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ORDINANCE NO. 1-96

AN ORDINANCE OF THE KOOTENAI-PONDERAY WATER AND SEWER DISTRICT, BONNER COUNTY, IDAHO, AMENDING ORDINANCE NO. 1-85, RELATING TO SHORT TITLE; PURPOSE AND OBJECTIVE; DEFINITIONS; OWNERSHIP AND OPERATION OF SYSTEM; DISCHARGE PROHIBITIONS, PRETREATMENT LIMITATIONS AND REQUIREMENTS; PRIVATE SEWAGE DISPOSAL SYSTEMS; CONNECTION TO SYSTEM; POWERS AND AUTHORITY OF AUTHORIZED REPRESENTATIVES; SERVICE OUTSIDE THE DISTRICT; LINE EXTENSION POLICIES; BUILDING SEWERS AND CONNECTIONS; BASIS FOR DETERMINING SEWER USE CHARGE FOR OPERATION, MAINTENANCE AND REPLACEMENT OF THE SYSTEM; BASIS FOR DETERMINING NEW USER FACILITY FEES; ADMINISTRATION OF INDUSTRIAL WASTEWATER DISCHARGES; PRETREATMENT; NATIONAL CATEGORICAL PRETREATMENT STANDARDS; ENFORCEMENT AND ATTORNEY'S FEES; PENALTIES; STATE REQUIREMENTS; RIGHT OF REVISION; AND, ESTABLISHING AN EFFECTIVE DATE.

Whereas, the Kootenai-Ponderay Sewer District adopted Ordinance No. 1-85 on May 1, 1985; and,

Whereas, changes relating to the Kootenai-Ponderay Sewer District, its members and its sewage system make it appropriate to amend Ordinance No. 1-85;

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE KOOTENAI-PONDERAY SEWER DISTRICT:

SECTION 1: SHORT TITLE. This Ordinance shall be known as the District Sewer System Ordinance.

SECTION 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 District, 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 replacement of the entire sewage treatment system which includes the pump stations, sewage treatment facilities, and sludge disposal facilities of the District, to charge and collect service charges or fees upon all lots, lands, property and premises served or benefited by the sewage system of the District, 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 by-products.

The objectives of this Ordinance are to:

- A. Prevent the introduction of pollutants into the District wastewater system, which will interfere with the normal operation of the system or contaminate the resulting sludge;
- B. Prevent the introduction of pollutants into the District wastewater system which do not receive adequate treatment in the system, and which will pass through the system into receiving waters or the atmosphere or otherwise be incompatible with the system; and,
- C. Improve the opportunity to recycle and reclaim wastewater and sludge from the system.

This Ordinance provides for the regulation of discharges into the District wastewater system through the enforcement of this Ordinance and administrative rules and regulations, which the District is hereby authorized to adopt by resolution.

SECTION 3: DEFINITIONS. Unless the context specifically indicates otherwise, the meanings of terms used in this Ordinance shall be as follows:

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

APPLICABLE PRETREATMENT STANDARDS For any specified pollutant, the general discharge prohibitions, the District's specific limitations on discharge, State standard on discharge, State standard or the National Categorical Pretreatment Standards (when effective), whichever standard is most stringent.

APPLICATION FOR SERVICE A written application on a form to be provided by the District and to be submitted by a prospective user to the Board of Directors of the District prior to the paying of any fees and/or connecting to the system. A form shall be used by the present users prior to expanding their usage of the District's system, and by former users when desiring to reconnect to the system.

BOARD OF DIRECTORS The five (5) duly-elected governing members of the District.

BOARDING HOUSE Any building or portion thereof, which includes separate bedrooms for rent and common kitchen and/or bathroom facilities.

BOD-5 BIOCHEMICAL OXYGEN DEMAND The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in (5) days at twenty degrees (20°) C, expressed in milligrams per liter (mg/l).

BUILDING The generic term for all constructed units to be connected, or connected to, the District System, including, but not limited to, any boarding house, building used by an industrial discharger, motel, hotel, multi-unit dwelling, residential building, single-family residence, or units in a trailer court or mobile home park, as defined herein.

BUILDING DRAIN That part of the lowest horizontal piping of a drainage system that receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.

BUILDING SEWER The extension from the building drain to a point of connection with the system or other places of disposal.

CATEGORICAL PRETREATMENT STANDARDS National Pretreatment Standards specifying quantities of concentrations of pollutants or properties that may be discharged or introduced into a publicly-owned treatment works.

C-CENTIGRADE The centigrade scale for measuring temperature, on which, at standard atmospheric pressure, the boiling point of water is at one hundred degrees (100°) and the freezing point is at zero degrees (0°) on its scale.

COMBINED SEWER A sewer receiving both surface run-off and sewage.

CONTRACTOR Any person, firm, or corporation licensed by the State of Idaho as a public works contractor.

DEVELOPER One or more persons or legal entities which is the owner of land and is subdividing the land for resale and which seeks to have the subdivided land served by the District.

INDUSTRIAL DISCHARGER A user discharging effluent into the District's system, which effluent contains any component, quantity or quality which the District determines, in its sole discretion, is different from that of normal and usual-type effluent. Whenever the term 'discharger' is used in this ordinance it shall be deemed to mean the same as 'industrial discharger'.

DISTRICT The Kootenai-Ponderay Sewer District Bonner County, Idaho, or its authorized or designated agent or representative.

F-FAHRENHEIT The Fahrenheit scale for measuring temperature, on which, under standard atmospheric pressure, the boiling point of water is at two hundred twelve (212°) degrees and the freezing point is at thirty two (32°) degrees above the zero on its scale.

GARBAGE Solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage, and sale of produce.

HE-HIM The masculine pronoun shall, where the context so requires, include the feminine and the neuter; and, the singular, when the context so requires, shall include the plural.

INDIRECT DISCHARGE The discharge or the introduction of non-domestic pollutants from a source regulated under section 307(b) or (c) of the Act, into a publicly owned treatment works.

INDUSTRIAL WASTES The solid, liquid or gaseous wastes resulting from any industrial manufacturing, trade, or business processes or from the development, recovery or processing of natural resources.

INTERFERENCE An inhibition or disruption of the system its treatment processes or operations, or its sludge processes, use or disposal which is because of or significantly contributes to either a violation of any requirement of the NPDES permit (including an increase in the magnitude or duration of a violation) or to the prevention of sewage sludge use or disposal by the system in accordance with the following statutory provisions and regulations or permits issued there-under (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title 11 more commonly referred to as the Resource Conservation and Recovery Act (RCRA) and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA) the Clean Air Act, and the Toxic Substances Control Act. An industrial user significantly contributes to a permit violation or prevention of sludge use or disposal in accordance with the above-cited authorities whenever such user:

- (A) Discharges a daily pollutant loading excess of that allowed by contract with the system or by Federal, State or local law;
- (B) Discharges wastewater which substantially differs in nature or constituents from the user's average discharge; or
- (C) Knows or has reason to know that its discharge, alone or in conjunction with discharges from other sources, would result in permit violation or prevent sewage sludge use or disposal in accordance with the above-cited authorities as they apply to the system's selected method of sludge management.

