

Title 13
PUBLIC UTILITIES

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Chapter 13.04

WASTEWATER TREATMENT SYSTEM*

* **Editors Note:** Ord. No. 09-12, §§ 1--8, adopted Jan. 6, 2010, amended Ch. 13.04 in its entirety and enacted similar provisions as set out herein. The former Ch. 13.04 derived from Ord. 92, §§ 101(1)--101(31), 201--207, 301--304, 401--408, 501--511, 601, 603, 604, 701--703, and 801--804, adopted in 1980; Ord. 257, §§ 1--6, adopted in 1985; Ord. 469, §§ 1--39, adopted in 1994; and Ord. 01-9, § 1, adopted in 2001.

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Article I.

Definitions and Abbreviations

- 13.04.011 Act, Clean Water Act.

"Act, Clean Water Act" means Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.
(Ord. No. 09-12, § 1, 1-6-2010)

13.04.012 Approval authority.

"Approval authority" means the director in an NPDES state with an approved state pretreatment program and the appropriate regional administrator in a non-NPDES state or NPDES state without an approved state pretreatment program.
(Ord. No. 09-12, § 1, 1-6-2010)

13.04.020 ASTM.

"ASTM" means the American Society for Testing Materials.
(Ord. No. 09-12, § 1, 1-6-2010)

13.04.021 Authorized representative of the industrial user (IU).

"Authorized representative of the industrial user (IU)." This person is the contact at each IU that is responsible for speaking on all issues related to pretreatment for the facility.
(Ord. No. 09-12, § 1, 1-6-2010)

13.04.023 BMP (best management practice).

"BMP (best management practice)" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in section 2.1 A and B [40 CFR 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. [Note: BMPs also include alternative means (i.e., management plans) of complying with, or in place of certain established categorical pretreatment standards and effluent limits.]
(Ord. No. 09-12, § 1, 1-6-2010)

13.04.026 BMR (baseline monitoring report).

"BMR (baseline monitoring report)" means the required submittal for existing companies subject to categorical pretreatment and for new sources that become industrial users.
(Ord. No. 09-12, § 1, 1-6-2010)

13.04.030 BOD (biochemical oxygen demand).

"BOD (biochemical oxygen demand)" means the quantity of oxygen used in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees Celsius, expressed in milligrams per liter (mg/l) by weight.
(Ord. No. 09-12, § 1, 1-6-2010)

13.04.040 Building sewer.

"Building sewer" means the extension from a building wastewater plumbing facility to the sanitary wastewater system.

(Ord. No. 09-12, § 1, 1-6-2010)

13.04.042 Categorical industrial user.

"Categorical industrial user" means any industrial user subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR chapter 1, subchapter N.

(Ord. No. 09-12, § 1, 1-6-2010)

13.04.045 Categorical pretreatment standards.

"Categorical pretreatment standards" means the industrial pretreatment standards promulgated by the EPA and set forth in 40 CFR 403.6 and 40 CFR, chapter 1, subchapter N.

(Ord. No. 09-12, § 1, 1-6-2010)

13.04.046 Composite sample.

"Composite sample" means a sample of material which is obtained by blending two or more individual samples prior to testing. Often samples are taken over a twenty-four-hour period to provide a more reliable average.

(Ord. No. 09-12, § 1, 1-6-2010)

13.04.047 Control authority.

"Control authority" refers to:

- (1) The POTW if the POTW's pretreatment program submission has been approved in accordance with the requirements of 40 CFR 403.11; or
- (2) The approval authority if the submission has not been approved.

(Ord. No. 09-12, § 1, 1-6-2010)

13.04.050 Cooling water.

"Cooling water" means the unpolluted water discharged from any system of condensation such as air conditioning, cooling, or refrigeration.

(Ord. No. 09-12, § 1, 1-6-2010)

13.04.060 Director.

"Director" means the director of public works or his authorized representative.

(Ord. No. 09-12, § 1, 1-6-2010)

13.04.070 District.

"District" means the Butte-Silver Bow Metro Sanitary and Storm Sewer District No. 1.
(Ord. No. 09-12, § 1, 1-6-2010)

13.04.080 Easement.

"Easement" means an acquired legal right for the specific use of land owned by others.
(Ord. No. 09-12, § 1, 1-6-2010)

13.04.090 EPA.

"EPA" means the United States Environmental Protection Agency.
(Ord. No. 09-12, § 1, 1-6-2010)

13.04.100 Garbage.

"Garbage" means the solid animal and vegetable wastes resulting from the domestic or commercial handling, storage, dispensing, preparation, cooking, and serving of foods.
(Ord. No. 09-12, § 1, 1-6-2010)

13.04.101 Grab sample.

"Grab sample" means an individual sample collected over a period of time not exceeding fifteen minutes. The collection of influent grab samples should precede the collection of effluent samples by approximately one detention period, except that where the detention period is greater than twenty-four hours, such staggering of the sample collection may not be necessary or appropriate. The detention period should be based on a twenty-four-hour average daily flow value. The average daily flow should, in turn, be based upon the average of the daily flows during the same month of the previous year.
(Ord. No. 09-12, § 1, 1-6-2010)

13.04.110 Groundwater.

"Groundwater" means the water within the earth.
(Ord. No. 09-12, § 1, 1-6-2010)

13.04.111 Indirect discharge.

"Indirect discharge" or "discharge" means the introduction of pollutants into a POTW from any nondomestic source regulated under section 307(b), (c) or (d) of the Act.
(Ord. No. 09-12, § 1, 1-6-2010)

13.04.112 Industrial user.

"Industrial user (IU)" means any nondomestic source that introduces pollutants into a POTW.
(Ord. No. 09-12, § 1, 1-6-2010)

13.04.115 Industrial user upset.

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

(Ord. No. 09-12, § 1, 1-6-2010)

13.04.117 Industrial user bypass.

"Industrial user bypass" means the intentional diversion of wastestreams from any portion of an industrial user's treatment facility.

(Ord. No. 09-12, § 1, 1-6-2010)

13.04.120 Industrial wastes.

"Industrial wastes" means the wastes admissible to sanitary sewers from industrial manufacturing processes, trade of business, or from the development, recovery, or processing of natural resources, as distinct from sanitary wastewater.

(Ord. No. 09-12, § 1, 1-6-2010)

13.04.125 Interference.

"Interference" means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

- (1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
- (2) Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II, 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, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

(Ord. No. 09-12, § 1, 1-6-2010)

13.04.135 May.

"May" is permissive.

(Ord. No. 09-12, § 1, 1-6-2010)

13.04.145 Montana Pollutant Discharge Elimination System (MPDES).

"Montana Pollutant Discharge Elimination System (MPDES)" means the system developed by the Montana Board of Health and Environmental Sciences (board) and the Montana Department of Health and Environmental Sciences (department) for issuing permits for the discharge of pollutants from point sources into state waters. The MPDES is specifically designed to be compatible with the federal NPDES program established and administered by the EPA.

(Ord. No. 09-12, § 1, 1-6-2010)

13.04.150 Natural outlet.

"Natural outlet" means any outlet into a watercourse, pond, ditch, lake, or any other body of surface water or groundwater.

(Ord. No. 09-12, § 1, 1-6-2010)

13.04.151 New source.

"New source" means any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307C of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section provided that:

- (i) The building, structure, facility or installation is constructed at a site at which no other source is located; or
- (ii) The building structure facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
- (iii) The production of wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.
- (iv) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria listed directly above in this section but otherwise alters, replaces, or adds to existing process or production equipment.

(Ord. No. 09-12, § 1, 1-6-2010)

13.04.160 Notice of violation (NOV).

"Notice of violation (NOV)" means an official written communication from the POTW to a noncompliant IU informing the IU that a violation of this chapter or any federal or state statute or rule or regulation prohibiting the discharge of contaminated wastewaters or any requirement of a permit issued under

authority of this chapter has occurred and must be remedied. Issuance of an NOV by the POTW to an IU is an initial response to all instances of noncompliance which are not significant.
(Ord. No. 09-12, § 1, 1-6-2010)

13.04.165 NPDES.

"NPDES" means the National Pollution Discharge Elimination System, whether administered by the EPA or by the state of Montana.
(Ord. No. 09-12, § 1, 1-6-2010)

13.04.167 NSCIU (nonsignificant categorical industrial user).

"NSCIU (nonsignificant categorical industrial user)" means a categorical user that has a daily discharge of industrial wastes of less than or equal to one hundred gallons per day.
(Ord. No. 09-12, § 1, 1-6-2010)

13.04.170 Owner.

"Owner" means the person or persons who legally own, lease, or occupy private property with wastewater facilities which discharge, or will discharge to the district's wastewater facilities.
(Ord. No. 09-12, § 1, 1-6-2010)

Editors Note: Ord. No. 09-12, § 1, adopted Jan. 6, 2010, numbered this definition as 13.04.180. To maintain the alpha-numeric sequence of the definitions, this item was redesignated 13.04.170 at the discretion of the editor.

13.04.175 Pass through.

"Pass through" means a discharge which exits the POTW into state waters in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW'S MPDES permit (including an increase in the magnitude or duration of a violation).
(Ord. No. 09-12, § 1, 1-6-2010)

13.04.180 Person.

"Person" means any individual, firm, company, association, society, partnership, corporation, municipality, or other similar organization, agency, or group.
(Ord. No. 09-12, § 1, 1-6-2010)

13.04.190 pH.

"pH" means the logarithm of the reciprocal of the hydrogen ion concentration expressed in grams per liter of solution.
(Ord. No. 09-12, § 1, 1-6-2010)

13.04.191 Pollutant.

The term "pollutant" is defined very broadly in the Clean Water Act because it has been through

twenty-five years of litigation. It includes any type of industrial, municipal, and agricultural waste discharged into water. Some examples are dredged soil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste. By law, a pollutant is not sewage or discharges incidental to the normal operation of an armed forces vessel, or water, gas, or other material injected into an oil and gas production well.

(Ord. No. 09-12, § 1, 1-6-2010)

13.04.195 POTW upset.

"POTW upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the POTW. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(Ord. No. 09-12, § 1, 1-6-2010)

13.04.200 Pretreatment.

"Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CFR 403.6(d) . Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 40 CFR 403.6(e).

(Ord. No. 09-12, § 1, 1-6-2010)

13.04.201 Pretreatment requirement.

"Pretreatment requirement" means any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard, imposed on an industrial user.

(Ord. No. 09-12, § 1, 1-6-2010)

13.04.210 Pretreatment standard.

"Pretreatment standard" means the regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Federal Clean Water Act, which applies to industrial users. This includes prohibition discharge limits established pursuant to Section 16.20.1402(4) ARM.

(Ord. No. 09-12, § 1, 1-6-2010)

13.04.220 Properly shredded garbage.

"Properly shredded garbage" means garbage that has been shredded to such a degree that all particles

will be carried freely under flow conditions normally prevailing in the wastewater sewers, with no particle greater than one-half inch in any dimension.

(Ord. No. 09-12, § 1, 1-6-2010)

13.04.225 Publicly owned treatment works (POTW).

"Publicly owned treatment works (POTW)" means any device or system used in the treatment (including recycling and reclamation) of municipal sewage or industrial wastes of a liquid nature which is owned by the Butte-Silver Bow Metropolitan Sanitary and Storm Sewer District No. 1. This definition includes sewers, pipes or other conveyances only if they convey wastewater to the POTW.

(Ord. No. 09-12, § 1, 1-6-2010)

13.04.230 Residential user.

"Residential user" means all premises used only for human residency which are connected to the sanitary wastewater system.

(Ord. No. 09-12, § 1, 1-6-2010)

13.04.240 Sanitary wastewater.

"Sanitary wastewater" means liquid and water-carried domestic or industrial wastes from dwellings, commercial buildings, industrial facilities and institutions, together with incidental infiltration/inflow from ground or surfacewater sources, but exclusive of storm sewers and other facilities designed to collect and dispose of stormwater.

(Ord. No. 09-12, § 1, 1-6-2010)

13.04.250 Sanitary wastewater system.

"Sanitary wastewater system" means the district-owned and -maintained sewers, treatment facilities and other appurtenances required to collect, treat and dispose of sanitary wastewater.

(Ord. No. 09-12, § 1, 1-6-2010)

13.04.255 Septage.

"Septage" means the liquid and solid material pumped from a septic tank, cesspool, or similar domestic sewage treatment system or a holding tank when the system is cleaned and maintained.

(Ord. No. 09-12, § 1, 1-6-2010)

13.04.257 Severe property damage.

"Severe property damage" means substantial physical damage to property, damage to the IU's treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of an industrial user bypass. Severe property damage does not mean economic loss caused by delays in production.

(Ord. No. 09-12, § 1, 1-6-2010)

13.04.262 Sewage sludge or sludge.

"Sewage sludge" or "sludge" means the solids, residues and precipitate separated from or created in sewage by the unit processes of the POTW. "Sewage," as used in this definition, means any wastes, including wastes from humans, households, commercial establishments, industries, and stormwater runoff that are discharged to or otherwise enter the POTW.

(Ord. No. 09-12, § 1, 1-6-2010)

13.04.265 Sewer.

"Sewer" means a pipe or conduit for carrying wastewater.

(Ord. No. 09-12, § 1, 1-6-2010)

13.04.270 Shall.

"Shall" is mandatory.

(Ord. No. 09-12, § 1, 1-6-2010)

13.04.272 Significant industrial user (SIU).

"Significant industrial user (SIU)" means:

- A. Any industrial user subject to categorical pretreatment standards; or
- B.
 - 1. Any other industrial user that discharges an average of twenty-five thousand gallons per day or more process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater).
 - 2. Contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant.
 - 3. Is designated as such [by] the director on the basis that the industrial user has a reasonable potential for adversely affecting the POTW'S operation or for violating any pretreatment standard or requirement.

(Ord. No. 09-12, § 1, 1-6-2010)

13.04.273 Significant noncompliance.

"Significant noncompliance" means a violation by an industrial user which meets one or more of the following criteria:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all the measurements for the same pollutant taken during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement including instantaneous limits as defined in Section 13.04.674. (Reference: Section 13.04.210)

- B. Technical review criteria (TRC) violations, defined here as those in which thirty-three percent or more of all the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits as defined in Section 13.04.674 multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH).
 - C. Any other violation of a pretreatment standard requirement as defined (daily maximum long-term average), instantaneous limit, or narrative standard that the POTW determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public).
 - D. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under paragraph (f)(1) of 40 CFR 403.8 to halt or prevent such a discharge.
 - E. Failure to meet, within ninety days after the scheduled date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction or attaining final compliance.
 - F. Failure to provide, within forty-five days after the due date, required reports such as baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.
 - G. Failure to accurately report noncompliance.
 - H. Any other violation or group of violations (which may include a violation of best management practice) which the POTW determines will adversely affect the operation or implementation of the local pretreatment program. (Reference: 40 CFR 403.8 (f)(1)(i))
- (Ord. No. 09-12, § 1, 1-6-2010)

13.04.275 Slug discharge.

"Slug discharge" means any discharge or spill of a nonroutine, episodic nature, including, but not limited to, an accidental spill or a noncustomary batch discharge which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits, or permit conditions. (Reference: 40 CFR 403.8(f)(2)(vi))
 (Ord. No. 09-12, § 1, 1-6-2010)

13.04.280 Storm sewer.

"Storm sewer" means a sewer for conveying storm, surface, or other unpolluted waters, but which is not intended to carry sanitary wastewater.
 (Ord. No. 09-12, § 1, 1-6-2010)

13.04.290 Surface water.

"Surface water" means water which occurs when the rate of precipitation exceeds the rate at which water may infiltrate into the soil.

(Ord. No. 09-12, § 1, 1-6-2010)

13.04.300 Total suspended solids.

"Total suspended solids" means the total suspended matter that either floats on the surface of, or is in suspension in, water or wastewater, and that is removable by laboratory filtering, expressed in milligrams per liter (mg/l) by weight.

(Ord. No. 09-12, § 1, 1-6-2010)

13.04.310 Toxics or toxic pollutant.

"Toxic or toxic pollutant" means any of the restricted substances established by section 307(a)(1) of the Federal Clean Water Act of 1977, as amended.

(Ord. No. 09-12, § 1, 1-6-2010)

13.04.312 Treatment works.

"Treatment works" means any works installed for treating or holding sewage, industrial wastes or other wastes.

(Ord. No. 09-12, § 1, 1-6-2010)

13.04.320 WPCF.

"WPCF" means the Water Pollution Control Federation.

(Ord. No. 09-12, § 1, 1-6-2010)

Article II.

General Provisions

13.04.330 Purpose.

The purpose of this chapter is to provide for the maximum possible beneficial public use of the district's sanitary wastewater system through regulation of sewer construction, sewer use, and sanitary wastewater and stormwater discharges; and to provide procedures for compliance with the requirements contained in this chapter.

(Ord. No. 09-12, § 2, 1-6-2010)

13.04.340 Administration.

The director of public works shall administer, implement, and enforce the provisions of this chapter. The permittee shall provide adequate staff, equipment, and support capabilities to carry out all elements of the pretreatment program as required by 40 CFR section 403.8(f)(3).

(Ord. No. 09-12, § 2, 1-6-2010)

13.04.342 Modification of pretreatment program.

BSB shall not substantially modify this pretreatment program without the approval of the EPA. Substantial and nonsubstantial modifications shall follow the procedures outlined in 40 CFR section 403.18. (Ord. No. 09-12, § 2, 1-6-2010)

13.04.345 Notification of pretreatment requirements.

The director shall ensure that all industrial users are notified of any pretreatment requirements and or local limits that have been established. For nonsignificant industrial users a general mechanism of an annual posting in the Butte Standard will be used. To facilitate this process, the POTW shall identify and locate all possible industrial users which might be subject to the POTW pretreatment program. This compilation, index or inventory of industrial users made under this paragraph shall be made available to the regional administrator or director upon request.

