

CITY OF WEISER WASTEWATER TREATMENT DEPARTMENT

**55 W. Idaho Street
Weiser, ID 83672
(208) 414-1242 or 414-1965
Fax 414-1816**


**INDUSTRIAL WASTEWATER ACCEPTANCE AGREEMENT
USER NUMBER: (#001)**

**Industrial User's Name: Fry Foods, Inc
Mailing Address: P.O. Box 111, Weiser, ID 83672
Facility Location: 1 Appleton Lane, Weiser, ID 83672**

The above Industrial User is authorized to discharge industrial wastewater into the City of Weiser sanitary sewer system in compliance with Weiser City Code Title 7-3 and Title 7-6 and any other applicable provisions of Federal, State or local regulations, and in accordance with discharge permit, effluent limits, monitoring requirements and other conditions set forth herein.

This Industrial Wastewater Acceptance (Permit) is filed in the offices of Weiser Wastewater Department Superintendent, and the office of Weiser City Clerk along with the Business facility plans, specifications and other data submitted to the City of Weiser, in support of the Permit Application.

Effective Date: December 1, 2024
Expiration Date: November 30, 2025
Option to be reviewed in 180 days.

 Nov 5, 2024
Date
Lonnie Chambers
Wastewater Supervisor
Weiser, ID

 11-5-2024
Date
Michael Campbell,
Public Works Director
Weiser, ID

Randall Hibberd, Date
Mayor
Weiser, ID

Name: Date
Alex Loa Fry Foods Plant General Manager
Weiser, ID

WASTEWATER DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS
INDUSTRIAL WASTEWATER SHALL COMPLY WITH THE EFFLUENT LIMITATIONS

PARAMETER/MONTHLY AVERAGE/DAY MAXIMUM/SAMPLING/TEST SCHEDULE

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS						
PARAMETER	EFFLUENT LIMITATIONS			MONITORING REQUIREMENTS		
	AVERAGE MONTHLY LIMIT	AVERAGE WEEKLY LIMIT	MAXIMUM LIMITS	SAMPLE LOCATION	SAMPLE FREQUENCY	SAMPLE TYPE
FLOW MGD ²	---	---	---	---	24 HR MONITORING	FLOW METER
BOD LBS/DAY ³	---	---	---	---	7/WEEK	24-HR COMPOSITE
TSS LBS/DAY ⁴	---	---	---	---	7/WEEK	24-HR COMPOSITE
TOTAL PHOSPHORUS	---	---	---	---	1/WEEK	24-HR COMPOSITE
FATS, OILS, & GREASE ⁵	---	---	100 MG/L	---	1/WEEK	GRAB FROM COMPOSITE
POTENTIAL HYDROGEN-Ph ⁶	---	---	6.5-9.0	---	24 HR MONITORING	Ph METER
CLORINE TOTAL/RESIDUAL ⁷	---	---	<2.0 MG/L	---	7/WEEK	24-HR COMPOSITE
TEMPERATUE WASTEWATER	---	---	<80°F	---	24 HR MONITORING	TEMP METER

- 1 Influent and effluent composite samples shall be collected during the same 24-hour period.
- 2 Flow is monitored with flow meters and billed for the 24 hr daily period.
- 3 BOD is calculated using the following equation: (Flow gpd/1,000,000) *8.34*BOD mg/l=BOD-5 LBS.
- 4 TSS is calculated using the following equation: (FLOW gpd/1,000,000) *8.34*TSS mg/l=TSS LBS.
- 5 Fats, Oils, and Grease maximum limit refer to City Code 7-6-4(A)(2)(a).
- 6 Potential Hydrogen pH limits min and max refer to City Code 7-6-4(A)(3).
- 7 Total/Residual chlorine limits max refer to City Code 7-3-6(C)(2).

(Flow, BOD, TSS and Total Phosphorus are to be determined per permit)

Tests for the samples listed on page two shall be in conformance with Standard Methods (23 edition), Approved HACH methods, and EPA guidelines. All samples are processed and analyzed in the City of Weiser Wastewater Lab with exceptions to Fats, Oils, and Grease. Fats, Oils, and Grease are sent to Analytical Labs for testing and results. Charges, penalties, and surcharges will be in accordance with the resolution of the Weiser City Council, **RESOLUTION No. 634**, dated January 12, 2015. Sampling point shall be at the end of the Industrial Pretreatment process just prior to being discharged into the City's public sewer collection pipeline. Samples are to be according to Wastewater Discharge Limitations and Monitoring Requirements 24-hour composite or instantaneous grab, continuous recording, and 24 Hr. Continuous Monitoring.

