ORDINANCE NO. 1007-19

BY THE COUNCIL: BEAUMONT, HIGGINS, MITCHELL, AND SOUZA

AN ORDINANCE OF THE CITY OF GARDEN CITY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING GARDEN CITY CODE TITLE 6 (“WATER AND SEWER”), CHAPTER 6 (“INDUSTRIAL PRETREATMENT”), SECTION 1 (“PURPOSE AND POLICY”) TO ADD TO CHAPTER OBJECTIVES; AMENDING SECTION 3 (“DEFINITIONS”) TO MODIFY AND ADD DEFINITIONS; AMENDING SECTION 3, SUBSECTION 1 (“ABBREVIATIONS”) TO ADD ABBREVIATIONS; AMENDING SECTION 4, SUBSECTION 2 (“SPECIFIC DISCHARGE PROHIBITIONS”) TO MODIFY AND ADD DISCHARGE PROHIBITIONS; AMENDING SECTION 7 (“LOCAL LIMITS”) TO MODIFY AND ADD DISCHARGE LIMITATIONS ALLOWED BY THE CITY; AMENDING SECTION 10 (“DEADLINE FOR COMPLIANCE WITH APPLICABLE PRETREATMENT REQUIREMENTS”) TO MODIFY TERMINOLOGY; AMENDING SECTION 11 (“ACCIDENTAL DISCHARGES”) TO MODIFY TERMINOLOGY; AMENDING SECTION 13, SUBSECTION 1 (“GENERAL CHARGES AND FEES”) TO ADD TO THE STATE PRETREATMENT PROGRAM; AMENDING SECTION 15, SUBSECTION 2 (“DISCLOSURE FORMS”) TO MODIFY TERMINOLOGY; AMENDING SECTION 17, SUBSECTION 2 (“SIGNIFICANT INDUSTRIAL USERS”) TO ADD TO CITY AUTHORIZATIONS; AMENDING SECTION 19, SUBSECTION 1 (“FINAL COMPLIANCE REPORT”) TO MODIFY TERMINOLOGY; AMENDING SECTION 19, SUBSECTION 2 (“PERIODIC COMPLIANCE REPORTS”) TO ADD USER REPORT AND CERTIFICATION REQUIREMENTS; AMENDING SECTION 19, SUBSECTION 5 (“HAZARDOUS WASTE NOTIFICATION”) TO MODIFY TERMINOLOGY; AMENDING SECTION 20, SUBSECTION 2 (“SAMPLE COLLECTION”) TO ADD TO THE COLLECTION PROCESS; AMENDING SECTION 23 (“CONFIDENTIAL INFORMATION”) TO ADDRESS PUBLIC RECORDS REQUESTS; AMENDING SECTION 24, SUBSECTION 3 (“RECOVERY OF COSTS INCURRED BY THE CITY”) TO ADD USER LIABILITY; AMENDING SECTION 25 (“JUDICIAL ENFORCEMENT REMEDIES”) TO SPECIFY THE LEGAL AUTHORITY FOR ENFORCEMENT REMEDIES; AMENDING SECTION 25, SUBSECTION 3 (“CRIMINAL PROSECUTION”) TO SPECIFY THE MAXIMUM POSSIBLE PUNISHMENT; REPEALING CONFLICTING ORDINANCES; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GARDEN CITY, IDAHO:

SECTION 1. That portions of Title 6, Chapter 6, Section 1 (“Purpose and Policy”), Garden City Code, be, and the same are hereby amended to read as follows:
6-6-1: PURPOSE AND POLICY:

A. This chapter sets forth uniform requirements for users of the Garden City sewer collection system and the Boise City publicly owned treatment works (POTW) and enables the city to protect public health and the environment in conformity with all applicable local, state and federal laws including, but not limited to, the clean water act (33 USC 1251 et seq.) and the general pretreatment regulations (40 CFR part 403).

B. The objectives of this chapter are:

4. To protect the collection system, the public using and the personnel operating the POTW.

SECTION 2. That portions of Title 6, Chapter 6, Section 3 ("Definitions"), Garden City Code, be, and the same are hereby amended to read alphabetically as follows:

6-6-3: DEFINITIONS:
The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.

APPLICABLE PRETREATMENT STANDARDS: For any specified pollutant, city prohibited discharge standards, city's specific limitations on discharge, state of Idaho pretreatment standards, or the federal categorical pretreatment standards (when effective applicable), whichever standard is appropriate or most stringent.

CATEGORICAL INDUSTRIAL USER (CIU): A user regulated by one (1) or more of EPA's categorical pretreatment standards.

CHARACTERISTICS: Wastewater characteristics can be classified into three categories: chemical; physical; and microbial characteristics. The chemical characteristics include organics (BOD and COD), heavy metals and inorganics, cyanide, toxics, oil and grease, and pH. The physical characteristics include solids (settleable, suspended, colloidal, and dissolved), odor, temperature, and color. Microbial

1 Definitions that have not been changed are not included in this Ordinance, and the modified and/or added definitions are to be included alphabetically in this section of the Garden City Code.
characteristics include bacteria, notably pathogens (disease-causing organisms). The listed characteristics are not all inclusive.