(Ord. No. 09-12, § 2, 1-6-2010)

13.04.350 Notice of violations.

Any person found in violation of this chapter, or any state or federal statute or rule or regulation prohibiting the discharge of contaminated wastewaters or any requirement of a permit issued hereunder, shall be served with a written notice stating the nature of the violation and providing a reasonable time limit for compliance. Such notice given shall be in writing and served in person or by registered or certified mail. The notice shall be sent to the last address of the violator known to the director. Where the address is unknown, service may be made upon the owner of record of the property involved. If satisfactory action is not taken in the time allotted by the notice, Section 13.04.360 of this chapter shall be implemented.

(Ord. No. 09-12, § 2, 1-6-2010)

13.04.360 Penalty for noncompliance.

A. Criminal Penalty. Any person who continues to violate the discharge provisions of this chapter or any state or federal statute or rule or regulation prohibiting the discharge of contaminated wastewaters beyond the time limit provided for in the notice of violation shall be charged with commission of a misdemeanor and upon conviction thereof, shall be subject to all penalties provided therefor for each day the violation continues, or be subject to disconnection from the public wastewater system. Each day or portion thereof a violation continues shall constitute a separate violation.

Pretreatment requirements will be enforced and will include, but not be limited to, the duty to allow or carry out inspections, entry, or monitoring activities; any rules, regulations, or orders issued by the POTW; any requirements set forth in control mechanisms issued by the POTW; or any reporting requirements imposed by the POTW or these regulations in this part. The POTW shall have authority and procedures (after informal notice to the discharger) immediately and effectively to halt or prevent any discharge of pollutants to the POTW which reasonably appears to present an imminent endangerment to the health or welfare of persons. The POTW shall also have authority and procedures (which shall include notice to the affected industrial users and an opportunity to respond) to halt or prevent any discharge to the POTW which presents or may present an endangerment to the environment or which threatens to interfere with the operation of the POTW. The approval

authority shall have authority to seek judicial relief and may also use administrative penalty authority when the POTW has sought a monetary penalty which the approval authority believes to be insufficient.

B. Civil Penalty. Any person who is found to have violated an order of the director or who willfully or negligently failed to comply with any provision of this chapter, and the orders, rules, regulations and permits issued hereunder, shall be fined not less than one hundred dollars nor more than one thousand dollars for such offense. Each day on which a violation shall occur or continue shall be deemed a separate, distinct offense. In addition to the penalties provided herein, the district may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this chapter or the orders, rules, regulations, and permits issued hereunder.
(Ord. No. 09-12, § 2, 1-6-2010)

13.04.365 Published list of all IUs in significant noncompliance.

The POTW shall develop and implement procedures to enable it to comply with the public participation requirements of 40 CFR part 25 in the enforcement of national pretreatment standards. These procedures shall include provision for at least annual public notification in the Montana Standard, a daily newspaper published in Butte-Silver Bow County, Montana, of industrial users which, at any time during the previous twelve months, were in significant noncompliance with applicable pretreatment requirements.
(Ord. No. 09-12, § 2, 1-6-2010)

13.04.370 Fees and penalties.

A. All fees and penalties collected under this chapter shall be used for the sole purpose of constructing, replacing, operating or maintaining the district's sanitary wastewater system.

B. All fees and penalties payable under the provisions of this chapter are due and payable upon receipt of notice of charges. Unpaid charges shall become delinquent and shall be subject to penalty and interest charges at rates to be established by the district.
(Ord. No. 09-12, § 2, 1-6-2010)

Editors Note: Ord. No. 09-12, § 2, adopted Jan. 6, 2010, numbered this section as 13.04.365. To maintain the numeric sequence of the code, this item was redesignated 13.04.370 at the discretion of the editor.

13.04.380 Inspections.

A. District employees bearing proper credentials and identification shall be permitted to enter properties of users served by district wastewater facilities at any reasonable time for the purposes of inspection, observation, measurement, and sampling of the wastewater discharge to ensure that the discharge of wastewaters to the district's wastewater facilities is in accordance with the provisions of this chapter. Such inspection, observation, measurement and sampling by employees of the district shall include the right of the district to copy those records of industrial users which are applicable to wastewater discharges into the district's sewer system.

B. District employees bearing proper credentials and identification shall be permitted to enter all private property through which the district holds an easement for the purposes of inspection, observation, measurement, sampling, repair, and maintenance of any of the district's wastewater facilities lying within the easement. All entry and any subsequent work within easements, shall be done in full accordance with the terms

of the easement pertaining to the private property involved.

C. While performing the necessary work on private properties, the district employees shall observe all safety rules established by the owner or occupant of the property and applicable to the premises.

D. Confidentiality of Information. The director is authorized to obtain information from the owner which would provide a direct indication of the kind and source of wastewater discharge to the district's wastewater facilities. Any requested information other than effluent data which is claimed to be confidential by the owner shall be so honored by the director and district representative.

E. Effluent Data. Information and data provided to the control authority pursuant to this part which is effluent data shall be available to the public without restriction.
(Ord. No. 09-12, § 2, 1-6-2010)

13.04.390 Vandalism.

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the district's wastewater facilities.
(Ord. No. 09-12, § 2, 1-6-2010)

Article III.

Use of District Sewers Required

13.04.400 Unlawful waste disposal unlawful.

It is unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the district any human or animal excrement, garbage, or other objectionable waste.
(Ord. No. 09-12, § 3, 1-6-2010)

13.04.410 Unlawful wastewater discharges unlawful.

It is unlawful to discharge any wastewater or other polluted waters to any natural outlet within the district without an NPDES permit or except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.
(Ord. No. 09-12, § 3, 1-6-2010)

13.04.420 Private wastewater disposal systems prohibited.

Except as provided in this chapter, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.
(Ord. No. 09-12, § 3, 1-6-2010)

13.04.430 Connection for sewer system required.

The owner of any house, building, or property which is used for human occupancy, employment, recreation, or other purposes, under the jurisdiction of this chapter, and abutting on any street, alley, or right-of-way in which there is or may be located a public sewer, is required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly to the public sewer in accordance with the provisions of this chapter, within sixty days after date of official notice to do so provided that the public sewer is within three hundred feet of the property line. The only exception to these requirements is if there is not sufficient grade to connect to the public sewer. This section shall not apply to any person served by a privately constructed, owned, operated, and maintained sewer and wastewater treatment facility which discharges directly to a natural outlet in accordance with the provisions of this chapter and applicable state and federal law. (Ord. No. 09-12, § 3, 1-6-2010)

Article IV.

Private Wastewater Disposal

13.04.440 Applicability of article.

This article shall not apply to any private wastewater system which discharges to the district's wastewater treatment facilities or which discharges directly to a natural outlet by authority of a separate NPDES permit and in compliance with applicable state and federal laws. (Ord. No. 09-12, § 4, 1-6-2010)

13.04.450 Connecting building sewers to private systems.

Where service by the sanitary wastewater system is not available under the provisions of Section 13.04.430, the building sewer shall be connected to a private wastewater disposal complying with the provisions of this article. (Ord. No. 09-12, § 4, 1-6-2010)

13.04.460 Construction permit required.

Before commencement of construction of a private wastewater disposal system, the owner(s) shall first obtain a written permit signed by the director. The application for such permit shall be made on a form furnished by the district, which the applicant shall supplement by any plans, specifications, and other information as is deemed necessary by the director. A permit and inspection fee shall be paid to the district at the time the application is filed. The fee amount shall be as established and periodically revised by the director. (Ord. No. 09-12, § 4, 1-6-2010)

13.04.470 Design requirements.

The type, capacities, location, and layout of a private wastewater disposal system shall comply with all recommendations of the Montana State Department of Health and Environmental Sciences. No permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities where:

- (1) Residences have individual water systems and the lot area is less than one acre; or

- (2) Where residences are connected to a public water system and the lot area is less than twenty thousand square feet.

No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(Ord. No. 09-12, § 4, 1-6-2010)

13.04.480 Operating permit required.

Owners of private wastewater disposal systems shall obtain a written operating permit, signed by the director, before placing their system in use. The operating permit shall not become effective until the installation is completed to the satisfaction of the director. The director shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the director when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made during the work week within twenty-four hours of the receipt of notice by the director.

(Ord. No. 09-12, § 4, 1-6-2010)

13.04.490 Connection to public sewers required when available.

At such time as a public sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public sewer within sixty days in compliance with this chapter, and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with material approved by the director.

(Ord. No. 09-12, § 4, 1-6-2010)

13.04.500 Proper operation and maintenance required.

Owners of private wastewater disposal facilities shall operate and maintain such facilities in a sanitary manner at all times in accordance with the conditions of the operating permit and at no expense to the district. Such facilities shall be subject to inspection by the director at all reasonable times. Trucked or hauled sanitary wastewater or septage removed from private wastewater disposal systems shall be disposed of only at the POTW or at the final disposal site of the POTW.

(Ord. No. 09-12, § 4, 1-6-2010)

13.04.505 Waste haulers.

Owners of firms hauling sanitary wastewater or septage removed from private wastewater disposal systems shall obtain a written waste hauling permit, signed by the director, before removing such waste from any private wastewater disposal system. The waste hauling permit shall not become effective until the hauling equipment, including motorized vehicles and towed tankers, has first been inspected and approved by the director. None of those pollutants described in Section 13.04.672 A. through G. may be disposed of at the POTW or the final disposal site of the POTW. Hauled waste other than sanitary wastewater or septage removed from private wastewater systems may be disposed of at the POTW or the final disposal site of the POTW only upon specific approval of each load by the POTW superintendent.

(Ord. No. 09-12, § 4, 1-6-2010)

13.04.510 Requirements by other jurisdictions.

No statement contained in this article shall be construed to preclude any additional requirements that may be imposed by any federal, state, or local authority having jurisdiction over such facilities.
(Ord. No. 09-12, § 4, 1-6-2010)

Article V.

Building Sewers and Connections

13.04.520 Connection permit required.

A. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the director.

B. The owner shall make application for a permit to connect to the district's sanitary wastewater system on a special form furnished by the director. The permit application shall be supplemented by information considered important in the judgment of the director. A permit and inspection fee for each class of permit shall be paid to the district at the time the application is filed. The fee amounts shall be as established and periodically revised by the director to recognize the costs of issuing permits and making inspections.

C. Within the district boundaries connection to a wastewater system that is not connected to the district's sewer system shall also be subject to the provisions of this chapter, including a permit and inspection fee, and approval of the director.
(Ord. No. 09-12, § 5, 1-6-2010)

13.04.530 Responsibility for costs of connection.

All costs and expenses incidental to the building sewer installation and its connection to the district's wastewater facilities shall be borne by the owner. The owner shall indemnify the district for any loss or damage that may be directly or indirectly occasioned by the installation of the building sewer.
(Ord. No. 09-12, § 5, 1-6-2010)

13.04.540 Separate connection required.

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 can 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. The district does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single building sewer which serves two buildings.
(Ord. No. 09-12, § 5, 1-6-2010)

13.04.550 Use of existing building sewers.

Existing building sewers may be used for connection of new buildings only when they are found, upon examination and testing by the director, to meet all requirements of this chapter.

(Ord. No. 09-12, § 5, 1-6-2010)

13.04.560 Building sewer design and construction.

The size, slope, alignment, construction materials, trench excavation and backfill methods, pipe placement, jointing and testing methods used in the construction and installation of a building sewer shall all be approved by the director and conform to the requirements of the Uniform Building Code and Uniform Plumbing Code and other applicable rules and regulations of Butte-Silver Bow. In the absence of suitable code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

(Ord. No. 09-12, § 5, 1-6-2010)

13.04.570 Building service elevation.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, wastewater carried by such building drain shall be lifted by approved means and discharged to the building sewer.

(Ord. No. 09-12, § 5, 1-6-2010)

13.04.580 Building drain line.

Every building having either a partial or full basement with plumbing fixtures of any type shall have an approved backflow prevention valve installed in the main drain line.

(Ord. No. 09-12, § 5, 1-6-2010)

13.04.590 Stormwater and unpolluted drainage.

A. Stormwater and all other unpolluted drainage shall be discharged into sewers specifically designed and designated as storm sewers or to a natural outlet.

B. No person shall discharge or cause to be discharged, either directly or indirectly, to the sanitary wastewater system any surface water, groundwater, roof runoff, subsoil or subsurface drainage, cooling water, or unpolluted industrial process water. Any such connections made either before or after the effective date of these rules and regulations shall be considered illegal and shall be subject to immediate removal by the owner and at the owner's expense.

C. Should the owner of an illegal connection fail to remove it within ninety days after being notified by the director to do so, the director shall cause the connection to be removed and the cost billed to the owner of the property served by the illegal connection.

(Ord. No. 09-12, § 5, 1-6-2010)

13.04.600 Conformance to applicable codes.

A. The connection of a building sewer to the sanitary wastewater system shall conform to the requirements of this chapter and the Uniform Building Code and the Uniform Plumbing Code and other

applicable rules and regulations of Butte-Silver Bow, or the procedures set forth in appropriate specifications of the ASTM and the WPCF. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the director before installation.

B. The connection of a surface runoff or groundwater drain to facilities designed for the disposal of surface runoff or groundwater drainage shall conform to the requirements of the local building code or other applicable rules and regulations.
(Ord. No. 09-12, § 5, 1-6-2010)

13.04.610 Notice of connection inspection.

The applicant for the building sewer permit shall notify the director when the building sewer is ready for inspection and connection to the public sewer before any underground portions are covered. The connection and testing shall be made under the supervision of the director or his representative.
(Ord. No. 09-12, § 5, 1-6-2010)

13.04.620 Protection of public from hazardous conditions.

All excavations for building sewer installation shall be in accordance with Chapter 12.04 standards and procedures for construction within public right-of-way and other applicable rules and regulations of Butte-Silver Bow.
(Ord. No. 09-12, § 5, 1-6-2010)

Article VI.

Proper Use of the Sanitary Wastewater System

13.04.630 Restricted uses of the sanitary wastewater system.

All discharges of stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters shall be made to storm sewers or to a natural outlet. Any connection, drain, or arrangement which will permit such waters to enter the sanitary wastewater system shall be a violation of this chapter.
(Ord. No. 09-12, § 6, 1-6-2010)

13.04.650 Prohibited uses.

The government of Butte-Silver Bow further certifies that the discharge, by any user, of any wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to contaminate the sludge of any municipal system, injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in or for an adverse effect on the waters receiving any discharge from the treatment works is prohibited. Any user which discharges such wastes into the district's treatment works will be required to pay any resultant increase in the costs of managing the effluent or the sludge resulting from such discharge. A user may not introduce into a POTW any pollutant(s) which cause pass through or interference. These general prohibitions and the specific

prohibitions in Section 13.04.674 of this chapter apply to each user introducing pollutants into a POTW whether or not the user is subject to other national pretreatment standards or any national, state, or local pretreatment requirements.

(Ord. No. 09-12, § 6, 1-6-2010)

13.04.660 Effect of federal standards.

In the event that the federal government promulgates rules or regulations applicable to the district specifying the quantities or concentrations of substances or pollutants which may be discharged by a user, that federal regulation shall immediately supersede the affected portions of Section 13.04.640.

(Ord. No. 09-12, § 6, 1-6-2010)

Article VII.

Discharge of Industrial Wastes

13.04.671 Signatory requirements for industrial users.

All applicants for permits referred to in this chapter, all permits and all IU compliance reports shall be signed by a responsible corporate officer if the IU is a corporation or by a general partner or proprietor if the IU is a partnership or sole proprietorship, respectively, or by a duly authorized representative of the IU authorized to sign, all in accordance with the provisions of 40 CFR 403.12(1).

Concerning the Authorized Representative of the IU: Signatory requirements for industrial user reports. The industrial user reports required shall include the certification statement as set forth in 40 CFR 403.6(a)(2)(ii), and shall be signed as follows:

- (1) By a responsible corporate officer, if the industrial user submitting the reports required is a corporation. For the purpose of this paragraph, a responsible corporate officer means:
 - (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or
 - (ii) The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) By a general partner or proprietor if the industrial user submitting the reports required is a partnership, or sole proprietorship respectively.

- (3) By a duly authorized representative of the individual designated if:
 - (i) The authorization is made in writing by the individual.
 - (ii) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and
 - (iii) The written authorization is submitted to the control authority.
- (4) If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements must be submitted to the control authority prior to or together with any reports to be signed by an authorized representative.

Concerning the PTOW: Signatory requirements for POTW reports. Reports submitted to the approval authority by the POTW must be signed by a principal executive officer, ranking elected official or other duly authorized employee. The duly authorized employee must be an individual or position having responsibility for the overall operation of the facility or the pretreatment program. This authorization must be made in writing by the principal executive officer or ranking elected official, and submitted to the approval authority prior to or together with the report being submitted.

Provisions Governing Fraud and False Statements: The reports and other documents required to be submitted or maintained under this section shall be subject to:

- (1) The provisions of 18 U.S.C. section 1001 relating to fraud and false statements;
- (2) The provisions of sections 309(c)(4) of the Act, as amended, governing false statements, representation or certification; and
- (3) The provisions of section 309(c)(6) regarding responsible corporate officers.
(Ord. No. 09-12, § 7, 1-6-2010)

13.04.672 Certification requirements for industrial users.

All applications for permits referred to in this chapter, all permits and all IU compliance reports shall include the certification statement as set forth in 40 CFR 403.6(a)(2)(ii).
(Ord. No. 09-12, § 7, 1-6-2010)

13.04.673 Reporting requirements for industrial users discharging hazardous waste.

- A. The POTW shall notify all IUs of the provisions cited in 40 CFR 403.12 requiring the reporting

of hazardous waste discharge.

B. The IU shall notify the POTW, the EPA region VIII waste management division director, and the chief of the solid and hazardous waste bureau of the Montana Department of Environmental Quality in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261.

C. Such notification by the IU shall be in accordance with the requirements of 40 CFR 403.12(p1).

D. The POTW shall notify each IU by certified mail of these reporting requirements and shall include a copy of 40 CFR 403.12(p) in each mailing.