DEFINITIONS:

1. The "Monthly Average" other than pH is the arithmetic means of samples collected during a calendar month.
2. The "Daily Maximum" is defined as the greatest allowable value for any calendar day.
3. A "24 Hour Composite" sample shall mean a flow proportioned mixture of not less than 8 discrete aliquots. Each aliquot shall be a "grab" sample of not less than 100 ml and shall be collected and preserved in accordance with 40 CFR part 136 and amendments.
4. A "Grab" sample is an individual sample collected in less than 15 minutes, without regard to flow or time and can be taken at any time.
5. A "Grab-Composite" is a minimum of two grab samples collected and preserved over a 24-hour period and combined to provide a representative sample of effluent being discharged.
6. A "24-hour Continuous Grab Sample" is defined as a sample or measurement taken at pre-determined intervals over a 24-hour period.
7. A "24-hour Continuous Monitoring", is defined as measurements taken at predetermined intervals over a 24-hour period.

REPORTING REQUIREMENTS

1. Accidental or Slug Discharges

The permittee shall notify the City immediately 24/7 by calling the treatment plant at 208-414-1242 or 208-550-0526 upon any accidental or slug discharge to the sanitary sewer as outlined in the Accidental Discharges section of the City Code Title 7, Chapter 3,6. Formal written notification discussing circumstances and remedies shall be submitted to the City within 5 days of the occurrence.

City requests notification to let the wastewater plant know when your truck is broken down and unable to haul liquids to landfill so we can make adjustments at the plant.

2. Changes in Wastewater Characteristics

The permittee shall notify the City, in person or by phone 90 days prior to the introduction of new wastewater pollutant, changes in manufacturing operations or any substantial change in the volume or characteristics of the wastewater being introduced into the POTW from the permittee's industrial processes. Formal written notification shall be made at least ten days prior to such introduction and the permittee shall obtain approval from the City to do so. When changes are made and new chemicals are introduced, MSDS sheets shall be given to the Wastewater operators immediately.

3. Upset

A. Definition

For the purposes of this section, "Upset," means an exceptional incident in which there is unintentional and temporary noncompliance with applicable pretreatment standards because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, and lack of preventive maintenance or careless or improper operation.

B. Reporting an Upset

Any upset experienced by the permittee of its treatment that place it in a temporary state of Non-compliance with the wastewater discharge limitations contained in this permit or other limitations specified in the City Code shall be reported to the City within 24 hours of first awareness of the commencement of the upset. A detailed report shall be filed within 5 days.

C. Effect of an Upset

An upset shall constitute an affirmative defense to an action brought for non-compliance with applicable pretreatment standards if the requirements of paragraph 3 are met.

D. Conditions necessary for a Demonstration or Upset:

A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed contemporaneous operating logs or other relevant evidence that;

- a. An upset occurred and the permittee can identify the specific cause(s) or upset.
- b. The facility was at the time being operated in a prudent and workman-like manner And in compliance with applicable operation and maintenance procedures;
- c. The permittee has submitted the following information to the City within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five days).
 - (1) A description of the indirect discharge and cause of non-compliance.
 - (2) The period of non-compliance including exact dates and times or if not corrected the anticipated time the non-compliance is expected to continue.
 - (3) Steps being taken and/or planned to reduce eliminate and prevent recurrence of the non-compliance.

E. Burden of Proof

In any enforcement proceedings the permittee seeking to establish the occurrence of an upset shall have the burden of proof.

F. Permittee Responsibility in case of Upset

The permittee shall control production or all discharges to the extent necessary to maintain compliance with applicable pretreatment standards upon reduction, loss or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

4. Bypass of Treatment Facilities

A. Definitions:

1. "Bypass" means the intentional diversion of waste streams from any portion of a permittee's treatment facility.
2. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities, which causes them to become inoperable, or substantial and permanent loss of natural resources, which can be reasonably expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

B. "Bypass not violating applicable pretreatment standards of requirements."

The permittee may allow any bypass to occur which does not cause applicable pretreatment standards or requirements to be violated, but only if it is also for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs C and D of this section.

