



Evergreen
Water & Sewer
DISTRICT 1[©]

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RESOLUTION 2024-02

ADOPTING A SEWER USE PRETREATMENT ORDINANCE

Whereas, the Flathead County Water District #1 – Evergreen (“District”) has a Sewer Use Ordinance dated March 10, 1994, that has been amended from time to time (Sewer Use Ordinance”); and

Whereas, the District’s wastewater is treated by the City of Kalispell (“City”) pursuant to a Sanitary Sewer Treatment Agreement (“Treatment Agreement”) dated July 20, 2015, that has been amended from time to time (“Treatment Agreement”); and

Whereas, the District is required in the Treatment Agreement to abide by all applicable City Ordinances, Codes, and Regulations pertaining to sewer use and pretreatment rules, which the City has been required to revise in compliance with applicable federal law and regulations; and

Whereas, in anticipation of the new pretreatment rules, the District worked with the City to implement a Pretreatment Program for the District’s nondomestic and nonresidential sewer use customers adopting SOG and FOG Policies in Resolution 2022-08; and

Whereas, the City has adopted new pretreatment rules in Ordinance 1911; and

Whereas, now that Ordinance 1911 has been adopted, the District is required by the City to amend its Sewer Use Ordinance, including amending SOG and FOG Policies as well as to adopt other policies for certain users of the District’s sewer system, a copy of which Sewer Use Pretreatment Ordinance (“New Pretreatment Ordinance”) is attached as Exhibit “A”; and

Whereas, the Treatment Agreement is not amended by the City’s new ordinance or by the New Pretreatment Ordinance but only by amendments as authorized in the Agreement; and

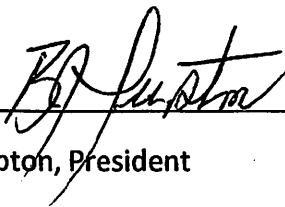
By adopting the New Pretreatment Ordinance, the District is not waiving any rights or claims under the Treatment Agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS AS FOLLOWS:

1. The New Pretreatment Ordinance, attached as Exhibit "A", which amends the existing Sewer Use Ordinance and related amendments and the existing FOG and SOG Policies, is hereby adopted and is effective as of the date of this Resolution; and
2. To the extent there is any conflict between the New Pretreatment Ordinance and the existing Policies or Sewer Use Ordinance and related amendments, the New Pretreatment Ordinance and Policies contained therein will apply; and
3. By adopting the New Pretreatment Ordinance, the District is not amending the Treatment Agreement or waiving any rights or claims thereunder.

APPROVED AND ADOPTED: January 17, 2024

FLATHEAD COUNTY WATER DISTRICT #1 – EVERGREEN

By:  _____
B.J. Lupton, President

ATTEST:

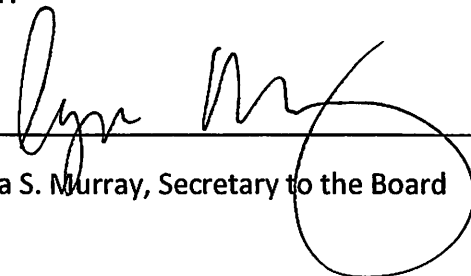
By:  _____
Cynthia S. Murray, Secretary to the Board

Exhibit “A” to Resolution 2024-02

Flathead County Water District #1 – Evergreen Sewer Use Pretreatment Ordinance

An Ordinance providing for the adoption of rules and regulations pertaining to the discharge of waters and wastes by Users (Nondomestic and Nonresidential) into the District sewerage system.

Be it ordained by the Board of Directors Flathead County Water District #1 - Evergreen, as follows:

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ARTICLE I – ABBREVIATIONS AND DEFINITIONS

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated.

1.1 Abbreviations

BOD – Biochemical Oxygen Demand

BMPs – Best Management Practices

CFR – Code of Federal Regulations

CIU – Categorical Industrial User

COD – Chemical Oxygen Demand

EPA – U.S. Environmental Protection Agency

ERP – Enforcement Response Plan

FOG – Fats, Oil, and Grease

FSE – Food Service Establishment

gpd – gallons per day

IPC – Industrial Pretreatment Coordinator

mg/l – milligrams per liter

MPDES – Montana Pollutant Discharge Elimination System

POTW – Publicly Owned Treatment Works

SIU – Significant Industrial User

SOG – Sand, Oil, and Grease

TSS – Total Suspended Solids

1.2 Definitions

- A. Act or “the Act.” The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. Section 1251 et seq.

- B. **Amalgam.** An alloy containing mercury, tin, silver, or copper that is used in dentistry to restore teeth.
- C. **Amalgam Separator.** A device that applies filtration, settlement, centrifugation, or ion exchange to remove amalgam and its metal constituents from a dental office vacuum system before it discharges to the sewer.
- D. **Amalgam Waste.** Includes non-contact amalgam (amalgam scrap that has not been in contact with the patient); contact amalgam (including, but not limited to, extracted teeth containing amalgam); amalgam sludge captured by chair-side traps, vacuum pump filters, screens, and other amalgam trapping devices; used amalgam capsules; and leaking or unusable amalgam capsules.
- E. **Approval Authority.** The Region 8 Environmental Protection Agency Regional Administrator or the Director of the Montana Department of Environmental Quality at such time as when EPA authorizes the State Pretreatment Program (40 CFR 403.3 (c)).
- F. **Best Management Practices or BMPs.** Schedules of activities, prohibition of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR Part 403.5(a)(1) and (b) and subsection 2.2.3 of this Ordinance. BMPs are Pretreatment Standards and include treatment requirements, operating procedures, and practices to control facility site runoff, spillage or leaks, sludge or waste disposal or drainage from raw materials storage or sector control programs to control pollutants from certain non-domestic dischargers.
- G. **Biochemical Oxygen Demand or BOD.** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees Celsius, usually expressed as a concentration (e.g., mg/l).
- H. **Building Sewer.** The extension from the building of sewer pipe which receives sewage.
- I. **Categorical Pretreatment Standard or Categorical Standard.** Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. Section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
- J. **Categorical Industrial User or CIU.** Any user subject to a Categorical

Pretreatment Standard or Categorical Standard.

- K. **Chemical Oxygen Demand or COD.** A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.
- L. **Control Authority.** The term refers to the City of Kalispell Director whose Industrial Pretreatment Program has been submitted to and approved by Environmental Protection Agency in accordance with the requirements of 40 CFR Part 403.11, and who administers and supervises the affairs, operations, and maintenance of the facilities of the City, or a designee.
- M. **District Flathead County Water District #1 – Evergreen**
- N. **Domestic or Residential (Sanitary) Wastes.** Liquid wastes either a) from the noncommercial preparation, cooking and handling of food, or b) containing human excrement and similar matter from use of the sanitary conveniences by occupants of dwellings, commercial buildings, industrial facilities, and institutions.
- O. **Environmental Protection Agency or EPA.** The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.
- P. **Food Service Establishments.** Those establishments regularly engaged in activities of food preparation, food service, or the making available for consumption or sales of foodstuffs and that use a food preparation activity that produces a heated food product, cold dairy or frozen foodstuffs preparation and establishments that prepare or serve drinkable products, whether served on or in washable and reusable plates or containers or those of a disposable type. These establishments include but are not limited to, restaurants, cafes, fast food outlets, pizza outlets, delicatessens, sandwich shops, coffee shops, marijuana shops, schools, churches, nursing homes and other facilities that prepare, service, or otherwise make foodstuff available for consumption and or sales.
- Q. **Garbage.** Solid wastes from the preparation, cooking, and dispensing of foods, and from the handling, storage, and sale of produce.
- R. **General Manager or designee of the General Manager.** The General Manager of Flathead County Water District #1 – Evergreen (District) who administers and supervises the affairs, operations, and maintenance of the facilities of District, and is charged with certain duties and responsibilities by this Ordinance, or a designee.

- S. Grease. Greases, oils, fats, fatty acids, waxes, soaps, or other matter which is so determined in accordance with the *Standard Methods* examination for grease in polluted matters.
- T. Grease Removal Device. Any device, unit, or installation for separating and retaining waterborne fats, oils, and greases, or grease complexes as well as settleable solids prior to discharge of wastewaters to the sanitary sewer system, including, but not limited to, a grease interceptor, grease trap, sand-oil separator, or other mechanical device.
- U. Indirect Discharge or Discharge. The introduction of any pollutant into the POTW from any nondomestic or nonresidential source.
- V. Interference. 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 the City's MPDES 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 any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or Local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act; any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.
- W. Local Limit. Specific discharge limits technically developed and enforced by the POTW upon industrial or commercial users to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).
- X. Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- Y. Noncontact Cooling Water. Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- Z. Pass Through. A discharge which exits the POTW into waters of the United

States 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 City's MPDES permit, including an increase in the magnitude or duration of a violation.

- AA. Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and Local governmental entities.
- BB. pH. A measure of the acidity or alkalinity of a solution, expressed in standard units; the logarithm of the reciprocal of the weight of hydron ions in grams per liter of solution.
- CC. Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural, and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, flow, TSS, turbidity, color, BOD, COD, toxicity, or odor).
- DD. Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, a discharge of such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants, unless allowed by an applicable Pretreatment Standard.
- EE. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.
- FF. Pretreatment Standards or Standards. Pretreatment Standards shall mean Prohibited Discharge Standards, Categorical Pretreatment Standards, and Local Limits, including BMPs.
- GG. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain pollutants; these prohibitions appear in subsection 3.2.1 of this Ordinance.
- HH. Publicly Owned Treatment Works or POTW means a treatment works as defined by Section 212 of the Act (33 U.S.C Section 1292), which is owned by a State, District, or Municipality (as defined by Section 502(4) of the Act).

This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant. For the purpose of this Ordinance, POTW shall also include any sewers that convey wastewaters to the City POTW from indirect dischargers outside the city who are, by contract or agreement with the City, users of the City POTW. The term also means the Municipality as defined in §502(4) of the Act, which has jurisdiction over the indirect discharges to, and the discharges from, such a treatment works.

- II. **Sanitary Sewer.** Sewer which carries sewage and to which storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater are not intentionally admitted.

- JJ. **Sewage.** Human excrement and gray water (as from showers, dishwashing operations, sinks, bathes, or washing machines) from residences, business buildings, institutions and industrial establishes.

- KK. **Sewer Collection System.** All facilities for collecting, pumping, transporting, and disposing of sewage.

- LL. **Sewer.** A pipe or conduit for carrying sewage.

- MM. "Shall" is mandatory; "May" is permissive.

- NN. **Significant Industrial User or SIU.** All Users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N, and any other user that:
 - 1. Discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling water and boiler blowdown wastewater);
 - 2. Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW Treatment Plant; or
 - 3. Is designated as such by the Control Authority on the basis that the discharger has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement (in accordance with 40 CFR 403.8(f)(6)).

- OO. **Slug Load or Slug Discharge.** Any discharge at a flow rate or concentration, which could cause a violation of the Prohibited Discharge Standards in subsection 3.2.1 of this Ordinance. A Slug Discharge is any discharge of a

non-routine, episodic nature, including but not limited to an accidental spill or a non-customary 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, Pretreatment Requirements or its MPDES permit.

- PP. SOG Facilities. Those establishments located within the District's service area where work or service is performed that generates sand, petroleum oil, grease or other petroleum product, grit, gravel, or other aggregate that may discharge into a wastewater collection system. These establishments include, but are not limited to, automotive service, machine shops, laundromats, automotive care centers, auto body shops, car washes, garages and parking garages, and elevator pits.
- QQ. Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- RR. Surcharge. Specific individual rates calculated from the volume and pollutant strength in accordance with District and City Codes and regulations.
- SS. Total Suspended Solids, Suspended Solids or TSS. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.
- TT. User or Industrial User. A source of indirect discharge other than solely for domestic or residential purposes as defined herein, including but not limited to industrial, government, institutional, and commercial sources.
- UU. Wastewater. Liquid and water-carried pollutants from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
- VV. Wastewater Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

ARTICLE II – PRETREATMENT

2.1 General Provisions

2.1.1 Purpose and Policy

This Article sets forth uniform requirements for Industrial Users (Users) of the Publicly Owned Treatment Works (POTW) for Flathead County Water District #1 – Evergreen (District). It is intended to provide procedures for complying with all requirements placed upon the District by the City of Kalispell through the Sanitary Sewer Treatment Agreement and the City’s Ordinance 1911, codes, and regulations required by applicable State and Federal laws including the Clean Water Act (33 United States Code Section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the Code of Federal Regulations [CFR] Part 403).

The District owns and operates the POTW sewer (wastewater) collection system within the District’s boundaries established under State law. The City of Kalispell (City) owns and operates the POTW wastewater collection system and wastewater treatment facilities located within the City and treats the District’s wastewater in accordance with the current *Sanitary Sewer Treatment Agreement* between the two parties and its MPDES permit conditions, sludge use and disposal requirements and all applicable State and Federal laws. The District conveys the wastewater it collects to the City’s wastewater treatment plant. The District, as a contributor to the City’s wastewater treatment plant, hereby adopts City Ordinance 1911, codes, and regulations which pertain to the City’s Industrial Pretreatment Program and sewer treatment. Where more stringent, this Ordinance supersedes applicable City requirements.