(Ord. No. 09-12, § 7, 1-6-2010)

13.04.674 General prohibitions.

The following are prohibited:

- A. Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than sixty degrees centigrade (one hundred forty degrees Fahrenheit) using the test methods specified in 40 CFR 261.21;
- B. Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0, unless the POTW is specifically designed to accommodate such discharges;
- C. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW, or other interference with the operation of the POTW;
- D. Any pollutant, including oxygen-demanding pollutants (e.g., BOD), released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW;
- E. Heat in amounts which will inhibit biological activity in the POTW resulting in interference but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds forty degrees centigrade (one hundred four degrees Fahrenheit);
- F. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through, with no concentration to contain more than one hundred milligrams per liter of oil or grease of animal or vegetable origin;
- G. Pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- H. Any trucked or hauled pollutants, except at discharge points designated by the POTW;
- I. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the director in compliance with applicable state or federal regulations;

- J. Any garbage that has not been properly shredded;
- K. Any odor- or color-producing substances exceeding concentration limits which may be established by the director for purposes of meeting the district's MPDES permit;
- L. Pollutants which result in a treatment plant effluent that cannot meet the requirements of the district's MPDES permit or of other agencies having jurisdiction over wastewater discharges to receiving waters; and/or
- M. Pollutants which cause a hazard to human life, are deleterious to waste treatment structures or processes, or create a public nuisance.
- N. Dilution prohibited as substitute for treatment. Except where expressly authorized to do so by an applicable pretreatment standard or requirement, no industrial user shall ever increase the use of process water, or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a pretreatment standard or requirement. The control authority may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations is appropriate.

(Ord. No. 09-12, § 7, 1-6-2010)

13.04.675 Wastewater discharge permits

Permits issued by the director will contain all of the following information:

1. Permit issuance date, effective date and expiration date.
2. Nontransference clause unless previous notice given to BSB, and provisions for furnishing the new owner with a copy of the existing wastewater discharge permit.
3. Effluent limits, including any best management practices based on applicable pretreatment standards, categorical pretreatment standards, local limits, and state and local law.
4. Self monitoring requirements.
5. Process for seeking a waiver from monitoring for a pollutant.

The control authority may authorize the industrial user subject to a categorical pretreatment standard to forego sampling of a pollutant regulated by a categorical pretreatment standard if the industrial user has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the industrial user. This authorization is subject to the following conditions:

A. The control authority may authorize a waiver where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by

an applicable categorical standard and otherwise includes no process wastewater.

B. The monitoring waiver is valid only for the duration of the effective period of the permit or other equivalent individual control mechanism, but in no case longer than five years. The user must submit a new request for the waiver before the waiver can be granted for each subsequent control mechanism.

C. In making a demonstration that a pollutant is not present, the industrial user must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.

D. The request for a monitoring waiver must be signed in accordance with paragraph (1) of this section and include the certification statement in section 40 CFR 403.6(a)(2)(ii). Nondetectable sample results may only be used as a demonstration that a pollutant is not present if the EPA-approved method from 40 CFR part 136 with the lowest minimum detection level for that pollutant was used in the analysis.

E. Any grant of the monitoring waiver by the control authority must be included as a condition in the user's control mechanism. The reasons supporting the waiver and any information submitted by the user in its request for the waiver must be maintained by the control authority for three years after expiration of the waiver.

F. Upon approval of the monitoring waiver and revision of the user's control mechanism by the control authority, the industrial user must certify on each report with the statement below, that there has been no increase in the pollutant in its wastestream due to activities of the industrial user:

Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR _____ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under 40 CFR 403.12(e)(1).

1. In the event that a waived pollutant is found to be present or is expected to be present based on changes that occur in the user's operations, the user must immediately: develop a pretreatment program for the specific pollutant including monitoring requirements imposed by the control authority and notify the control authority.
2. This provision does not supersede certification processes and requirements established in categorical pretreatment standards, except as otherwise specified in the categorical pretreatment standard.
6. Applicable penalties.
7. Requirements to control slug discharge if determined by the Control Authority to be necessary.

If the POTW decides that a slug control plan is required it must contain the following:

- (i) Description of discharge practices.

- (ii) Description of stored chemicals.
- (iii) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition as identified in this chapter with procedures for follow-up written notification within five days.
- (iv) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plans site runoff, worker training, building and containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

(Ord. No. 09-12, § 7, 1-6-2010)

13.04.676 Information requirements for permittees.

A. All SIUs must first obtain an industrial waste discharge permit before discharging any industrial waste into the POTW. Before issuing any industrial waste discharge permits the director shall require SIUs discharging industrial wastes to provide information needed to determine compliance with this chapter.

B. These requirements shall include:

1. Wastewater discharge peak rate and cumulative volume data;
2. Representative chemical analyses of wastewaters;
3. Information on raw materials, processes and products affecting wastewater volume and quantity;
4. Quantity and disposition of specific liquid, sludge, oil, solvent or other materials important to sewer use control;
5. A plan of sewers on the SIU's property showing sewer pretreatment facility location;
6. Details of wastewater pretreatment facilities;
7. Details of facilities operated or planned to prevent and control the losses of materials through slug discharge to the sanitary wastewater system including development of compliance schedules for installation of such facilities.

C. Reporting Requirements for SIUs.

1. Significant industrial users shall submit semiannual reports to the POTW. These reports shall be for the periods January 1st through June 30th and July 1st through December 31st of each year, respectively, and shall be postmarked no later than thirty days following the completed reporting period. These reports shall contain a description of the nature, concentration and flow of the pollutants required to be reported to the POTW. These reports shall be based on sampling and

analysis performed in the period covered by the report, and performed in accordance with the techniques described in 40 CFR part 136. In cases where the pretreatment standard requires compliance with a best management practice (BMP) or pollution prevention alternative, the user must submit documentation required by [the superintendent] or the pretreatment standard necessary to determine the compliance status of the user.

D. Reporting Requirements for IUs that Have Been Determined Based on Categorical Pretreatment Standards.

1. Within one hundred eighty days after the effective date of a categorical pretreatment standard, or one hundred eighty days after the final administrative decision made upon a category determination submission under § 40 CFR 403.6(a)(4), whichever is later, existing industrial users subject to such categorical pretreatment standards and currently discharging to or scheduled to discharge to a POTW shall submit the required report.
2. At least ninety days prior to commencement of discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the control authority a report which contains the information required under 40 CFR 403.12(b). New sources shall also be required to include in this report information on the method of pretreatment the source intends to use to meet applicable pretreatment standards. The user shall submit the name and address of the facility including the name of the operator and owners.
 - (a) Permits. The user shall submit a list of any environmental control permits held by or for the facility.
 - (b) Description of operations. The user shall submit a brief description of the nature, average rate of production, and standard industrial classification of the operation(s) carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
 - (c) Flow measurement. The user shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:
 - (i) Regulated process streams; and
 - (ii) Other streams as necessary to allow use of the combined waste stream formula of 40 CFR 403.6(e).

The control authority may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.
 - (d) Measurement of pollutants.
 - (i) The user shall identify the pretreatment standards applicable to each regulated

process.

- (ii) In addition, the user shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the standard or control authority) of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations. In cases where the standard requires compliance with a best management practice or pollution prevention alternative, the user shall submit documentation as required by the control authority or the applicable standards to determine compliance with the standard.
- (iii) A minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other pollutants, twenty-four-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The control authority may waive flow-proportional composite sampling for any industrial user that demonstrates that flow-proportional sampling is infeasible. In such cases, samples may be obtained through time-proportional composite sampling techniques or through a minimum of four grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. The user shall take a minimum of one representative sample. Samples should be taken immediately downstream from pretreatment facilities, if such exist, or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the user should measure the flows and concentrations necessary to allow use of the combined waste stream formula of 40 CFR 403.6(e) in order to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the control authority.
- (iv) Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR part 136 and amendments thereto. Where 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the administrator determines that the 40 CFR part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the administrator. The control authority may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures. The baseline report shall indicate the time, date and place, of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.

- (e) Certification. A statement, reviewed by an authorized representative of the industrial user and certified to by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the industrial user to meet the pretreatment standards and requirements; and
- (f) Compliance schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards; the shortest schedule by which the industrial user will provide such additional pretreatment and/or O&M.
- (g) Compliance schedule for meeting categorical pretreatment standards. The following conditions shall apply to the schedule required by 40 CFR 403.12(b)(7):
 - (i) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the industrial user to meet the applicable categorical pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
 - (ii) No increment referred to in 40 CFR 403.12(c)(1) shall exceed nine months.
 - (iii) Not later than fourteen days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the control authority including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the industrial user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the control authority.
- (h) Report on compliance with categorical pretreatment standard deadline. Within ninety days following the date for final compliance with applicable categorical pretreatment standards or in the case of a new source following commencement of the introduction of wastewater into the POTW, any industrial user subject to pretreatment standards and requirements shall submit to the control authority a report containing the information described in 40 CFR 403.12(b)(4)--(6). For industrial users subject to equivalent mass or concentration limits established by the control authority in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long term production rate. For all other industrial users subject to categorical 39 pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period.
- (i) Periodic reports on continued compliance. Any industrial user subject to a categorical pretreatment standard (except a nonsignificant categorical user as defined in 40 CFR

403.3(v)(2)), after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the control authority during the months of June and December, unless required more frequently in the pretreatment standard or by the control authority or the approval authority, a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical pretreatment standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the discharge reported in 40 CFR 403.12 (b)(4) of this section except that the control authority may require more detailed reporting of flows. In cases where the pretreatment standard requires compliance with a best management practice (or pollution prevention alternative), the user shall submit documentation required by the control authority or the pretreatment standard necessary to determine the compliance status of the user. At the discretion of the control authority and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the control authority may modify the months during which the above reports are to be submitted.

- (j) The control authority may determine that an industrial user subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N is a nonsignificant categorical industrial user rather than a significant industrial user on a finding that the industrial user never discharges more than one hundred gallons per day (gpd) of total categorical wastewater (excluding sanitary, noncontact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:
 - (i) The industrial user, prior to the control authority's finding, has consistently complied with all applicable categorical pretreatment standards and requirements;
 - (ii) The industrial user annually submits the certification statement required in 40 CFR 403.12(q) together with any additional information necessary to support the certification statement; and
 - (iii) The industrial user never discharges any untreated concentrated wastewater.
 - (A) Upon a finding that an Industrial User meeting the criteria in 40 CFR 403.3 (t)(v)(1)(ii) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standards or requirement, the control authority may at any time, on its own initiative or in response to a petition received from an industrial user or POTW, and in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a significant industrial user.

If in the opinion of the POTW, they are more appropriately controlled under a general control mechanism than under individual control mechanisms: Then to be covered by the general control mechanism, the significant industrial user must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring

all wastes covered by the general control mechanism, any requests in accordance with 40 CFR 403.12(e)(2) for a monitoring waiver for a pollutant neither present nor expected to be present in the discharge, and any other information the POTW deems appropriate. A monitoring waiver for a pollutant neither present nor expected to be present in the discharge is not effective in the general control mechanism until after the POTW has provided written notice to the significant industrial user that such a waiver request has been granted in accordance with 40 CFR 403.12(e)(2). The POTW must retain a copy of the general control mechanism, documentation to support the POTW's determination that a specific significant industrial user meets the criteria, and a copy of the user's written request for coverage for three years after the expiration of the general control mechanism. A POTW may not control a significant industrial user through a general control mechanism where the facility is subject to production-based categorical pretreatment standards or categorical pretreatment standards expressed as mass of pollutant discharged per day or for industrial users whose limits are based on the combined wastestream formula or net/gross calculations (40 CFR 403.6(e) and 403.15).

- (B) Both individual and general control mechanisms must be enforceable and contain, at a minimum, the following conditions:
 - (1) Statement of duration (in no case more than five years);
 - (2) Statement of nontransferability without, at a minimum, prior notification to the POTW and provision of a copy of the existing control mechanism to the new owner or operator;
 - (3) Effluent limits, including best management practices, based on applicable general pretreatment standards in 40 CFR part 403, categorical pretreatment standards, local limits, and state and local law.
- (k) If an industrial user subject to the reporting requirement in paragraph (e) or (h) of this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the control authority, the results of this monitoring shall be included in the report.

D. Records Retention. All records and information resulting from the monitoring activities required, including all records of analyses performed and calibration and maintenance of instruments and recordings from continuous monitoring instrumentation, shall be retained for a minimum of three years, or longer if requested by the Montana Department of Environmental Quality or by the EPA. Where required, this includes documentation of BMP compliance.

E. Yearly Inspection of SIUs. The POTW shall conduct at least one inspection and sampling visit of each SIU each year.
(Ord. No. 09-12, § 7, 1-6-2010)

13.04.677 Industrial user responsibility in cases where industrial user upset is claimed.

A. An industrial user who wishes to claim that an industrial user upset has occurred shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

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

B. In any enforcement proceeding the industrial user seeking to establish the occurrence of an industrial user upset shall have the burden of proof.

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

(Ord. No. 09-12, § 7, 1-6-2010)

13.04.678 Industrial user responsibility in cases where industrial bypass will occur or has occurred.

A. An industrial user may allow any industrial user bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of subsections B and C of this section.

- B. 1. If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the POTW, if possible, at least ten days before the date of the bypass.
2. An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the POTW within twenty-four hours from the time the industrial user becomes aware of the bypass. A written submission shall also be provided within five days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and

times, and if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass. The POTW may waive the written report on a case-by-case basis if the oral report has been received within twenty-four hours.

- C. 1. An industrial user bypass is prohibited, and the POTW may take enforcement action against an industrial user 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 periods of equipment downtime or preventative maintenance; and
 - c. The industrial user submitted notices as required under subsection B of this section.
2. The POTW may approve an anticipated bypass, after considering its adverse effects, if the POTW determines that it will meet the three conditions listed in subsection C.1. of this section.

(Ord. No. 09-12, § 7, 1-6-2010)

13.04.679 Slug discharges and other discharges.

A. Facilities to prevent slug discharge of prohibited materials shall be provided and maintained at the SIU's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the director for review, and shall be approved by the director before construction of the facility. No SIU shall be permitted to introduce industrial wastes into the system until slug discharge procedures have been approved by the director. Review and approval of such plans and operating procedures shall not relieve the SIU from the responsibility to modify the SIU's facility as necessary to meet the requirements of this chapter.

B. The director shall evaluate whether each SIU needs a plan to control slug discharges. If the director decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

1. Description of discharge practices, including nonroutine batch discharges;
2. Description of stored chemicals;
3. Procedures for immediate notification of the POTW of slug discharges which shall set out the following duties:
 - a. The SIU shall immediately telephone and notify the POTW of a slug discharge (within twenty-four hours if an actual violation). The notification shall include location of

discharge, type of waste, concentration and volume, and corrective action.

- b. Within five days following a slug discharge the SIU shall submit to the director a detailed written report describing the cause of the discharge and the measures to be taken by the SIU to prevent similar future occurrences. Such notification shall not relieve the SIU of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the SIU of any civil or criminal penalties or other liability which may be imposed by this chapter or other applicable law.
- c. Each SIU shall permanently post on the SIU's bulletin board or other prominent place a notice advising employees whom to call in the event of a slug discharge. Each SIU shall advise all employees who may cause or suffer such a slug discharge to occur of the emergency notification procedure.
- d. Submit all monitoring data to the control authority, ensure that all samples taken are representative samples, and resampling and results submittal must be completed, within thirty days later if a violation occurred.

- 4. Procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structure or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

C. Any SIU, categorical and noncategorical IUs must notify the POTW immediately of changes that occur at the facility affecting the potential for a slug discharge. This will allow the district to re-evaluate the need for a modified slug control plan.

D. Any discharge, whether a slug discharge or not, that might cause problems must be reported to the POTW.

E. If sampling performed by an industrial user indicates a violation, the IU shall notify the control authority within twenty-four hours of becoming aware of the violation.

(Ord. No. 09-12, § 7, 1-6-2010)

13.04.680 Provision for monitoring.

A. When required by the director, the owner of any property serviced by a building sewer carrying industrial wastes shall provide suitable access and such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastewater. Such access shall be in a readily and safely accessible location and shall be in accordance with plans approved by the director. The access shall be provided and maintained at the owner's expense so as to be safe and accessible at all times.

B. Where the director determines access and equipment for monitoring or measuring industrial waste discharges is not required, reliable, or cost effective, he may specify an alternative method of determining

the characteristics of the wastes discharged which will, in his judgment, provide a reasonable equitable estimate or measurement of such characteristics.

(Ord. No. 09-12, § 7, 1-6-2010)

13.04.685 Industrial user sampling requirements.

A. The reports required for categorical significant industrial users and for noncategorical significant users of this section must be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data is representative of conditions occurring during the reporting period. The control authority shall require that frequency of monitoring necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements. Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, twenty-four-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the control authority. Where time-proportional composite sampling or grab sampling is authorized by the control authority, the samples must be representative of the discharge and the decision to allow the alternative sampling must be documented in the industrial user file for that facility or facilities. Using protocols (including appropriate preservation) specified in 40 CFR part 136 and appropriate EPA guidance, multiple grab samples collected during a twenty-four-hour period may be composited prior to the analysis as follows: For cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the control authority, as appropriate. For sampling required in support of baseline monitoring and ninety-day compliance reports required in paragraphs (b) and (d) of 40 CFR 403.12, a minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the control authority may authorize a lower minimum. For the reports required by paragraphs (e) and (h) of 40 CFR 403.12, the control authority shall require the number of grab samples necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements. All analyses shall be performed in accordance with procedures established by the administrator pursuant to section 304(h) of the Act and contained in 40 CFR part 136 and amendments thereto or with any other test procedures approved by the administrator. (See 40 CFR §§ 136.4 and 136.5.) Sampling shall be performed in accordance with the techniques approved by the administrator. Where 40 CFR part 136 does not include sampling or analytical techniques for the pollutants in question, or where the administrator determines that the part 136 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 POTW or other parties, approved by the administrator.

If an industrial user subject to the reporting requirements monitors any regulated pollutant at the appropriate sampling location more frequently than required by the control authority, the results of this monitoring must also be included in the report.

It is recommended that influent and effluent operational data be obtained through twenty-four-hour flow proportional composite samples. Sampling may be done manually or automatically, and discretely or continuously. If discrete sampling is employed, at least twelve aliquots should be composited. Discrete sampling may be flow proportioned either by varying the time interval between each aliquot or the volume of

each aliquot. All composites should be flow proportional to either the stream flow at the time of collection of the influent aliquot or to the total influent flow since the previous influent aliquot. Volatile pollutant aliquots must be combined in the laboratory immediately before analysis.