MAY Is permissive (see "shall").

MOTEL AND HOTEL A building or group of buildings on the same premises either detached or in connected in rows; containing sleeping or dwelling units, with or without kitchen facilities in the individual units, and designed for, or occupied with an ordinary rental period not exceeding two (2) weeks.

MULTI-UNIT DWELLING A building containing a unit or combination of units with individual bath and kitchen facilities. This definition includes apartments, condominiums, townhouses, duplexes and triplexes, etc. A seasonal multi-unit dwelling is an individual unit of a multi-unit dwelling that

is occupied on an intermittent basis and is not utilized as a primary residence.

NATURAL OUTLET	Any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground-water.
NPDES	National Pollutant Discharge Elimination System permit program of the USEPA.
NEW SOURCE OF DISCHARGE	Any building, structure, facility, or installation from which there is or may be discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under the Act, which shall be applicable to such source if such standards are thereafter promulgated in accordance with the act.
NEW USER FACILITY FEE, OR "NUFF"	This fee relates to the operation, maintenance, repair, and replacement cost of the treatment plant. The NUFF shall be set by the resolution adopted by the District, and shall be paid by: <ol style="list-style-type: none">(1) New users of the system after receiving approval for sewer service but prior to connecting to the system; and,(2) Present users of the system before expanding usage of the system.
OTHER WASTES	Decayed wood, sawdust, shavings, bark, lime, refuse, ashes, garbage, offal, oil, tar, chemicals and all other substances except sewage and industrial wastes.
PERSON	Any individual, firm, company, association, society, corporation, group, or legal entity.
pH	The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
POLLUTANT	Any substance discharged into the system.
PRETREATMENT	The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the system.
PROPERLY SHREDDED GARBAGE	The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1/2") in any dimension.
PUBLIC SEWER	A sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
RESIDENTIAL BUILDINGS	Includes only the following types of buildings and structures: single-family residences, duplexes, triplexes, apartment houses, motels hotels, trailer courts, and multi-unit dwellings.
SERVICE CONNECTION	The point at which the building sewer connects to the public sewer main.
SEWAGE	Water-carried human wastes or a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments.
SEWAGE TREATMENT PLANT	Any arrangement of devices and structures used for treating water carried sewage.

SANITARY SEWER Any pipe, conduit, ditch or other device use to collect and transport sewage from the generating source as a sanitary sewer, and not as a storm sewer.

SEWER USER or USER Any individual or legal entity, including a discharger or industrial discharger, having an interest in the title to real property on which is located a structure connected to the District's system.

SYSTEM All District-owned facilities for collecting, pumping, treating, and disposing of sewage.

SHALL Is mandatory (see "may").

SIGNIFICANT INDUSTRIAL DISCHARGER A Discharger who or which:
(A) Is subject to or potentially subject to national pretreatment standards promulgated under the Act; or,
(B) Has in his wastes any priority toxic pollutants listed in 40 C.F.R.; or,
(C) Has in his wastes toxic pollutants as defined pursuant to the Act; or,
(D) Has discharge flow of fifty thousand (50,000) gallons or more per average work day; or,
(E) Has a flow greater than five (5%) of the flow in the District's wastewater treatment system; or,
(F) Is determined by the District to have a significant impact or potential for significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the systems effluent quality, or air emissions generated by the system.

SINGLE-FAMILY RESIDENCE A building, structure, trailer or watercraft that is designed for and used, or may be used, exclusively for residence purposes for one family on either a permanent or temporary basis.

SLUG LOA Any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than (5) times the average twenty-four hour concentration of flows during normal operation.

SUSPENDED SOLIDS Solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

TOXIC POLLUTANTS Those substances listed in the Federal priority pollutant list and any other pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency of the United States of America under the Act, as the same may be amended.

TRAILER COURT or MOBILE HOME PARK A trailer court or mobile home park is any area or site or land upon which two (2) or more trailers are placed and maintained for dwelling purposes, either on a permanent or semi-permanent basis.

UPSET An exceptional incident in which a user un-intentionally and temporarily is in a state of non-compliance due to factors beyond the reasonable control of the user, and excluding non-compliance to the extent caused by

operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation thereof.

USEPA or EPA The Environmental Protection Agency of the United States of America, or its authorized or designated agent, representative, or deputy.

WASTEWATER Industrial waste, or sewage or any other waste including that which may be combined with any ground water, surface water, or storm water, that may be discharged into the system.

WATERCOURSE A channel in which a flow of water occurs, either continuously or intermittently.

SECTION 4: OWNERSHIP AND OPERATION OF FACILITIES.

SECTION 4-A All sewer mains and trunk sewers located in the public right-of-way or dedicated easements to the District for such purposes shall be public sewers. These sewers shall be owned, operated, and maintained by the District. Service lines and service taps shall be installed, owned and maintained by customers. Construction to install or repair a service line and/or tap within any public right-of-way may be performed by the District, or the District's authorized representative, at the customer's expense. New sewers shall become public sewers upon formal written acceptance by the District.

SECTION 4-B Connection, or request for connection, to the public sewer shall constitute a representation that all of the system under the control and/or ownership of the user is properly vented, an authorization for the District to clean the same with high-power washing equipment, and a release whereby the District shall not be liable to the user for any damage caused by such cleaning. All users of the District system shall maintain their sewer service lines in good repair, sufficient to prevent anything more than minimal infiltration by ground water.

SECTION 5: DISCHARGE PROHIBITIONS, PRETREATMENT LIMITATIONS AND REQUIREMENTS.

SECTION 5-A No person shall discharge or cause to be discharged any storm water, groundwater, roof runoff, subsurface drainage, un-contaminated cooling water, or unpolluted industrial process waters to the system.

SECTION 5-B. Storm water and all other unpolluted drainage shall be discharged to sewers as are specifically designated as storm sewers.

SECTION 5-C. No person shall discharge or cause to be discharged any of the following described substances, waters or wastes into the system.

(1) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion hazard, or be injurious in any other way to the system or to the operation of the system. At no time shall two (2) successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system), be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to: gasoline, kerosene, naphtha, benzene, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides and any other substances which the District, the State, or EPA has notified the user is a fire hazard or a hazard to the system.

(2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters or to exceed the limitation set forth in categorical pretreatment standards.

(3) Pollutants released in such strength or volume as to cause interference in the treatment plant:

- (A) A standard of five (5) day biochemical oxygen demand greater than one hundred (100) pounds in any one day unless otherwise approved by the District;
- (B) Wastes containing more than one hundred (100) pounds of suspended solids in any one day unless otherwise approved by the District;
- (C) A flow of twenty-five thousand (25,000) gallons or more per average work day unless otherwise approved by the District;
- (D) Chlorine demand of more than twenty (20) mg/l unless approved by the District; and
- (E) Wastewater at a flow rate and/or pollutant discharge rate which is excessive over relatively short periods so that there is a treatment process upset and subsequent loss of treatment efficiency.