**EFFLUENT LIMITATION:**

Any restriction imposed by the city on quantities, discharge rates, and mass or concentration of pollutants that are discharged by users into the POTW. Also referred to as local limit. Effluent limitations include categorical standards, general and specific discharge prohibitions, Best Management Practices, and local limits.

**ENVIRONMENTAL MANAGER:**

The individual who is the duly authorized designee of the Garden City Public Works Director and who is responsible for implementing the City’s Industrial Pretreatment program and ensuring compliance with local, state, and federal Pretreatment Requirements.

**EXISTING SOURCE:**

For a CIU categorical industrial user, an existing source is any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with section 307 of the Act.

**GRAB SAMPLE:**

A sample which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and without consideration of time. An individual sample collected over a period of time not exceeding 15 minutes.

**NONSIGNIFICANT CATEGORICAL INDUSTRIAL USER:**

An industrial user subject to categorical pretreatment standards that never discharges more than 100 gallons of process wastewater per day.

**NPDES:**
OTHER WASTES:

Decayed wood, sawdust, shavings, bark, lime, refuse, ashes, garbage, offal, oil, tar, chemicals and all other substances except sewage and industrial wastes. This term includes, but is not limited to, agricultural wastes, hazardous wastes, chemicals, radioactive materials, sewage sludge, ashes, incinerator residue, garbage, refuse, offal, oil, tar, decayed wood, bark, sawdust, shavings, lime, dredged spoil, rock, sand, cellar dirt, munitions, wrecked or discarded equipment, and all other substances except sewage and industrial wastes.

POLLUTANT:

Any substance discharged into a POTW or its collection system which is prohibited or limited by sections 6-6-4, 6-6-5, 6-6-6, 6-6-7, and 6-6-9 of this chapter including, but not limited to, sewage, industrial wastes, chemical wastes, biological materials, heat, and excess nutrients. This term includes, but is not limited to, dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural wastes.

POTW (PUBLICLY OWNED TREATMENT WORKS):

Any sewage treatment works owned and operated by the city and the sewers and conveyance appurtenances discharging thereto, whether or not owned by the city. The term also means Garden City and/or
Boise City since the U.S. Environmental Protection Agency issues the NPDES permits to Boise City.

**SHALL:**

**SIGNIFICANT INDUSTRIAL USER (SIU):**

Is mandatory:

Any industrial user of the POTW that:

A. Is subject to categorical pretreatment standards under 40 CFR 403.6 and chapter I, subchapter N, or

B. Any other industrial user that: discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater); or contributes a process waste stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity to the treatment facility receiving the waste; or is designated as such by the city as defined in 40 CFR 403.3(f) on the basis that the industrial user has a reasonable potential, either singly or in combination with other contributing industries, for adversely affecting the POTW’s wastewater collection and treatment system, the quality of sludge, the system’s effluent quality, or air emissions generated by the system or for violating any pretreatment standards or requirements including BMPs and control of slug discharges.

C. Upon the subsequent finding that a user, which had met the above criteria, no longer has reasonable potential for adversely affecting the POTW’s operation or for violating any applicable pretreatment standard or requirement, the city may at any time, on its own initiative or in response to a written request from the user and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such
user should not be considered a SIU significant industrial user.

D. Upon a finding that a CIU significant industrial user meets the criteria and all conditions in 40 CFR 403.3(v)(2), the city may designate the user a nonsignificant categorical industrial user.

THE CITY: The City of Garden City, the Garden City council, an official of Garden City, the Garden City sewer collection system and the Boise City sewer treatment water renewal system, the Garden City public works director or his or her duly authorized designee, representative, or agent.

TREATMENT PLANT OR WASTEWATER TREATMENT PLANT WATER RENEWAL FACILITY: That portion of the Boise City POTW which is designed to provide treatment of municipal sewage and industrial waste.

SECTION 3. That portions of Title 6, Chapter 6, Section 3, Subsection 1 ("Abbreviations"), Garden City Code, be, and the same are hereby amended by adding alphabetically the following abbreviations:²

6-6-3-1: ABBREVIATIONS:
The following abbreviations shall have the designated meanings:

IDEQ Idaho Department of Environmental Quality

IPDES Idaho Pollutant Discharge Elimination System

SECTION 4. That portions of Title 6, Chapter 6, Section 4, Subsection 2 ("Specific Discharge Prohibitions"), Garden City Code, be, and the same are hereby amended to read as follows:

6-6-4-2: SPECIFIC DISCHARGE PROHIBITIONS:

² The existing abbreviations are not included in this Ordinance, and the added abbreviations are to be included alphabetically in this subsection of the Garden City Code.
A. No user shall contribute or cause to be discharged, directly or indirectly, any of the following described substances into the POTW:
   1. Any wastewater having a pH less than five (5-) standard units or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the system.