2.1.2 Objectives

The objectives of this Article are to:

- A. Prevent the introduction of pollutants into the POTW that will interfere with its operation;
- B. Prevent the introduction of pollutants into the POTW that will Pass Through the POTW, inadequately treated, into receiving waters, or otherwise be incompatible with the POTW;
- C. Protect both POTW personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- D. Promote and protect the reuse and recycling of wastewater and sludge from the POTW;
- E. Enable the City to comply with its MPDES permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the City and District are subject; and
- F. Provide for fees and an equitable distribution of the cost of the program established herein, operation, maintenance, and improvement of the POTW.

2.1.3 Application

This Article shall apply to all Users of the POTW.

2.1.4 Administration

Except as otherwise provided herein, the General Manager shall administer, implement, and enforce the provisions of this Article. Any powers granted to, or duties imposed upon the District may be delegated by the General Manager to a designee.

2.2 General Sewer Use Requirements

2.2.1 Prohibited Discharge Standards

- A. **General Prohibitions.** No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to National Categorical Pretreatment Standards or any other National, State, or Local Pretreatment Standards or requirements and include the following pollutants, substances, or wastewater:
- 1) Wastewaters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to contaminate the sludge of the City's wastewater system, or to injure or interfere with any wastewater treatment processes that constitute a hazard to humans or animals, creates a public nuisance, or creates any hazard in, or has an adverse effect on, the waters receiving any discharge from the treatment works; and
 - 2) Sewage or other polluted waters from any premises within the District, into or upon any public highway, land, public place, stream, water course, or into any cesspool, storm drain, or storm drain system (which includes catch basins, curbs, gutters, ditches, manmade channels, municipal streets), private sewer, or natural water outlet, except where suitable treatment has been provided in accordance with applicable Federal, State, and Local laws.
- B. **Specific Prohibitions.** No User shall introduce or cause to be introduced into the POTW the following pollutants or wastewater:
- 1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test

- methods specified in 40 CFR 261.21;
- 2) Wastewater having a pH less than 5.0 or more than 12.0 standard units or otherwise capable of causing corrosive structural damage to the POTW or equipment or to the personnel;
 - 3) Solid or viscous pollutants in amounts which will cause obstruction of the flow in the POTW resulting in Interference, but in no case solids greater than one-half inch (1/2") (1.27 cm) in any dimension. Solid or viscous substances shall not be discharged whole or ground by garbage grinders. This includes, but is not limited to ashes, cinders, sand, oil and grease from food service establishments, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, paunch manure, hair and flesh, entrails, and paper dishes, cups, milk containers, etc. Food waste processors/grinders are prohibited;
 - 4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the POTW;
 - 5) 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 introduction into POTW Treatment Plant exceeds 40 °C (104 °F);
 - 6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through;
 - 7) 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;
 - 8) Any "hazardous waste" as defined in 40 CFR Part 261;
 - 9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
 - 10) Any substance which may cause the POTW's effluent or any other product of the POTW, such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with the sludge use or disposal criteria, guidelines, or regulations affecting sludge use or disposal;
 - 11) Wastewater which imparts color which cannot be removed by the POTW Wastewater Treatment Plant, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the POTW treatment plant effluent, thereby violating the City's MPDES permit;
 - 12) Wastewater containing any radioactive wastes or isotopes except in

- compliance with applicable State or Federal regulations;
- 13) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the General Manager in advance and in writing;
 - 14) Sludges, screenings, inert suspended solids, or other residues from the pretreatment of industrial wastes including but not limited to Fullers earth, lime slurries and lime residues or dissolved solids including but not limited to sodium chloride and sodium sulfate;
 - 15) Wastewater causing, alone or in conjunction with other sources, the POTW treatment plant effluent to fail toxicity tests;
 - 16) Medical wastes except as specifically authorized by the City in an individual wastewater discharge permit or a general permit;
 - 17) Detergents, surface-active agents, or other pollutants that might cause excessive foaming in the POTW or receiving waters;
 - 18) Fats, oils, or greases of animal or vegetable origin in concentrations which could cause a problem to the collection system or the POTW (e.g., restricted flow in pipes, sewage backups, lift station operation issues, decreased treatment, etc.);
 - 19) Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than five percent (5%) or any single reading over ten percent (10%) of the Lower Explosive Limit of the meter;
 - 20) The discharge of pharmaceuticals, either listed or exhibiting hazardous waste characteristics, as defined in Subparts C, D, and Appendices in 40 CFR 261 generated from healthcare facilities or reverse distributors. Pollutants, substances, or wastewater prohibited by this subsection shall not be processed or stored in such a manner that could be discharged to the POTW or to a storm drain or storm drain system;
 - 21) Biochemical Oxygen Demand (BOD), Chemical Oxygen Demand (COD), or Total Suspended Solids (TSS) in quantities as to constitute a significant additional load on the POTW;
 - 22) Wastewater containing pollutants which are not amenable to transport, treatment, or reduction in concentration by the POTW and POTW wastewater treatment plant processes employed, or are amenable to treatment only to such a degree that the POTW treatment plant effluent cannot meet the requirements of regulatory agencies having jurisdiction over discharge of effluent to the receiving waters; and
 - 23) Wastewater which, by interaction with other wastewater in the POTW, releases obnoxious gases, forms suspended solids which interfere with the collection system, or creates a condition deleterious to structures and treatment processes.

2.2.2 National Categorical Pretreatment Standards

Categorical Industrial Users (CIUs) must comply with applicable Categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405–471 in addition to any limitations contained in these and City regulations.

2.2.3 Site-Specific Limits

- A. **Local Limits.** The Control Authority is authorized to establish Local Limits pursuant to 40 CFR 403.5 (c) to protect against Pass Through and Interference. Local Limits are established in City regulations and are applicable to SIUs. When a SIU's discharge is in excess of a Local Limit, it is subject to City enforcement actions.
- B. **Best Management Practices.** The General Manager may develop Best Management Practices (BMPs) to implement the requirements of this Article and Section 307(d) of the Act and as specified at 40 CFR 403.5(c)(4). BMPs are Pretreatment Standards. Full implementation of and compliance with BMPs shall constitute discharge limitations and are enforceable under these regulations.
- C. **Sector Control Policies.** The General Manager may establish specific Sector Control Programs for Users to control specific pollutants to meet the objectives of this Article. Pollutants subject to sector control programs will generally be controlled using BMPs or by permits, as determined by the General Manager. Sector control programs shall not limit the District's authority to inspect, sample, require reports, enforce, or otherwise carry out its responsibility under this Article.

2.2.4 District's Right of Revision

The District reserves the right to establish more stringent Standards or Requirements on discharges to the POTW consistent with the purpose of this Article.

2.3 Pretreatment of Wastewater

2.3.1 Pretreatment Facilities

- A. If any waters or wastes are discharged or are proposed to be discharged to the sewerage system, which waters contain the substances or possess the characteristics enumerated in Section 3.2.1 of this Article, and which in the

judgment of the General Manager, may have a deleterious effect upon the sewerage system, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the General Manager may:

- 1) Reject the waste;
 - 2) Require pretreatment to an acceptable condition for discharge to the sewerage system;
 - 3) Require control over the quantities and rates of discharge; and/or
 - 4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes, fees, or sewer charges.
- B. Users shall provide wastewater pretreatment as necessary to comply with District and City regulations. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted for City and District review and shall be acceptable to the City and the District before such facilities are constructed.
- C. If inspection of pretreatment systems and devices by the City and the District reveals such systems are not installed or operating in conformance with the plans and procedures submitted to the City and the District or are not operating in compliance with the effluent limitations required by the City, the User shall make those modifications necessary to meet requirements.
- D. Where pretreatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the User at the User's expense.

2.3.2 Additional Pretreatment Measures

- A. Fats, Oil, and Grease (FOG) interceptors are required in all Food Service Establishments (FSEs), as defined in Article I Section 1.2 above. Such pretreatment devices shall not be shared or used by more than one FSE. All floor sinks shall be equipped with stainless steel or polypropylene flanged floor sink strainers and drain screens shall be installed on all drainage pipes in food preparation and sink areas.
- B. Sand, Oil, and Grease (SOG) interceptors or other approved pretreatment devices are required in SOG Facilities, as defined in Article I Section 1.2 above. Such pretreatment devices shall not be shared or used by more than one SOG Facility.

- C. Amalgam separators are required in dental offices that discharge wastewater containing amalgam to the POTW.
- D. A physical barrier to separate dry cleaning equipment from the sanitary sewer is required in all dry-cleaning establishments using a solvent in the cleaning process.
- E. Integral strainers, lint traps, or an interceptor is required in all laundry facilities, including but not limited to industrial and commercial laundries and laundromats, multi-family living complexes that have common use facilities, hospitals, retirement homes, assisted living homes, hotels, motels, resorts, camps, RV/mobile home parks, and other joint and common use laundry facilities.

All required interceptors, traps, screens, sample ports, RV dump stations, associated plumbing, material requirements and operational requirements shall meet the City and the District Pretreatment Standards or Requirements and the Uniform Plumbing Code.

2.3.3 Sector Control Program

A. General Requirements

- 1) Pollutants subject to the Sector Control Program shall be controlled using Pretreatment Requirements, Best Management Practices (BMPs), and/or by permits.
- 2) The City Industrial Pretreatment Coordinator (IPC) and a District representative shall review new construction and existing facilities undergoing any physical change (remodeling), change in ownership, change in operations, or other change that could change the nature, properties, or volume of wastewater discharge, to ensure that current Sector Control Program policies are incorporated and implemented.
- 3) A Professional Engineer of the User or developer shall provide interceptor design, size, and installation drawings prior to the City IPC and a District representative sign off before installation. After installation, the interceptor must be inspected by the IPC for acceptance. The User or the developer shall provide a copy of IPC's written acceptance of the grease removal device to the District before service can be put online.
- 4) Owners, managers, employees, or any other occupants or operators of facilities where wastewater is generated and discharged to the District's sewer system through a trap or interceptor shall allow the District and City personnel access to all areas of the premises, at all reasonable times or during normal hours of operation, for the purpose of inspection, sampling, records review, or any other job-

related duty to determine compliance with this Article. The District and the City shall have the right to set up on any User's property devices necessary for conducting wastewater sampling inspection and compliance monitoring.

B. Sector Control Program Policies Descriptions

1) Fats, Oil, and Grease (FOG)

- a) Requirements established in the FOG Policy, Exhibit A, apply to all Food Service Establishments, as defined in Article I Section 1.2 above.
- b) The policy includes requirements for installation, operation, and maintenance of a FOG interceptor, sample port, and adherence to BMPs.
- c) The policy provides for enforcement for noncompliance including provisions of the City 's Enforcement Plan (ERP). The ERP is found in Exhibit B. The District shall initiate enforcement when the interceptor fails a visual inspection or is greater than 25% full in the primary chamber. The User shall take immediate steps to bring the interceptor into compliance. Failure to comply may be grounds for penalty imposition and/or discontinuance of service.

2) Sand, Oil, and Grease (SOG)

- a) Requirements established in the SOG Policy, Exhibit C, apply to all SOG Facilities, as defined in Article I Section 1.2 above.
- b) The policy includes requirements for installation, operation, and maintenance of a SOG interceptor, sample port, and adherence to BMPs.
- c) The policy provides for enforcement for noncompliance including provisions of the City 's ERP. The District shall initiate enforcement when the interceptor fails a visual inspection or is greater than 25% full in the primary chamber. The User shall take immediate steps to bring the interceptor into compliance. Failure to comply may be grounds for penalty imposition and/or discontinuance of service.

3) Dental Amalgam

- a) Requirements established in the Dental Amalgam Policy, Exhibit D, pursuant to EPA Dental Rule 40 CFR Part 441, apply to but are not limited to, permanent or temporary dental

practices, dental schools, dental clinics, and government-operated dental facilities that discharge wastewater to the POTW.

- b) The policy includes requirements for installation, operation, and maintenance of a dental amalgam separator, waste management, adherence to BMPs, and a one-time compliance report.
- c) The policy provides for enforcement for noncompliance including provisions of the City 's ERP. The enforcement response is based on the circumstances of the violation, including but not limited to the type of violation(s) and the number of occurrences. Failure to comply may be grounds for penalty imposition and/or discontinuance of service.

4) Dry Cleaners

- a) Requirements established in the Dry Cleaners Policy, Exhibit E, apply to dry cleaning establishments using a solvent in the cleaning process.
- b) The policy includes requirements to seal floor drains or install berms to provide a physical barrier to dry cleaning equipment from the sanitary sewer, adherence to BMPs and to certify zero discharge of separator water.
- c) The policy provides for enforcement for noncompliance including provisions of the City 's ERP. The enforcement response is based on the circumstances of the violation, including but not limited to the type of violation(s) and the number of occurrences. Failure to comply may be grounds for penalty imposition and/or discontinuance of service.

5) Laundry Facilities

- a) Requirements established in the Laundry Facilities Policy, Exhibit F, apply to industrial and commercial laundries and laundromats, multi-family living complexes that have common use facilities, hospitals, retirement homes, assisted living homes, hotels, motels, resorts, camps, RV/mobile home parks, and other joint and common use laundry facilities.
- b) The policy includes requirements to install laundry equipment with integral strainers or a lint trap or interceptor having a wire or polypropylene basket/screen, or similar device

specifically designed for laundry facilities, and adherence to BMPs.

- c) The policy provides for enforcement for noncompliance including provisions of the City 's ERP. The enforcement response is based on the circumstances of the violation, including but not limited to the type of violation(s) and the number of occurrences. Failure to comply may be grounds for penalty imposition and/or discontinuance of service.

