

## **CHAPTER 5. WASTEWATER CONTROL ORDINANCE GENERAL PROVISIONS.**

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### **8-5-1. Short title.**

This regulation, Tooele City Code Title 8, Chapters 5 through 13, shall be known as the "Wastewater Control Ordinance."

(Ord. 1993-12, 09-20-1993)

### **8-5-2. Purpose.**

It is necessary for the health, safety, and welfare of the residents within the City of Tooele Publicly Owned Treatment Works (POTW) to regulate the collection of wastewater and treatment thereof to provide for maximum public benefit. The provisions herein set forth are uniform requirements for contributors into the wastewater collection and treatment system for the POTW and enables the POTW to comply with all applicable local, state, and federal laws and regulations. The POTW may adopt procedures and rules for the implementation, administration, and enforcement of this Wastewater Control Ordinance.

(Ord. 2015-17, 06-03-2015) (Ord. 1993-12, 09-20-1993)

### **8-5-3. Definitions and abbreviations.**

(1) Definitions. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Title, shall have the meanings hereinafter designated:

"Biochemical Oxygen Demand" or "BOD5" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at twenty degrees (20°) Celsius, expressed in milligrams per liter (mg/L) using methods approved under 40 CFR Part 136, as amended.

"Building or lateral sewer" means a privately owned and maintained sewer conveying the wastewater of a user from a building or other structure to a POTW sewer, including direct connections to a POTW sewer where permitted by the POTW. A later sewer is a building sewer.

"City" means Tooele City.

"Construction standards" means the general construction requirements adopted by the POTW for installation of sewerage facilities and building or lateral sewers.

"Duplex" means a single building containing two independent dwelling units.

"Dwelling unit" means a building or other structure where an individual or family resides as a separate housekeeping unit.

"Family" as defined in Toole City Code Section 7-1-5.

"Food preparation and processing establishments" means establishments engaged in the preparation of food or drink to be consumed on the premises and/or to be delivered or picked up for resale and/or consumption.

"Garbage" means solid wastes from the preparation, cooking, and dispensing of food and from handling, storage, and sale of food.

"Multiple dwelling unit" means any building or other structure, having more than one dwelling unit therein.

"Normal Domestic Strength Wastewater" means wastewater, when analyzed in accordance with procedures established in 40 CFR Part 136, as amended, containing no more than two hundred (200) mg/L of BOD5 and/or two hundred fifty (250) mg/L of TSS. Discharges to the POTW that exceed these concentrations may be surcharged as specified in Section 8-10 of this Title.

"Person" means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by context.

"Publicly Owned Treatment Works" or "POTW" is a treatment works as defined by Section 212 of the Act (33 U.S.C 1292), which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature and any sewers, pipes, or other conveyances which convey wastewater to the treatment plant. The term also means the municipality having jurisdiction over the industrial user discharges to and the discharges from the treatment works.

"POTW treatment plant" means that portion of the POTW designed to provide treatment for wastewater.

"POTW sewer" includes POTW sewer main or wastewater conveyance pipes, whether gravity or force main flows, and owned and operated by the City.

"Sanitary sewer" or "sewer" means the pipe or conduit system and appurtenances for the collection, transportation, pumping, and treatment of sewage. This definition shall also include the terms "public sewer," "sewer system," "POTW sewer" and "sewer."

"Service charge" means the basic assessment levied on all users of the public sewer system whose wastes do not exceed in strength the concentration values established as representative of normal sewage.

"Sewage" see "Wastewater".

"Shall" and "will" are mandatory; "may" is permissive.

"Single dwelling unit" means a building containing one dwelling unit.

"State" means the State of Utah.

"Storm sewer" or "storm drain" shall mean every pipe, culvert, flume, ditch, gutter, storm sewer, cistern,

tank, drain, lake, pond, stream, ravine, gully, or other facility or natural feature, that contains, holds, transports, diverts, channels, impounds, or drains water, into which any naturally occurring stormwater runoff within the City may seep, percolate, or flow; and every street, sidewalk, alley, gutter, roof, parking lot, yard, field, driveway, patio, and other surface within the City across which any naturally occurring stormwater runoff may seep, percolate, or flow.

"Stormwater" means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation, including snowmelt.

"Subdivision" means the division of a tract, or lot, or parcel of land into two three or more lots, plots, sites, or other divisions of land for the purpose, whether immediate or future, of sale or of building development or redevelopment, provided, however, that divisions of land for agricultural purposes or for commercial, manufacturing, or industrial purposes shall be exempt. Further, the above definition shall not apply to the sale or conveyance of any parcel of land which may be shown as one of the lots of a subdivision or which a plat has theretofore been recorded in the office of the county recorder. The word "subdivide" and any derivative thereof shall have reference to the term "subdivision" as herein defined.

"Surcharge" means an additional charge to an industrial user whose discharge waste strength is in excess of the Normal Domestic Strength Wastewater as defined in this Section and Section 8-10.

"Total Suspended Solids" means the solids that float on the surface of, or are suspended in, the water, sewage, or other liquid, and which are removable by laboratory filtering in accordance with procedures approved in 40 CFR Part 136, as amended.

"Utah Permit Discharge Elimination System (UPDES)" is the State of Utah program for issuing, conditioning, and denying permits for the discharge of pollutants from point sources into waters of the State pursuant to UAC R317-8 and Section 402 of the Clean Water Act.