The approval authority may require that each effluent sample is taken approximately one detention time later than the corresponding influent sample when failure to do so would result in an unrepresentative portrayal of actual POTW operation. The detention period should be based on a twenty-four-hour average daily flow value. The average daily flow should in turn be based on the average of the daily flows during the same month of the previous year.

Where either a slug discharge results in a violation of pretreatment standards or whether any other violation has occurred, an additional sample must be taken and results reported within thirty days. (Ord. No. 09-12, § 7, 1-6-2010)

13.04.686 BMR (baseline monitoring report).

Within one hundred eighty days after the effective date of a categorical pretreatment standard, existing industrial users subject to these categorical standards currently discharging or scheduled to discharge, must submit information from (1) through (7) below. At least ninety days prior to commencement of discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the control authority a report which contains the information from (1) through (5) below. New sources shall also be required to include in this report information on the method of pretreatment the source intends to use to meet applicable pretreatment standards. New sources shall give estimates of the information requested in paragraphs (4) and (5) of this section.

- (1) Identify Information. The user shall submit the name and address of the facility including the name of the operator and owners.
- (2) Permits. The user shall submit a list of any environmental control permits held by or for the facility.
- (3) Description of Operations. The user shall submit a brief description of the nature, average rate of production, and SIC of the operation carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharges to the POTW from the regulated processes.
- (4) Flow Measurement. The user shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:
 - (i) Regulated process streams; and
 - (ii) Others streams as necessary to allow use of the combined wastestream formula of 40 CFR 403.6(e).
- (5) Measurement of Pollutants.

- (i) The user shall identify the pretreatment standards applicable to each regulated process.
 - (ii) In addition, the user shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the control authority) of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration (or mass where required) shall be reported. The sample shall be representative of daily operations. In cases where the standard requires compliance with a best management practice or pollution prevention alternative, the user shall submit documentation as required by the control authority.
 - (iii) The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
 - (iv) Samples should be taken immediately downstream from pretreatment facilities if they exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the user should measure the flows and concentrations necessary to allow use of the combined wastestream formula of 40 CFR 403.6(e) in order to evaluate compliance with the pretreatment standard.
 - (v) Sampling and analysis shall be performed in accordance with the 40 CFR part 136 requirements and details outlined within this chapter.
 - (vi) The control authority may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.
 - (vii) The baseline report shall indicate the time, date and place, of sampling, and methods of analysis and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.
- (6) Certification. A statement reviewed by an authorized representative of the industrial user and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the industrial user to meet the pretreatment standards and requirements.
- (7) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards; the shortest schedule by which the industrial user will provide such additional pretreatment and/or O&M must be followed. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

For sampling required in support of baseline monitoring and ninety-day compliance reports required in paragraphs (b) and (d) of 40 CFR 403.12, a minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the control authority may authorize a

lower minimum. For the reports required by paragraphs (e) and (h) of 40 CFR 403.12, the control authority shall require the number of grab samples necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements.

(Ord. No. 09-12, § 7, 1-6-2010)

13.04.690 Determination of wastewater characteristics.

A. The appropriate procedures to be followed for all monitoring, sampling, testing and analytical activities of the characteristics of wastewater to which reference is made in this chapter shall be determined in accordance with 40 CFR part 136. Locations, times, durations, and frequencies of the test procedures are to be determined on an individual basis subject to approval of the director. The discharger shall have the option to provide, at his own expense, more complete sampling methods, locations, times, durations and frequencies than specified by the district for review and consideration by the director.

B. All measurements, tests, and analyses of the characteristics of wastewater required by this chapter shall be performed by a qualified laboratory. When such analyses are required of a discharger, the discharger may, in lieu of using the district's laboratory, make arrangement with any suitable qualified laboratory, including that of the discharger, to perform such analyses.

C. In the event that the director approved procedures for sampling, measuring, testing and/or analysis of wastewater result in unresolved differences in the volume or quality of wastewater claimed to be discharged into the sanitary wastewater system by the discharger and the district, respectively, a qualified third party, agreeable to both the discharger and the district, shall arbitrate the differences.

D. Fees for any given measurement, test, or analysis of wastewater required by this chapter and performed by the district shall be the same for all classes of dischargers, regardless of the quantity or quality of the discharge. Costs of analyses performed by an independent laboratory at the option of the discharger shall be borne directly by such discharger.

(Ord. No. 09-12, § 7, 1-6-2010)

13.04.691 Random sampling by POTW.

The POTW shall randomly sample and analyze the effluent from IUs and conduct surveillance activities in order to identify, independent of information supplied by the IUs, occasional and continuing noncompliance with pretreatment standards. The POTW shall inspect and sample the effluent from each SIU at least once a year.

(Ord. No. 09-12, § 7, 1-6-2010)

13.04.692 Local discharge limits defined including the maximum allowable headworks loading (MAHL) and the maximum allowable industrial load (MAIL).

A. The POTW developed and implemented and is enforcing technically based local discharge limitations for the purpose of protecting receiving stream quality, sludge quality, plant performance, workers' health and plant biological processes which satisfies those requirements set out in 40 CFR 403.5(c)(1), and are set forth in subsection B.

B. Mass Based Local Limits. The following discharge limitations are established to protect sludge quality and prevent pass through and interference with the proper operation of the POTW. These limits are shown in pounds per day. The control authority may limit the discharge of pollutants from commercial dischargers as necessary to meet the allowable loadings below.

MONTHLY MAHL LIMITS

POLLUTANT	POUNDS PER DAY
Arsenic	0.95
Cadmium	0.07
Chromium (T)	35.38
Chromium (hex)	2.61
Copper	NA
Lead	0.85
Mercury	0.009
Molybdenum	7.09
Nickel	10.45
Selenium	0.65
Silver	2.12
Zinc	23.96

DAILY MAXIMUM MAHL LIMITS

To address acute exposure levels, daily maximum limits have also been calculated for each of the metals.

POLLUTANT	POUNDS PER DAY
Arsenic	25.02
Cadmium	0.38
Chromium (T)	512.6
Chromium (hex)	2.61
Copper	NA
Lead	13.45
Mercury	0.168
Nickel	52.08
Selenium	1.44
Silver	2.12
Zinc	23.96

Copper Note: At development of this update, POTW copper influent levels cause copper effluent levels to exceed the water quality standard, no MAHL is noted for copper but see copper limit under MAILs.

MAILs shall be allocated through industrial user permits and the total loading to all permitted industrial users plus the loading from domestic and all commercial users shall not exceed the limits shown.

MAIL DEVELOPMENT

The following nondomestic discharge limitations are established to protect sludge quality and prevent pass through and interference with the proper operation of the POTW. These limits are shown in pounds per day. They reflect the total industrial contribution that can be discharged by permitted industrial users and received at the headwork's of the POTW. Maximum daily industrial loadings shall be allocated through industrial user

permits and the total loading to all permitted industrial users shall not exceed the limits shown. These are the MAILs for monthly immediately below, and MAILs for daily, further below.

MONTHLY MAIL LIMITS

POLLUTANT	POUNDS PER DAY
Arsenic	0.67
Cadmium	0.014
Chromium (Total)	35.38
Chromium (VI)	2.52
Copper (See Note Below)	
Lead	0.34
Mercury	0.008
Molybdenum	3.30
Nickel	8.36
Selenium	0.52
Silver	2.02
Zinc	15.59

DAILY MAXIMUM MAIL LIMITS

POLLUTANT	POUNDS PER DAY
Arsenic	24.93
Cadmium	0.33
Chromium (Total)	512.6
Chromium (hex)	2.52
Copper (See Note Below)	
Lead	13.11
Mercury	0.167
Nickel	51.92
Selenium	1.36
Silver	2.02
Zinc	15.59

Copper Note: At development of this update, POTW copper effluent levels result in exceeding the water quality standard. Therefore, industrial influent concentrations are limited not in lbs/day but rather are set to be no more than 0.017 mg/L which is the chronic copper water quality standard for the receiving stream hardness. Industrial users must provide pretreatment if levels are exceeding this concentration.

C. The director may develop best management practices to implement specific limits where needed. Such BMPs shall be considered local limits and pretreatment standards, where used, these BMPs will be included on the SIU permit issued by the director.

D. In addition to the technically based local limits above, the POTW has also established local limits to address high concentration and/or high flow from all commercial and industrial users. The following

parameters are considered the maximum allowable without additional surcharge and enforcement level fees as noted in Section 13.08.055. When parameters exceed these local limits, the POTW will charge surcharge fees. When enforcement level thresholds have been exceeded, the POTW will charge at enforcement levels and may pursue legal action according to Section 13.04.695.

COMMERCIAL AND INDUSTRIAL MAXIMUM LEVELS WITHOUT INCURRING ADDITIONAL FEES.

Parameter	Surcharge Level
BOD (mg/l)	300
TSS (mg/l)	200
Total P (mg/l)	5.4
Total N (mg/l)	41
Flow (mgd)	0.025
COD (mg/l)	330

(Ord. No. 09-12, § 7, 1-6-2010)

13.04.693 Enforcement response plan.

The POTW shall develop and implement an enforcement response plan which satisfies those requirements set out in 40 CFR 403.8(f).
(Ord. No. 09-12, § 7, 1-6-2010)

13.04.695 Permit--Hearing--Suspension.

A. The director may suspend or revoke an industrial waste discharge permit and terminate the liquid-or-water-carried waste service if the permittee:

1. Violates any condition stated in the permit or provision of this chapter;
2. Fails to report an accidental discharge of a toxic substance;
3. Increases the use of process water or attempts to dilute the discharge for the sole purpose of achieving compliance with any other limitations;
4. Falsifies any report of the wastewater constituents and characteristics;
5. Tamper with, disrupts, or damages district monitoring and sampling equipment or facilities;
6. Refuses reasonable access to the SIUs premises for the purpose of inspection or monitoring; or

7. Fails to pay fees or charges.

B. Whenever the director finds that any SIU has violated or is violating any provisions of this chapter, the director may serve upon such person a written notice stating the nature of the violation and providing for a reasonable time, not to exceed forty-five days, for the satisfactory correction thereof. The SIU may request a meeting with the director to discuss the violation or the correction schedule.

C. If the director finds on the grounds in subsection A. of this section or any other ground for suspension or termination in this chapter, the director shall order such SIU to cease and desist from such conduct and shall determine whether to revoke the permit for the remainder of its term or suspend it for any shorter period according to the severity of the disqualification, its effect on public health, safety, and welfare, and the time during which the disqualification can be remedied, if at all.

D. Before the hearing required by subsection E. of this section, the director may suspend a permit for up to twenty days, if the director determines that the suspension is necessary to prevent an imminent danger to the public health, safety and welfare. The director may include in the temporary suspension reasonable orders or conditions with which the permittee shall comply to protect the public health and safety. Any breach of such conditions or orders is an independent ground for revocation of the permit.

E. Except for such emergency suspension authorized by subsection D. of this section, no such suspension or revocation shall be final until the permittee has been given the opportunity for hearing to contest the suspension or revocation.

F. If, after a hearing, the suspension or revocation is upheld, the director may include reasonable orders for conditions with which the person whose permit has been suspended or revoked shall comply to protect the public health, safety and welfare.

G. The SIU shall pay all costs and expenses associated with any such suspension and restoration of service.

H. The POTW shall have authority and procedures (after informal notice to the discharger) immediately and effectively to halt or prevent any discharge of pollutants to the POTW which reasonably appears to present an imminent endangerment to the health or welfare of persons. The POTW shall also have authority and procedures (which shall include notice to the affected industrial users and an opportunity to respond) to halt or prevent any discharge to the POTW which presents or may present an endangerment to the environment or which threatens to interfere with the operation of the POTW. The approval authority shall have authority to seek judicial relief and may also use administrative penalty authority when the POTW has sought a monetary penalty which the approval authority believes to be insufficient.
(Ord. No. 09-12, § 7, 1-6-2010)

Article VIII.

Pretreatment

13.04.700 Industrial pretreatment requirements.

A. If any wastewater which contains the substances or possesses the characteristics enumerated in Section 13.04.674 and which, in the judgment of the superintendent and director, may have a deleterious effect upon the sanitary wastewater system, facilities, processes, equipment, or receiving waters, or which otherwise creates a hazard to life or constitutes a public nuisance, is discharged or is proposed to be discharged to the district sewers, the director may:

1. Reject the wastes;
2. Accept the wastes, provided, however, that if the wastes are accepted the director must require that any user first obtain a written industrial waste discharge permit signed by the director, which must contain, but shall not be restricted to, the following conditions:
 - a. Require pretreatment to a condition acceptable for discharge to the wastewater sewers,
 - b. Require control over the quantities and rates of discharge,
 - c. Require payment to cover added cost of handling and treating the wastes not covered by wastewater service charges,
 - d. Require the development of compliance schedules to meet any applicable pretreatment standards,
 - e. Require the submission of reports as set out in the EPA pretreatment regulations at 40 CFR 403.12,
 - f. Require the user to reapply for a permit if there has been an increase or change in the user's contribution to the system,
 - g. Require compliance with national categorical pretreatment standards for industrial waste discharges which are regulated by EPA, as well as compliance with local limits and state and local law, this includes requiring, where applicable, compliance with best management practices,
 - h. Provide that the director may change the conditions of any permit issued under this chapter as circumstances may require,
 - i. Provide that any permit issued under this section shall be effective for the period set forth in the permit, but in no case may such permit be effective for a period longer than three years,
 - j. Require all permit renewal applications be submitted to the POTW by the user at least sixty days prior to the expiration of the permit,
 - k. Provide for nontransferability of the permit without, at a minimum, prior notification to the POTW and provision of a copy of the existing control mechanism to the new owner

or operator,

- l. Require self-monitoring, sampling, reporting, notification, recordkeeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency and sample type, based on the applicable general pretreatment standards in 40 CFR part 403, categorical pretreatment standards, local limits, and state and local laws,
 - m. Provide that the applicable civil and criminal penalties for violation of pretreatment standards and requirements referred to in this section as are set out in Section 13.04.360,
 - n. Provide that in no case may any approved compliance schedule extend the date for complete compliance with federal deadlines (Reference: 40 CFR 403.8(f)(2)(b)5);
3. Carry out inspection, surveillance and monitoring as necessary to determine compliance with any applicable pretreatment standards; and/or
 4. Obtain remedies for noncompliance by any user. Such remedies may include injunctive relief, civil penalties or appropriate criminal penalties.

B. When considering the above alternatives, the director will ensure that conditions of the district's MPDES permit are met and that sludge and the receiving stream are adequately protected from industrial pollutants. If the director permits the pretreatment or equalization of waste flows, the design and installation of the facilities required for such purposes shall be subject to review by the director. The director shall either approve or reject the pretreatment design within thirty days of its submittal to him.

C. Where pretreatment or flow-equalizing facilities are provided or required for any wastewater, they shall be maintained continuously in satisfactory and effective operation at the expense of the owner. (Ord. No. 09-12, § 8, 1-6-2010)

13.04.710 Compliance with pretreatment requirements.

All persons required to pretreat wastewater in accordance with Section 13.04.700 shall provide a statement, reviewed by an authorized representative of the user and certified to by a suitably qualified person, indicating whether applicable EPA pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance and/or additional pretreatment is required for the user to meet the EPA pretreatment standards and requirements. If additional pretreatment and/or operation and maintenance will be required to meet the pretreatment standards, a schedule shall be developed by the user to show the shortest time in which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. (Ord. No. 09-12, § 8, 1-6-2010)

13.04.720 Monitoring requirements.

Discharges of wastewater from the pretreatment facilities of any user shall be monitored in accordance with the provisions of Sections 13.04.680 and 13.04.690. (Ord. No. 09-12, § 8, 1-6-2010)

13.04.725 General control mechanism.

If in the opinion of the POTW, the SIU is more appropriately controlled under a general control mechanism, the SIU will be managed under said control mechanism.

- (A) To be covered by the general control mechanism, the significant industrial user must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general control mechanism, any requests in accordance with 40 CFR 403.12(e)(2) for a monitoring waiver for a pollutant neither present nor expected to be present in the discharge, and any other information the POTW deems appropriate. A monitoring waiver for a pollutant neither present nor expected to be present in the discharge is not effective in the general control mechanism until after the POTW has provided written notice to the significant industrial user that such a waiver request has been granted in accordance with 40 CFR 403.12(e)(2). The POTW must retain a copy of the general control mechanism, documentation to support the POTW's determination that a specific significant industrial user meets the criteria, and a copy of the user's written request for coverage for three years after the expiration of the general control mechanism. A POTW may not control a significant industrial user through a general control mechanism where the facility is subject to production-based categorical pretreatment standards or categorical pretreatment standards expressed as mass of pollutant discharged per day or for industrial users whose limits are based on the combined wastestream formula or net/gross calculations (40 CFR 403.6(e) and 403.15).
- (B) Both individual and general control mechanisms must be enforceable and contain, at a minimum, the following conditions:
 - (1) Statement of duration (in no case more than five years);
 - (2) Statement of nontransferability without, at a minimum, prior notification to the POTW and provision of a copy of the existing control mechanism to the new owner or operator;
 - (3) Effluent limits, including best management practices, based on applicable general pretreatment standards in 40 CFR 403, categorical pretreatment standards, local limits, and state and local law.

(Ord. No. 09-12, § 8, 1-6-2010)

13.04.730 Slug discharge prevention.

The POTW will determine whether an IU needs to control slug discharges and will require the development of a compliance schedule by each industrial user for the installation of technology required to meet applicable pretreatment standards and requirements and the submission of all notices and self-monitoring reports from industrial users as are necessary to assess and assure compliance by industrial users with pretreatment standards and requirements, including, but not limited to, the reports required in 40 CFR 403.12.