C. Closure

The City and the District may require closure of plumbing, treatment devices, storage components, containments, or other such physical structures that are no longer required for their intended purpose. Closure may include the removal of equipment, the filling in of a void and/or cementing, capping, plugging, etc.

2.4 Notification and Reporting

If the General Manager deems it necessary to assure compliance with the provisions of this Article, any User of the POTW may be required to complete and submit a Sewer Use Questionnaire/Survey, or other reports, permit applications, or notifications in a format and timeframe specified by the General Manager.

2.5 Recordkeeping

All records (including documentation associated with BMPs) shall be retained by the User for a minimum period of three (3) years and shall be made immediately available upon request of the District at any time during the three (3) year period or so long as actually retained.

2.6 Compliance and Enforcement Remedies

2.6.1 Compliance

- A. All existing Users must come into compliance with the terms of this Article upon the effective date, unless specifically granted an exemption by the General Manager.
- B. Full implementation of and compliance with BMPs establish discharge limitations.

2.6.2 Enforcement

Failure on the part of any User to maintain continued compliance with any of the requirements set forth in this Article may result in the initiation of enforcement remedies

set forth in this Ordinance and the City Sewer Enforcement Response Plan (ERP). The District may take informal or formal action including the issuance of Compliance Orders with time schedules to remedy violations found during inspections.

In addition to the assessment of fines as described in the City ERP, the District may fine Users for failure to provide within five (5) days, required information or documents, or for failure to implement inspection requirements or Best Management Practices. Fines as provided in the District's applicable rate and fee schedules shall be assessed on a per day basis and shall double when greater than 45 days after the due date.

2.6.3 Right of Entry

The District and the City ICP shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this Article. Users shall allow the District and the City ICP ready access to all parts of the premises for the purposes of inspection (including the use of digital photography to gather information, unless prohibited by law), sampling, records examination and copying, and the performance of any additional duties. Denial of access shall constitute a violation of this Article and may lead to enforcement action.

2.6.4 Suspension of Service

The General Manager may suspend water service and/or wastewater treatment service to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, the environment, causes Pass Through or Interference, causes the City to violate any condition of its MPDES Permit, or for violations of this Article. Any User notified of a suspension of the water service and/or wastewater treatment service shall immediately stop or eliminate the discharge. In the event of a failure of the person to comply voluntarily with the suspension order, the General Manager shall take such steps as deemed necessary, including immediate physical severance of the sewer or water connection, to prevent or minimize damage to the POTW system or endangerment to individuals or the environment.

2.7 Miscellaneous Provisions

2.7.1 Recovery of Costs

It is the purpose of this Section to provide for the recovery of costs from Users of the POTW for the implementation of the program established herein. These fees, as contained in the District's applicable rate and fee schedules, relate solely to the matters covered by these regulations and are separate from all other chargeable fees.

2.7.2 Pretreatment Charges and Fees

The District may adopt reasonable fees for reimbursement of costs of setting up and operating the District's Industrial Pretreatment Program, which may include:

- A. Fees for permitting, monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's discharge and reviewing reports and certification statements submitted by Users.
- B. Fees to recover administrative and legal costs associated with the enforcement activity taken to address Users noncompliance.
- C. Other fees as the General Manager may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by these regulations and are separate from all other chargeable fees, fines, and penalties.

2.7.3 Surcharges for High Strength Discharges

Any nondomestic or nonresidential customer of the POTW discharging higher levels of pollutants than those contained in normal domestic base strength sewage waste will be surcharged by the City to cover the added cost of handling and treatment of these wastes in accordance with the City's *Wastewater Pretreatment and Commercial Sewer Use Regulations*. The surcharge is calculated based upon the net excess loading. The use of surcharges does not permit the User to otherwise exceed Local Limits, City regulations, or Federal and State Pretreatment Standards.

2.7.4 Leased/Rental Property

In situations involving leased or rented property, not resolved with the tenant, the owner or authorized representative of the property shall be notified of continued violations and is responsible for assuring compliance with the standards and requirements of these regulations.

EXHIBITS – SECTOR CONTROL PROGRAM POLICIES

- A. Fats, Oil, and Grease**
- B. City Enforcement Response Program**
- C. Sand, Oil, and Grease**
- D. Dental Amalgam**
- E. Dry Cleaners**
- F. Laundry Facilities**

EXHIBIT A

Fats, Oil, and Grease Policies Requirements



130 Nicholson Drive
Kalispell MT 59901
406-257-5861
info@evergreenwaterdistrict.com

Fats, Oil & Grease (FOG) Policy

1. Purpose

The purpose of this Policy is to minimize the introduction of FOG into the Flathead County Water District #1 – Evergreen (District) sewer collection system and the City of Kalispell (City) wastewater treatment facility where the District’s sewage is treated. Accumulation of FOG can adversely affect the District’s collection system by producing blockages which can result in costly sanitary sewer overflows and in higher wastewater treatment costs.

2. Applicability

Commercial Users (Users) of the District’s sewer system shall comply with this Policy. Users are defined as any sewer usage other than solely for residential purposes. This Policy applies to Commercial Users that discharge FOG in any concentration to include:

- 2.1 New construction
- 2.2 Interior remodeling to accommodate expansion or operational modifications
- 2.3 Changes of ownership / occupancy
- 2.4 Facilities which are experiencing difficulty in achieving compliance with maintenance and/or wastewater discharge requirements
- 2.5 Facilities adversely affecting the District’s collection system and / or the wastewater treatment facility, as determined by the District or the City
- 2.6 Existing establishments without grease interceptors unless specifically exempted by the District or the City

Establishments described above shall discharge all process wastewater to a District and City approved FOG interceptor. Each User for which a grease interceptor is required shall have a grease interceptor serving only that building, establishment, or residence. Common or shared interceptors are not permitted.

All under slab construction requires drawings from a professional engineer of the Commercial User or developer and must be approved by the City of Kalispell’s Industrial Pretreatment Coordinator (IPC) and a District representative prior to construction. The City’s IPC and a District representative shall inspect/approve all pretreatment related construction prior to backfilling. Contact the City’s IPC with any questions at (406) 758-7817.

3. Business Owner's / Discharger's Responsibilities:

The standards set forth in this section are minimum standards; therefore, this section does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants. Implementation and adherence to the District's FOG Best Management Practices (BMP's).

3.1 Installation and other requirements for grease interceptors:

A. Interior Hydromechanical Grease Interceptors

- I. Sizing shall comply with the City's most currently adopted version of the Uniform Plumbing Code and utilize the fixture capacity formula with a minimum size of 20 gpm.
- II. Design shall comply with City's Standards for Design and Construction drawing "PT.2"
- III. All new interior grease interceptors shall be Schier Great Basin Series interceptors.
- IV. Installation, operation, and maintenance per manufacturer's specifications.
- V. Cleaning frequency shall minimally be weekly unless 25% full or greater, then more often. The District shall determine cleaning frequency when different than cited here. (Automatic grease interceptors/traps shall be cleaned daily.)
- VI. Interceptor shall be located in an area that allows for easy cleaning and inspection.
- VII. Food preparation sinks, dishwashing sinks, dishwashers, floor drains, floor sinks, mop sinks and any other fixtures that produce grease laden waste shall discharge into the interceptor.
- VIII. Dishwashers shall be commercial grade, low temperature, chemical sanitizing models or the installation of a water tempering device shall be added to ensure discharge water temperature does not exceed 150°F prior to the interior hydromechanical grease interceptor.
- IX. Food waste processors/grinders, garbage disposers, enzymes and drain maintenance chemicals are prohibited.
- X. All floor sinks shall be equipped with stainless steel flanged floor sink strainers.

B. Exterior Gravity Grease Interceptor / Sample Port

- I. Schier Great Basin High-Capacity Grease Interceptors are recommended. If using a Schier GB Series interceptor, the sample port requirement can be omitted.
- II. Sizing shall comply with the City's most currently adopted version of the Uniform Plumbing Code. Use the table titled "Gravity Grease Interceptor Sizing" which uses DFU's for sizing.
- III. Precast, concrete interceptor / sample port designs shall comply with the

City's Standards for Design and Construction drawings "PT.1, PT.3, and PT.7". Waterproofing of all pretreatment-related concrete structures shall conform with City's Standards for Design and Construction drawing "SA.3".

- IV. Installation, operation, and maintenance per manufacturer's specifications.
- V. Cleaning frequency shall minimally be quarterly unless 25% full or greater, then more often. The District shall determine cleaning frequency when different than cited here.
- VI. Interceptor shall be located in an area that allows for easy cleaning and inspection. Lids shall be installed in a manner that allows for easy removal. Concrete lids are prohibited.
- VII. Food preparation sinks, dishwashing sinks, dishwashers, floor drains, floor sinks, mop sinks and any other fixtures that produce grease laden waste shall discharge into the interceptor.
- VIII. Food waste processors/grinders, garbage disposers, enzymes and drain maintenance chemicals are prohibited.
- IX. All floor sinks shall be equipped with polypropylene or stainless-steel flanged floor sink strainers.

C. Grease Interceptor (GI) Abandonment / Closure Requirements

The City and the District may require closure of plumbing, treatment devices, storage components, containments, or other such physical structures that are no longer required for their intended purpose. Abandoned GI's shall be closed by:

- I. Removal of entire contents of GI.
- II. Capping of the inlet and outlet pipes.
- III. Filling of the empty GI with an appropriate fill material, e.g., sand.
- IV. Permanently securing all openings to the interceptor, e.g., cement, weld.

4. District and City Responsibilities

4.1 Inspections

Authorized personnel of the District or the City, bearing proper credentials and identification, shall have the right to enter upon all properties subject to this program, at any time and without prior notification, for the purpose of inspection, observation, measurement, sampling, testing or record review, as part of this program.

4.2 Enforcement

Enforcement of these regulations shall be in accordance with the provisions of the District's Sewer Pretreatment Ordinance inclusive of Exhibit B - City's Enforcement Plan. The District shall initiate enforcement when the interceptor fails a visual inspection or is greater than 25% full in the primary chamber. The User shall take

immediate steps to bring the interceptor into compliance. Failure to comply may be grounds for penalty imposition and/or discontinuance of service.

4.3 Permits or Memorandum of Understanding (MOUs) as applicable:

Permits or MOUs shall follow all requirements described in the City of Kalispell's Ordinance and enforced for all businesses that meet the following criteria:

- A. Businesses which are assessed surcharges for high strength waste as defined in the City of Kalispell's Resolution No. 5968.
- B. Business with a history of noncompliance with this policy and/or the District's or City's FOG BMP's, as determined by the District or the City.
- C. Categorical or Significant Industrial Users.



FOG Best Management Practices (BMP's)

Managers:

1. Ensure your establishment is equipped with a properly sized and vented grease interceptor and sample port.
2. Train all employees in BMP's and provide periodic refresher training as well. Document this training on District's "Fats, Oils, and Grease (FOG) Program Best Management Practices (BMPs) Employee Training Form" provided to you.
3. Ensure all floor sinks are equipped with polypropylene or stainless-steel flanged floor sink strainers, which are easily removed and cleaned daily.
4. Provide a covered recycling container for cooking grease (yellow grease) and cooking oil. Utilize the service of a recycling company for disposal and maintain a disposal log. Do not allow overfilling of the recycling container. Ensure all other grease is placed in a sealed container and disposed in a dumpster.
5. Do not allow use of enzymes, degreaser, or hot water (> 150°F) directly in an interceptor or drain as a method of maintaining the interceptor or drain.
6. When greasy floors are cleaned, ensure the wastewater is disposed into a drain that leads to the interceptor.
7. Train employees to scrape off food and dry wipe grease from cooking pots, pans and utensils and place in the trash prior to washing.
8. Ensure hot water (> 150°F) does not go down any drain that leads to an interceptor.
9. Inspect interceptor regularly. Clean before interceptor becomes 1/4 full of grease and solids. Fill interior interceptor/traps with cold water after cleaning.
10. Keep an updated copy of the District's "Grease Removal Device (GRD) Cleaning Log" available for all staff performing interceptor maintenance. Ensure that the required cleaning frequency is being performed and logged. Keep receipts from any pumper companies used. These records shall be kept available for inspection for a minimum of three years.
11. Keep a spill kit available for any spills. Place used absorbent material in sealed containers and place in a dumpster.

Contact the District's Pretreatment Coordinator with any questions at (406) 257-5861.