SECTION 5-C-Continued

(4) Pollutants that cause corrosive structural damage: Any soluble waste or wastes having a pH lower than 5.0 or higher than 9.0 or having any other corrosive property that reasonably could be hazardous to structures, equipment, or personnel of the District, such as, but not limited to, battery or plating acids and wastes, copper sulfate, chromium salts and compounds, or salt brine.

SECTION 5-C-5 Solid or viscous substances capable of causing obstruction to flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, spent lime, stone, or marble dust, grass clippings, spent grains, spent hops, waste paper, asphalt residues, residues from refining or processing of fuel or lubricating oil, glass grinding or polishing wastes, animal hides, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, disposable diapers, etc. either whole or ground by garbage grinders.

SECTION 5-C-6. Any noxious or malodorous liquids, gases, or solids that either singly or by interaction are capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.

SECTION 5-C-7. Any substance that may cause the system's effluent or treatment residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the system cause the system to be in noncompliance with sludge use or disposal criteria, guidelines or regulations affecting sludge use and disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act or State Standards applicable to the sludge management method.

SECTION 5-C-8. It shall be unlawful to disturb, distort, damage, cover, adjust, tamper with, molest, uncover, meddle with, deface, or otherwise interfere with, or deposit any substance that might tend to obstruct the fill-up, or damage, any portion of the District's sewage system, whether located on public or private property.

SECTION 5-D. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes:

SECTION 5-D-1

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

SECTION 5-D-2 Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred(100) mg/l or containing substances that may solidify or become viscous at temperatures between thirty- two degrees (32) and one hundred fifty degrees(150) F. (0 and 65 C).

SECTION 5-D-3 Any garbage that has not been properly shredded. The installation of garbage grinder equipped with a motor of three-fourths $\frac{3}{4}$ horsepower or greater shall be subject to the review and approval of the District.

SECTION 5-D-4. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

SECTION 5-D-5. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting any excessive chlorine requirements, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the District for such materials.

SECTION 5-D-6. Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the District as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

SECTION 5-D-7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the District in compliance with applicable State or Federal regulations.

SECTION 5-D-8. Materials that exert or cause excessive or objectionable discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

SECTION 5-D-9. Waters or wastes containing substances that are not amenable to treatment or reduction by the sewage treatment process employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

SECTION 5-D-10. Any unusual volume of flow or concentrations of wastes defined as slug loads or other pollutants (including oxygen demanding pollutants-BOD, etc.) released in a single extraordinary discharge episode of such volume or strength as to cause interference to the system.

SECTION 5-D-11. Any waste-water which causes a hazard to human life or creates a public nuisance.

SECTION 5-E. In addition to previous stated discharge limits, no user shall discharge any waters or wastes containing heavy metals, or similar objectionable or toxic substances, to such degree that any such material received in the composite sewage at the point of discharge exceeds the daily maximum concentration limits as set forth in the then current Rules and Regulations of the District.

The District may impose mass limitations on users imposition of mass limitations is deemed appropriate by the District.

The District reserves the right to amend the District's Rules and Regulations to provide for more stringent limitations or requirements on discharges to the system where deemed necessary to comply with the objectives set forth in this Ordinance.

SECTION 5-F. No user shall increase the use of potable or process water in any way for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this Ordinance.

SECTION 5-G. If any waters or wastes are discharged, or are proposed to be discharged, to the District that exceed or violate the limitations of this Section, the District may:

- (1) Reject the wastes;
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (3) Require control over the quantities and rates of discharge;
- (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 11 of this Ordinance. If the District permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the District and subject to the requirements of all applicable codes, ordinances, and laws; and/or,
- (5) Seek enforcement and legal remedies contained in this Ordinance for violations of the limitations and provisions of the Ordinance.

SECTION 5-H. Grease, oil, and sand interceptors shall be provided when, in the opinion of the District, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units.

SECTION 5-H Continued

All interceptors shall be of a type and capacity approved by the District, and shall be located as to be readily and easily accessible for cleaning and inspection.

SECTION 5-I. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

SECTION 5-J. When required by the District, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole or monitoring facility together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes by the owner and the District. Such manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible and in proper operating conditions at all times.

SECTION 5-K. All analyses shall be performed in accordance with procedures established by the EPA pursuant to the Act and contained in 40 CFR and amendments thereto or with any other test procedures approved by the EPA. Sampling shall be performed in accordance with the techniques approved by the EPA. Where 40 CFR does not include sampling or analytical techniques for the pollutants in question, or where EPA determines that the sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed using validated analytical methods or any other sampling and analytical procedures, including procedures suggested by the District.

SECTION 5-L. No statement contained in this Ordinance shall be construed as preventing any special agreement or arrangement between the District and any industrial discharger whereby an industrial waste of unusual strength or character may be accepted by the District for treatment, subject to payment therefore by the industrial discharger, except that no agreement will relieve the industrial discharger of obligation under pretreatment regulations 40 CFR or any promulgated categorical pretreatment standards.

SECTION 5-M. Any property owner, or sewer user violating the provision of this Section shall, upon notice by the District, immediately install such preliminary treatment through separators, traps, and/or chemical, physical, or biochemical processes as will make and assure that the sewage contributed from such property or premises will meet the requirements of this Ordinance.

SECTION 5-N. Each discharger shall provide protection from accidental discharge of prohibited or regulated materials or substances established by this Ordinance. Where necessary, facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the District for review, and

shall be approved by the District before construction of the facility. Each existing user shall complete its plan and submit same to the District within thirty (30) days after being notified by the District of the requirement to do so. No user who discharges to the system after aforesaid date shall be permitted to introduce pollutants into the system until accidental discharge protection procedures have been approved by the District. Review and approval of such plans and operating procedures by the District shall not relieve the user from the responsibility to modify its facility as necessary to meet the requirements of this Ordinance. Users shall notify the District immediately upon the occurrence of a slug load or accidental discharge of substances prohibited by this Ordinance. Written notification, which shall be submitted to the District within five (5) days, shall include location of discharge, date and time thereof, type of waste, concentration and volume, and corrective actions. Any user who discharges a slug load of prohibited materials shall be liable for any expense, loss or damage to the system in addition to the amount of any fines imposed on the District on account thereof under State or Federal law. Signs shall be permanently posted in conspicuous places on user's premises, advising employees whom to call in event of a slug load or accidental discharge. Employers shall instruct all employees who may cause or discover such a discharge with respect to emergency notification procedure.

SECTION 5-0. Rules and regulations applicable to the system may be adopted and amended by resolution of the District Board of Directors. When adopted by resolution, said rules and regulations shall establish the administrative procedures and requirements for implementing and administering this Ordinance. In the event of conflicting or ambiguous language between this Ordinance and the rules and regulations, this Ordinance shall be construed in a manner consistent with such rules and regulations.

SECTION 6: PRIVATE SEWAGE DISPOSAL SYSTEMS; CONNECTION TO DISTRICT

SYSTEM. No new buildings with plumbing facilities or Wastewater drains of any nature shall be constructed within the District unless connected to the District's system, except that the District may permit the owner to install temporary individual disposal facilities, provided that:

SECTION 6-A. Extension to the District's system would create an unreasonable financial burden.

SECTION 6-B. The owner deposits the current new user facility fee with the District.