- A. The POTW shall carry out all inspection, surveillance and monitoring procedures necessary to determine, independent of information supplied by industrial users, compliance or

noncompliance with applicable pretreatment standards and requirements by industrial users. Representatives of the POTW shall be authorized to enter any premises of any industrial user in which a discharge source or treatment system is located or in which records are required to be kept under 40 CFR 403.12(o) to assure compliance with pretreatment standards. Such authority shall be at least as extensive as the authority provided under section 308 of the Act;

- B. Obtain remedies for noncompliance by any industrial user with any pretreatment standard and requirement. All POTWs shall be able to seek injunctive relief for noncompliance by industrial users with pretreatment standards and requirements. All POTWs shall also have authority to seek or assess civil or criminal penalties in at least the amount of one thousand dollars a day for each violation by industrial users of pretreatment standards and requirements.

(Ord. No. 09-12, § 8, 1-6-2010)

Chapter 13.08

SERVICE CHARGES FOR USE OF WASTEWATER TREATMENT SYSTEM

Sections:

13.08.010 Definitions and abbreviations.

13.08.020 Applicability of service charges.

13.08.030 Rates of charge.

13.08.040 Derivation of charges and schedule of base unit users.

13.08.050 Adjustment of unit users.

13.08.055 Additional commercial/industrial fees for high loading and high flow.

13.08.060 Billing and notification of wastewater service charges and fees and termination of services.

13.08.070 Review of wastewater service charges.

13.08.010 Definitions and abbreviations.

The definitions of certain words and abbreviations used in this chapter shall be as follows:

- A. "Biochemical oxygen demand" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at twenty degrees Celsius, expressed in milligrams per liter (mg/l) by weight.
- B. "District" means the Butte-Silver Bow metro sanitary and storm sewer district No. 1 or the council of commissioners or their authorized representatives acting within the limits of the authority delegated to them.
- C. "Milligrams per liter (mg/l)" means a weight per volume concentration; the milligram per liter value multiplied by the factor 62.4 is equivalent to pounds of constituent per million cubic feet of water.
- D. "Replacement" means expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary to maintain the capacity and performance of wastewater collection treatment and disposal facilities during the service life for which such facilities were designed and constructed.

- E. "Sanitary wastewater system" means district-owned and maintained sewers, treatment facilities and other appurtenances required to collect, treat and dispose of liquid- and water-carried domestic or industrial wastes from dwellings, commercial buildings, industrial facilities and institutions, together with incidental infiltration/inflow from ground or surface water sources, but exclusive of storm sewers and other facilities designed to collect and dispose of stormwater.
- F. "Suspended solids" means solids that either float on the surface of, or are in suspension in water, wastewater, or other liquids, and which are removable by laboratory filtering, expressed in milligrams per liter (mg/l) by weight.
- G. "Unit user" means a unit of sanitary wastewater collection and treatment service to be used as measure of service provided by the district to a customer, which is currently defined to be equivalent to 233.3 cubic feet per month of normal strength, domestic wastes at the point of connection with the district sanitary wastewater system.

(Ord. 93 § 1, 1980)

13.08.020 Applicability of service charges.

Service charges for sanitary wastewater collection, treatment and disposal services shall be imposed on all parties and properties within the district limits which are connected to and served by the sanitary wastewater system.

(Ord. 93 § 2, 1980)

13.08.030 Rates of charge.

The total annual rate of charge for metro sewer user fees shall be set by the council of commissioners in the annual metro sewer rate resolution.

(Ord. 527 § 1, 1995: Ord. 495 § 1, 1995: Ord. 93 § 3, 1980)

13.08.040 Derivation of charges and schedule of base unit users.

A. Annual charges for sanitary wastewater service shall be determined for each customer as the product of the total annual rate of charge, designated in Section 13.08.030, times the number of unit users applicable to the customer. The number of unit users applicable to each customer shall be as designated in the following schedule of base unit users, except as may be adjusted in accordance with the provisions of Section 13.08.050. The schedule takes into consideration the base level of service and benefits rendered, recognizing the estimated average quantity of sanitary wastewater contributed and the concentration and water pollution qualities of such wastewater.

B. When a customer receives wastewater service under more than one category listed in the schedule, such as a supermarket with its own bakery, butcher shop, etc., or a store with adjacent apartment, residence or commercial office, the number of unit users shall be the total of the unit users designated for all applicable categories.

Commercial, Industrial and Other Services

Customer Category	Base Number of Unit Users
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Residential Service	
Single-Family Residence	3
Multiple-Family	
Residence	3/Unit(a)
Accounting Firms	2
Advertising Agencies	2
Animal Hospitals	6
Apartments	
With Kitchen	3/Unit (a)
Without kitchen	2/Unit (a)
Armed Forces	4
Auto Parts	2
Auto Repair	2
Garages	4
Bakeries	10
Banks	6
Bars	4
Bars and Supperclubs	24
Barbershops	2
Beauty Shops	
In residences	2
Not in residences	4
Bottling Companies	
Special(b)	
Bowling Alleys	8
Cafes	6
Car Sales	2
Car Washes Special (b)	5
Cemeteries	2
Charities (Organizations)	2
Churches	5
Clinics	8
Cleaners	
Dry cleaners	6
Laundromats	Special (b)
Cleaning Services	2
Clothing Stores	2
Communications	2
Construction Companies	2
Customer Base	
Cycle Shops	2
Dairies Special	(b)
Distributors	2
Doctors	2
Optometrists	2
Dentists	2
Osteopaths	2
Drive-in Restaurants	8
Drugstores	2
Electrical Supply	2
Electronic Data	2
Engineer-Architectural Firms	2
Fabric Shops	2
Finance Companies	2
Fire Stations	2
Furniture Stores	

Appliances	2
Carpets	2
Gift-Antiques Shops	2
Glass stores	2
Grocery Stores	2
Hardware Stores	2
Hospitals	2/Bed(c)
Hotels	2/Unit(a)
Insurance Companies	2
Ice Cream Stores	2
Investment-Brokerage Firms	2
Jewelry Stores	2
Lawyers	2
Lodges	2
Lumber Stores	2
Manufacturers	2
Miscellaneous Repair Shops	2
Mortuaries	6
Motels	
With kitchen	3/Unit(a)
Without kitchen	2/Unit(a)
Music Dealers	2
Customer Base	
Nurseries	2
Office Supply	2
Office Buildings	2
Oil Companies	2
Oil Bulk Plants	2
Paint Stores	2
Photographers	2
Shopping Centers	2/Unit(d)
Printers	2
Plumbers	2
Real Estate Firms	2
Reducing Salons	2
Refrigeration Service	2
Rentals	2
Rock Shops	2
Salvage	2
Service Stations	4
Shoe Stores	2
Sporting Goods	2
Customer Base	
Supermarkets	2
Supply Stores	2
Taxi and Bus Lines	2
Theaters	2
Tire Stores	2
Tin Shops	2
Trailer Courts	3/Unit(a)
Trailer Sales	2
Transfer and Storage	2
Travel Agencies	2
TV Repairs	2
Unions	
Labor unions	2

Credit unions	2
Utilities	Special (b)
Upholsterers	2
Vacuum Cleaner Sales	2
Warehouses	2
Wholesalers	2

Explanatory Notes.

- (a) Unit refers to number of dwelling units served.
- (b) Number of unit users for customers designated as "Special" are individually determined by the district based on consideration of factors peculiar to the wastewater volume and strength characteristics of the customer, such as water use, size, hours of operation, etc.
- (c) In addition, hospitals will also be charged for unit users associated with kitchen, laundry, restaurant and other facilities, as applicable.
- (d) Unit refers to number of commercial or residential units served.

(Ord. 93 § 4, 1980)

13.08.050 Adjustment of unit users.

The base number of unit users designated in the schedule shown in Section 13.08.040 may be adjusted, as applicable to particular customers, in the event the district should determine that the scheduled number of unit users does not reasonably reflect the estimated average wastewater volume or strength characteristics of a particular customer.

- A. Volume Adjustment. When it is determined by the district that the estimated average monthly wastewater volume contribution of a customer at the point of connection with the district system is significantly greater or less than the product of the number of unit users assigned in accordance with the schedule in Section 13.08.040, times 233.3 cubic feet (the monthly volume of normal strength wastewater associated with one unit user), the number of unit users assigned to that customer shall be adjusted to recognize the estimated average monthly volume of wastewater contributed.
- B. Strength Adjustment. When it is determined by the district that the estimated average strength concentration of wastewater contributed by the customer at the point of connection to the district sanitary wastewater system is significantly greater or less than that considered to be representative of typical domestic customers, defined for this purpose to be two hundred fifty mg/l for biochemical oxygen demand and two hundred fifty mg/l for suspended solids, the number of unit users assigned to that customer shall be adjusted by the application of a factor which recognizes the estimated increase or decrease in cost incurred in treating the wastewater compared to the costs of treating a like quantity of normal domestic-strength wastewater.

(Ord. 93 § 5, 1980)

13.08.055 Additional commercial/industrial fees for high loading and high flow.

Although, the BSB WWTP is capable of treating certain industrial wastes, the actual treatment may increase the cost of operating and maintaining the treatment system. Therefore, there will be imposed upon each commercial and industrial user additional user fees where excessively high loading and/or high flows are present. These fees are developed around two thresholds; the first is a "surcharge level" and the second level is an "enforcement level". These concentration levels are one hundred twenty-five percent and one hundred fifty percent of typical BSB averages. The flow surcharge level is based on the flow rate used to determine significant industrial users.

A. The surcharge level is in effect for the following parameters at the levels indicated:

Parameter	Surcharge Level
BOD (mg/l)	300
TSS (mg/l)	200
Total P (mg/l)	5.4
Total N (mg/l)	41
Flow (mgd)	0.025
COD (mg/l)	330

B. The enforcement level is in effect for the following parameters at the levels indicated:

Parameter	Enforcement Level
BOD (mg/l)	400
TSS (mg/l)	300
Total P (mg/l)	6.5
Total N (mg/l)	49.5
Flow (mgd)	0.05
COD (mg/l)	440

C. Both surcharge and enforcement level fees are adopted with the annual metro sewer resolution.

D. Where commercial users have a flow meter measuring effluent flow, the effluent flow meter shall be used as the basis rather than a water supply meter.

E. Fee Calculations.

1. Surcharge Level for Concentrations. the surcharge level fees for concentration are based on the following equation:

$(C_a - S_c) * 8.34 * \text{Flow} * \text{Days} * \text{Surcharge}$ with the following definitions:

C_a = actual user discharge concentration in mg/l.

S_c = the surcharge level concentration for each in mg/l.

8.34 = conversion factor.

Flow = average discharge flow in mgd for billing period.

Days = number of days in billing period.

Surcharge = \$/lb from sewer rate resolution for each.

2. Surcharge Level for High Flow. The surcharge level fees for flow are based on the following equation:

$(\text{Flow} - 0.025) * 1000 * \text{Days} * \text{Surcharge}$ with the following definitions.

Flow = average discharge flow in mgd for billing period.

0.025 is surcharge threshold for flow in mgd.

Days = number of days in billing period.

1000 = conversion factor.

Surcharge = \$/1000 gallons from sewer rate resolution.

3. Enforcement Level for Concentrations. The enforcement level fees for concentration are based on the following equation:

$(\text{Ca} - \text{Sc}) * 8.34 * \text{Flow} * \text{Days} * \text{Enforcement}$ with the following definitions:

Ca = actual user discharge concentration in mg/l.

Sc = the surcharge level concentration for each in mg/l.

8.34 = conversion factor.

Flow = average discharge flow in mgd for billing period.

Days = number of days in billing period.

Enforcement = \$/lb from sewer rate resolution for each.

4. Enforcement Level for High Flow. The enforcement level fees for flow are based on the following equation:

$(\text{Flow} - 0.025) * 1000 * \text{Days} * \text{Enforcement}$ with the following definitions.

Flow = average discharge flow in mgd for billing period.

0.025 is surcharge threshold for flow in mgd.

Days = number of days in billing period.

1000 = conversion factor.

Enforcement = \$/1000 gallons from sewer rate resolution.

5. Both Surcharge and Enforcement Level Fees shall be charged based on the following units:

BOD	\$/lb
TSS	\$/lb
Total P	\$/lb
Total N	\$/lb
Flow	\$/1000 gallons
COD	\$/lb

(Ord. No. 09-13, § 1, 1-6-2010)

13.08.060 Billing and notification of wastewater service charges and fees and termination of services.

Collection of Fees.

A. Customers served by the district shall be billed annually based on the rates of charge designated in the annual metro sewer rate resolution passed by the council of commissioners, the number of units of service and charge derivation procedures designated in Sections 13.08.040 and 13.08.050. The collection fee will be placed on the annual real property tax statement of the owners of all improved real property to which the city-county is providing sewer services and shall be payable in two semiannual payments, which shall be collected by the city-county treasurer in conjunction with the collection of real property taxes. All funds received by the city-county treasurer from the sewer fee shall be deposited in the city-county metro sewer fund.

B. Delinquent Sewer Charge Fees. On or before June 15th in each year, the council of commissioners shall certify to the city-county treasurer all unpaid outstanding sewer charge fees and a description of the lands against which the fees arose. It shall be the duty of the city-county treasurer, upon order of the council of commissioners, to place the delinquent fees with interest at the rate of ten percent computed semimonthly plus two percent penalty on the initial delinquency principal, upon the tax rolls of the city-county for the taxes of the year in which delinquent fees are filed. The unpaid fees with interest shall be carried into the tax statement becoming due and payable on November 30th and May 31st of each year, and shall be enforced and collected in the manner provided for the enforcement and collection of real property taxes in accordance with the provisions of the law of the state.

C. Termination of Sewer Service. All sewer fees shall be considered delinquent if not paid by December 1st and June 1st of the fiscal year in which billed. Delinquent accounts are subject to stoppage of sewer and water service without notice. If delinquent sewer fees are not paid within thirty days of the due date, the director of public works may notify the manager of the water utility division to cease all water service for that account.

(Ord. 527 § 2, 1995: Ord. 93 § 6, 1980)

13.08.070 Review of wastewater service charges.

The district will review the service charge rates at least every two years and will revise the system of charges when necessary, within limits permitted by applicable state statutes, to assure that sufficient funds will be collected from the system to allow the recovery of the annual operation and maintenance costs, including replacements, of the district's sanitary wastewater system.
(Ord. 93 § 7, 1980)

Chapter 13.12

SOLID WASTE MANAGEMENT FACILITY

Sections:

13.12.010 Recitals.

13.12.020 Definitions.

13.12.030 Finding of benefit.

13.12.040 Solid waste landfill access fee.

13.12.050 Contract fee for use of city-county solid waste landfill.

13.12.060 Collection fees.

13.12.070 Use of solid waste landfill facility.

13.12.080 Fines collected under Chapter 8.08.

13.12.090 Hazardous waste.

13.12.010 Recitals.

A. Historical Provision of Service and Authority. Under Title 75, Chapter 10, Part 1, local governments have primary responsibility for providing adequate solid waste management facilities throughout the state. Since the 1930's, Silver Bow County (the county) provided solid waste disposal services through garbage and ash collection districts located throughout the county pursuant to collection contracts and the county owned and operated landfill for the disposal of such garbage. Prior to the consolidation of Silver Bow County with the city of Butte (the city), the city directly provided solid waste disposal services to city residents and disposed of such garbage at the county landfill. The self-government charter (the Charter), pursuant to which the city and the county governments were consolidated, was approved on November 2, 1976, and authorizes the council of commissioners to divide the jurisdictional area of the city-county into service and taxing districts and levy charges and taxes in proportion to the services rendered in said districts. Since consolidation, the city-county has continued to provide a landfill for the disposal of garbage within the city-county and has provided for the collection of solid waste for residential uses pursuant to a collection contract with a private enterprise. Collection services for uses other than residential have been provided on the basis of private contracts. The city-county is authorized to adopt and implement a plan to provide solid waste disposal services to the citizens of the city-county.

B. Study. In 1989 the city-county engaged the services of Special Resource Management (SRM) to study, plan and make recommendations to the council of commissioners regarding the provisions of solid waste facilities and services for the residents of the city-county consistent with applicable rules and guidelines established for the Environmental Protection Agency (EPA) for municipal solid waste facilities. Based on those recommendations and other information to the council of commissioners, it was determined that the solid waste needs of the citizens of the city-county could best be met by the city-county owning, acquiring and operating a solid waste landfill. The city-county has identified a site for, prepared plans and specifications for and received a permit from the Department of Health and Environmental Services to construct a solid waste landfill at Rocker, Butte, Montana (the city-county solid waste landfill).

C. Purpose. In order to secure financing for the city-county solid waste landfill, it is necessary for the council of commissioners to adopt an ordinance prescribing the manner in which the costs of acquiring, owning and operating the city-county solid waste landfill will be apportioned and charged. The purpose of this chapter is to establish a fee known as a solid waste landfill access fee to be imposed on all property in the city-county to provide for the city-county's cost of acquiring, owning and operating the solid waste landfill and to set forth the methodology for fixing the fee and to establish other fees and charges for solid waste landfill services provided by the city-county.
(Ord. 410 § 1, 1991)

13.12.020 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings ascribed to them by this section:

- A. "Category of users" means the assignment of "units" to residential, commercial and industrial users of the city-county solid waste landfill based on accepted and known usage surveys and records of the city-county as shown on Schedule I of the ordinance codified in this chapter, and as may be modified from time to time as provided hereto.
- B. "Facility" means the city-county solid waste landfill.
- C. "Hazardous waste" means a waste or combination of wastes that, because of its quantity, concentration, or physical, chemical or infectious characteristics, may:
 - 1. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or
 - 2. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of or otherwise managed.
- D. "Improved real property" means all real property on which has been constructed or erected a building, structure, or other improvements, whether residential, commercial, industrial or otherwise.
- E. "Solid waste" means all putrescible and non- putrescible wastes, including but not limited to garbage, rubbish, refuse, ashes, sludge from sewage treatment plants, water supply treatment plants, or air pollution control facilities; construction and demolition wastes; dead animals, including offal; discarded home and industrial appliances; and wood products or by-products and inert materials. Solid waste does not mean municipal sewage, industrial wastewater effluents, mining wastes as regulated under the mining and reclamation laws administered by the Montana Department of State Lands, or slash and forest debris regulated under laws administered by the Department of State Lands or marketable byproducts.
- F. "Solid waste collection fees" means the fees imposed for the collection of solid waste as provided for in Section 13.12.060.