NO GREASE

Best Management Practices

THE **WRONG WAY**



1
Do not pour cooking residue directly into the drain.



2
Do not use garbage disposals or food grinders.



3
Do not pour waste oil directly into the drain, parking lot or street.



4
Do not wash floor mats outside or rinse spills onto the pavement.

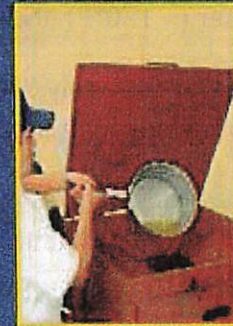
THE **RIGHT WAY**



1
Dry wipe pots, pans, dishware, & work areas prior to washing.



2
Dispose of food waste & solids in spill proof bags, enclose & place in the trash.



3
Collect waste oil & store in covered container, without spilling, for recycling.



4
Clean mats inside over a utility sink. Use dry cleanup for spills.



130 Nicholson Drive
Kalispell, MT 59901
P: 406-257-5861
E: info@evergreenwaterdistrict.com

Fats, Oils, and Grease (FOG) Program Best Management Practices (BMPs) Employee Training Form

All employees at restaurants and other food service establishments within Flathead County Water District #1 – Evergreen service area are required to be trained on Best Management Practices (BMPs). The purpose of BMPs is to minimize the discharge of fats, oils, and grease (FOG) into the sanitary sewer system, which can cause sewer blockages, backups, and overflows. This training is required as part of the normal employee orientation process and **annually** thereafter. Failure to follow BMPs may result in enforcement actions against the restaurant or food service establishment. The following is a list of required BMPs:

- **Drain screens.** Drain screens or flange strainers shall be **installed** on all drainage pipes in food preparation areas and **cleaned daily**. This includes kitchen sinks, floor drains and mop sinks.
- **Food wastes.** Dispose food wastes and solids **into the trash** and not in the drain.
- **Dry wipe.** Dry wipe pots, pans, dishware, and work areas before washing to remove grease.
- **Absorption products.** Know the location of absorption products. Use absorption products to clean under fryer baskets and other locations where grease may be spilled or dripped. Place all waste in a sealed container and disposed in the garbage. A ready supply of absorption material shall always be available.
- **Grease and oil disposal.** Clean interior grease traps (interceptors) weekly unless 25% full or greater, then more often. **Log each cleaning.** Dispose yellow grease or oils from cooking equipment into a covered recycle grease receptacle, without spilling. Do not overfill the recycling container. **Maintain a disposal log.** If an accidental spill occurs, immediately clean-up any spills with absorption products. **Place grease in a sealed container and disposed in a dumpster.**
- **Cleaning products and chemicals.** Keep cleaning products and chemicals away from drains to prevent accidental spills from entering drains. If safe to do so, any spills shall be cleaned up using adsorption products. Waste shall be bagged, sealed, and disposed in the garbage.
- **NO GREASE Best Management Practices Poster.** Read and follow "The Right Way" practices.

I have been trained on, understand, and agree to follow the BMPs listed above and on the "No Grease" signage.

Employee Name (print) _____

Employee Signature _____ Date _____

Note to Management: Documentation of training shall be kept on-site for a minimum of three (3) years and shall be made available for review by the District. For questions, contact the Assistant General Manager at (406)-257-5861.

EXHIBIT B

City Enforcement Response Plan

RESOLUTION NO. 6141

A RESOLUTION TO ADOPT AN ENFORCEMENT RESPONSE PLAN FOR SEWER MANAGEMENT PURSUANT TO FEDERAL AND STATE LEGAL REQUIREMENTS AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City of Kalispell is required to remain in compliance with 40 CFR (Code of Federal Regulation) 403 for the Sewer Wastewater Effluent Discharge Associated with Montana Pollutant Discharge Elimination Permit; and

WHEREAS, concurrently with this Resolution, Ordinance No. 1911 is being considered by the City Council for the purpose of maintaining ongoing compliance with the above described statutes and regulations and is scheduled to be approved on second reading by the City Council on July 17, 2023; and

WHEREAS, pursuant to 40 CFR 403 the City is further required to develop and implement an Enforcement Response Plan (ERP) to ensure compliance with Wastewater Pretreatment and Sewer Use Program regulations; and

WHEREAS, upon consideration of the recommendations made by the City Public Works professional staff, and upon review of the proposed ERP, the City Council of the City of Kalispell finds that it is in the best interest of the City to adopt the Enforcement Response Plan for Sewer Management as set forth in Exhibit "A", attached hereto.

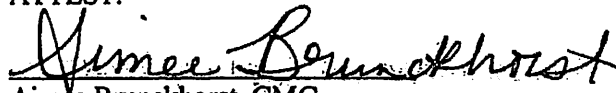
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KALISPELL AS FOLLOWS:

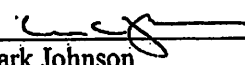
SECTION 1. The City of Kalispell Enforcement Response Plan for Sewer Management, attached hereto as Exhibit "A", shall be and is hereby approved and adopted and shall be implemented by the City of Kalispell until hereafter amended or replaced. Exhibit "A" shall be made available to the public upon request at the city offices of Public Works.

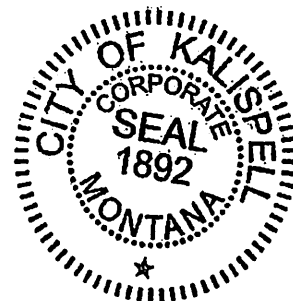
SECTION 2. This Resolution shall become effective upon the effective date of Ordinance No. 1911.

PASSED AND APPROVED BY THE CITY COUNCIL AND SIGNED BY THE MAYOR OF THE CITY OF KALISPELL, THIS 3RD DAY OF JULY, 2023.

ATTEST:


Aimee Brunckhorst, CMC
City Clerk


Mark Johnson
Mayor



Resolution 6141, Exhibit A



SEWER ENFORCEMENT RESPONSE PLAN (ERP)

APRIL 2023

PURPOSE

It is the responsibility of the City of Kalispell's Public Works Department along with the City Attorney to enforce all applicable Federal, State, and City Regulations. These City Regulations are outlined in 40 CFR (Code of Federal Regulation) 403 and in the Local Municipal Code. The ERP has been established as an element of the POTW's Wastewater Pretreatment and Sewer Use Program and is required as per 40 CFR 403.8(f)(5). The purpose of the ERP is to describe the City's policies and procedures to be followed in identifying, documenting, and responding to violations in order to provide consistent enforcement response for similar violations and circumstances. The ERP describes violations, defines a range of appropriate enforcement actions based on the nature and severity of the violation and other relevant factors, the time frames that responses will take place, and identifies personnel responsible for finalizing enforcement responses.

JURISDICTION

All entities discharging nondomestic waste to the POTW are subject to the provisions of the ERP. The ERP does not preclude the Control Authority from taking any, all, or any combination of actions against a noncompliant User.

ABBREVIATIONS

AO	Administrative Order
CA	Control Authority
CO	Compliance Order
ERP	Enforcement Response Plan
IPC	Industrial Pretreatment Coordinator
NOV	Notice of Violation
POTW	Publicly Owned Treatment Works
WL	Warning Letter

DEFINITIONS

Control Authority (City): The City of Kalispell, the Director (as defined in Section 1.2 (K), or a designee.

Domestic Wastewater: Wastewater from normal residential activities including, but not limited to, wastewater from kitchen, bath, and laundry facilities. Wastewater from the personal sanitary conveniences (toilets, showers, bathtubs, fountains, non-commercial sinks, and similar structures) of

commercial, industrial, or institutional buildings provided that the wastewater exhibits characteristics which are similar to those of wastewater from normal residential activities. Specifically excluded from this definition is wastewater from commercial, industrial, or institutional laundries or food preparation areas or facilities.

User: Any source that contributes, causes or permits the contribution of industrial or commercial wastewater into the POTW. A source of indirect discharge. This term includes, but is not limited to, Industrial Users, Significant Industrial Users, Categorical Industrial Users, and Non-Categorical Industrial User.

Publicly Owned Treatment Works (POTW): A treatment works, as defined by section 212 of the Act (33 U.S.C. §1292), which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works and is owned by the City as defined by section 502 (4) of the Act. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant. For the purpose of this Ordinance, POTW shall also include any sewers that convey wastewaters to the POTW from Indirect Dischargers outside the City who are, by contract or agreement with the City, Users of the City's POTW. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the Indirect Discharges to and the discharges from such treatment works.

PERSONNEL RESPONSIBILITIES

Industrial Pretreatment Coordinator (IPC): The Industrial Pretreatment Coordinator is responsible for the day-to-day implementation and enforcement of the pretreatment program. The enforcement responses carried out by the Industrial Pretreatment Coordinator are as follows:

- Informal notices (verbal and written)
- Informal meetings
- Notices of Violations
- Compliance Orders
- Administrative Orders
- Referrals to the State or EPA for criminal action

Director / Public Works Director: The Director has the responsibility to initiate the following enforcement actions at the recommendation of the IPC:

- Administrative Orders
- Consent Agreements
- Administrative Fines
- Referrals to the City Attorney for civil litigation
- Referrals to the State or EPA for criminal action

City Attorney: The City Attorney will provide legal consultation as requested by the Director on Consent Agreements and Administrative Orders and will oversee all referrals for civil litigation and POTW initiated criminal investigations.

DESCRIPTION OF INVESTIGATIVE PROCEDURES

User Identification and Characterization: New and existing Users are inspected by pretreatment staff and asked to complete an online Industrial User Survey. Once the survey is completed the business is placed into one (1) of four (4) classifications based on the type of pollutants in their waste stream. The classifications are Fat, Oil and Grease (FOG), Sand, Oil and Grease (SOG), Dental Offices, and Other Pollutant Producers. Each User is then given a NAISC code (an EPA Classification Code) that designates each User based on pollutant characteristics.

Permitting Procedures: Users currently possessing a Memorandum of Understanding (MOU), Users determined to be Significant Industrial Users, or any User that has a history of continued non-compliance will be required to obtain a Wastewater Discharge Permit. Once notified that a Wastewater Discharge Permit is required, existing Users will be provided 180 days to submit a Wastewater Discharge Permit application. The Director or designee has 90 days to review the Wastewater Discharge Permit application and either approve or deny the request. Approved Users will be issued Wastewater Discharge Permits and given 180 days to achieve the discharge limitations of the permit. New Users shall submit a Wastewater Discharge Permit application at least 90 days prior to the date when the discharge will begin. Wastewater Discharge Permits shall be valid for no more than five (5) years. Users denied Wastewater Discharge Permits shall be notified in writing and provided with an explanation of the grounds for the denial. The applicant may revise the Wastewater Discharge Permit application and resubmit for reconsideration. Once a Wastewater Discharge Permit is in place, the User shall follow all of the terms listed in the contents. Articles 4 and 5 of these City Regulations describe in detail the various types of Wastewater Discharge Permits, permit requirements, and permitting issuance.

Self-Monitoring Report/Notification Procedures: Users which are issued Wastewater Discharge Permits shall provide reports to the City which contain all required information of the permit. These reports help the City ensure compliance with the Wastewater Discharge Permit requirements. Article 6 of these City Regulations describes the various types of reports and their contents. A signatory certification is required which holds the signing representative responsible under penalty of the law to provide true, accurate, and complete information.

Control Authority Monitoring: Article 7, of these City Regulations provides the legal basis for inspection and sampling of any User. The purpose of inspections and sampling is to ensure compliance with Wastewater Discharge Permits and any other applicable requirement of these City Regulations. In the event that access to a User's premises is denied and in order to protect the health, safety and welfare of the community, the City may seek issuance of a search warrant.

Compliance Evaluation / SNC Determination: Article 8 of these City Regulations provides the legal basis for determining if a User is in SNC. Section 8.2(B) of these regulations lists eight (8) different criteria that shall be deemed SNC. A User found to be in violation of one (1) or more of these criteria is considered in SNC. Annually, the City is required to publish in its largest newspaper a list of any business that it determined to be in SNC during the previous twelve (12) months. Enforcement for

SNC is determined based on the remedies describes in this Enforcement Response Plan. SNC is also defined on pages 6 and 7 of this Enforcement Response Plan.

DESCRIPTION OF ENFORCEMENT ACTIONS

Informal Notice:

- **Verbal Notification** - Verbal notifications by telephone or in person provide an immediate notification of violations. In general, verbal notifications are used for minor infrequent violations or as an initial step leading to an escalated enforcement response. All verbal notifications related to enforcement, or the investigation of suspected violations shall be documented in writing and placed in the respective User's file.
- **Email Notification** - Email notification is issued under the same circumstances as verbal notifications. They may be issued as follow-up responses to verbal notifications or in lieu of verbal notifications.

Informal Meeting: An informal meeting is used to gather information concerning noncompliance, discuss steps to alleviate noncompliance, and determine the commitment level of the User. All informal meetings shall be documented in the City's files.

Notice of Violation (NOV): Notice of Violation is a written notice to the facility that a violation has occurred. The NOV requires corrective actions to prevent further violations and an explanation of the causes of the violation(s). It shall include a statement that additional enforcement actions may be pursued if corrective actions are not achieved as required. The NOV shall be sent by certified mail with return receipt requested. Copies shall be placed in the User's file.

Administrative Order (AO): Administrative Orders are enforcement documents that direct Users to undertake and/or to cease specified activities by specified deadlines. The terms of an AO may or may not be negotiated with Users. AOs may incorporate compliance schedules, administrative fines, and termination of service. An Administrative Order is the minimum level of enforcement used to address SNC.

Termination of Service: Termination of Service is the revocation of a User's privilege to discharge nondomestic Wastewater into the sewer system. Termination of Service is used when the discharge from a User presents imminent endangerment to the health or welfare of persons, or the environment, or threatens to interfere with the POTW's operations, or as an escalating enforcement action to SNC when a noncompliant User fails to respond adequately to previous enforcement actions. Termination of Service may be accomplished by physical severance of the Users connection to the collection system, issuance of an AO (which compels the User to immediately terminate its discharge), revocation of the IUs Wastewater Discharge Permit, or a court ruling.