C. Notice:

1. If the permittee knows in advance of the need for a bypass, it shall submit, prior to notice, to the City, if possible, at least ten days before the date of the bypass.
2. The permittee shall submit oral notice of unanticipated bypass that exceeds applicable pretreatment standards to the City within 24 hours from the time the permittee becomes aware of the bypass. A written submission shall also be provided that within five days of the time the permittee becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent recurrence of the bypass. The City may waive the written report on case-by-case basis if the oral report has been received within 24 hours.

D. Prohibition of Bypass:

1. Bypass is prohibited, and the City may take enforcement action against the permittee for a bypass, unless;
 - (a) Bypass was unavoidable to prevent loss of life, personal injury or severe property damage.
 - (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal equipment downtime or preventative maintenance, and
 - (c) The permittee submitted notices as required under paragraph C of this section.
2. The City may approve an anticipated bypass, after considering its adverse effect, if the City determines that it will meet the three conditions listed in paragraph D.1 of this section.

5. **Notification of Violation**

The City shall notify Fry Foods, Inc. of violations of discharge limits.

City of Weiser

Lonnie Chambers, Supervisor
Weiser Wastewater Department
55 W. Idaho Street
Weiser, ID 83672
Office, (208) 414-1242
Fax # (208) 414-1816
Cell. #'s (208) 550-9442, 550-0526

Business Name and Contact

Daniel Anaya
Jay Braden
208-414-1180

SPECIAL CONDITIONS / COMPLIANCE SCHEDULES

1. Accidental Spill Prevention Plan

The permittee shall develop an **ASPP** (Accidental Spill Prevention Plan) for hazardous substances. The plan shall be submitted to the City within 90 days after the effective date of this permit for review and/or approval. Once approved the permittee must implement the plan immediately. The **ASPP**, developed by the permittee, shall address the following categories of management practices:

A. Prevention:

The plan must include prevention practices (i.e., monitoring systems, non-destructive Testing, labeling, covering or enclosing materials, equipment or process operations, and other techniques used to prevent material spills.

B. Containment:

Containment practices used to contain or capture releases of materials within the Industrial premises.

C. Mitigation:

Mitigation practices for the cleanup and treatment of spilled materials.

D. Ultimate Disposition:

Practices for the proper disposal of spilled materials.

E. Education and Training:

Education and training of staff on proper procedures.

2. pH Monitoring and Reporting

Businesses are encouraged to perform continual pH monitoring for comparison purposes with the City monitoring system. Copies of the pH recording and flow charts shall be submitted to the City by e-mail or sent weekly directly to the wastewater plant... The pH meter shall be systemically maintained including calibration as recommended by the manufacturer or at least monthly. All maintenance and calibrations shall be recorded in a maintenance log.

3. Continuous Flow Loading

During this permit year businesses shall develop and implement a process to deliver a continuous flow to the City of Weiser Sampler Station. When there is continuous flow the loading to the wastewater treatment plant is more stable and consistent allowing the wastewater treatment plant to operate more efficiently. The continuous flow will reduce corrosion and smell in the City sewer mainline collection system

STANDARD CONDITIONS

1. Compliance

The permittee shall comply with all the general prohibited discharge standards in Title 7-6 of the Weiser City Code and is responsible to take whatever steps are necessary to ensure discharge requirements of this permit are met.

2. Right of Entry

The permittee shall allow the City or its representatives exhibiting proper credentials and identification to enter upon the premises of the permittee for the purposes of inspection, sampling, or records inspection. Right of entry shall allow the City or its representatives to enter the permittee's premises any time the permittee is operating any process, which results in process wastewater being discharged to the City's sewerage system.

3. Records Retention

A. It is recommended the permittee should retain and preserve for no less than three (3) years any records, books, documents, memoranda, reports, correspondence, and any and all summaries thereof relating to monitoring, sampling, and chemical analyses which they have performed for comparison purposes.