- G. "Solid waste landfill access fee" means the fee charged against the property in the solid waste landfill service district as provided for in Section 13.12.050.
- H. "Solid waste landfill service district" or "district" means all property located within Silver Bow County, excluding property located in School District No. 4, Silver Bow County (Divide) and School District No. 5, Silver Bow County (Melrose).
- I. "Solid waste management system" means any system which controls the storage, treatment, recycling, recovery or disposal of solid waste.
- J. "Tipping fee" means the fee imposed by Section 13.12.070(C).
- K. "Unit" means the basis for assessing the solid waste landfill access fee among the category of users as set forth on Schedule I of the ordinance codified in this chapter.

(Ord. 410 § 2, 1991)

13.12.030 Finding of benefit.

All residents of the city-county are required to dispose of or cause to be disposed their solid waste in a licensed and approved solid waste facility. The availability of a solid waste landfill facility for the disposition of solid wastes by residents of the city-county is deemed to be critical to the health, safety and welfare of the residents and a benefit to all property included in the solid waste landfill service district.

(Ord. 410 § 2, 1991)

13.12.040 Solid waste landfill access fee.

A. Imposition of Fee. The owners of all improved real property within the solid waste landfill service district, whether occupied or vacant, shall pay a solid waste landfill access fee for the availability of and access to the city-county solid waste landfill, irrespective of whether collection services are provided by the city-county, by persons under contract with the city-county, or private haulers or irrespective of whether the owner of such property actually utilizes the landfill. The solid waste landfill access fee shall take into consideration the factors enumerated in subsection B of this section and shall be applied to all properties based on the category of use to which such property is put at the time the fee is imposed.

B. Calculation of Fee. In calculating the amount of the solid waste landfill access fee, the city-county may take into consideration the character, kind, and quantity of the solid waste generated by the various users of improved real properties in the district and all factors that enter into the cost of providing the city-county solid waste landfill, including, but not limited to: (1) depreciation; (2) payment of principal and interest on indebtedness of the city-county incurred for the acquisition or betterment of the city-county solid waste landfill or additional solid waste landfill facilities, including any coverage requirement and the establishment and maintenance of any reserves to secure the indebtedness; (3) solid waste management fees imposed by the state of Montana, Department of Health and Environmental Sciences; (4) the annual costs of operating and maintaining the facility; and (5) any administrative costs of the city-county associated with providing landfill services for the district.

C. Adoption of Rate Schedule. On or before the second Monday in August, of each year, the department of public works shall prepare and submit to the council of commissioners a proposed budget for the facility, including all items referred to in subsection B of this section and any reserves therefor. At the same time, the department of public works shall submit to the council of commissioners the proposed rate per unit that will be sufficient to generate the revenues necessary to meet the projected budget. The proposed annual rate shall be calculated on a per unit basis and applied to the schedule of category of users shown on Schedule I hereto, which schedule may be modified by the council of commissioners, in accordance with the provisions hereof.

Upon adoption and approval of the annual budget for the facility in accordance with provisions and requirements for adopting the city-county budget, the council of commissioners shall adopt a resolution establishing the rate per unit for the solid waste access fees to be charged for the fiscal year. The council of commissioners may, from time to time, adopt a new schedule of category of users pursuant to the procedure for amendment of this chapter. If no new rate per unit or schedule of category of users is adopted in any given year, the rate schedule from the previous fiscal year shall remain in effect. A copy of the current rate schedule shall be kept on file in the office of the city-county treasurer and the department of public works.

The initial rate for the solid waste landfill access fee is thirty-three dollars and thirty-seven cents per unit.

D. Collection Fee. The solid waste access fee will be placed on the annual real property tax statements of all improved real property in the district, shall be payable in two semiannual payments, and shall be collected by the city-county treasurer in conjunction with the collection payment of real property taxes. Solid waste access fees shall be a lien on the property against which fees are levied until paid. All funds received by the city-county treasurer from the collection of the solid waste access fee shall be deposited upon receipt into the city-county solid waste landfill fund.

E. Delinquent Solid Waste Landfill Access Fees. On or before June 15th in each year the council of commissioners shall certify to the city-county treasurer all unpaid outstanding solid waste landfill access fees and a description of the lands against which the fees arose. It shall be the duty of the city-county treasurer, upon order of the council of commissioners, to place the delinquent fees with interest at the rate of ten percent compounded semimonthly plus two percent penalty on the initial delinquency principal, upon the tax rolls of the city-county for the taxes of the year in which the delinquent fees are filed. The unpaid fees with penalty and interest shall be carried into the tax statement becoming due and payable on November 30th and May 31st of each year, and shall be enforced and collected in the manner provided for the enforcement and collection of real property taxes in accordance with the provisions of the law of the state.

F. Termination of Landfill Access for Failure to Pay Access Fee. All solid waste landfill access fees shall be considered delinquent if not paid by December 1st and June 1st of the fiscal year when billed. If delinquent solid waste landfill access fees are not paid within three days of the due date, the delinquent property owner shall not be entitled to deposit or cause to be deposited in the facility any solid waste generated on the property against which the fee was assessed. If the city-county provides solid waste collection services for such property, collection services may be discontinued. If the city-county does not provide collection services for such property, the director of the public works shall notify the delinquent property owner or the handler of such property owner's solid waste, if known, that the delinquent property owner shall not be entitled to deposit or cause to be deposited in the facility any solid waste generated on the property against which the fee was

assessed. The department of public works and the Butte-Silver Bow city-county health department shall provide for the disposition of such solid waste in a manner which they deem to be in the best public interest. (Ord. 410 § 4.01, 1991)

13.12.050 Contract fee for use of city-county solid waste landfill.

Whenever the council of commissioners determines it to be in the best interest of the city-county and the residents of the district, the council of commissioners may enter into an agreement with the governing body of an adjacent or nearby local government authorizing such local government to use the city-county solid waste landfill upon the terms and conditions for a fee as specified in such agreement. In determining the amount of the fees to be paid by the other local government, the council of commissioners shall take into consideration the factors set forth in Section 13.12.040(A). The fees shall be paid at the time and in the manner as set forth in the agreement, but in no event shall the city-county be responsible for collecting fees from individual residents of the other local government. All fees collected pursuant to such use agreement shall be deposited in the city-county solid waste landfill fund.

(Ord. 410 § 4.02, 1991)

13.12.060 Collection fees.

A. Imposition of Fee. All persons who receive collection services from the city-county or by a party under contract with the city-county shall pay to the city-county a solid waste collection fee.

B. Calculation of Collection Fee. In calculating the collection fee, the city-county may take into consideration the character, kind and quantity of the solid waste being collected from each property within the district. The aggregate amount of collection fees shall be sufficient to cover the city-county's costs in providing the collection services, including the city-county's direct payment to any contract collector and any administrative costs incurred by the city-county in administration of the contract and billing for collections. In the event the city-county determines it to be in the best interest of the city-county to provide collection services directly, the collection fee shall also take into consideration: (1) depreciation; (2) payment of principal of and interest on indebtedness of the city-county incurred for the purpose of acquiring vehicles, equipment, machinery and other personal or real property necessary to provide collection services, including any coverage requirement and the establishment and maintenance of any reserves to secure any indebtedness; and (3) any administrative costs of the city-county associated with providing solid waste collection services.

C. Adoption of a Rate Schedule. On or before the second Monday in August of each year, the department of public works shall prepare and submit to the council of commissioners a proposed budget for solid waste collection services, including all items referred to in subsection B of this section. At the same time the department of public works shall submit to the council of commissioners a schedule of the collection fees proposed to be charged for the next ensuing fiscal year in order to meet the projected costs of the collection services. The annual rates shall be calculated based on a per unit charge and applied to the schedule of category of users shown on Schedule I of the ordinance codified in this chapter, which schedule may be modified by the council of commissioners in accordance with the provisions hereof.

Upon adoption and approval of the annual budget for the collection services in accordance with the provisions and requirements for adopting the city-county budget, the council of commissioners shall adopt a resolution establishing the rate per unit for the solid waste access fees to be charged for the fiscal year. The

council of commissioners may also adopt a new schedule of class of generators. If no new rate per unit or schedule of class of generators is adopted in any given year, the rate schedule for the previous fiscal year shall remain in effect. A copy of the current rate schedule shall be kept on file in the office of the city-county treasurer and the department of public works.

The initial rate for the collection services fee is fifty-three dollars and sixty-eight cents per unit.

D. Collection of Fees. The collection fee will be placed on the annual real property tax statement of the owners of all improved real property to which the city-county is providing collection services and shall be payable in two semiannual payments, which shall be collected by the city-county treasurer in conjunction with the collection of real property taxes. All funds received by the city-county treasurer from the collection fee shall be deposited into the city-county solid waste collection services account.

E. Delinquent Solid Waste Collection Fees. On or before June 15th in each year, the council of commissioners shall certify to the city-county treasurer all unpaid outstanding solid waste collection fees and a description of the lands against which the fees arose. It shall be the duty of the city-county treasurer, upon order of the council of commissioners, to place the delinquent fees with interest at the rate of ten percent compounded semimonthly plus two percent penalty on the initial delinquency principal, upon the tax rolls of the city-county for the taxes of the year in which the delinquent fees are filed. The unpaid fees with interest shall be carried into the tax statement becoming due and payable on November 30th and May 31st of each year, and shall be enforced and collected in the manner provided for the enforcement and collection of real property taxes in accordance with the provisions of the law of the state.

F. Termination. All collection fees shall be considered delinquent if not paid by December 1st and June 1st of the fiscal year in which billed. Delinquent accounts are subject to stoppage of service without notice. If delinquent collection fees are not paid within thirty days of the due date, the director of public works may notify the city-county's contract collector to cease all garbage collection for that account.
(Ord. 410 § 4.03, 1991)

13.12.070 Use of solid waste landfill facility.

A. Access to Solid Waste Landfill by Residential Users. The payment when due of the solid waste landfill access fee shall entitle the owner or occupant of every residence in the district to dispose of solid waste generated by that residence in the city-county landfill. This right shall extend not only to the solid waste collected by the city-county or its contract hauler, but to extraordinary solid waste generated by the residential user, and delivered to and deposited directly at the solid waste facility.

B. Access to Solid Waste Landfill by Commercial Users. The payment when due of the solid waste landfill access fee shall entitle the owner or occupant of each commercial or industrial property to dispose of solid waste generated by that enterprise in the normal course of the operation of the commercial or industrial enterprise on which the solid waste landfill access fee is based. Solid waste generated in the normal course of business does not include the disposition of items that constitute or are a part of the inventory or a byproduct of the enterprise. These wastes include, for example, used tires for a tire dealer, wrecked cars for a salvage dealer, used or discarded appliances by an appliance dealer, or building wastes of a building contractor. Such wastes shall be deemed special solid wastes and commercial or industrial users wishing to deposit special solid wastes shall pay a tipping fee for special solid waste as described in subsection C of this section.

C. Special Solid Wastes; Tipping Fee. Any materials meeting the definition of solid waste that are not generated in the normal course of operation of a commercial or industrial user or the residential user of property shall be deemed to be special solid waste. The city-county shall collect a tipping fee for disposal of special solid waste at the city-county solid waste landfill at the time of disposal. The schedule for tipping fees is attached to the ordinance codified in this chapter as Schedule II. The schedule may be amended by the council of commissioners by ordinance. The tipping fees shall be collected by the department of public works and transferred to the city-county treasurer who shall deposit all such fees in the solid waste landfill access fund.

Schedule II -- Tipping Fees

	Material	Fee
1.	Tires (all industrial, commercial and residential users)	
	a. Passenger car	\$ 1.75
	b. Truck	4.00
	c. Heavy equipment/off road	20.00
	d. If sliced or shredded	3.50/yard
2.	Special burial (minimum)	\$30.00
3.	Asbestos (3-yard minimum)	\$78.00
	Each additional yard	26.00
4.	Road clean up fee	\$15.00
5.	Tree stumps (per cubic yard)	\$18.25
6.	Appliances (commercial)	\$ 5.00
7.	Large dead animals	\$75.00
8.	Empty drums, 55-gallon barrels	\$ 1.00
9.	Petroleum contaminated soils (after lab approval)	\$20.00/ton
10.	Building demolition materials	\$ 5.00/yard
11.	Special solid waste materials --not included in Schedule II, Tipping Fees	To be determined on an individual case basis by the department of pub-works

(Ord. 561 § 1, 1996: Ord. 410 § 5, 1991)

13.12.080 Fines collected under Chapter 8.08.

All fees, fines and penalties collected by the city-county pursuant to Chapter 8.08 of this code shall be deposited by the city-county treasurer in the solid waste landfill fund.

(Ord. 410 § 6, 1991)

13.12.090 Hazardous waste.

The city-county will not provide for the collection or disposal of hazardous waste at the facility unless such waste is generated by a conditionally exempt small quantity generator as provided in Section 16.44.401,

ARM.
(Ord. 410 § 7, 1991)

Chapter 13.16

WATER UTILITY DIVISION

Sections:

- 13.16.010 Established.
- 13.16.020 Schedule of rates.
- 13.16.030 Billing and notification of water service charges.
- 13.16.040 Council of commissioners' action on rates, charges, or classifications.
- 13.16.050 Council of commissioners' action on rules of operation.
- 13.16.060 Availability of rules and schedule of rates, charges and classifications.
- 13.16.070 Repairs and meter reading.
- 13.16.080 Water meters--Misdemeanors.
- 13.16.090 Unlawful to interfere with property.
- 13.16.100 Two or more buildings not to be supplied through one connection--Exception.
- 13.16.110 Rules and regulations generally.
- 13.16.120 Water pipes--Interference with prohibited.
- 13.16.130 Water--Misappropriation.
- 13.16.140 Violation--Penalty.

13.16.010 Established.

There is established a water utility division within the Butte-Silver Bow public works department, and the public works department is given all authority necessary to operate such water utility division, and is assigned all additional responsibilities for operating a water utility division, which shall consist of managing all assets and equipment of the Butte division of the Butte Water Company, and collecting all service charges due, all in accordance with the provisions of Section 7.02(c) of the Butte-Silver Bow charter.

(Ord. 420 § 1, 1992)

13.16.020 Schedule of rates.

The Butte Water Company schedule of rates for Butte and vicinity, approved by the Public Service Commission of Montana in Docket No. 90.11.77, Order 5613, for services rendered on and after November 29, 1990, is adopted for use on an interim basis by the water utility division. A copy of the schedule of rates and special rules is attached to the ordinance codified in this chapter and marked as Exhibit "A" and incorporated by reference in this chapter.

(Ord. 420 § 2, 1992)

13.16.030 Billing and notification of water service charges.

Customers served by the water utility division shall be billed monthly based on the rates of charge designated in Section 2 of Exhibit "A." Billing statements shall indicate the total service charge and shall set forth any special charges, all in accordance with the provisions of Section 2 of Exhibit "A."

(Ord. 420 § 3, 1992)

13.16.040 Council of commissioners' action on rates, charges, or classifications.

The council of commissioners is authorized to adopt, establish or change the rates, charges or classifications imposed on the customers of the city-county water utility division in the manner of and pursuant to the procedures imposed upon and allowed to municipal utility services by the laws of the state. The decision of the council of commissioners to adopt, establish or change the rates, charges or classifications shall be made by resolution duly adopted and approved and filed with the clerk and recorder's office.
(Ord. 420 § 4, 1992)

13.16.050 Council of commissioners' action on rules of operation.

The council of commissioners is authorized to adopt, establish or change rules for the operation of the city-county water utility division. The rules shall be adopted, established or changed in the manner of and pursuant to the procedures imposed upon and allowed to a municipal utility by the laws of the state. The decision of the council of commissioners to adopt, establish or change such rules shall be made by resolution duly adopted and approved and filed with the clerk and recorder's office.
(Ord. 420 § 5, 1992)

13.16.060 Availability of rules and schedule of rates, charges and classifications.

A schedule of rates, charges or classifications imposed upon the customers of the city-county water utility division and a copy of the rules established for the operation of the utility shall be kept and maintained in the office of the head supervisor of the water utility division and the same shall be made available for public inspection at any time during regular office hours.
(Ord. 420 § 6, 1992)

13.16.070 Repairs and meter reading.

The water utility division may shut off water at any time to make repairs without liability for damage. Employees of the water utility division shall have access to all premises during daylight hours for the purpose of inspection and reading meters.
(Ord. 420 § 7, 1992)

13.16.080 Water meters--Misdemeanors.

Every person who, with intent to injure or defraud, shall:

- A. Break or deface the seal on any meter; or
- B. Obstruct, alter, injure or prevent the action of any meter or other instrument used to measure or register the quantity of water supplied to a consumer thereof; or
- C. Make any connection by means of a pipe, or otherwise, with any main or pipe used for delivery of water to a consumer thereof, in such manner as to take water from the main or pipe without its passage through the meter or other instrument provided for registering the amount or quantity consumed, or use any water so obtained; or
- D. Make any connection or reconnection with such main or pipe or turn off or on, or in any manner

interfere with any valve, stopcock or other appliance connected therewith; or

- E. Prevent by the erection of any device or construction, or by any other means, free access to any meter or other instrument for registering or monitoring the amount of water consumed, or to interfere with, obstruct or prevent by any means the reading or inspection of such meter or instrument by any of the employees of the water utility division; shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished as provided in Section 13.16.140.

(Ord. 420 § 8, 1992)

13.16.090 Unlawful to interfere with property.

It is unlawful for any person to open, close, turn or interfere with, or attach to or connect with any fire hydrant, main, curb cock or valve, without permission from the water utility division, or to disturb or damage any pipe, machinery, tools or other property of the water utility division, or to throw any substance into any reservoir or water main or to bathe in any reservoir, or to deface or injure any buildings belonging to or connected with such water utility division.

(Ord. 420 § 9, 1992)

13.16.100 Two or more buildings not to be supplied through one connection--Exception.

It is unlawful for any owner, agent or tenant to supply, or permit to be supplied, any water to two or more buildings through one connection except on special contract with the water utility division.