Administrative Fines: Administrative Fines are punitive monetary charges assessed by the Control Authority rather than a court. Authority for the penalty must be authorized in the POTW's local legal authority. The purpose of the fine is to recover the economic benefit of noncompliance and to deter future violations. When assessing an administrative fine the following factors are considered:

- type and severity of the violation;
- number of violations cited;
- duration of noncompliance;
- impact of the violation on the receiving water, sludge quality, and POTW operation;
- whether the violation threatened public health;
- the economic benefit or savings the User gained from the noncompliance;

- compliance history of the User; and/or
- whether the User makes a good faith effort to comply.

Administrative Fines are particularly appropriate where the User remains in noncompliance after receiving repeated NOV's or violates the terms of an Administrative Order, including, but not limited to, missing a compliance schedule deadline. The decision to assess an Administrative Fine would normally be made by the Public Works Director in consultation with the City Attorney.

The amount of the proposed Administrative Fine should be based on the following guidelines:

- 1) Tier 1 Violations where the violation is administrative in nature and has not caused or contributed to a violation of the User's effluent parameters.
 - a) 1st Offense - \$150 per violation, per day.
 - b) 2nd Offense - \$300 per violation, per day.
 - c) 3rd Offense - \$450 per offense, per day.
 - d) 4th Offense - \$1,000 per offense, per day.
- 2) Tier 2 Violations where the violation has contributed to, or has significant potential to contribute to, a violation of the User's effluent parameter, but where that violation has not caused the User to be in SNC.
 - a) 1st Offense - \$300 per violation, per day.
 - b) 2nd Offense - \$500 per violation, per day.
 - c) 3rd Offense - \$800 per violation, per day.
 - d) 4th Offense - \$1,000 per violation, per day.
- 3) Tier 3 Violations where the violation is more severe than a Tier 2 violation, including, but not limited to, violations that have caused sewer blockages without causing a sewer overflow, or violations that have resulted in the User being in SNC but where that violation has not resulted in a violation of the City's MPDES permit.
 - a) \$1,000 per violation, per day.
- 4) Tier 4 Violations where the violation has caused Interference or Pass Through or has resulted in a violation of the City's MPDES permit, or has resulted in the City using its emergency authority, where the User has failed to follow a legal order of the City, has falsified records, or where any similar serious violation has occurred.
 - a) \$3,000 per violation, per day.

Civil Litigation: Civil Litigation is the formal process whereby the Control Authority files a lawsuit against the User to secure court ordered action to correct violations and to secure penalties for the violations including recovery of costs to the POTW for the noncompliance. Civil Litigation also includes enforcement measures which require involvement or approval of the court, such as injunctive relief.

Referral to EPA or the State: Where a POTW does not rely on criminal prosecution for its enforcement authority, referral to the State or EPA may be made. For violations that may warrant criminal prosecution, the Control Authority will refer the case to EPA or the State for further action. Circumstances that trigger EPA or State referrals include evidence of willfulness, evidence of negligence, and bad faith shown by the User.

ENFORCEMENT RESPONSE GUIDE (ERG)

Table 2, the ERG, lists recommended enforcement responses and provides a guide for enforcement activities. The guide is intended to:

- Provide guidance in enforcement responses that are appropriate in relation to the nature and severity of the violation and the overall degree of noncompliance.
- Establish guidelines that encourage fair and uniform application of enforcement response to comparable levels and types of violations.
- Provide a quick reference for Pretreatment Program enforcement personnel.

The ERG lists several alternative enforcement responses for each type of violation. Semicolons separate these alternatives. Determination of the appropriate alternative must include consideration of the criteria described below.

Factors that will be evaluated when determining the appropriate response are:

- Magnitude of the violation;
- Duration of the violation;
- Good faith of the User;
- Compliance history of the User;
- Previous success of the enforcement actions against the User;
- Effect of the violation on the environment and/or public health;
- Effect of the violation on the POTW; and/or
- Violation resulting in SNC.

SIGNIFICANT NON-COMPLIANCE (SNC)

DISCHARGE LIMIT VIOLATION:

The discharge limit violations section of the ERG (Table 2) requires the City to determine if a violation is significant or nonsignificant. A discharge limit violation shall be determined significant if it meets one or more of the following:

1. Chronic violations of Wastewater discharge limits
 - Defined as 66 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits.
2. Technical Review Criteria (TRC) violation
 - Defined as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric pretreatment standard or requirement, including instantaneous limits multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, FOG; and 1.2 for all other pollutants except pH). In the case of pH, violations are considered significant if the pH value is more than 1.5 pH units above the upper pH limit or below the lower pH limit. If

continuous monitoring is in place, it would be significant if it was 1.5 pH units above the upper pH limit or below the lower pH limit for a total period of 2hrs and 24 minutes during a 6-month period.

3. Violation of City Regulations 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);
4. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.

NOTE: Items 1 and 2 above (Chronic and TRC violations) are determined through a 6-month period. IUs are evaluated at the end of a calendar quarter for the previous 6 months.

NON-DISCHARGE LIMIT VIOLATIONS:

Per 40 CFR 403 SNC requires a violation of the above items and/or one or all of the following:

1. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
2. Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
3. Failure to accurately report non-compliance;
4. Any other violation or group of violations, which may include a violation of Best Management Practices, which the POTW determines will adversely affect the operation or implementation of the local Pretreatment program.

The User and SNC will be published in a newspaper(s) of general circulation, within the jurisdiction(s) of the POTW, for any Users which, at any time during the previous 12 months, were in SNC with applicable Pretreatment requirements.

TIMEFRAMES:

The following are the timeframe guidelines that the IPC will attempt to work within when following the ERP.

TABLE 1: TIMEFRAMES FOR ENFORCEMENT RESPONSE

Enforcement Response ¹	Time Goal ²
Informal responses <ul style="list-style-type: none"> • Verbal Notification • Email Notification 	<ul style="list-style-type: none"> • 5 days • 5 days

TABLE 1: TIMEFRAMES FOR ENFORCEMENT RESPONSE

Enforcement Response ¹	Time Goal ²
<ul style="list-style-type: none"> • NOV • Informal meeting 	<ul style="list-style-type: none"> • 10 days • 30 days
<p>Formal Responses</p> <ul style="list-style-type: none"> • Compliance Schedule • Administrative Orders • Administrative Fines • Revoke Permit/Suspend Service 	<ul style="list-style-type: none"> • 60 days • 60 days • 60 days • 60 days
<p>Judicial Responses</p> <ul style="list-style-type: none"> • Injunctive Relief • Consent Decree • Civil Penalties • Criminal Penalties 	<ul style="list-style-type: none"> • 60 days • 60 days • 90 days • 90 days

¹Violations which threaten health, property or environmental quality are considered emergencies and will receive immediate responses.

²Indicates the amount of time in which the IPC should initiate enforcement action after initial detection of the violation(s).

Table 2: ENFORCEMENT RESPONSE GUIDE

TYPE OF VIOLATION	CIRCUMSTANCES	RESPONSE
UNPERMITTED DISCHARGE / BEST MANAGEMENT PRACTICES (BMPs) VIOLATIONS		
Discharge without a Wastewater Discharge Permit	Unaware of requirement and no impact on POTW/environment	Phone call, NOV with application form
	Unaware of requirement and adverse impact on POTW/environment	AO with fine
	Aware of requirement	AO with fine, Civil Litigation
Failure to Submit Wastewater Discharge Permit Application or reapplication with intent to discharge	User has not submitted application within 30 days of due date	Phone call; email; WL
	User has not submitted application after notice by the POTW	NOV; AO
	Failure to submit application-discharge continues	AO to halt discharge;
Unauthorized Discharge through manhole, RV dump station, car wash etc.	No harm to POTW or environment	NOV; AO; AO with fine
	Harm to POTW or environment	AO with fine; Civil Action;
	Recurring incident	NOV; AO; AO with fine; Civil Litigation
Permitted User discharging waste not authorized by Wastewater Discharge Permit	No harm to POTW or environment	NOV; AO with fine
	Harm to POTW or environment	NOV; AO with fine; Civil Litigation
	Recurring incident	NOV; AO with fine; Civil Litigation; Terminate Service
Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) that the POTW determines has caused Interference or Pass Through (including endangering the health of POTW personnel or the general public)	Unaware of requirement	NOV; AO with fine
	Aware of requirement	AO with fine; Termination of Service; Civil Litigation

Table 2: ENFORCEMENT RESPONSE GUIDE

TYPE OF VIOLATION	CIRCUMSTANCES	RESPONSE
Any other violation or group of violations, which may include a violation of Best Management Practices, which the POTW determines will adversely affect the operation or implementation of the local Pretreatment program	Unaware of requirement	NOV
	Aware of requirement	NOV; AO with fine
Exceedance of discharge limitation or prohibition in permit or Kallispell Municipal Code	Isolated not significant, no harm to POTW or environment	Phone call; email; NOV
	Recurring, significant, harm to POTW or environment	AO with fine; Terminate Discharge; Termination of Service; Civil Litigation
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	Isolated incident	Terminate Discharge; AO with fine
	Recurring incident	Terminate of Service; Civil Litigation
REPORTING VIOLATIONS		
Report improperly signed or certified	Isolated incident	Phone call; email;
	Previous notice by POTW, recurring, SNC	NOV; AO; AO with fine
Document is incomplete or inaccurate	Isolated incident	Phone call; email;
	Recurring incident	NOV; AO; AO with fine
Document is late	5 days to 29 days	Phone call; email;
	45 days or more resulting in SNC	NOV; AO
	Documents are repeatedly late, SNC	NOV; AO; AO with fine;
Failure to report violation, spill/slug or changed discharge	No actual or potential harm to the POTW or environment	NOV
	Actual or potential harm to the POTW	AO; AO with fine; Civil Litigation

Table 2: ENFORCEMENT RESPONSE GUIDE

TYPE OF VIOLATION	CIRCUMSTANCES	RESPONSE
Failure to report violation, spill/slug or changed discharge (continued)	Recurring incident	AO with fine; Civil Litigation; Terminate Service
	Falsification	Criminal Investigation; Terminate Service, Civil Litigation
Failure to accurately report noncompliance	No actual or potential harm to the POTW or environment	NOV; AO; AO with fine NOV
	Actual or potential harm to the POTW	AO; AO with fine AO; AO with fine
	Recurring incident	AO with fine; Civil Litigation AO with fine
	Falsification	AO with fine, Civil Litigation Criminal In
Failure to Notify: (24-hour, slug/potential problems, changed discharges, hazardous waste, upset, bypass)	Actual or potential harm to POTW	AO; AO with fine
	Recurring incident	AO with fine; Civil Litigation
Failure to report additional monitoring	Isolated incident	Phone call; email; WL; NOV
	Recurring incident	AO; AO with fine
Failure to monitor for all required parameters	Isolated incident	Phone call; email; NOV
	Recurring incident	NOV; AO; AO with fine
Improper sample handling/analytical procedures	Isolated incident	Phone call; email;
	Recurring incident	NOV; AO; AO with fine
Failure to resample within time frame	Isolated incident	Phone call; email; WL; NOV
	Prior Notification from CA	AO; AO with fine
	Recurring incident	AO; AO with fine

Table 2: ENFORCEMENT RESPONSE GUIDE

TYPE OF VIOLATION	CIRCUMSTANCES	RESPONSE
Failure to Install Monitoring Equipment/sampling point	Delay less than 30 days	NOV
	Delay greater than 30 days	NOV; AO; AO with fine
Tampers with monitoring equipment/sample	Isolated incident	AO with fine
	Recurring incident	Civil Litigation, Termination of Service
Sampling at incorrect location	Isolated incident	Phone call; email; NOV
	Recurring incident	AO; AO with fine
Failure to keep monitoring equipment functioning properly, per manufacturers specifications	Delay less than 30 days	Phone call; email; NOV
	Delay greater than 30 days	AO; AO with fine; Termination of Discharge
COMPLIANCE SCHEDULES		
Missed milestone	Less than 90 days late or will not affect final compliance date	NOV
	Greater than 90 days late or will affect final milestone (good cause for delay), SNC	AO; AO with fine
	Greater than 90 days late or will affect final milestone (no good cause for delay), SNC	AO with fine; Civil Action; Termination of discharge
Not in compliance as of final compliance date	Less than 90 days late	NOV; AO
	Greater than 90 days late; reasonable cause for delay, SNC	NOV; AO; AO with fine
	Greater than 90 days late; no reasonable cause for delay, SNC	AO; AO with fine; Civil Litigation
Inadequate recording keeping	Files incomplete or missing (no evidence of intent)	Verbal warning at inspection; NOV
	Files incomplete or missing (evidence of intent)	AO with fine; Civil Litigation; Termination of Service
Wastestreams diluted in lieu of treatment	Initial violation	NOV; AO
	Recurring	AO; AO with fine

Table 2: ENFORCEMENT RESPONSE GUIDE

TYPE OF VIOLATION	CIRCUMSTANCES	RESPONSE
Refusal of Entry	No violation of effluent parameters suspected	NOV, AO, AO with fine
	Violation of effluent parameters suspected	AO, AO with fine
	Suspected harm to welfare of community	Termination of Service, Search Warrant
Failure to mitigate noncompliance or halt production	No adverse impact on POTW or environment	NOV
	Adverse impact on POTW or environment	AO; AO with fine
Failure to properly operate and maintain pretreatment system	No adverse impact on POTW or environment	NOV
	Adverse impact on POTW or environment	AO; AO with fine, Termination of Service
	Recurring	AO; AO with fine; Termination of Service

EXHIBIT C

Sand, Oil, and Grease Policies Requirements



130 Nicholson Drive
Kalispell MT 59901
406-257-5861
info@evergreenwaterdistrict.com

Sand, Oil, & Grease (SOG) Policy

1. Purpose

The purpose of this Policy is to minimize the introduction of Sand, Oil, & Grease (SOG) into the Flathead County Water District #1 – Evergreen (District) sewer collection system and the City of Kalispell (City) wastewater treatment facility where the District’s sewage is treated. Accumulation of SOG can adversely affect the District’s collection system by producing blockages which can result in costly sanitary sewer overflows and in higher wastewater treatment costs.