B. All records that pertain to matters that are subject of special orders or any other enforcement or litigation activities brought by the City shall be retained and preserved by the permittee until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

C. All records required by the permit shall be available for review at reasonable times by authorized representatives of the City.

4. Representative Sampling

A. Samples and measurements which may have been taken by permittee shall be representative of the volume and nature of the monitored discharge and shall be collected and preserved in accordance with 40 CFR Part 136 and amendments. Alternative procedures must have City approval prior to use.

B. Split Samples- are proportioned into two or more containers from a single sample container. Proportioning assumes adequate mixing to assure "split samples" are identical. Split samples are used so that the business will have an identical sample for its own analysis. The City shall retain an appropriate portion of each sample in an amount sufficient for its testing purposes. The City shall provide the balance of the sample, so that Businesses may conduct, at its option, a separate test of each sample. The Business shall provide a container for its sample delivered to the wastewater treatment plant no later than 4:00pm on the day before the sample is needed. Sample labels shall be attached to all sample containers.

6. Analytical Methods

All analyses to determine compliance with permit limits shall be performed in accordance with 40 CFR Part 136 "Guidelines Establishing Test Procedures for the Analyses of Pollutants under the Clean Water Act" and amendments, or with any other test procedures approved by EPA.

Analytical techniques for pollutants not contained in Part 136 must be performed using validated analytical methods approved by EPA [40 CFR 403.12(b) (5) (vi)]. The City shall perform the analysis of samples collected pursuant to the requirements of this permit.

7. Confidential Information

Except for data determined to be confidential under Section 7 of the City Code, all reports required by this permit shall be available for public inspection at the office of the Pretreatment Coordinator at the Wastewater Treatment Plant.

8. Proper Operation and Maintenance

The permittee shall keep and maintain an operation and maintenance log on all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes but is not limited to effective performance, adequate funding, adequate operator staffing and training, and process controls including appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

Water conservation practices shall be used to reduce total effluent volume. Waste preventative practices shall be used to reduce contaminate loading to the municipal sewer system. These will include but will not be limited to minimizing excessive drag-out of cleaning, stripping, etching and plating solutions used during manufacturing operations. In addition, the following practices shall be used:

A. Chemical shall be stored in a manner, which will prevent the entry of these solutions into the sanitary sewer, storm sewer system or waters of the state. All liquid chemicals will be stored in a no-outlet area approved by the City. Process tanks shall be located in an area capable of containing 105 percent of the volume of the largest tank. This area shall have no outlet to the City sewer systems or waters of the state.

1. Waste chemicals, chemical sludge's, paint sludge's or other hazardous waste shall be stored in approved containers inside a covered safe area. The storage area shall be located at least 30 feet from the nearest sewer drain or outlet in order to prevent spills to the sanitary system, storm sewer system or waters of the state. The waste chemicals, chemical sludge's paint sludge's or other hazardous waste shall be disposed of according to the regulations of EPA. The permittee shall install shut-off devices to all drains in any hazardous waste storage areas.
2. Chemicals shall be stored and dispensed only in roofed and a safe area that eliminate potential spills to the sanitary sewer system, storm sewer system or waters of the state. Non-compatible chemicals must be segregated.

B. Incoming rinse water shall be turned off and shut-off devices shall be closed at all times that the plant is not operating (i.e. nights, weekends and holidays), to prevent an accidental spill.

- C. If appropriate the permittee shall obtain a hazardous waste generator number from EPA or the state of proper disposal of hazardous wastes.
- D. A sampling site acceptable to the City shall be maintained downstream of the final pretreatment system for monitoring the industrial discharge.
- E. The permittee shall use spill prevention practices to preclude the discharge of any substance that violates the general discharge prohibitions in the City code or conditions of this permit.
- F. In the event of a concentrated solutions spill such as a tank failure the permittee shall not discharge any spilled solution into the municipal sewer system unless laboratory test results indicated that the substance meets the conditions of this permit. The permittee shall receive approval from the City prior to any discharge of spilled solution.
- G. The permittee shall maintain and inspect all process solution tanks on a regular basis. Any leaks shall be repaired promptly.
- H. The permittee shall forward the following information regarding any concentrated Process tank solutions to the City prior to discharge to sewer system:
 - 1. Volume of tank.
 - 2. Method used to treat the discharge to meet the effluent limits of this permit.
- I. Any concentrated solution tank discharge, which has not been approved by the City or whose contents do not meet effluent limits of this permit, shall be treated as a discharge violation of the permit and subject to penalty.
- J. No paint booth wastes or solvents shall be discharged to the sanitary sewer unless they meet the provisions of this permit and are approved by the City.
- K. *Odor nuisance; Permittee's wastewater facilities, operations associated shall not create a public health hazard or nuisance conditions, including odors. These wastewater facilities shall be operated in accordance with an approved Odor Management Plan.*