SECTION 6-C. The owner provides written agreement to connect within ten(10) months to the District system when a line is within two hundred feet (200') of his building. All plans for, and construction of, extensions and connections shall be in accordance with this Ordinance.

SECTION 6-D.The private disposal system is constructed meeting all the following requirements:

SECTION 6-D-1 The building sewer shall be connected to a private disposal system complying with all recommendations of the Idaho Department of Health and Welfare, Division of Environmental Quality.

SECTION 6-D-2 Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the District. The application for each such permit shall be supplemented by any plans, specifications and other information as deemed necessary by the District. A permit and inspection fee set by resolution adopted by the District shall be paid to the District at the time the application is filed.

SECTION 6-D-3 A permit for a private disposal system shall not become effective until the installation is completed to the satisfaction of the District. The District shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the District when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of the notice by the District.

SECTION 6-D-4 The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Panhandle Health District.

SECTION 6-D-5 At such time the system becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the system in compliance with this Ordinance. Any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

SECTION 6-D-6 The owner shall operate and maintain the private sewage facilities in a sanitary manner at all times at no expense to the District.

SECTION 6-D-7 No statement contained in this Section shall be construed to interfere with any additional requirements that may be imposed by any Public Health Officer.

SECTION 7: POWERS AND AUTHORITY OF DISTRICT AUTHORIZED REPRESENTATIVES.

SECTION 7-A. The District, through its authorized representative bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Ordinance. The District shall have no authority to inquire into any processes including metallurgical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the public sewers or natural waterways.

SECTION 7-B. While performing the necessary work on private properties referred to hereinabove in Section 6, the authorized representative of the District shall observe all safety rules applicable to the premises established by the sewer user.

SECTION 7-C. The District, through its authorized representative bearing proper credentials and identification, shall be permitted to enter all private properties through which the District holds a duly-negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the system lying within said easement. All entry and subsequent work if any, shall be done in full accordance with the terms of the duly-negotiated easement pertaining to the private property involved.

SECTION 8: SERVICE OUTSIDE THE DISTRICT.

SECTION 8-A. Inclusions in the District: Unless otherwise approved by the District, sewer service will be furnished only to persons whose property is included within and subject to this Ordinance, and assessable by the District. It shall be incumbent upon the applicant to furnish satisfactory evidence of inclusion whenever such evidence is requested by the District.

SECTION 8-B. Service outside the District: The District may, if it is deemed advantageous to the District, furnish sewer service to properties located outside the boundaries of the District, but under no circumstances shall the District construct or reimburse costs for, sewer mains to service such properties. Charges for furnishing sewer service outside the District shall be at the discretion of the District. No service shall be furnished to properties outside the District unless the charge therefore is at least equal to the cost of service for which such property would be responsible if it were to be a part of the District. By acceptance of such connection to said sewer system, the customer waives any objection to annexation by the District of his property. This Ordinance shall be applicable to all property owners outside the District who are furnished service by the District, and no connection to the District's sewer mains shall be permitted until the property owner shall have agreed to abide by this Ordinance; provided however that the District, in its discretion, may charge a higher connection fee and inspection fee for properties not located within the District. In every case where the District furnishes sewer service properties outside the District, the District reserves the right to discontinue such service when, in its judgment, it is for the best interest of the District to do so, and such service shall be considered a license, revocable upon thirty (30) days notice.

SECTION 9: LINE EXTENSION POLICIES.

SECTION 9-A. General: It shall be unlawful for any person to construct a sanitary sewer main within the jurisdiction of the District without first having made formal application to the District for approval, and having complied with all the rules and regulations of the District. Plans for development shall be submitted to the District along with the application for service. Said plans shall be approved for compliance with the District's specifications, and such study for compliance with the District's specifications shall be at the developer's expense. Developers or land-owners are required to furnish free of charge to the District suitable rights-of-way and/or easements for construction, operation and maintenance of new, existing, or future sewer systems. Easements shall be thirty feet (30') wide unless approval is given by the District for an alternative width. However, under no circumstances shall an easement be less than sixteen feet (16') in width. All sewer main extensions shall be constructed according to the District's specifications. The District reserves the right to require the Developer to expose any section of sewer to check compliance with standards. Cost of such excavation shall be at expense of the developer. No sewer lines shall be constructed within the District's jurisdiction until final plans and specifications have been approved by the District and written authorization to proceed has been obtained from the District. No sewer service lines shall be accepted by the District or placed into operation unless they have been inspected and approved by the District and written approval obtained. No excavation shall be started until required District, County, or State Highway Department permits have been obtained.

SECTION 9-B. Procedure for Sewer Main Extension Construction: Under normal conditions the landowner, sub divider, or developer shall construct, at his own expense, new sewer lines in full compliance with this Ordinance and the District's rules and regulations.

SECTION 9-C. Performance and Maintenance Bond: A performance and maintenance bond equal to one hundred fifty percent (150 %) of contract or construction cost may be required by the District on all sewer main construction.

SECTION 9-D. Inspection Fees: All daily inspection fees required by the District, State Highway Department or other involved entity shall be paid by the owner, sub-divider, or developer.

SECTION 9-E. District Ownership: Landowners, sub-dividers, or developers who have completed construction of sewer lines shall, before these lines are accepted by the District, fully comply with the District's rules and regulations.

SECTION 9-F. NUFF: (New User Facility Fee) The District shall collect from each new user, prior to connection, the applicable fees set by resolution adopted by the District's Board of Directors.

SECTION 10: BUILDING SEWERS AND CONNECTIONS.

SECTION 10-A. No unauthorized persons shall cover, uncover, make any connections with or opening into, use, alter, or disturb the system or appurtenances thereof without first obtaining a written permit from the District.

SECTION 10-B. The owner or his agent shall make application for service on a special form furnished by the District. The permit application shall be supplemented by any plan specifications, or other information considered pertinent in the judgment of the District. a permit and inspection fee shall be established by District resolution for residential, commercial and industrial building sewer permits and shall be paid to the District at the time the application is filed. In addition, the owner shall pay the New User Facility Fee as specified in this Ordinance. This Fee shall be paid upon approval of plans submitted by owner or at the time the building permit is issued, whichever is earlier.

SECTION 10-C. Upon receipt of an application for service, the Board of Directors shall, at its next scheduled meeting, determine the applicable fees and charges, complete the form and return it to the applicant if the service capacity required to serve the applicant is available. If the capacity required to serve the applicant is not available, the Board of Directors shall return the application with an appropriate statement, and the determination of the Board of Directors as to capacity shall be final and conclusive. The Board of Directors shall not approve any application for service from applicants who are

delinquent in payment of any money due the District, nor shall the Board of Directors preserve the capacity to

SECTION 10-D. All costs and expenses incident to the installment and connection of the building sewer shall be borne by the owner. The owner shall indemnify the District from any loss or damage that may be directly or indirectly occasioned by the installation of the building sewer.