2. Applicability

This Policy shall apply to all nonresidential establishments that discharge SOG in any concentration, including but not limited to car washes, auto service shops, laundry facilities, and elevator pits. These requirements shall also include:

- 2.1 New construction
- 2.2 Interior remodeling to accommodate expansion or operational modifications
- 2.3 Changes of ownership / occupancy
- 2.4 Facilities which are experiencing difficulty in achieving compliance with maintenance and / or wastewater discharge limitations
- 2.5 Facilities adversely affecting the District’s wastewater collection system and/or the City wastewater treatment facility
- 2.6 Existing facilities without grease interceptors unless specifically exempted by the District or the City

Establishments described above shall discharge all process wastewater to a District and City approved SOG interceptor.

Each business establishment for which an interceptor is required shall have an interceptor serving only that establishment. Common or shared interceptors are not permitted.

All under slab construction requires drawings from a professional engineer of the business establishment or developer and must be approved by the City of Kalispell’s Industrial Pretreatment Coordinator (IPC) and a District representative prior to construction. The City’s IPC and a District representative shall inspect/approve all pretreatment related construction prior to backfilling. Contact the City’s IPC with any questions at (406) 758-7817.

3. Business Owner's / Discharger's Responsibilities:

The standards set forth in this section are minimum standards; therefore, this section does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

3.1 Implementation and adherence to the District SOG Best Management Practices (BMP's) and train employees. Document training using the SOG Interceptor Maintenance and Employee Training Practices form.

3.2 Installation and other requirements for SOG interceptors:

A. Sizing shall comply with the following SOG Sizing Calculation: The minimum capacity of a SOG is 500 gallons. The maximum size of a SOG is 2,500 gallons. Facilities requiring SOGs larger than 2,500 gallons shall install multiple interceptors in series to accommodate the additional system load.

The Formula for SOG is:

$$\text{SOG Capacity} = \frac{\text{Process floor space (sq. ft.)} \times 7.48}{\text{gallons Use factor from Table below}}$$

Use Category	Use Factor
Truck Wash	3 square feet
Heavy Equipment Wash	
Commercial Automatic Car Wash	
Commercial Car Wash (hand sprayer)	6 square feet
Automotive Service Shop	15 square feet
Storage Area	100 square feet
Warehouse	
Parking Garage	1,000 square feet

Contact the City IPC at (406) 758-7817 for Use Categories not listed.

- B. Interceptor/sample port design shall comply with the City's Standards for Design and Construction drawings "PT.3, PT.4, and PT.7". Waterproofing all pretreatment related concrete structures shall conform with City's Standards for Design and Construction drawing "SA.3".
- C. Installation, operation, and maintenance per manufacturer's specifications.
- D. Interceptor shall be located in an area that allows for easy cleaning and inspection. Lids shall be installed in a manner that allows for easy removal. Concrete lids are prohibited.
- E. SOG interceptors and sample ports located in traffic areas shall meet H-20 loading requirements.
- F. SOG interceptors are required to be pumped frequently (at least quarterly (unless a different pumping frequency has been

established by the District) to prevent the discharge of waste materials into the sanitary sewer system.

The SOG separator must be cleaned when the total accumulation of surface oil and settled solids reaches twenty-five percent (25%) of the sand-oil separator's overall liquid depth in the primary chamber. The chart below provides you with different vertical distances from the bottom of the outlet "tee" (same as water level) to the floor of the sand/oil separator. If the bottom of your outlet "tee" is 24 inches from the floor of the interceptor then, the bottom sludge layer or the floating materials layer shall not occupy a depth within six (6) inches from the bottom of the "tee".

Sand/Oil Separator Maintenance Chart

Water Level	24	36	42	48	54	60	66	72	inches
Max capacity 25% (top & bottom)	6	9	10.5	12	13.5	15	16.5	18	inches

The amount of waste in the sand/oil interceptor can be determined by using a tape measure or long rod.

Remember: It could cost you more money in the long run to wait until the last minute to have your sand/oil separator pumped. Pump it regularly to avoid potential damage to your system, facilities, or the wastewater collection system.

- G. Do not discharge paved areas to an SOG that are exposed to storm events.

3.2 SOG Interceptor Abandonment / Closure Requirements

The City and the District may require closure of plumbing, treatment devices, storage components, containments, or other such physical structures that are no longer required for their intended purpose. Abandoned GI's shall be closed by:

- A. Removal of entire contents of SOG.
- B. Capping of the inlet and outlet pipes.
- C. Filling of the empty SOG with an appropriate fill material, e.g., sand.
- D. Permanently securing all openings to the interceptor, e.g., cement, weld.

4. District and City Responsibilities:

4.1 Inspections

Authorized personnel of the District or the City, bearing proper credentials and identification, have the right to enter upon all properties subject to this program, at any time and without prior notification, for the purpose of inspection, observation, measurement, sampling, testing or record review, as part of this program.

4.2 Enforcement

Enforcement of these regulations shall be in accordance with the provisions of the District's Sewer Pretreatment Ordinance inclusive of Exhibit B - City 's Enforcement Plan. The District shall initiate enforcement when the interceptor fails a visual inspection or is greater than 25% full in the primary chamber. The business establishment shall take immediate steps to bring the interceptor into compliance. Failure to comply be may grounds for penalty imposition and/or discontinuance of service.

4.3 Permits or Memorandum of Understandings (MOUs) as applicable:

Permits or MOUs shall follow all requirements described in the City of Kalispell's Ordinance and enforced for all businesses that meet the following criteria:

- A. Businesses which are assessed surcharges for high strength waste as defined in the City of Kalispell's Resolution NO. 5968.**
- B. Businesses with a history of noncompliance with this policy and/or the City's FOG BMP's, as determined by the District or the City.**
- C. Categorical or Significant Industrial Users.**



Floor Cleaning Best Management Practices (BMPs) Vehicle Service Facilities

Cleaning floors where pollutants are present may generate wastewater that exceeds sewer prohibitions.

- Conduct operations to avoid or minimize spills.
- Clean up spills as they happen and use a method that keeps the spilled material out of the sanitary sewer and/or storm drain. Use dikes and/or booms to contain spills and minimize the area affected.
- Use rags supplied by an industrial laundry service to clean up small drips and spills. Send the rags back to the laundry service for cleaning.
- Use a segregated spill cleanup method for larger spills:
 - A squeegee and dustpan can be used to collect spilled liquids.
 - A hydrophobic (oleophilic) mop or pad can be used to clean up oil spills and to separate oil from mixed spills of oil and antifreeze. The material collected on a hydrophobic mop or pad can be wrung out into a dedicated container labeled as "Waste Oil". The hydrophobic mop or pad can then be re-used.
 - A dedicated cotton-head mop can be used to clean up antifreeze spills and left-over antifreeze from mixed spills. The material collected on this mop can be wrung out into a dedicated container labeled as "Waste Antifreeze". The mop can then be re-used.
 - The collected liquids from the segregated cleanup activities can be transferred into the appropriate storage container for waste oil or waste antifreeze.
- Use rags again as the final step for any liquid left on the floor after the segregated cleanup.
- **Use wet mopping only when needed and only after cleaning up spills using the above methods.** Sweep prior to wet mopping.
- If a cleaning product is needed, select one that is appropriate for the cleaning purpose but does not create a discharge quality problem. Avoid using solvent-based or strongly corrosive cleaners. Check the MSDS for hazardous characteristics. Follow the manufacturer's mixing directions.
- Discharge mop water to a sand/oil/grease interceptor if available. If not available, discharge of mop water to the sanitary sewer may be allowed if the above floor cleaning BMPs are followed.

Consider applying a non-absorbent floor surface (e.g., epoxy coating) that facilitates clean up.

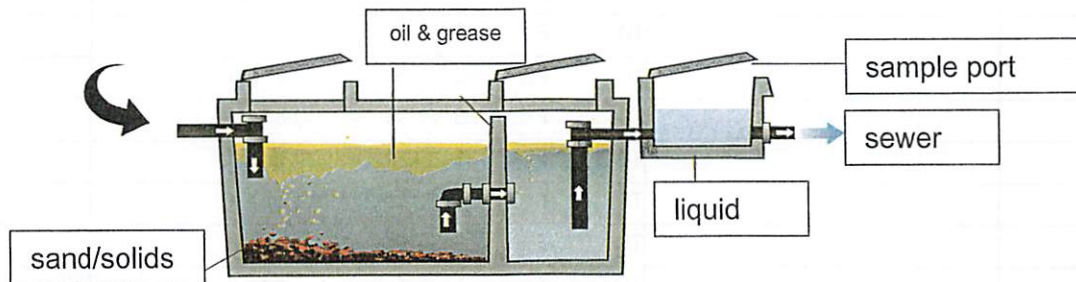
SAND, OIL & Grease, (SOG)

Best Management Practices (BMPs) Poster

(post in a conspicuous location where employees work as a reminder of their training and expected workplace practices)

WHAT SHOULD NOT GO DOWN THE DRAIN and/or INTO A SOG INTERCEPTOR?

- Degreasers and concentrated detergents.
- Fuels, alcohols, or solvents are prohibited. Large quantities can create explosion hazards in the interceptor, and/or sewer system.
- Concentrated amounts of oily products will decrease the effectiveness of the interceptor and require more frequent cleanings.
- Antifreeze, brake, transmission, power steering fluids, paints, and heavy metal-bearing wastewater are not treated by an interceptor and are typically hazardous waste and must be handled and disposed of accordingly.



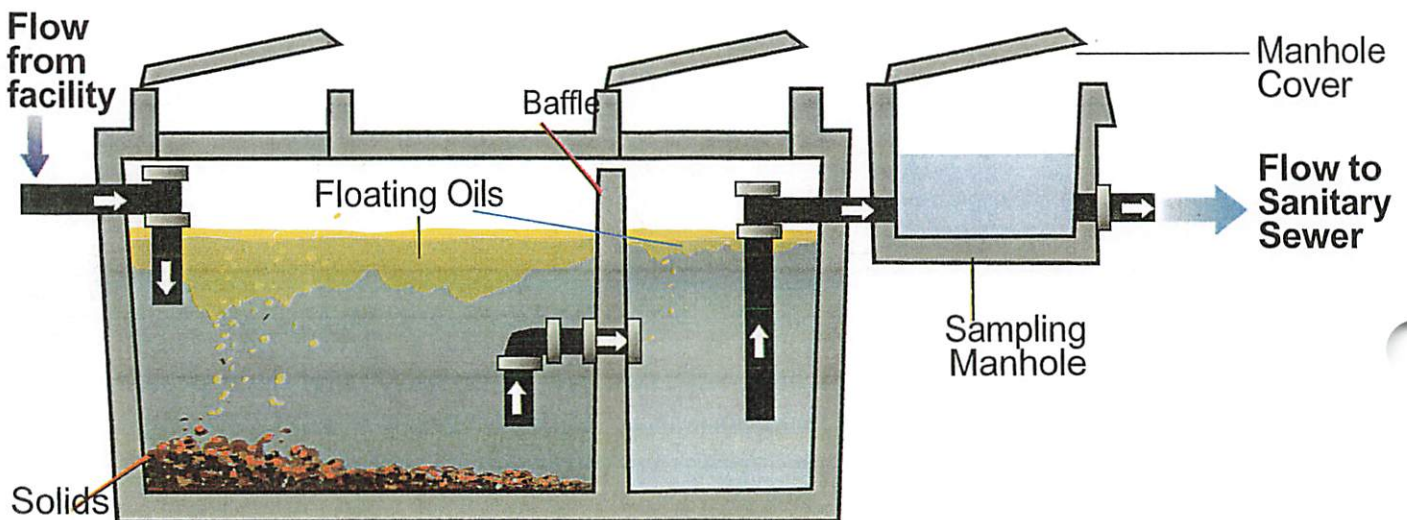
WHAT PRACTICES KEEP AN INTERCEPTOR WORKING PROPERLY?

- Clean when 25% full or at least once every quarter (whichever comes first) by a Licensed Hazardous Waste Transporter/Recycler, unless otherwise directed by the District.
- Have oil absorbent socks/pillows in place at the liquid surface in the primary chamber and replaced once saturated with oil.
- Inspect the interceptor after cleaning to make certain that the inlet and outlet pipes are not damaged and are clear of obstructions.
- Prevent oils and sludge from entering the interceptor by using methods such as sweeping sand and sediments from the floor to reduce potential discharge to the interceptor.
- Use drip pans and oil absorbent materials to reduce the amount of oil/grease entering the interceptor.
- Do not pour wastes directly into the interceptor. An interceptor is not a disposal device.
- Do not store antifreeze, degreasers, solvents, gasoline, and other chemicals near any drains including sewer drains, storm drains, or drains connected to an interceptor.
- Complete training and practice the SOG Interceptor Maintenance Employee Training Best Management Practices (BMP's).