The permittee shall submit an odor Management Plan to City of Weiser for review and approval. The Odor Management Plan shall address the cause of odors and include specific design considerations, operation and maintenance procedures, and/or management practices to be employed to minimize the potential for or limit odors. The plan shall include procedures to respond to an odor incident if one occurs, including City of Weiser notification and documentation of procedures and/or steps taken to respond to such incidents.

Air Quality Rule, IDAPA, Idaho Administrative Code

Ref;
Weiser City Code;
7-6-9 and 7-6-4(A)(5)

9. Dilution

The permittee shall not increase the use of potable or process water or, in any way; attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in this permit.

10. Proper Disposal of Pretreatment Sludge's and Spent Chemicals

The disposal of sludge's and spent chemicals generated shall be done in accordance with Section 405 of the Clean Water Act and subtitles C and D of the Resource conservation and Recovery Act and any State hazardous waste requirements.

11. Signatory Requirements

All applicants, reports, or information submitted to the City shall be signed and certified.

- A. All permit applications shall be signed by either a principal executive officer or ranking official.
- B. All reports required by this permit and other information requested by the City shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 1. The authorization is made in writing by a person described above and submitted to the City, and
 2. The authorization specifies either individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
 3. Changes to authorization. If an authorization is no longer accurate because of a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements must be submitted to the City prior to or together with any reports, information or applications to be signed by an authorized representative.
 4. Certification. Any person signing a document under this section shall make the following certification;
“I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

12. Limitation of Permit Transfer

Reassignment Or Transfer of Permits: Wastewater discharge permits may be reassigned or transferred to a new owner and/or operator only if the permittee gives at least thirty (30) days' advance notice to the superintendent and the superintendent approves the wastewater discharge permit transfer. The notice to the superintendent must include a written certification by the new owner and/or operator which (City Code 7-6-6(B)(2)(a). Sale of an industry shall obligate the purchaser to seek prior written approval of the City for continued discharge to the sewerage system.

13. Falsifying Information or Tampering with Monitoring Equipment

Knowingly making any false statement on any report or other document required by this permit or knowingly rendering any monitoring device or method inaccurate, may result in punishment under the criminal laws of the City, as well as being subject to civil penalties and relief.

14. Modification or Revision of the Permit

- A. The terms and conditions of this permit may be subject to modification by the City as limitations or requirements as identified in the City Code 7-6-6(B)(4), as modified to reflect changes in local, State or Federal regulations needed to protect the sewer lines, treatment plant, bio-solids disposal options and receiving waters.
- B. The terms and conditions may be modified as a result of EPA promulgating a new federal pretreatment standard.
- C. Any permit modifications which result in new conditions in the permit shall include a reasonable time schedule for compliance.
- D. The permittee may file a request for permit modification or revision, provided such request does not create a violation of any existing applicable requirement, standards, laws or rules and regulations.

15. Duty to Reapply

The City shall notify the permittee ninety (90) days prior to the expiration of the permittee's permit. Within thirty (30) days of the notification, the permittee shall reapply for re-issuance of the permit on a form provided by the City (Disclosure Form) City Code 7-6-6(B)(3).

16. Severability

The provisions of this permit are severable, and if any position, paragraph, work or section of this permit is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words and sections shall not be affected and continue in full force and effect.

17. Property Rights

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any invasion of personal rights, nor any infringement of Federal, State or local regulations.

18. Revocation of Permit

The permit issued to the permittee by the City may be revoked when, after inspection, monitoring or analysis it is determined that the discharge of wastewater to the sanitary sewer is in violation of Federal, State, or local laws, ordinances, or regulations. Additionally, falsification or intentional misrepresentation of data or statements pertaining to the permit application or any other required reporting form, shall be cause for permit revocation City Code 7-6-6(B)(5).