(Ord. 420 § 10, 1992)

13.16.110 Rules and regulations generally.

Rules and regulations provided in Section 2 of Exhibit "A" of the ordinance codified in this chapter shall constitute a part of the contract entered into by every consumer of the city-county water utility division and failure to know the rules will not excuse anyone from the penalty for their infringement.

(Ord. 420 § 11, 1992)

13.16.120 Water pipes--Interference with prohibited.

No person shall alter, change, molest, connect with or in any manner interfere with any water pipe placed in position for conducting water, or through which water is conducted or held, without written consent having been previously obtained from the city-county water utility division.

(Ord. 420 § 12, 1992)

13.16.130 Water--Misappropriation.

It is unlawful for any person wrongfully or unlawfully to take or in any manner appropriate any water from any water pipe.

(Ord. 420 § 13, 1992)

13.16.140 Violation--Penalty.

Any person violating any of the provisions of Sections 13.16.080 through 13.16.130 shall upon conviction be guilty of a misdemeanor and jurisdiction for such violation shall be in the city court of Butte-Silver Bow. Every day a violation continues shall constitute a separate offense. (Ord. 420 § 14, 1992)

Chapter 13.20

WATER SYSTEM REGULATIONS

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13.20.120 Definitions.

Article II. Connection to Water System Required

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Article I.

Introduction

13.20.110 Water utility division established--Powers.

There is established a water utility division within the Butte-Silver Bow public works department, and the water utility division is given all authority necessary to operate a municipal water system for the use and benefit of the citizens of the city and county of Butte-Silver Bow, and is authorized to lease, acquire, construct, operate and maintain all facilities necessary for the supply, treatment, transmission and distribution of water to the citizens of Butte-Silver Bow over and along the line of reservoirs, streams, trenches, pipes, drains, and other appurtenances used in the construction and operation of such works; and also over the source of streams from which water is taken for the enforcement of local sanitary ordinances, the abatement of nuisances, and the general preservation of the purity of the water supply, with authority to enforce all regulations enacted by the city-county necessary to carry the powers hereby conferred into effect. For this purpose, the city and county of Butte-Silver Bow shall be authorized to condemn private property in the manner provided by law and shall have authority to levy a just and equitable tax on all consumers of water for the purpose of defraying the expenses of its procurement, and shall have the power to collect all water service charges due, all in accordance with the provisions of Section 7.02(c) of the Butte-Silver Bow Charter and those portions of Chapter 13 of Title 7, Montana Code Annotated which refer to the operation of municipal water systems.
(Ord. 431 § 1 (part), 1992)

13.20.120 Definitions.

For the purpose of Chapters 13.20, 13.24 and 13.28, the following terms shall have the following meaning:

"City-county" or "city and county" means the city and county of Butte-Silver Bow, state of Montana.

"City court" means the city court of the city and county of Butte-Silver Bow, Montana.

"Consumer" means any person receiving municipal water service either directly or indirectly from the municipal water system.

"Council" or "council of commissioners" means the council of commissioners of the city and county of Butte-Silver Bow, Montana.

"Domestic water" or "domestic water use" means potable water which is used for drinking, cooking and other household purposes, and includes water which is provided for the municipal water system or from a well.

"Domestic water well" means a source or supply of potable water consisting of a pipe sunk in the ground, either drilled or augured by a licensed well driller, to a minimum depth of twenty-five feet. The pipe delivering water to the surface must be four to eight inches in diameter. The wellhead must be grouted to a

minimum of eighteen feet below the ground. The water must be pumped to the surface with a submersible pump. The well must be periodically tested for bacteriological contaminants, nitrates and specific conductants.

"He," "him" or "his" means and includes the pronouns he, she and it, him, her and it and his, hers and its.

"Irrigating" or "irrigation" means the supply of water by artificial means.

"Main" means a pipe or conduit carrying water for domestic, fire suppression, and other similar uses.

"Meter" means the instrument, including any auxiliary equipment and remote reading equipment, which is used to measure the amount of water delivered to a consumer from the municipal water system.

"Meter readers" mean the meter readers within the water utility division.

"Municipal water system" means the water system.

"Owner" means the owner of record of real property, including structures, which is served with water service by the municipal water system.

"Parcel" means a contiguous area of land described in a single description and held in one ownership.

"Person" means any firm, company, partnership, public or private corporation, association, group or society, governmental agency, or other entity as well as a natural person.

"Point of delivery" means the point at which the municipal water system connects physically to a consumer's water service line. Unless otherwise designated in the water consumer contract, the point of delivery shall be located at and shall include the consumer's corporation cock, which, in turn, is normally attached to the public water main located in the right-of-way that abuts and fronts the property to be served.

"Potable water" means a water source that meets chemical, biological, physical and radiological requirements for human consumption.

"Public works director" or "director of public works" means the director of public works of the city and county of Butte-Silver Bow, Montana, and includes his authorized designee.

"Service line" means a pipe or conduit owned by the consumer which carries water from the point of delivery to the consumer's curb cock within the public right-of-way and from the curb cock to the consumer's property.

"Sprinkling" means the use of water for the purpose of irrigating a consumer's lawn, trees, shrubs, garden or other vegetation and is limited to residential use.

"Sprinkling water well" means a well which is a source of water for sprinkling only, and water from a sprinkling well may not be used as domestic water.

"Tenant" means a person who has the use and occupation of real property owned by another person,

which other person is called the owner, which property is served with water service by the water system.

"Transmission line" means the system of pipes or conduits used for supplying water from a reservoir, river or stream to the municipal water system, and is not included within the term "water main."

"Water bill" means the monthly charge, based upon either flat rates or metered rates in effect at the time of delivery of water to a consumer.

"Water consumer contract" means the agreement or contract between the water division and its consumers pursuant to which water service is provided.

"Water division" or "water utility division" means the water utility division of the public works department of the city and county of Butte-Silver Bow, Montana.

"Water division inspector" means the water division inspectors within the water utility division.

"Water main" means the main directly controlled by the city-county and laid in the street or other right-of-way for the direct distribution of water to consumers' water service lines.

"Water rates" means a resolution approved by the council of commissioners which sets forth the charges and conditions for a particular class or type of water service.

"Water service line" or "water service" means the supplying of water either directly or indirectly from the municipal water system, or the availability of water supplied either directly or indirectly from the municipal water system at the point of delivery and also the water so delivered or used.

"Water system" means any devices, facilities, structures, equipment, land or works controlled by the city-county and operated by the water division for the purpose of the processing, treatment, transmission, storage, distribution, pumping and measurement of water supplied to a consumer.

"Well" means a source or supply of water consisting of a pipe sunk in the ground. For the purposes of this title a well shall be classified as either "domestic water well" or "sprinkling water well."
(Ord. 431 § 1 (part), 1992)

Article II.

Connection to Water System Required

13.20.210 Mandatory connection requirements--Exceptions--Use of wells--Enforcement.

A. The owner of any house, building, or other property which is used for human occupancy, employment or recreation, which property abuts on any street, alley, or other public right-of-way in which there is or may be located a water main, is required at the owner's expense to install suitable water service facilities therein, and to connect such facilities directly to the water main within sixty days after date of official notice to do so, provided that a water main is located in the right-of-way within a distance of three hundred feet from the owner's property line.

1. The distance shall be measured in a straight line perpendicular from the owner's property line to the water main if a water main is located in the right-of-way in front of the owner's property.
2. If a water main is not located in the right-of-way in front of the owner's property, the distance shall be measured in a straight line perpendicular from the owner's property line to that point where it intersects with the center line of the fronting right-of-way, and shall then be added to the distance from that intersecting point to the nearest water main, all as measured in a straight line and within the right-of-way.

B. Except as provided in subsection (D), the occupants of property connected to the water system may not use water provided by wells for any purpose other than sprinkling or irrigation.

C. No well may be used to furnish sprinkling water to more than one parcel of property; provided, however, that contiguous parcels with the same ownership may use sprinkling water from a well located on only one of the parcels if such use is approved by the public works director. When considering a request to allow sprinkling from a well on an adjoining parcel held in the same ownership, the director shall consider, but not be limited to, the following criteria:

1. Whether the adjoining parcels are identifiable as a single area and enclosed by a fence, trees, shrubbery or similar method defining the boundary of the area;
2. Whether the adjoining parcel is being sprinkled for a commercial or residential purpose;
3. The size of the adjoining parcel;
4. The possibility of contaminating the aquifer.

D. 1. The mandatory water system service connection provisions of this section shall not apply to any parcel of property which was exclusively served with domestic water provided by a well prior to July 31, 1992.

2. If a well meeting the conditions of subsection (D)(1) fails to operate after July 31, 1992, a replacement well may be installed and the residents of the property may continue to use a well for domestic water supply, subject to those provisions set out in subsection (D)(4).
3. The date of exclusive domestic water service from a well shall be the date when the well was put into service as shown on the Montana Department of Natural Resources and Conservation (DNRC) Well Log Report.
4. After July 31, 1992, no parcel of property may be disconnected from the water system and served with domestic water provided by a well.
5. Failure to comply with this section will subject the owner to:
 - a. A maximum penalty of two hundred dollars per day for each violation for each day it

continues after the third day.

b. Injunction against continued operation.

(Ord. 431 § 1 (part), 1992)

13.20.220 Transmission line connection--Standards.

No person shall be allowed to connect to a transmission line of the water system without specific approval of the director of public works. When considering an application to connect to a transmission line the director shall consider but not be limited to the following criteria:

- A. Does the prospective consumer intend to use the water as potable water;
- B. Whether chlorine contact time (CT) is proven adequate;
- C. Whether adequate water supplies are available to satisfy the prospective consumer's demands;
- D. Whether the prospective use will comply with all federal, state and local regulations.

(Ord. 431 § 1 (part), 1992)

13.20.230 Water main location.

All water mains shall be installed within the public right-of-way. However, if it is proven to be impractical to do so, and if approval of the public works director is first obtained, water mains may be installed within utility easements granted to the city-county by the owners of the property involved.

(Ord. 431 § 1 (part), 1992)

13.20.240 Water service line location.

All water service lines shall be connected to water mains located in streets, alleys or other public rights-of-way, except as provided in Section 13.20.230. Each service line shall be placed, to the extent practical, perpendicular to the water main or public right-of-way.

(Ord. 431 § 1 (part), 1992)

13.20.250 Service line installation and maintenance.

The water division shall install and maintain the water mains and facilities on its side of the point of delivery at the corporation cock, but the water division shall not be required to install or maintain any water lines or facilities, except meters, on the consumer's side of the point of delivery.

(Ord. 431 § 1 (part), 1992)

13.20.260 Service tap--Restrictions.

Only water division employees may tap into a water main.

(Ord. 431 § 1 (part), 1992)

13.20.270 Minimum depth of service line.

All water service lines installed for consumers of the water division must be placed at a minimum depth of six feet six inches from the surface of the ground.
(Ord. 431 § 1 (part), 1992)

Article III.

Service Interruption and Boiler Maintenance

13.20.310 Interruption of service by water system--No liability.

When it is necessary for the water division to make repairs or to change its water collection, storage, transmission or distribution system, its meters or other property, the water division may, without incurring any liability therefor, interrupt service for such periods as may be reasonably necessary and in such a manner as to minimize the inconvenience to its consumers.
(Ord. 431 § 1 (part), 1992)

13.20.320 Responsibility for boilers.

All consumers having boilers on their premises which depend on connected pressure with the water system are cautioned against collapse of their boilers when water service is interrupted by the water system. As soon as the water service is turned off, the consumer is responsible for making certain that a hot water faucet be opened and left open until the water service is again turned on. A check valve must always be placed between the boiler and the water main to prevent the boiler from draining and/or collapsing. Consumers are advised never to leave the premises with any faucets open when the water service has been turned off at the main.
(Ord. 431 § 1 (part), 1992)

13.20.330 No water bill adjustment for water system service interruption.

Interruptions of service by action of the water system or interruptions of service caused by frozen or broken pipes or fixtures of the consumer shall not render the water division responsible for any adjustments in the water bill.
(Ord. 431 § 1 (part), 1992)

Article IV.

Water Use Conditions

13.20.405 Use of water restricted.

No consumer supplied with water from a water main will be entitled to use it for any other purposes than those stated in the application, or supply water in any way to any other parcel of property or separate tenancy, except as provided in Section 13.20.415.
(Ord. 431 § 1 (part), 1992)

13.20.410 Separate water service required.

Hereinafter, the service lines must be so arranged that the water supply to each separate house or premises will be provided by a separate service line and controlled by a separate curb cock, which curb cock shall be placed near the line of the street curb. The curb cock shall be placed within a visible and accessible curb box of approved pattern at a point designated by the water division, as set out in Section 13.20.420. (Ord. 431 § 1 (part), 1992)

13.20.415 Multiple connections--Conditions.

Where water service is now supplied through one service line to more than one parcel of property or separate tenancy, the public works director may in his discretion either decline to furnish water service until separate service lines are provided, or may continue the water service on the condition that one consumer shall pay for all on the same service line. (Ord. 431 § 1 (part), 1992)

13.20.420 Curb cock--Curb box requirements.

A curb cock of approved pattern with a cast-iron curb box must be installed and maintained by the owner on every service line as follows:

- A. Where sidewalks with integral curb are already in place, the curb box must be placed just inside the curb, regardless of the width of the street or sidewalk.
- B. Where sidewalks are already in place and there are boulevards and no curb, or the curb is located further out in the street, the curb box must be placed six inches inside the outer edge of said sidewalk.
- C. Where there is no sidewalk in place on a street when the service line is installed, the curb box must be located in the public right-of-way exactly four feet six inches outside of the lot line or property line.
- D. Where service lines run down an alley, the curb box must be placed in the public right-of-way exactly one foot outside of the lot line or property line.
- E. In case of narrow or crooked streets, or when, for any reason, the consumer or his agent is in doubt as to the proper location of the curb box, the consumer should consult the water division inspector before the work is started to prevent the tearing out and resetting of the curb box and cock.

(Ord. 431 § 1 (part), 1992)

13.20.425 Duty to maintain curb cock and curb box.

When the owner fails to properly maintain the curb cock and box and it becomes necessary for the water division to shut off the water service at the water main, the entire cost of time and materials will be charged to the owner as provided in Section 13.28.175. This charge must be paid and the curb cock and box repaired

before the water service will be restored.
(Ord. 431 § 1 (part), 1992)

13.20.430 Duty to maintain and protect fixtures.

The city-county shall not be responsible for damage to the owner's pipes and fixtures. All owners, at their own expense, must keep their curb cock and curb box, service lines and all their fixtures in good working order and properly protected from frost or other dangers. No claims shall be made against the city-county on account of the breaking of any curb cock or curb box, service lines or fixtures, or for accidental disruption in the supply of water.
(Ord. 431 § 1 (part), 1992)

13.20.435 Service shut-off inside building.

A stop and waste cock must be placed at some convenient point inside of the consumer's building and located where it cannot freeze, and where water service to the building can be readily shut off, and the water pipes drained to permit repairs and prevent freezing of the pipes or fixtures.
(Ord. 431 § 1 (part), 1992)

13.20.440 Waste of water prohibited--Notice--Shut-off.

Waste of water is prohibited, and consumers must keep their fixtures and service pipes in good working order at their own expense, and keep all waterways closed when not in use. Leaky fixtures must be repaired at once without waiting for notice from the water division. If five days' notice is given by the water division and the repair is not made, the water will be shut off by the water division without further notice. In the absence of the use of any other reasonable means of notice, a notice given by certified mail, deposited in the United States mail, postage prepaid, addressed to the consumer at the address where the consumer received such water, shall be deemed reasonable notice.
(Ord. 431 § 1 (part), 1992)

13.20.445 Sprinkling restrictions.

The city-county reserves the right to forbid or suspend the use of water for irrigation or sprinkling, and the council of commissioners may in its discretion at any time make such orders forbidding, suspending or limiting use as it deems necessary. Any such notice shall be deemed sufficient if advertised once by notice in the official newspaper. Any person violating the terms of such notice after its publication or any person who wastes water by allowing any faucet or pipe to run open except to prevent the same from freezing in inclement weather shall be deemed guilty of a misdemeanor and may be fined not more than one hundred dollars and have his water service disconnected. In no case shall the water service be turned on again until the fine has been paid to the city court of Butte-Silver Bow and the fifty-dollar service disconnect fee for turning the water off and on set out in Section 13.28.190 has been paid to the water division.
(Ord. 431 § 1 (part), 1992)

13.20.450 Mapping of service lines.

All persons performing installation of or repair work on a water service line from the point of delivery to

the property line or to that point twenty feet from the building foundation, if the building is more than twenty feet from the property line, must contact the water utility division for inspection and mapping of the service line before the excavation is filled and before water service will be turned on.

(Ord. 431 § 1 (part), 1992)

13.20.455 Water service workers.

All persons failing to perform their water service work according to the established rules and regulations of the water division, or executing it unskillfully, or to the damage of water division property, may be prohibited from performing further service line installation or repair work in the right-of-way by order of the public works director.

(Ord. 431 § 1 (part), 1992)

13.20.460 Water division access to buildings.

Employees of the water division may have free access at proper hours of the day to all parts of buildings in which water is delivered from the water mains, for the purpose of inspecting the condition of the pipes and fixtures and the manner in which the water is used.

(Ord. 431 § 1 (part), 1992)

13.20.465 Meters--Ownership--Testing.

All meters shall be and remain the property of the water division and when a meter is installed at the request of a consumer, its installation is to be permanent and is to be considered consumer contributed. When a meter fails to register for any period, for any reasons beyond the reasonable control of the water division, the water division may estimate the charge for service during such period, such estimate to be based upon the best available data. In the event a consumer notifies the water division that the meter is not registering accurately, the public works director may in his discretion require a deposit of fifty dollars, which deposit is refundable to the consumer if the meter is defective, but which deposit is to be forfeited to the water division in the event that the meter, when tested by the water division, is found to be registering accurately, within a margin of plus or minus two percent. Water division tests to determine the accuracy of the meter shall be conclusive in determining whether the deposit shall be refunded.

(Ord. 431 § 1 (part), 1992)

13.20.470 Size of meter.

The water division reserves the right to determine the size of water meters to be installed on consumer water service lines.