SOG Interceptor Maintenance and Employee Training BEST MANAGEMENT PRACTICES (BMPs)

What is a Sand/Oil/Grease (SOG) Interceptor?

SOG interceptors are large capacity, underground vaults installed between sewer drains and the sewer collection system. This sewage is then conveyed to the City of Kalispell Wastewater Treatment Facility. These vaults are designed with baffles and pipes to trap sediments and retain floating oils and grease. The large capacity of the vaults slows down the wastewater, allowing oil and grease to float to the surface and solid material to settle at the bottom of the vault.



How do I Know When an Interceptor Needs to be Maintained or Cleaned?

Like any filtration system, a SOG interceptor needs to be maintained and cleaned on a regular basis. Just because an interceptor is still draining, it may not be functioning at its design capacity. The separation efficiency of the interceptor is affected by the accumulation of sediment or sludge on the bottom of the separator, and by oils and grease floating on the water surface. The District requires that a SOG interceptor be cleaned quarterly or when the combined oil, grease and sludge reaches 25% of the unit's capacity (unless a different schedule has been approved by the District).

Who do I Call to Pump Out and Clean the Interceptor?

Licensed Hazardous Waste Transporters/Recyclers are the typical companies that can pump out and clean your interceptor. These companies have special vacuum trucks that pump out most materials that accumulate in sand/oil interceptors. The waste is shipped to a licensed treatment facility where the oils, grease, solids, and heavy metals are treated.

What should NOT go down the drain and into an interceptor?

- Degreasers and concentrated detergents can emulsify (break up) oil into small droplets, so the oil does not float to the surface within the interceptor.
- Fuels, alcohols, or solvents are prohibited from being discharged to sanitary sewer drains. Discharge of large quantities can create explosion hazards in the on-site interceptor, and/or District sanitary sewer system (e.g., underground pipes in streets, pumping stations, the treatment plant).
- Concentrated amounts of oily products will decrease the effectiveness of the interceptor and require more frequent cleanings.
- Antifreeze, brake, transmission, power steering fluids, paints, and heavy metal-bearing wastewater are not treated by an interceptor. These types of discharges are typically hazardous waste and must be handled and disposed of accordingly.

What are the Best Management Practices (BMPs) that can help keep an interceptor properly working?

- Interceptors shall be cleaned when 25% full or at least once every quarter (whichever comes first) by a Licensed Hazardous Waste Transporter/Recycler or more often as necessary unless otherwise established by the District.
- Interceptors shall have oil absorbent socks/pillows in place at the liquid surface in the primary chamber. These socks/pillows shall be the type that absorb oil and repel water. Socks/pillows shall be replaced once saturated with oil.
- Decanting is not permitted. Sand, oil, grease, and other waste removed from the interceptor should not be introduced back into the interceptor or any drain, sewer, storm drain, or natural body of water.
- Inspect the interceptor after cleaning to make certain that the inlet and outlet pipes are not damaged and are clear of obstructions.
- Save maintenance costs by preventing oils and sludge from entering the interceptor by using methods such as sweeping sand and sediments from the floor to reduce potential discharge to the interceptor.
- Use drip pans and oil absorbent materials to reduce the amount of oil/grease entering the interceptor.
- Do not pour wastes directly into the interceptor. An interceptor is not a disposal device.
- Do not store antifreeze, degreasers, solvents, gasoline, and other chemicals near any drains including sewer drains, storm drains, or drains connected to an interceptor.
- All maintenance records of the SOG interceptor are required to be kept on-site for a minimum of three years. These records will be reviewed during facility inspections conducted by the District.
- Be familiar with and practice these BMP's.

I have been trained on, understand, and agree to follow the practices above and on the SOG BMP's.

Employee Name (print) _____

Employee Signature _____ **Date** _____

For questions, contact the District Pretreatment Coordinator at (406)-257-5861.



SOG Best Management Practices (BMP's)

MANAGERS:

1. Ensure that your establishment is equipped with a properly sized and vented SOG interceptor and sample port.
2. SOG interceptors shall have oil absorbent socks/pillows in place at the liquid surface in the primary chamber. These socks/pillows shall be the type that absorb oil and repel water. Socks/pillows shall be replaced once saturated with oil.
3. Laundry equipment in commercial buildings shall discharge into a wire basket that is installed upstream of the interceptor. The mesh on the basket shall have openings no larger than 3/16" in size. The baskets shall be located where they can be easily removed for daily cleaning.
4. Elevator pits with sump pumps shall not be directly connected to the sanitary sewer system. Elevator pit wastewater shall discharge into an interceptor sized to handle the maximum flow rate of the sump pump, prior to discharging into the sanitary sewer system.
5. All hazardous liquid products shall have secondary containment in place to prevent spills reaching the sanitary and/or storm sewer.
6. Wipe up any spilled liquids. Sweep and mop floors. Do not rinse spills or sweep debris into the interceptor.
7. Use phosphate free soaps/cleaners. Products with phosphates are strictly prohibited.
8. Inspect the interceptor regularly. Clean (pump out) interceptor before it becomes 25% full of sand, oil, or grease or quarterly, whichever comes first, unless a different pumping frequency has been approved by the District .
9. Observe the cleaning of the interceptor to ensure a proper job is done. Visually inspect to ensure tee pipes are secure and walls are in good condition.
10. Keep a spill kit available for any spills. Place used absorbent material in sealed containers and place in a dumpster.
11. Keep an updated copy of the "SOG Interceptor Maintenance Log". Track all maintenance (cleaning and repairs) performed on the interceptor. Keep receipts from any contracting companies used. All SOG related records shall be kept available for inspection for a minimum of (3) years.
12. Train staff on SOG BMP's. Use SOG Interceptor Maintenance Employee Training Practices form to document training. New employees shall receive training when hired and annually thereafter.
13. Meet with the District's Pretreatment Inspector to establish an adequate cleaning frequency and set up a cleaning schedule with a pumping contractor.

Contact the District's Pretreatment Coordinator with any questions at (406) 257-5861.

EXHIBIT D

Dental Amalgam Policy Requirements



130 Nicholson Drive
Kalispell MT 59901
406-257-5861
info@evergreenwaterdistrict.com

Dental Amalgam Policy

1. Purpose

The purpose of this Policy is to minimize the introduction of amalgam into the Flathead County Water District #1 – Evergreen (District) sewer collection system, and the City of Kalispell (City) wastewater treatment facility where the District’s sewage is treated, pursuant to EPA Rule 40 CFR 441.

2. Applicability

All dental offices where the practice of dentistry is performed, including but not limited to, permanent or temporary offices, dental schools, clinics, and government-operated dental facilities that discharge wastewater to the Publicly Owned Treatment Works (POTW).

3. Exemptions

The following offices are exempt from Rule 40 CFR Part 441:

- Mobil Units,
- Offices which do not discharge to a POTW; and
- Offices which exclusively practice the dental specialties of oral pathology, oral and maxillofacial radiology and surgery, orthodontics, periodontics, or prosthodontics.

4. Business Owner’s / Discharger’s Responsibilities

The standards set forth in this section are minimum standards; therefore, this section does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

4.1 One Time Compliance Report

Business owners shall complete the District’s “Dental Facility One-time Compliance Report” as required by EPA. Keep one copy of the report in your files and available for inspection by District or City staff and mail a copy to:

Flathead County Water District #1 – Evergreen
130 Nicholson Drive
Kalispell MT 59901
Attention: Pretreatment

4.2 Installation Requirements for Dental Amalgam Separators

Dental offices that discharge wastewater containing amalgam to the POTW must install and maintain a dental amalgam separator(s) compliant with ISO11143(2008) or ANSI/ADA 108-2009:TA2011 or equivalent devices that meet the following requirements:

- A. Removal efficiency of at least 95 percent of the mass solids from all amalgam process wastewater, calculated according to 40 CFR 441.3(a)(2)(i-ii); and
- B. The device(s) must be sized to accommodate the maximum discharge rate of amalgam process wastewater.

4.3 Dental Dischargers or an agent or representative of the dental discharger must maintain for a minimum of three years and make available for immediate inspection the following documentation per 40CFR441.50(b):

- A. Documentation of the date, person(s) conducting the inspection, and results of each inspection of the amalgam separator(s) and a summary of follow-up actions, if needed.
- B. Documentation of amalgam retaining container replacement (including installation date, as applicable).
- C. Documentation of all dates that collected dental amalgam is picked up or shipped for proper disposal in accordance with 40 CFR 261.5(g)(3), and the name of the permitted or licensed treatment, storage or disposal facility receiving the amalgam waste.
- D. Documentation of any repair or replacement of an amalgam separator, including the date, person(s) making the repair or replacement, and a description of the repair or replacement (including make and model).
- E. Dischargers or an agent or representative of the dental discharger must maintain and make available for inspection in either physical or electronic form the manufacturers operating manual for the current device.

4.4 Amalgam separator removal efficiency and sizing must be documented in the "Dental Facility One-time Compliance Report".

4.5 All owners and operators of dental facilities that remove or place amalgam fillings shall comply with the following waste management practices:

- A. No person shall rinse chair-side traps, vacuum screens, or amalgam separator equipment in a sink or other connection to the community sewer per

40CFR441.30(b)(1). Such traps, vacuum screens or amalgam separator equipment must be recycled or disposed of in an appropriate manner according to recycler or equipment manufacturer.

- B. Amalgam waste and other hazardous solutions shall be properly collected, packaged, labeled, stored, managed, and disposed.
- C. Dental unit water lines, chair-side traps, and vacuum lines that discharge amalgam process wastewater to a community sewer must not be cleaned with oxidizing or acidic cleaners, including but not limited to bleach, chlorine, iodine and peroxide that have a pH lower than 6 or greater than 8 per 40CFR441.30(b)(2).
- D. Owners and operators of dental facilities shall ensure that all staff members who handle amalgam waste are trained in the proper handling, management and disposal of mercury-containing material and other hazardous solutions and shall maintain training records that will be made available for inspection by an employee of the District during normal business hours.
- E. The use of bulk mercury is prohibited. Only pre-capsulated dental amalgam is allowed.

Existing separator(s) or devices installed on or prior to June 14, 2017, shall be replaced with a compliant device by June 14, 2027, or when the device breaks down, whichever comes first.

5. District and City Responsibilities

5.1 Inspections

Authorized personnel of the District or the City, bearing proper credentials and identification, shall have the right to enter upon all properties subject to this program, at any time and without prior notification, for the purpose of inspection, observation, measurement, sampling, testing or record review, as part of this policy.

5.2 Enforcement

Enforcement of these regulations shall be in accordance with the provisions of the District's Sewer Pretreatment Ordinance inclusive of Exhibit B - City's Enforcement Plan. The dental office shall take immediate steps to achieve compliance. Failure to comply may be grounds for penalty imposition and/or discontinuance of service.

Section A — General Information

Name of Facility			
Address of Dental Facility	City	State	Zip Code
Facility Contact	Phone	Email	
Mailing Address	City	State	Zip Code

APPLICABILITY: Please Select One of the Following

- This practice is a dental discharger subject to EPA 40 CFR 411 as it places or removes dental amalgam.
Complete Sections A, B, C, D, and E
- This practice is a dental discharger subject to this rule and does not place or remove amalgam except in limited emergency or unplanned, unanticipated circumstances and the facility serves the following primary function:

- | | | |
|---|---|---|
| <input type="checkbox"/> Orthodontics | <input type="checkbox"/> Oral Pathology/Oral Medicine | <input type="checkbox"/> Periodontics |
| <input type="checkbox"/> Prosthodontics | <input type="checkbox"/> Oral & Maxillofacial Surgery/Radiology | <input type="checkbox"/> Mobile Dentist |

Complete Sections A and E only

(Also, select if applicable) Transfer of Ownership (§ 441.50(a)(4))

- This facility is a dental discharger subject to this rule (40 CFR Part 441) and is submitting a new one-time dental facility compliance report because of a transfer of ownership as required by § 441.50(a)(4).

Section B — Description of Amalgam Separator or Equivalent Device

- The dental facility has installed one or more ISO 11143 (or ANSI/ADA 108-2009) compliant amalgam separators (or equivalent devices) that captures all amalgam containing waste at the following number of chairs at which amalgam placement or removal may occur.

CHAIRS

Make	Model	Year of Installation
------	-------	----------------------

Make	Model	Year of Installation
------	-------	----------------------

- My facility operates an equivalent device.

Make	Model	Year of Installation
------	-------	----------------------

Average removal efficiency of equivalent device, per § 441.30(a)(2)-iii

Make	Model	Year of Installation
------	-------	----------------------

Average removal efficiency of equivalent device, per § 441.30(a)(2)-iii

Section B — Description of Amalgam Separator or Equivalent Device

The dental facility has one or more existing non-ISO compliant amalgam separators that do not meet the requirements of § 441.30(a)(1)(i) and (ii) at the following number of chairs at which amalgam placement or removal may occur.

CHAIRS []

I understand that such separators must be replaced with one or more ISO 11143 compliant amalgam separators (or equivalent devices) after their useful life has ended, and no later than June 14, 2027.

Section C — Design, Operation & Maintenance of Amalgam Separator/Equivalent Device

The dental facility has one or more existing non-ISO compliant amalgam separators that do not meet the requirements of § 441.30(a)(1)(i) and (ii) at the following number of chairs at which amalgam placement or removal may occur.

A third-party service provider is under contract with this facility to ensure proper operation and maintenance of amalgam separator or equivalent device in accordance with § 441.30 or § 441.40.