"User" means any person or entity which contributes, causes, or permits the contribution of wastewater to a POTW.

"Wastewater" or "sewage" means the liquid and water-carried industrial or domestic wastes from residences, dwellings, commercial buildings, industrial facilities and institutions, together with any infiltrating groundwater, surface water and stormwater that may be present, whether treated or untreated, which are discharged to or allowed to enter the POTW.

"Waters of the State" means all streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the

State or any portion thereof.

"Wastewater strength" means the quality of wastewater discharged as measured by its elements, including its constituents and characteristics.

(2) Abbreviations. The following abbreviations shall have the following meanings:

BOD5	Biochemical Oxygen Demand
CFR	Code of Federal Regulations
EPA	U.S. Environmental Protection Agency
°F	Fahrenheit
gpd	gallons per day
gpm	gallons per minute
mgd	million gallons per day
mg/L	milligrams per Liter
O&M	Operation and Maintenance
POTW	Publicly Owned Treatment Works
TSS	Total Suspended Solids
UAC	Utah Administrative Code
UPDES	Utah Pollutant Discharge Elimination System
U.S.C.	United States Code

(Ord. 2015-17, 06-03-2015) (Ord. 1993-12, 09-20-1993)

#### **8-5-4. Supervision.**

The POTW shall be supervised and directed by the Public Works Director or designee.  
(Ord. 2015-17, 06-03-2015)

#### **8-5-5. General provisions.**

All sewage shall be discharged to public sewers except as provided hereafter.

(1) No person shall discharge any sewage from any premises within the POTW service area in and upon any public highway, stream, water course, or public place, or into any drain, cesspool, storm or private sewer, except as provided for hereinafter.

(2) No person shall cause to be discharged or make a connection which would allow any storm water, surface drainage, groundwater, roof runoff, cooling water, or other similar waters into any sanitary sewer. No person shall cause any of the above-mentioned waters to be mixed with that person's sewage in order to dilute that sewage.

(3) No person shall discharge storm water, surface drainage, subsurface drainage, groundwater, or roof runoff to the POTW. Stormwater may be admitted to specifically designated storm sewers which have adequate capacity for the accommodations of such waters. No person shall connect to and/or use sanitary sewers for the above purposes without having first obtained written authorization from the Public Works Director.

(4) No person shall contribute or cause to be contributed directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW, including the following pollutants:

(a) 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 or be injurious in any other way to the POTW or to the operation of the POTW.

(b) Solid or viscous substances which may cause obstruction to the flow in a sewer or interfere with the operation of the wastewater treatment facilities.

(c) Malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.

(d) Any wastewater which causes a hazard to human health or life or creates a public nuisance.

(Ord. 2015-17, 06-03-2015) (Ord. 1993-12, 09-20-1993)

#### **8-5-6. Mandatory Connections.**

In order to defray the cost of constructing, reconstructing, maintaining, and operating the POTW and the Water Reclamation Facility, and to protect the public health and welfare:

(1) No property owner, agent, or other person having charge of or occupying any property within 300 feet of a POTW sewer shall maintain, use, or allow to exist any privy vault, septic tank, or cesspool upon such property.

(2) No person shall erect or maintain any septic tank, outhouse, or privy within the POTW boundaries.

(3) The City shall require the owner of any property containing a building or structure approved, meant, or used for human occupancy to connect to the POTW if:

(a) the property is situated within the POTW boundaries;

(b) the property lies within 300 feet of an existing POTW sewer, measured directly to the closest point of the POTW sewer; and,

(c) capacity in the POTW exists.

(4) All costs for permitting, sewer lateral and other construction, and connection to the POTW under this Code shall be borne entirely by the property owner.

(5) Any City requirement for connection to the POTW according to this Title shall:

(a) be in the form of a written notice issued to the property owner by the City;

(b) be delivered to the property owner by certified mail at the property address;

(c) identify a deadline not less than 90 days from the date of the notice by which the connection to the POTW must occur;

(d) identify the requirements of this Title under which the notice is being issued;

(e) identify the potential penalties for failure to comply with the requirements of the notice; and,

(f) identify the applicable standards and specifications to be adhered to in order to effect the connection to the POTW, or where those standards can be found.

(6) Failure to connect to the POTW following a properly issued notice to do so shall result in:

(a) a violation of the Tooele City Code for each day of non-compliance with the properly issued notice of the requirement to connect to the POTW, punishable as an Infraction under Chapter 1-4;

(b) water service to the property being terminated until such time as compliance with the notice to connect to the POTW is completed; and,

(c) fines and fees in the combined amount of:

(i) criminal fines;

(ii) disconnection and reconnection fees for water service;

(iii) permitting, inspection, and connection fees for the connection to the POTW;

(iv) regular monthly charges for sewer utility service, for not less than one month, for the time between the deadline for connection and compliance with the notice to connect to the POTW; and,

(v) payment of any and all outstanding utility billing amounts.

(7) The City shall maintain, in its sole discretion, the right to seek compliance with the terms of this Section, including from a court of competent jurisdiction, which may include:

(a) compliance with the terms of this Section;

(b) payment of required fees for permitting, inspection, and connection to the POTW;

(c) payment of fines and fees outlined in this Section; and,

(d) attorney's fees and costs.

(Ord. 2017-03, 02-01-2017)