(Ord. 431 § 1 (part), 1992)

13.20.475 Fire service lines.

A. Fire service lines which are less than three inches in diameter must be equipped with an approved backflow prevention valve.

B. All fire service lines larger than three inches in diameter shall be separate from domestic service

lines. When a fire suppression system such as an automatic fire extinguishing system with a service line larger than three inches is installed in a building the connection must be entirely separate and apart from the ordinary service connection.

C. The entire cost of installation of the service line for an inside fire suppression system shall be paid by the consumer.
(Ord. 431 § 1 (part), 1992)

13.20.480 Permanent disconnection of service line.

Upon abandonment of use of a water service line it shall be the responsibility of the owner of the water service to permanently disconnect said service line at the point of delivery and such disconnection shall be made in a method acceptable to the public works director. Should the owner fail to satisfactorily disconnect such service line, the water division may make such permanent disconnection and charge the owner the actual cost of such work.

(Ord. 431 § 1 (part), 1992)

Article V.

Excavation Standards

13.20.510 Compliance with excavation regulations.

All excavations shall be made in compliance with Section 12.04.240 in Chapter 12.04 of this code. Trenches for water pipes shall be so excavated as to give the pipe an even bed of solid earth, and no water pipe shall be placed in a sewer trench. All excavations shall meet United States Department of Labor Occupational Health and Safety Administration (OSHA) regulations and city-county safety standards. Utility separations shall meet requirements of the Montana Department of Health and Environmental Sciences (MDHES).

(Ord. 431 § 1 (part), 1992)

13.20.520 Street closure--Barricades or signs.

Excavations in public streets, alleys or other public ways shall be made so as to impede travel as little as possible. When it is necessary to excavate entirely across the street to repair a service line, approval by the council of commissioners must first be obtained, fire and law enforcement agencies notified, and barricades or distinctly legible signs shall be placed at each end of the block per MUTCD (Manual of Uniform Traffic Control Devices) and city-county public works department standards.

(Ord. 431 § 1 (part), 1992)

13.20.530 Lighting hours for barricades or signs.

The person performing the street excavation shall be responsible for placing MUTCD approved barricades or signs around excavations at all times, and for maintaining reflective or lighted barricades or signs at the excavation site from dark until sunrise until the trench is refilled.

(Ord. 431 § 1 (part), 1992)

13.20.540 Refilling of trench.

Trenches shall be backfilled to meet ninety-five percent of maximum dry density as determined by American Association of State Highway and Transportation Officials (AASHTO) T-99 Specifications. All materials, pavement, and adjacent improvements shall be restored and replaced in kind. The trench shall be guaranteed against settlement for two years by permittee, under terms of the street opening bond as provided in Chapter 12.04 of this code.

(Ord. 431 § 1 (part), 1992)

Article VI.

Prohibited Conduct

13.20.610 Prohibited use of water--Disconnection of service.

- A. No consumer of the water division may engage in the following conduct:
1. Use the water division water or permit it to be used for any other purpose than that for which the consumer pays a water bill;
 2. Permit water pipes or fixtures to remain in a leaky condition;
 3. Allow water fixtures to be run when not in use for the purpose intended, except as provided in Section 13.20.445.

B. If any consumer of the water division engages in any of the above-described conduct, or allows such conduct to continue, then the water division may disconnect water service to the premises where such conduct occurred after notice as provided herein. All charges applicable to shut the water service off and turn the water service on shall be applied as provided in Section 13.28.190.

(Ord. 431 § 1 (part), 1992)

13.20.620 Unlawful use of water system property.

- A. It is unlawful for any person to purposely or knowingly engage in any of the following acts:
1. To open, close, turn, or interfere with, or to attach to or connect with, any fire hydrant or stop valve belonging to the water division, without having first obtained written permission from the public works director;
 2. To interfere with or disturb any pipe, machinery, tools, meters, remote readers or other property of the water division without having first obtained written permission from the public works director;
 3. To throw any deleterious matter into any stream, river or reservoir which is a source of supply for the water system;

4. To deface or injure any buildings or other improvements of the water division;
5. To trespass upon any watershed belonging to or leased by the water division;
6. To disturb or injure any watershed, lawn, grass plot, flowers, vines, bushes or trees belonging to the water division.

B. Any person who commits any of the above-described acts shall be guilty of a misdemeanor and subject to those penalties set out in Section 13.20.710.
(Ord. 431 § 1 (part), 1992)

13.20.630 Illegal connection to water system.

A. It shall be unlawful for any person to make connection with any water main or transmission line or other fixture of the water division or to reconnect service lines when they have been disconnected, or to bypass a meter, or to turn water off or on at the curb box for any premises without having first obtained the written permission of the public works director.

B. In addition to any fees or charges which might be assessed for turning such illegal water service off or on as set forth in Section 13.28.185, any person engaging in such conduct prohibited by subsection (A) above shall be guilty of a misdemeanor and subject to those penalties set out in Section 13.28.710.

C. If any property of the water division is damaged as a result of such illegal conduct, costs will be assessed as set out in Section 13.28.175.
(Ord. 431 § 1 (part), 1992)

Article VII.

Penalties

13.20.710 Penalties for violation--Jurisdiction.

Any person violating any of the provisions of this chapter is subject to one or more of the following:

- A. A maximum penalty of two hundred dollars per day for each violation for each day it continues;
- B. Suspension and/or revocation of any permit previously issued;
- C. Shut-off of waters service and assessment of disconnect and reconnect charges and fees;
- D. Injunction against continued operation;
- E. Criminal proceedings which can result in imprisonment for a period not to exceed six months or fines of up to five hundred dollars per violation or both. Jurisdiction for all criminal violations shall be in the city court of Butte-Silver Bow.

(Ord. 431 § 1 (part), 1992)

Chapter 13.24

MAIN EXTENSIONS AND MATERIAL SPECIFICATIONS

Sections:

13.24.110 Material specifications--Adopted.

13.24.120 Water main extension--Code adopted.

13.24.110 Material specifications--Adopted.

There is adopted by the council of commissioners for the purpose of providing minimum standards for the protection of health, safety and welfare concerning construction, alteration, installation, addition, repair or replacement of water mains, water service lines and firelines, including pipes, fittings and appurtenant materials, that certain material specification code known as the "1992 Edition of the Material Specifications for Water Mains, Water Service Lines and Firelines," as published by the water utility division of the public works department of the city and county of Butte-Silver Bow, and the whole thereof, of which not less than three copies have been filed and are now on file in the office of the clerk and recorder of the city and county of Butte-Silver Bow, and the same is adopted and incorporated as fully as if set out at length in this chapter. (Ord. 431 § 2 (part), 1992)

13.24.120 Water main extension--Code adopted.

All water main extensions shall be made in accordance with the provisions of that certain water main extension code known as the "1992 Edition of the Water Main Extensions Specifications," as published by the water utility division of the public works department of the city and county of Butte-Silver Bow, and the whole thereof, of which not less than three copies have been filed and are now on file in the office of the clerk and recorder of the city and county of Butte-Silver Bow, and the same is adopted and incorporated as fully as if set out at length in this chapter. (Ord. 431 § 2 (part), 1992)

Chapter 13.28

CHARGES AND FEES

Sections:

Article I. Consumer Contract and Charges

13.28.105 Water rates.

13.28.110 Water consumer contract.

13.28.115 Deposit.

13.28.120 Past balance--Refusal of service.

13.28.125 Interest.

13.28.130 Water bill--When payment due.

13.28.135 Delinquent water bill--Notice.

13.28.140 Rates charged against property.

13.28.145 Meter read adjustment.

13.28.150 Owner responsible--Collection from tenants--Form.

13.28.155 Flat rate--Rooms--Charges.

13.28.160 Vacancies--Reduction in charges.

- 13.28.165 Discontinuance of branch pipes.
- 13.28.170 Elimination of sprinkling charge.
- 13.28.175 Cost of time and material--Liability.
- 13.28.180 Temporary disconnect--Fee.
- 13.28.185 Fee for illegally turning on water.
- 13.28.190 Failure to comply with rules--Service disconnection--Fee.

Article II. New Service Fees

- 13.28.210 Applications for new service--Cost of meter installation.
- 13.28.220 Tapping charge.

Article I.

Consumer Contract and Charges

13.28.105 Water rates.

On and after the effective date of the ordinance codified in this chapter, any change or alteration in the water rates and charges set by the water division shall be established by resolution passed by the council of commissioners.

(Ord. 431 § 3 (part), 1992)

13.28.110 Water consumer contract.

All applications for the use of water must be made by prospective consumer at the office of the water division on the water consumer contract form printed for that purpose, a copy of which is identified as "Water Consumer Contract - Effective July 31, 1992" and is now on file in the office of the clerk and recorder. Every such application must be made by the owner of the property to be served except that tenants may be allowed to enter into the water consumer contract where notice has been given in accordance with Section 13.28.150 and where each unit is served by a separate service line, provided that the curb box and curb cock are accessible to water system employees. Each application must include the purposes for which the water is required. The consumer must agree to conform to these rules as a condition of use of water.

(Ord. 431 § 3 (part), 1992)

13.28.115 Deposit.

A deposit will be required if the applicant has not had service with the water division in the last twelve months, or if the applicant has previously had service with the water division at either the address shown on the application or at another address within Butte-Silver Bow and has been delinquent in paying the water bill within the last twelve months. The deposit will be equal to an average of two months of the annual charge for water service at the address shown on the application. The deposit will be returned or credited to the consumer's account after twelve months, with interest at a rate of six percent, provided the consumer is in good standing.

(Ord. 431 § 3 (part), 1992)

13.28.120 Past balance--Refusal of service.

The water division may refuse service to any delinquent consumer owing the water division for service at either the present location or at a previous location, until such past balance has been paid or satisfactory arrangements have been made by the delinquent consumer for payment of the balance owed to the water

division. These same provisions shall apply and the water division may refuse service to any other member of the same household or firm when application by this member, in the opinion of the water division, may be a means of evading payment of the delinquent water bill. The consumer may appeal the decision of the water division to the council of commissioners.

(Ord. 431 § 3 (part), 1992)

13.28.125 Interest.

Any unpaid water bill that is more than thirty days past due shall have assessed against it, interest at the rate of one and one-half percent per month.

(Ord. 431 § 3 (part), 1992)

13.28.130 Water bill--When payment due.

A. When flat rates are used for estimating the amount of water used by consumers, the water bill shall be due and payable in advance each month.

B. When meters are in use for determining the amount of water used by consumers, the water bill shall be due and payable for water delivered during the previous month.

C. Annual seasonal sprinkling charges shall be assessed in the May billing for water service. Consumers may choose to pay the annual sprinkling charge in its entirety along with payment for water service for the month of May or may choose to pay the annual sprinkling charge in six equal installments during the months of May, June, July, August, September and October. Nonpayment of any monthly installment of the sprinkling charge, when due, shall constitute a delinquent payment subject to the service disconnection provisions set forth in Section 13.28.190 and interest as provided in Section 13.28.125.

(Ord. 431 § 3 (part), 1992)

13.28.135 Delinquent water bill--Notice.

Whenever the water bill of a consumer has been delinquent for thirty days in any sum or amount, the water division shall at once notify the consumer by such means and at such address as seems most likely to give the consumer actual notice of the fact of such delinquency and shall advise the consumer that unless such delinquent bill, including interest, is paid in full within ten days from the date of mailing such notice, the water service will be disconnected immediately, and will not be turned on again until such default is collected, including payment of interest and disconnect charges as stipulated in Sections 13.28.125 and 13.28.190, to cover the cost of turning the water service off and on. In the absence of the use of any other reasonable means of notice, a notice given by certified mail, deposited in the United States mail, postage prepaid, addressed to the consumer at the address where the consumer received such water, shall be deemed reasonable notice.

(Ord. 431 § 3 (part), 1992)

13.28.140 Rates charged against property.

The water rates shall be charged against the property to which water service is furnished. No change of ownership shall affect the application of this section.

(Ord. 431 § 3 (part), 1992)

13.28.145 Meter read adjustment.

When meters are in use, no adjustment shall be made on estimated water bills on the estimated cycle. Rather, any such adjustment will be made only on the regular reading cycle after the meter is read by a water division meter reader.

(Ord. 431 § 3 (part), 1992)

13.28.150 Owner responsible--Collection from tenants--Form.

The owner shall be held liable for all water bills, unless a written notice is given the water division instructing it to collect from tenants. Such notice must be given each time there is a change of tenants. The notice shall include the name of the tenant and the date of occupancy and shall be signed by the owner. A standard form is available at the water division office at 124 West Granite Street, Butte, Montana and a copy of such form identified as "Tenant Notice Form - Effective July 31, 1992" is on file in the office of the clerk and recorder.

(Ord. 431 § 3 (part), 1992)

13.28.155 Flat rate--Rooms--Charges.

Where water service is provided at the flat rate basis, and the charge is based on the number of rooms in the premises, any finished room with a minimum area of eighty square feet will be considered a room.

(Ord. 431 § 3 (part), 1992)

13.28.160 Vacancies--Reduction in charges.

A. In multi-family houses or apartments where there are separate water service lines and curb cocks for each tenancy, no reduction in the monthly water bill will be made for vacancies until the owner has instructed the water division, in writing, to shut off the water service at the curb cock. A ten-dollar fee will be assessed for turning the water service back on.

B. Reduction in the monthly water bill for vacant tenancies in multi-family houses or apartments without separate service lines will be allowed only after the owner has reported the vacancy in writing to the water division, but if it is determined by the water division that the owner has incorrectly reported a vacancy then reductions in the monthly water bill for vacant tenancies will no longer be allowed for those premises without approval by the council of commissioners.

(Ord. 431 § 3 (part), 1992)

13.28.165 Discontinuance of branch pipes.

Should it be desired to discontinue the use of water service for any special purpose, whether for bathtubs, toilets, or other fixtures, the faucet must be removed and the branch pipe plugged or a meter must be installed before any reduction of rates will be made.

(Ord. 431 § 3 (part), 1992)

13.28.170 Elimination of sprinkling charge.

The charge for outside sprinkling water use shall be continued until a meter is purchased and installed. The charge for outside sprinkling will be prorated to the date of meter installation.
(Ord. 431 § 3 (part), 1992)

13.28.175 Cost of time and material--Liability.

If any property of the water division is damaged as a result of connection or repair of a water service line or if it becomes necessary for the water division to shut off water service at the water main because the owner has failed to properly maintain the curb cock and box, the consumer must pay replacement cost for all water division property which was damaged and the cost of all labor involved in either repairing water division property or turning the consumer's water service off at the water main.
(Ord. 431 § 3 (part), 1992)

13.28.180 Temporary disconnect--Fee.

When the premises is unoccupied or if repairs are needed the owner may request that the water service be temporarily disconnected at the curb cock, with no monthly charge billed, but there shall be assessed a ten-dollar fee for turning the water back on.
(Ord. 431 § 3 (part), 1992)

13.28.185 Fee for illegally turning on water.

Should the consumer make connection with any water main or transmission line without having first obtained a permit from the public works director or turn on the water service or cause it to be turned on after it has been turned off or disconnected at the curb cock, it will be turned off and a fee of two hundred dollars will be assessed for the expense of turning it off and on and all monthly charges, including sprinkling shall be recharged, retroactive to the date of original disconnection according to water division records, and all fees and charges paid before the service is turned on.
(Ord. 431 § 3 (part), 1992)

13.28.190 Failure to comply with rules--Service disconnection--Fee.

Except as provided in Section 13.28.185, for failure to comply with the rules and regulations established as a condition to the use of water, or for failure to pay the water bill, or any charge or penalty imposed in the time and manner herein provided, the water service may be disconnected until payment of the amount due is made, with fifty dollars added for the expense of turning the water service on or off.
(Ord. 431 § 3 (part), 1992)

Article II.

New Service Fees

13.28.210 Applications for new service--Cost of meter installation.

A. Any prospective consumer of new water service may become a consumer by making an

application for water service as provided in Section 13.28.110, procuring a permit therefor, providing any necessary easements and paying the cost of installation as in this code provided. Charges for water for such consumers shall be made on the basis of then existing rates.

B. Approved Water Meters.

1. All new consumers of water service from the water division shall, prior to receiving new water service from the water division, pay the cost of acquisition and installation of an approved water meter as herein provided.
2. Water meters serving three-fourths-inch or one inch in diameter water supply lines shall be purchased by the consumer from the water division. In addition, these meters shall be installed at the consumer's point of service by the water division. Cost of said meters and installation, payable in advance, shall be as follows:

5/8" × 3/4" meter \$100.00

3/4" meter 118.00

1" meter 146.00

3. Water meters serving water supply lines in excess of one inch in diameter shall be purchased and installed by the consumer. Each of these meters serving water supply lines in excess of one inch in diameter must be approved by the public works director prior to installation. In addition, the manner of installation of said meters must be approved, prior to installation, by the public works director.

(Ord. 431 § 3 (part), 1992)

13.28.220 Tapping charge.

A. Any person desiring to have his property connected to the water system must make written application to the water division as provided in Section 13.28.110, and pay in advance for the cost of tapping into the water main the following fees:

Tapping Fee Schedule

(per tap)

Size(in inches)	One Through Five Taps (in dollars)	Greater Than Five Taps (in dollars)
3/4" and 1"	\$ 75.00	\$ 60.00
1" and 2"	90.00	75.00
4" through 8"	190.00	190.00
10" and up	240.00	240.00

The above schedule includes furnishing and installation of the corporation cock on the main by water division personnel. Saddles, clamps and other extraneous fittings are not included in the above schedule and will be billed extra directly from the water division. All time and materials furnished by the water division for

service line connections greater than two inches in diameter will be billed separately to the owner directly by the water division. The owner must provide and install, at his own expense, a curb cock and curb box of approved pattern, to be installed and maintained in accordance with the provisions of Section 13.20.420.

B. To obtain reduced fee multiple taps, the conditions are:

1. All excavations shall be ready for tapping crews at the same time.
2. The maximum distance between taps shall be one thousand feet.
3. Lost crew time due to unsafe or incomplete excavations shall be billed directly to the permittee in addition to permit fees.

(Ord. 431 § 3 (part), 1992)