Name of service provider: _____

If no, provide a description of the practices employed by the facility to ensure proper operation and maintenance in accordance with § 441.30 or § 441.40.

Describe practices: _____

Section D — Best Management Practices (BMP) Certifications

The above-named dental discharger is implementing the following BMPs as specified in § 441.30(b) or § 441.40 and will continue to do so.

- Waste amalgam including, but not limited to, dental amalgam from chair-side traps, screens, vacuum pump filters, dental tools, cuspidors, or collection devices, must not be discharged to the sink or other sanitary sewer connection.
Dental unit water lines, chair-side traps, and vacuum lines are not cleaned with oxidizing or acidic cleaners, including but not limited to bleach, chlorine, iodine and peroxide that have a pH lower than 6 or greater than 8.
Amalgam waste is collected, packaged, labeled, stored, managed, and disposed in accordance with state and local regulations and recycler or hauler instructions. All hauling and maintenance records are kept on site.
Amalgam, elemental mercury, broken or unusable amalgam capsules, extracted teeth with amalgam, chairside traps, and vacuum system screens/filters are not disposed via medical waste or regular solid waste.
Bulk liquid mercury is not used; only use pre-capsulated dental amalgam.
Trains staff in the proper handling, management, and disposal of amalgam waste and other hazardous solutions.

Section E — Certification Statement

I, _____, am a responsible corporate officer, a general partner or proprietor (if the facility is a partnership or sole proprietorship), or a duly authorized representative in accordance with the requirements of § 403.12(l) of the above named dental facility, and certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Phone Email Authorized Representative Signature Date

Retention Period: per § 441.50(a)(5)

As long as a dental facility subject to this part is in operation, or until ownership is transferred, the dental facility must maintain this one-time compliance report and make it available for inspection in either physical or electronic form.

Return completed form within seven (7) days to: Flathead County Water District #1 – Evergreen, 130 Nicholson Drive, Kalispell, MT 59901 Attention: Pretreatment Due Date:

EXHIBIT E

Dry Cleaners Policy Requirements



130 Nicholson Drive
Kalispell MT 59901
406-257-5861
info@evergreenwaterdistrict.com

Dry Cleaners Policy

1. Purpose

The purpose of this Policy is to minimize the introduction of perchloroethylene into the Flathead County Water District #1 – Evergreen (District) sewer collection system and the City of Kalispell (City) wastewater treatment facility where the District’s sewage is treated.

2. Applicability

All perchloroethylene (perc) dry cleaning facilities generate/produce hazardous waste. Dry cleaners using perchloroethylene, or other cleaning solvents, and discharging to the District’s sewer system shall comply with this policy and regulations found in 40 CFR Part 262.

3. Business Owner’s / Discharger’s Responsibilities

The standards set forth in this section are minimum standards; therefore, this section does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

- 3.1 Do not discharge dry cleaning process waste, including still oil and separator water to the sanitary sewer.
- 3.2 Do not connect any dry cleaning processes to the sanitary sewer.
- 3.3 Permanently seal all floor drains or install berms (physical barriers) to separate dry cleaning equipment from the sanitary sewer.
- 3.4 Post signage in the work area indicating that operators are prohibited from discharging process materials and waste to the sanitary sewer.
- 3.5 Adhere to the Prohibited Discharge Standards in the District’s current Sewer Use Ordinance.
- 3.6 Implement the following Best Management Practices (BMPS).

3.6.1 Pollution Prevention:

- Inspect all equipment at least every other week for leaks that are obvious from sight, smell, or touch. Larger dry cleaners (those required to install control equipment) must inspect every week; and
- Promptly repair all leaks.

3.6.2 Good Housekeeping:

- Keep all perc wastes in covered containers with no leaks;
- Drain all cartridges filters in closed containers; and
- Keep machine doors closed when not being loaded or unloaded.

3.6.3 Operate and maintain all equipment according to manufacturers' instructions.

3.6.4 Keep a log of:

- Leak detection and repair program results; and
- Amount and date of perc purchases (at any time know how much perc you purchased during the previous 12 months).

3.7 Complete and submit to the District the *Perchloroethylene Dry Cleaners Zero Discharge Certification for Separator Wastes*.

4. District and City Responsibilities

4.1 Inspections

Authorized personnel of the District or the City, bearing proper credentials and identification, shall have the right to enter upon all properties subject to this program, at any time and without prior notification, for the purpose of inspection, observation, measurement, sampling, testing or record review, as part of this program.

4.2 Enforcement

Enforcement of these regulations shall be in accordance with the provisions of the District's Sewer Pretreatment Ordinance inclusive of Exhibit B - City 's Enforcement Plan. The dental office shall take immediate steps to achieve compliance. Failure to comply be may grounds for penalty imposition and/or discontinuance of service.



130 Nicholson Drive
Kalispell MT 59901
406-257-5861
info@evergreenwaterdistrict.com

PERCHLOROETHYLENE DRY CLEANERS ZERO DISCHARGE CERTIFICATION
FOR SEPARATOR WATER

This checklist shall be filled out and the certification statement signed by a responsible company official. Submit this copy to the District.

Company Name: _____

Street Address: _____

City: _____ Zip: _____

CHECKLIST

1. How many floor drains are in the areas where perchloroethylene (PERC) is handled, stored, or used in cleaning? ____
2. Are all these floor drains sealed or secured from spills? YES NO
3. Is PERC-contaminated wastewater from the dry-cleaning machine discharged to the sewer system? YES NO
4. How is PERC-contaminated wastewater from the dry-cleaning machine disposed of? EVAPORATION
 WASTE HAULING

CERTIFICATION STATEMENT

I certify under penalty of law that:

1. Separator wastewater from this facility's dry-cleaning machines is not discharged to the sewer; it is legally disposed of by evaporation or waste hauling.
2. This document was prepared under my supervision and based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information. The information submitted is to the best of my knowledge and belief, true, accurate, and complete.
3. I am aware that there are significant penalties for submitting false information, including the possibility of fine and criminal prosecution for knowing violations.

Signature of responsible company official: _____ Date: _____

Print name of official: _____ Title: _____

Please retain a completed copy for your records and forward the original to:

Flathead County Water District #1 - Evergreen
130 Nicholson Drive
Kalispell MT 59901
Attention: Pretreatment

EXHIBIT F

Laundry Facilities Policy Requirements



130 Nicholson Drive
Kalispell MT 59901
406-257-5861
info@evergreenwaterdistrict.com

Laundry Facilities Policy

1. Purpose

The purpose of this Policy is to minimize the introduction of lint, fibers, and solids ½ inch (12.7mm) or larger in maximum dimensions, into the Flathead County Water District #1 – Evergreen (District) sewer collection system, and the City of Kalispell (City) wastewater treatment facility where the District's sewage is treated, and to establish uniform cleaning and maintenance procedures. Accumulation of these materials can adversely affect the District's collection system by producing blockages which can result in costly sanitary sewer overflows and in higher wastewater treatment costs.

2. Applicability

Industrial and commercial laundries and laundromats, multi-family living complexes that have common use facilities, hospitals, retirement homes, assisted living homes, hotels, motels, resorts, camps, RV/mobile home parks, and other joint and common use laundry facilities that discharge to the District's sewer collection system shall comply with this Policy including:

- 2.1 New construction;
- 2.2 Interior remodeling to accommodate expansion or operational modifications;
- 2.3 Changes of ownership / occupancy;
- 2.4 Facilities which are experiencing difficulty in achieving compliance with maintenance and/or wastewater discharge requirements;
- 2.5 Facilities adversely affecting the District's collection system and / or the wastewater treatment facility, as determined by the District or the City; and
- 2.6 Existing establishments without integral strains, lint traps or interceptors unless specifically exempted by the District or the City.

3. Business Owner's / Discharger's Responsibilities:

The standards set forth in this section are minimum standards; therefore, this section does not intend

nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

- 3.1 Implement and adhere to the District's Laundry Facilities Best Management Practices (BMPs).
- 3.2 Install laundry equipment with integral strainers or a lint trap or interceptor having a wire or polypropylene basket/screen, or similar device specifically designed for laundry facilities, that is removable for cleaning and capable of preventing passage into the sewer collection system of solids ½ inch (12.7mm) or larger in maximum dimensions, such as string, rags, buttons, stones, lint, or other solid materials detrimental to the sewer collections system. Devices shall comply with the currently adopted UPC and District specifications.
- 3.3 All under slab construction requires drawings from a professional engineer and must be approved by the City of Kalispell's Industrial Pretreatment Coordinator (IPC) prior to construction. The City's IPC shall inspect/approve all pretreatment related construction prior to backfilling.

4. District and City Responsibilities

4.1 Inspections

Authorized personnel of the District or the City, bearing proper credentials and identification, shall have the right to enter upon all properties subject to this program, at any time and without prior notification, for the purpose of inspection, observation, measurement, sampling, testing or record review, as part of this program.

4.2 Enforcement

Enforcement of these regulations shall be in accordance with the provisions of the District's Sewer Use Pretreatment Ordinance inclusive of Exhibit B - City 's Enforcement Plan. The dental office shall take immediate steps to achieve compliance. Failure to comply be may grounds for penalty imposition and/or discontinuance of service.

4.3 Permits or Memorandum of Understanding (MOUs) as Applicable

Permits or MOUs shall follow all requirements described in the City of Kalispell's Ordinance and enforced for all businesses that meet the following criteria:

- A. Businesses which are assessed surcharges for high strength waste as defined in the City of Kalispell's Resolution No. 5968; and
- B. Business with a history of noncompliance with this policy.



130 Nicholson Drive
Kalispell MT 59901
406-257-5861
info@evergreenwaterdistrict.com

Laundry Facilities Best Management Practices

The Best Management Practices (BMPs) program is designed to address wastewater discharges from laundry operations/activities into the sewer system. This BMP is an important component of an overall plan for minimizing sanitary sewer overflows, protecting the sewer collection system, the wastewater treatment plant, and the environment. The owner shall be responsible for implementation of these BMPs.

1. **Training.** Ongoing training for all laundry staff is the best way to ensure BMPs will be followed. Train employees on regular cleaning of traps and on the safe use and handling of chemical and procedures for cleanup in case of a spill. Management must provide proper safety equipment for handling each type of chemical in use at the facility. Documentation of training shall be kept on-site for a minimum of three (3) years and shall be made available for review by the District.
2. **Clean Lint Traps Frequently.** Cleaning lint traps frequently not only helps protect downstream pipes and treatment systems, but it also helps save energy. Accumulated lint should be composted or bagged and disposed as solid waste. Management should witness the cleaning every time to ensure all of the lint material is removed and the lint trap is put back into service properly. Commercial and industrial facilities shall record lint trap inspection and note the volume of lint removed during service in a logbook. Maintain the logbook onsite for three (3) years.
3. **Good Housekeeping Practices.**
 - A. Chose dry cleaning methods for floors and paved surfaces. Sweeping of floors and paved areas is a dry-cleaning method that helps prevent trash, debris, and particulate matter such as dirt from accumulating on surfaces and being carried to the sewer or stormwater system.
 - B. Reduce the use of toxic materials. Phosphate detergents and cleaners are prohibited. Substitute non-toxic or less toxic cleaning materials and solvents, use non-caustic and phosphate-free detergents, water-based degreasers and non-chlorinated solvents when possible.
 - C. Check washer hoses and connectors for leaks; repair or replace as needed.
 - D. Record all waste and maintenance-related activities and keep on file for three (3) years.
 - E. Inspect floor drains, drip pans and sewer lines frequently for corrosion and repair or replace as needed.

F. Inspect sewers, septic tanks, sumps, and lint traps regularly for sludge accumulation. Sumps and traps shall be cleaned regularly, and septic tanks shall be pumped when one quarter full of sludge in the primary tank.

4. **Chemical Storage and Control.** Commercial and industrial laundry facilities may use a host of chemicals that can be categorized as acids, alkali, oxidizers, solvents, or other organics. For proper storage please refer to Table 1. Management personnel should keep and file all the Material Safety Data Sheets.

- Acids include sulphuric acid, oxalic acid, acetic acid, sours.
- Alkalis include sodium hydroxide (caustic soda) and sodium carbonate (soda ash), potassium hydroxide, ammonia-based cleaners (contain ammonium hydroxide).
- Oxidizers include chlorine-based chemicals such as chlorine bleach (sodium or calcium hypochlorite), hydrogen peroxide or organic peroxides.
- Solvents include perchloroethylene, varsol, paint thinners.
- Other organics, detergents, paints, oils, etc.

Table 1: Chemical Incompatibilities Relative to Storage

	Acids	Alkalis	Oxidizers	Solvents	Organics	Chlorine	Ammonia
Acids		X				X	
Alkalis	X		X				
Oxidizers		X		X	X	X	
Solvents			X				
Organics			X				
Chlorine	X		X				X
Ammonia						X	

Legend: X = Do Not Store Together (example: Do not store Alkalis & Chlorine together)

5. **Spill Control and Reporting.** Chemical spills at laundry facilities can have disastrous impacts on downstream treatment systems and the environment. Operators shall take all precautions to isolate spills from floor drains or other sewer systems. Spills shall be cleaned up using nonreactive sorbent materials, bagged, and properly disposed. Report spills that enter the sewer system immediately so treatment plant staff may take appropriate action to isolate the wastewater before it enters the treatment plant.

For questions, contact the District Pretreatment Coordinator at (406)-257-5861.