19. Emergency Suspension of Service

The City may, without advance notice, after informal notice to the permittee (in writing, in person or by telephone), order the suspension of the wastewater treatment service and revoke the Industrial Wastewater Acceptance Permit to a permittee when it appears to the City that an actual or threatened discharge City Code 7-6-8(A):

- A. Presents or threatens an imminent or substantial danger to the health or welfare of persons or substantial danger to the environment, or
- B. Threatens to interfere with the operation of the POTW, or to violate any pretreatment limits imposed by the City Code.

The permittee notified of the City's suspension order shall immediately cease all discharges. In the event of failure of the permittee to comply with suspension order, the City may immediately take all necessary steps to halt or prevent any further discharge by such permittee into a POTW. The City shall have the authority to physically cap, block or seal the permittee's sewer line (whether on public or private property) in order to terminate service; the City shall have the right to enter upon the permittee's property to accomplish the capping, blocking or sealing of the permittee's sewer line; the City may also commence judicial proceedings immediately thereafter to compel the permittee's specific compliance with such order and / or to recover civil penalties; the City shall reinstate the Industrial Wastewater Acceptance Permit and / or wastewater treatment service upon clear and convincing proof by the permittee of the elimination of the non-complying discharge or conditions creating the threat as set forth above.

20. Enforcement Provision

7-6-9: PENALTIES:

A. Administrative Penalties: Any discharger who violates an order of the city, or who fails to comply with any provision of this chapter, or any regulations, rules, or permits of the city, issued pursuant to this chapter, shall be liable to the city for an administrative penalty.

1. The amount of such administrative penalty shall be not less than two hundred fifty dollars (\$250.00) per violation nor more than ten thousand dollars (\$1000.00) per violation. Each day upon which a violation occurs or continues shall constitute a separate violation. In the case of a monthly or other long term average discharge limit, the penalties shall accrue for each day during the period of the violation. The superintendent is authorized to levy fines and penalties. The superintendent shall have authority to suspend up to eighty percent (80%) of an administrative penalty at his discretion.

In determining the amount of the administrative penalty the superintendent shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, compliance history of the user, and any other factor as justice requires.

B. Civil Penalties: Any discharger who violates an order of the city, or who fails to comply with any provision of this chapter, or any regulations, rules or permits of the city, issued pursuant to this chapter, shall be liable to the city for a civil penalty.

1. The amount of such civil penalty shall not exceed one thousand dollars (\$1,000.00) per violation. Each day upon which a violation occurs or continues shall constitute a separate violation. In the case of a monthly or other long term average discharge limit, the penalties shall accrue for each day during the period of the violation.

2. In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the

magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, compliance history of the user, and any other factor as justice requires.

3. The city may recover reasonable attorney fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the city.

C. Appeals: Users desiring to dispute such penalty must file a written request for the city to reconsider the penalty along with full payment of the penalty within fifteen (15) days of being notified of the penalty. Where a request has merit, the city shall convene a hearing with the board of sewer appraisers on the matter within fifteen (15) days of receiving the request from the user. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The city may add the costs of preparing administrative enforcement actions, such as notices and order, to the penalty.

D. Issuance: Issuance of an administrative or civil penalty shall not be a bar against, or a prerequisite for, taking any other action against the user.

E. Recovery of Costs Incurred by The City: Any discharger violating any of the provisions of this chapter who discharges or causes a discharge producing a deposit or obstruction or causes damage to or impairs the city's wastewater disposal system shall be liable to the city for any expense, loss, damage caused by such violation of discharge. The city shall, by order, bill the discharger for the cost incurred by the city for any cleaning, repair, or replacement work caused by the violation or discharge. Refusal to pay the assessed costs shall constitute a violation enforceable under the provisions of section 7-6-6 of this chapter.

F. General Criminal Penalties: Any user who knowingly violates any provision of this chapter shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of no more than one thousand dollars (\$1,000.00) per offense or imprisonment for not more than six (6) months per offense or by both such fine and imprisonment. (Ord. 1090, 8-24-1999)