SECTION 10-E. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or cannot be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

SECTION 10-F. A Sewer Main Extension Agreement shall be agreed upon and signed by both the applicant and the District prior to commencement of any work for a sewer line extension. The Sewer Main Extension Agreement shall establish criteria for construction of the extension, shall establish and provide for the costs in connection therewith being paid for by the applicant, and shall provide the final dates for payment of all applicable fees. Failure to comply with the terms and provisions of the Sewer Main Extension Agreement or this Ordinance shall constitute grounds and cause for the District to void that agreement. In no case shall an extension of the system be connected to the District's system unless a Sewer Main Extension Agreement has been agreed upon and signed by both the applicant and the District.

SECTION 10-G. Building sewer pipe shall be as specified in the District's Rules and Regulations.

SECTION 10-H. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to within three feet (3') of any bearing wall, which might thereby be weakened.

SECTION 10-I. In all buildings in which any building drain is too low to permit gravity flow to the sanitary sewer, sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer, in conformance with the District's Rules and Regulations.

SECTION 10-J. Methods of construction and inspection shall be pursuant to this Ordinance and the District's Rules and Regulations.

SECTION 10-K. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the District or other public agency with jurisdiction.

SECTION 10-L. Except when being constructed, repaired, or maintained, the pipe connecting a building to the District's system shall be connected to appropriate plumbing devices in the building, with such devices including the necessary water traps, or, alternatively, such pipe shall be sealed with a well casing, sealing plug, or comparable device in such manner as to stop any substance or gas from entering or leaving the system.

SECTION 10-M. No person shall disconnect any sewage connection without first notifying the District. After such notification the connection may be disconnected and sealed in such a manner so as to prevent the passage of any substance, gas or odor into or out of said sewage line. Said patch or sealing shall not in any way impede the flow of sewage within the sewage line, and shall be in sufficient thickness, strength and design to equal the sewage line. The District shall be notified upon completion of sealing and any excavation for such a sealing shall be left open for sufficient time for the District to inspect the same.

SECTION 11: BASIS FOR DETERMINING SEWER USE CHARGE FOR OPERATION, MAINTENANCE AND REPLACEMENT OF THE SYSTEM.

SECTION 11-A. PURPOSE: There shall be established by resolution adopted by the District a system of periodic service charges and fees in order to equitably impose upon all users the costs and expenses of maintenance, operation, replacement and repair of the system. The service charges and fees for purposes of computation shall be based upon:

SECTION 11-A-1 the volume and content of effluent discharged into the system,
SECTION 11-A-2 the actual and expected costs and expenses of maintenance, operation, replacement, and repair of the system, and
SECTION 11-A-3 the benefit derived by each building, structure or user by the system with reference to the amount of time the same has been paying such service charges and fees.

SECTION 11-B. EQUIVALENT RESIDENCE: One equivalent residence (hereinafter referred to as "ER") shall be defined as the sewage flow from one typical single-family residence. The sewage flow from one typical single-family residence is two hundred, twenty-five (225) gallons of sewage per day, 0.32 pounds of biochemical oxygen demand (BOD 5) per day, and 0.32 pounds of suspended solids (SS) per day.

SECTION 11-C. CHARGES: The monthly costs per ER shall be calculated by dividing the total cost of annual projected expenditures for operation, maintenance, administration, capital reserve, and replacement (hereinafter referred to as TC), by the summation of the total number of ER's. This calculation can be expressed by the following formula: cost for one ER = TC/Total # of ER.

SECTION 11-C-1 The TC shall be calculated at the end of each fiscal year and the rates may be adjusted to reflect the projected costs of the service for the following fiscal year.

SECTION 11-C-2.A Single-family residence shall be assessed the cost for one ER.

SECTION 11-C-3 The charge for users, other than single-family residences, shall be directly proportional to the waste produced from the user to that from a single-family residence, except that no charges shall be less than that for one ER. The charge for those users shall be calculated as follows:

SECTION 11-C-3-a For metered users, the monthly service charge for special users shall be based upon the gallons of water as measured by the water meter and shall be computed by a formula which allows a maximum monthly sewer discharge of six thousand seven hundred fifty (6,750) gallons for the base sewer service fee plus a quantity-related cost for monthly sewer discharge exceeding six thousand seven hundred fifty (6,750) gallons.

SECTION 11-C-3-b For non-metered users, the ER shall be calculated depending on the classification of each special user according to the schedule set by resolution adopted by the Board of Directors.

SECTION 11-C-3-c Any user that discharges industrial wastes or produces a flow, biochemical oxygen demand or suspended solids loading in excess of five percent (5%) of the average dry weather sewage flow measured at the treatment plant shall be assessed a surcharge on waste flows with biochemical oxygen demand or suspended solids concentrations above two hundred fifty (250) mg/l.

SECTION 11 D REVISIONS TO USER CHARGE AND APPEALS TO USER CHARGE: Revisions to the user charges shall be based upon actual operation, maintenance, capital reserve and replacement expenses and/or a change in the total number of equivalent users, total daily BOD 5, total daily SS, and/or total daily flow to the sewage treatment facilities. The user charge for operation, maintenance, capital reserve, and bond repayment may be reviewed annually and updated to reflect actual costs.

The District may install a measuring device in the sewer service line at any time to determine the amount of wastewater and/or collect wastewater samples for testing. After measuring and/or sampling, the District may adjust the user charge to conform to actual usage.

SECTION 11-D-1 Any user aggrieved by the user charge for operation and maintenance, may request that his charge be changed if:

SECTION 11-D-1-a Flow proportioned BOD 5 or SS tests certified by an independent laboratory specializing in waste-water analysis indicate a significant deviation in BOD 5 from the value used by the District in computing the BOD 5 charge; and/or(b)

SECTION 11-D-b Total daily wastewater flow measurements derived from continuously recorded measuring device (i.e. water meter and certified by an authorized representative of the District as to its authenticity indicate a significant deviation in wastewater flow charge.

SECTION 11-D-1-c The flow measurement and testing methods are approved in detail by the District prior to actual measurement and testing.

SECTION 11-D-2. All changes in user charges applicable to this Ordinance shall be computed by the method outlined herein.

~~**SECTION 11-E. SENIOR CITIZEN REDUCED UTILITY BILL ("S.C.R.U.B."):** The utility billing, in the reduced amount as calculated pursuant to the duly adopted Resolution of the District, shall be for primary residence owned and occupied by persons, one or more of whom are 65 years of age or older. (This section was been repealed by Resolution 01-05)~~

~~**SECTION 11-F. MINIMUM CHARGE:** Except for S.C.R.U.B. accounts, each sewer user billed separately shall pay a minimum charge per month regardless of actual flow. The minimum charge shall be 1 ER as calculated in this Section.~~

SECTION 11-G. ADMINISTRATIVE FEE: Each sewer user billed separately shall pay an administrative fee that shall, as near as practicable, be equal to the cost of providing necessary administration services. This fee shall be set by resolution adopted by the District.

SECTION 11-H. CHARGES FOR PRETREATMENT: It is the purpose of this Section to provide for the payment of fees from users to the District's system, to compensate the District for the cost of administration of the pretreatment program established herein. The District may adopt by resolution charges and fees that may include:

SECTION 11-H-1 Fees for monitoring, inspections and surveillance procedures;

SECTION 11-H-2 Fees for industrial wastewater acceptance forms (IWAs);

SECTION 11-H-3 Fees for filing appeals;

SECTION 11-H-4 Fees for reviewing accidental discharge procedures and construction; and

SECTION 11-H-5) Fees for sampling and laboratory analysis.

