Ordinance and is being published pursuant to Idaho Code Section 50-901A. This ordinance was passed and approved upon a proper roll call vote and duly enacted at a properly-noticed session of the Sandpoint City Council, held October 7, 2020. The full text of the Ordinance is on file with the Sandpoint City Clerk and will be promptly provided during regular hours to any citizen on personal request.

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Melissa Ward, City Clerk

Newspaper publication date: \_\_\_\_\_