SECTION 12: BASIS FOR DETERMINING NEW USER FACILITY FEES.

SECTION 12-A. The District shall collect from each potential user, either in advance or at the time the building permit is issued, the applicable new user facility fees. This fee shall be in addition to other permit fees and sewer line construction costs described in the Ordinance.

SECTION 12-B. The new user facility fee for new or modified connections to the District's sewer system shall be equal to the number of ER times the NUFF for a single-family residence. In no case shall the NUFF fee be less than that for one single-family residence (1 ER).

SECTION 13: ADMINISTRATION OF INDUSTRIAL WASTEWATER DISCHARGERS.

SECTION 13-A. General: It shall be unlawful to discharge sewage, industrial wastes or other wastes to the system without having first complied with the terms of this Ordinance. All significant industrial dischargers proposing to connect or to discharge sewage, industrial wastes and other wastes to the system shall comply with all terms of this Ordinance.

SECTION 13-B. Wastewater Discharge Disclosure Requirements:

SECTION 13-B-1 Significant industrial discharges shall complete and file with the District a disclosure declaration in the form prescribed by the District and accompanied by the appropriate fee. Existing significant industrial dischargers shall file disclosure forms within thirty (30) days after the effective date of this Ordinance unless the same has already done so, and proposed new discharger shall file their disclosure forms at least ninety (90) days prior to connecting to the system. The disclosure to be made by the discharger shall be made on written forms provided by the District and shall cover:

SECTION 13-B-1-a Disclosure of name, address and location of the discharger;

SECTION 13-B-1-b Disclosure of Standard Industrial Classification (SIC) number according to the Standard Industrial Classification Manual, Bureau of the Budget, most current edition, as the same may be amended;

SECTION 13-B-1-c Disclosure of wastewater constituents and characteristics including but not limited to those mentioned in this Ordinance as determined by bonafide chemical and biological analyses. Sampling and analysis shall be performed in accordance with procedures established by the U.S. EPA and contained in 40 CFR, as amended;

SECTION 13-B-1-d Disclosure of time and duration of discharges;

SECTION 13-B-1-e Disclosure of average daily and instantaneous peak wastewater flow rates, in gallons per day. All flows shall be measured unless other verifiable techniques are approved by the District due to cost or non-feasibility;

SECTION 13-B-1-f Disclosure of site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, inspection of manholes, sampling chambers and appurtenances by size, location and elevation;

SECTION 13-B-1-g Description of activities, facilities and plant processes on the premises including all materials that are or may discharged to the system;

SECTION 13-B-1-h Disclosure of the nature and concentration of pollutants or materials prohibited by this Ordinance in the discharge together with a statement regarding whether or not compliance is being achieved with this Ordinance on a consistent basis and if not, whether additional operation and maintenance activities and/or additional pretreatment is required for the discharger to comply with this Ordinance;

SECTION 13-B-1-i Where additional pretreatment and/or operation and maintenance activities will be required to comply with this Ordinance, the discharger shall provide a declaration of the shortest schedule by which the user will provide such additional pretreatment and/or implementation of additional operational and maintenance activities.

SECTION 13-B-i-1 The schedule shall contain milestone dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the discharger to comply with the requirements of the Ordinance including, but not limited to dates relating to hiring and engineer, completing final plans, executing contract for major components, commencing construction, executing contract for major construction and all other acts necessary to achieve compliance with this Ordinance.

SECTION 13-B-i-2 Under no circumstances shall the District permit a time increment for any single directed toward compliance which exceeds nine (9) months.

SECTION 13-B-i-3 No later than fourteen (14) days following each milestone date in the schedule and the final date for compliance, the user shall submit a progress report to the District, including no less than a statement as to whether or not it complied with the increment of progress represented by that milestone date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the approved schedule. In no event shall more than nine (9) months elapse between such progress reports to the District.

SECTION 13-B-j Disclosures of such project produced by type, amount, process or processes and rate or production.

SECTION 13-B-k Disclosure of the type and amount of raw materials to include chemical utilization (average and maximum per day);

SECTION 13-B-l All disclosure forms shall be signed by a principal executive officer of the user, and qualified engineer;

SECTION 13-B-m All sewers shall have an inspection and sampling manhole or structure with an opening of no less than twenty four inches (24") in diameter and an internal diameter of no less than forty eight inches (48") containing flow measuring, recording and sampling equipment as required by the District to assure compliance with this Ordinance.

SECTION 13-B-2. The District shall evaluate the complete disclosure form and data furnished by the user and may require additional information. Within thirty (30) days after full evaluation and acceptance of the data furnished, the District shall notify the user of the District's acceptance thereof through issuance of an industrial wastewater acceptance form.

SECTION 13-C. INDUSTRIAL WASTEWATER ACCEPTANCE FORM:

SECTION 13-C-1. The District shall issue to the user an industrial wastewater acceptance form (hereinafter, "IWA"), which will be based on information in the disclosure form:

SECTION 13-C-1-a. Each IWA shall include:

SECTION 13-C-1-a-1 Any fees and charges to be paid upon initial issuance;

SECTION 13-C-1-a-2 Limits on the average and maximum wastewater constituents and characteristics;

SECTION 13-C-1-a-3 Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;

SECTION 13-C-1-a-4 Requirements for installation and maintenance of inspection and sampling facilities;

SECTION 13-C-1-a-5 Special conditions as the District may reasonably require under particular circumstances of a given discharge, including sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;

SECTION 13-C-1-a-6 Compliance Schedules;

SECTION 13-C-1-a-7 Requirements for submission of special technical reports or discharge reports where same differs from those prescribed by this Ordinance;

SECTION 13-C-1-a-8 Any special agreements the District chooses to continue or develop between the District and the user;

SECTION 13-C-1-a-9 Requirement that the user report within five (5) days non-compliance with applicable standards when discovered from its own self-monitoring.

SECTION 13-C-1-b IWA DURATION: All IWAs shall be issued for perpetual duration, subject to amendment or revocation as provided in this Ordinance. Under extraordinary circumstances, an IWA may be issued for a stated period or may be stated to expire on a specific date.

SECTION 13-C-1-c LIMITATIONS ON IWA TRANSFER: IWAs are issued to a specific User for a specific operation and are not assignable to another user without the prior written approval of the District, or transferable to any other location.

SECTION 13-C-2 The District reserves the right to amend any IWA issued hereunder in order to assure compliance by the District with applicable laws and regulations. Within nine (9) months of the promulgation of a National Categorical Pretreatment Standard, the IWA user subject to such standards shall be revised as appropriate to require compliance with such standards within the time frame prescribed by such standards. Where a user, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for an IWA as required by this Section, the user shall apply for an IWA from the District within one hundred eighty (180) days after the promulgation of an applicable National Categorical Pretreatment Standards by the EPA.

In addition, the user with an existing IWA shall submit to the District within one hundred eighty (180) days after the promulgation of an applicable National Categorical Pretreatment Standard, the information required by paragraph B of this Section. The user shall be informed of any proposed changes in an IWA at least thirty (30) days prior to the effective date of change. Any changes or new conditions upon the user may require modification of the IWA, as well as include a reasonable time schedule for compliance.

SECTION 13-D. REPORTING REQUIREMENTS FOR DISCHARGERS:

SECTION 13-D-1 Within ninety (90) days following the date for final compliance by the user with applicable pretreatment standards set forth in this Ordinance or following commencement of the introduction of wastewater into the system by a new user, any user subject to this Ordinance shall submit to the District a

SECTION 13-D-1 Continued

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 pre-treatment 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 user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the user, and certified by a qualified engineer licensed to practice in the State of Idaho.

SECTION 13-D-2 Any user subject to a pretreatment standard set forth in this Ordinance, after the compliance date of such pretreatment standard, or, in case of a new user, after commencement of the discharge to the system, shall submit to the District during the months of June and December, unless required more frequently by the District, a report indicating the nature and concentration, of prohibited or regulated substances in the effluent which are limited by the

pretreatment standards thereof. In addition, this report shall include a record of all measured or estimated average and maximum daily flows during the report period reported in the immediately preceding subsection hereof. Flows shall be reported on the basis of actual measurement, provided however, where cost or feasibility considerations justify, the District may accept reports of average and maximum flows estimated by verifiable techniques. The District, for good cause shown (considering such factors as local high or low flow rated, holidays budget cycles, or other extenuating factors) may authorize the submission of said reports on months other than those specified above.

SECTION 13-D-3. Reports of dischargers shall contain all results of sampling and analysis of the discharge, including the flow and the nature and concentration of production and mass where required by the District. The frequency of monitoring by the discharger shall be As prescribed by the District. All analysis shall be performed in accordance with 40 CFR District and amendments thereto.

SECTION 13-E. INSPECTION AND SAMPLING: The district may inspect the monitoring facilities of any user to determine compliance with the requirements of this Ordinance. The discharger shall allow the District or its representatives to enter upon the premises of the user at all reasonable hours, for the purpose of inspection, sampling or records examination. The District shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations.

SECTION 13-F. CONFIDENTIAL INFORMATION: Information and data furnished to the District with respect to the nature and frequency of discharge shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the District that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets or proprietary information of the user. When requested by a user furnishing a report, the portions of the report, that may disclose trade secrets or secret processes, shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this Ordinance, the National Pollutant Discharge Elimination System (NPDES) permit, State disposal system permit and/or the Pretreatment Programs; provided, however, that such portions of a report shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the user furnishing the report.

SECTION 14: PRETREATMENT Users shall provide necessary wastewater pretreatment as required to comply with this Ordinance and shall achieve compliance with all applicable pretreatment standards within the time limitations as specified by appropriate statutes, regulations and ordinances. Any facilities required to pre-treat wastewater to a level acceptable to the District shall be provided, properly operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities shall be submitted to the District for review and must be acceptable to the District before construction of the facility. The user shall obtain all necessary construction-operating permits from the District. Such pre-treatment 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 responsibility of modifying its facility as necessary to produce an effluent

SECTION 14: PRETREATMENT Continued

acceptable to the District under the provisions of this Ordinance. Within a reasonable time after the completion of the wastewater treatment facility, the user shall furnish its operations and maintenance procedures for the District to review.

Any subsequent significant changes in the pretreatment facilities or method of operation shall be reported to and be accepted by the District prior to the user's initiation of the changes.

SECTION 15: NATIONAL CATEGORICAL PRETREATMENT STANDARDS.

All dischargers of the regulated industrial categories as promulgated by the EPA pursuant to the Act shall meet national Categorical Pretreatment Standards. The District may consider an application for modification of the National Categorical Pretreatment Standards for submittal to the Regional Administrator when the District's wastewater treatment system achieves consistent removal of the pollutants as defined by 40 CFR. There exists, and is published and issued under the authority of the EPA, a set of National Categorical Pretreatment Standards, which are added to, from time to time, as further Categorical Pretreatment Standards are finalized. The District hereby adopts such standards for the purposes of this Ordinance as the same may be amended and issued by the EPA through publication in the Federal register of the United States Government.

SECTION 16: ENFORCEMENT AND ATTORNEY'S FEES. EMERGENCY SUSPENSION OF SERVICE AND INDUSTRIAL WASTEWATER ACCEPTANCE FORM:

SECTION 16-A The District may, without advance notice, order the suspension of the wastewater treatment service and the industrial wastewater acceptance form to a discharger when it appears to the District that an actual or threatened discharge

SECTION 16-A-1 presents or threatens an imminent or substantial danger to the health or welfare of persons or substantial danger to the environment, or

SECTION 16-A-2 threatens to interfere with the operation of the system, or to violate any pretreatment limits imposed by this Ordinance. Any discharger notified of the District's suspension order, shall immediately cease all discharges, and may thereafter apply for a post-suspension hearing which shall be held as soon as reasonably practicable under the circumstances attending the emergency suspension. In the event of failure of the discharger to comply with the suspension order, the District may commence judicial proceedings immediately thereafter to compel the discharger's specific compliance with such order and/or to recover civil penalties, and the District's costs and reasonable attorney's fees for such action in the event the District is the prevailing party.

The District shall reinstate the IWA and/or the wastewater pretreatment service upon proof by the discharger of the elimination of the non-complying discharge or conditions creating the actual or threatened discharge as set forth above.

SECTION 16-B. TERMINATION OF TREATMENT SERVICES: A user shall not

SECTION 16-B-1 fail to factually report accurately the wastewater constituents and characteristics of its discharge;

SECTION 16-B-2 fail to report significant changes in wastewater constituents or characteristics;

SECTION 16-B-3 refuse reasonable access to the user's premises by representatives of the District for the purpose of inspection or monitoring; or,

SECTION 16-B-4 violate the provisions of this Ordinance, or any order of the District with respect thereto. The District may terminate wastewater treatment services to any user who violates any of the foregoing prohibitions.

SECTION 16-C. NOTIFICATION OF VIOLATION; ADMINISTRATIVE ADJUSTMENT: Whenever the District finds that any user has violated the prohibitions in subsection B hereof, the District shall cause to be served upon such user as written notice (either personally or by certified or registered mail, return receipt requested) stating the nature of the alleged violation. Within thirty (30) days of the date of receipt of the notice, the user shall respond personally or in writing by certified or registered mail, return receipt requested, to the District, advising of its position with respect to the allegations. Thereafter, the user shall be given the opportunity to meet with a representative of the District to ascertain the veracity of the allegations and establish a plan for the satisfactory correction of the violations and preclusion of a recurrence thereof.

SECTION 16-D. SHOW CAUSE HEARING: Where the violation of subsection B hereof is not corrected by timely compliance by means of administration adjustments, the District may order any discharger which suffers or permits a violation of subsection B hereof to show cause before the District or its duly authorized representative why the proposed service termination action should not be taken. A written notice shall be served on the user by personal service, certified or registered mail, return receipt requested, specifying the time and place of a hearing to be held by the District or its designee regarding the violation, the reasons why the enforcement action is to be taken, the proposed enforcement action, and directing the user to show cause before the District or its designee why the proposed enforcement action should not be taken. The notice of the hearing shall be served no less than ten (10) days before the hearing. Service may be made on any agent, officer, or authorized representative of a user. The proceedings at the hearing shall be considered by the District, which shall then enter appropriate orders with respect to the alleged violations of the user. The user in accordance with the applicable local or State law may take appeal of such orders.

SECTION 16-E. JUDICIAL PROCEEDINGS: Following the entry of any order by the District with respect to the violation by a user of subsection B hereof, the District may commence an action for appropriate legal and/or equitable relief in the appropriate local court and shall be entitled to its costs and reasonable attorney's fees in the event the District is the prevailing party. The attorney's fees to be reimbursed to the District shall include all reasonable attorney's fees incurred in connection with the violation, both before and after commencement of any judicial proceedings.

SECTION 16-F. SIGNIFICANT VIOLATIONS; ANNUAL PUBLICATION:

The District in the largest daily newspaper reporting news from Bonner County may annually publish a list of users who were significantly violating the terms of this Ordinance during the previous twelve (12) months. For the purposes of this Section, a significant violation is a violation that remains uncorrected forty-five (45) days after notification of noncompliance; which is part of a pattern of noncompliance over a twelve (12) month period; which involves a failure to accurately report non-compliance; or that resulted in the District exercising its emergency authority under subsection B of this Section.

SECTION 16-G RIGHT OF APPEAL: Any user or any interested party shall have the right to request in writing an interpretation or ruling by the District on any matter covered by this Ordinance, and shall be entitled to a prompt written reply. In the event that such inquiry is by a user and deals with matters of performance or compliance with this Ordinance, for which enforcement activity relating to an alleged violation is the subject, receipt of a user's request shall not stay enforcement proceedings pending. Appeal of any final judicial order entered pursuant to this Ordinance may be taken in accordance with local and State law.

SECTION 16-H. OPERATING UPSETS: Any user which experiences an upset in operations which places the user in a temporary state of noncompliance with this Ordinance shall inform the District thereof within twenty-four (24) hours of first awareness of the commencement of the upset. Where such information is given orally, the user thereof shall file a written follow-up report with the District within five (5) days. The report shall specify:

SECTION 16-H-1. Description of the upset, the cause thereof and the upset's impact on the user's compliance status.

SECTION 16-H-2. Duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance continues, the time by which compliance is reasonably expected to occur.

SECTION 16-H-3. All steps taken or to be taken to reduce, eliminate and prevent recurrence of such an upset or other conditions of noncompliance.

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

SECTION 16-I. ASSESSMENT OF ADMINISTRATIVE FEE FOR UNAUTHORIZED CONNECTION: Any person or entity who causes any unauthorized connection to the District's system shall pay an administrative assessment, for the purpose of reimbursing the District for the additional administrative expenses incurred when the District discovers and must resolve an unauthorized connection situation and for the deterrence of other persons or entities from making unauthorized connections to the system. The amount of the administrative assessment shall be equal to the District's connection fee as of the date that the unauthorized connection is discovered by the District. At the sole discretion of the Board of Directors, the amount of the administrative assessment may be reduced in the event the Board or Directors determines that the unauthorized connection resulted from extenuating circumstances. Those circumstances may include, but are not limited to, the person or entity having committed the unauthorized connection demonstrating to the satisfaction of the Board of Directors that the unauthorized connection was made in good faith after the person or entity reasonably believed that all requirements of the District had been met.

SECTION 16-J. ASSESSMENT OF ADMINISTRATIVE FEE FOR UNAUTHORIZED USES: Any person or entity who causes any unauthorized expansion, increase or change of use of an existing connection to the District's system shall pay an administrative assessment, for the purpose of reimbursing the District for the additional administrative expenses incurred when the District discovers and must resolve an unauthorized use situation, and deterring other persons or entities from making unauthorized use of the system. The amount of the administrative assessment shall be equal to the District's then-existing fee for the expanded, increased or changed use, for the period from the beginning of such unauthorized use, as reasonably determined by the District, until the date that the unauthorized use is discontinued by the user, or stopped, or authorized, by the District. In the sole discretion of the Board of directors, the amount of the administrative assessment may be reduced in the event the Board of Directors determines that the unauthorized use resulted from extenuating circumstances. Those circumstances may include, but are not limited to, the person or entity having caused the unauthorized use demonstrating to the satisfaction of the Board of Directors that the unauthorized use was caused in good faith after the person or entity reasonably believed that all requirements of the District had been met.

SECTION 17: PENALTIES

SECTION 17-A CIVIL PENALTIES:

SECTION 17-A-1 Any user who violates an order of the District, or who fails to comply with any provision of this Ordinance; or,

SECTION 17-A-2 any regulation, rule or permit of the District, issued pursuant to this Ordinance, shall be liable to the District for a civil penalty. The amount of such civil penalty shall be not less than two hundred fifty dollars (\$250.00) per violation nor more than one thousand dollars (\$1,000.00) per violation. Each day upon which a violation occurs or continues shall constitute a separate violation. Such penalties may be recovered by judicial actions and/or,

SECTION 17-A-2 Continued

to the extent permissible by State law, by administrative procedures. There shall be added to such penalties all reasonable attorney's fees incurred by the District in connection with the violation.

SECTION 17-B. RECOVERY OF COSTS INCURRED BY THE DISTRICT:

Any user violating any of the provisions of this Ordinance who discharges or causes a discharge producing a deposit or obstruction or causes damage to or impairs the District's system shall be liable to the District for an expense, loss or damage caused by such violation of discharge. The district shall by order bill the user for the costs incurred by the District for any cleaning, repair or replacement work caused by the violation or discharge. Refusal to pay the assessed costs shall constitute a violation of the Ordinance, enforceable under the provisions of Section 16 of this Ordinance.

SECTION 17-C. FALSIFYING INFORMATION: Any person who knowingly makes any false statement, representation or certification in any application, record, report and plan or other document filed or required to be maintained pursuant to this Ordinance, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this Ordinance. shall (in addition to civil and/or criminal penalties provided by State law) be guilty of a misdemeanor and shall be prosecuted and punished by a fine not exceeding three hundred dollars (\$300.00), or by imprisonment in a county jail not exceeding six (6) months, or by both.

SECTION 17-D. GENERAL CRIMINAL PENALTIES: Any user who knowingly violates any provision of this Ordinance shall be guilty of a misdemeanor and shall be punished by a fine not exceeding three hundred dollars (\$300.00), or by imprisonment in a county jail not exceeding six (6) months, or by both.

SECTION 18: STATE REQUIREMENTS. State requirements and limitations on discharges to the system shall be met by all users which subject to such standards in any instance in which they are more stringent than Federal requirements and limitations or those in this or any other applicable ordinance.

SECTION 19: RIGHT OF REVISION. The District reserves the right to amend this Ordinance to provide for more stringent limitations or requirements on users to the system where deemed necessary to comply with the objectives set forth in this Ordinance.