2. Any toxic and nontoxic pollutants including oxygen demanding pollutants (BOD, etc.) and nutrients in sufficient quantity, either singly or by interaction, to injure or interfere with any wastewater treatment process, to constitute a hazard to humans or animals life or life processes (growth, development, reproduction, etc.), or to exceed the limitations set forth in categorical pretreatment standards.

10. Any substance which will cause the POTW to violate its NPDES discharge and/or other disposal system permits, including NPDES, IPDES, and 40 CFR 503 permits.

11. Any substance with objectionable color that is not removed in the treatment process, or that causes or may cause interference with in-line colorimetric analyzers, such as, but not limited to, dye wastes and vegetable tanning solutions.

16. Any wastewater containing detergents, surfactants, or similar substances that may cause excessive foam or bubbles that persists through the POTW to the point of discharge.

SECTION 5. That portions of Title 6, Chapter 6, Section 7 ("Local Limits"), Garden City Code, be, and the same are hereby amended to read as follows:

6-6-7: LOCAL LIMITS:
The city shall from time to time establish quantitative or other limitations where necessary to protect against pass-through and interference and to provide for protection of the POTW, worker safety, public health, or environment.

A. No user shall discharge, directly or indirectly, any wastewater having a pH less than five (5.0) standard units or equal to or greater than twelve and a half (12.5) standard units as measured at the point of discharge into the wastewater collection system or at a point otherwise designated by permit or agreement.

AB. In addition to categorical pretreatment standards referenced in section 6-6-5 of this chapter, no user shall discharge wastewater containing concentrations (and/or mass limitations) of substances in excess of the following:

0.0007 mg/l mercury
[R] mg/l arsenic
[R] mg/l cadmium
[R] mg/l chromium  
[R] mg/l copper  
[R] mg/l cyanide  
[R] mg/l lead  
[R] mg/l molybdenum  
[R] mg/l nickel  
[R] mg/l phosphorus  
[R] mg/l selenium  
[R] mg/l silver  
[R] mg/l zinc  
[R] mg/l total phenols  
[R] mg/l total oil and/or grease  
[R] mg/l total suspended solids  
[R] mg/l BOD5  
[R]-mg/l-ammonia  
[R]-mg/l-nitrogen-(total)  

[R] – Reserved for effluent limitation at a future date.

C. Certain pollutants shall be allocated to users on a case-by-case mass-loading basis to keep the total industrial discharges of such pollutants within the Maximum Allowable Industrial Loading (MAIL), as calculated by the most recent local limits analysis. The following shall be the MAIL [for phosphorus and nitrogen]:  
836 lbs/day phosphorus (total)  
6260 lbs/day total soluble nitrogen (ammonia + nitrate + nitrite).

BD. Where possible and appropriate, the city may establish and implement industry specific BMPs (best management practices) in conjunction with or in lieu of numerical local limits. Such BMPs shall be considered pretreatment standards and are fully enforceable under this chapter.

CE. Based upon assessment of need and on a user specific basis, the city may incorporate pollutant specific BMPs or concentration or mass limits into indirect discharge permits. Wherever a user is subject to both a categorical pretreatment standard and a local limit for a given pollutant, the more stringent limit or pretreatment standard shall apply.
SECTION 6. That portions of Title 6, Chapter 6, Section 10 ("Deadline for Compliance with Applicable Pretreatment Requirements"), Garden City Code, be, and the same are hereby amended to read as follows:

6-6-10: DEADLINE FOR COMPLIANCE WITH APPLICABLE PRETREATMENT REQUIREMENTS:

B. Any indirect discharge permit issued to a GIU categorical user shall not contain a compliance date beyond any deadline date established in EPA's categorical pretreatment standards. Any other existing user or a GIU categorical user that must comply with a more stringent local limit, and is in noncompliance with any local limits, shall be provided with a compliance schedule placed in an indirect discharge permit to ensure compliance within the shortest time feasible. The city shall from time to time establish quantitative or other limitations where necessary to protect against pass-through and interference and to provide for protection of the POTW, worker safety, public health, or environment.

SECTION 7. That portions of Title 6, Chapter 6, Section 11 ("Accidental Discharges"), Garden City Code, be, and the same are hereby amended to read as follows:

6-6-11: ACCIDENTAL DISCHARGES:

A. Each user shall provide protection from the accidental discharge of prohibited or regulated materials or substances established by this chapter. Where deemed necessary by the city, facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's cost and expense. SIUs Significant industrial users are required to notify the city immediately of any changes at their facilities affecting potential for a slug load discharge. When required, an accidental spill prevention plan (ASPP) showing facilities and operating procedures to provide this protection shall be submitted to the city for review and approval before construction of the facility or implementation of procedures. Any user required to develop and implement an ASPP shall submit a plan which addresses, at a minimum, the following elements:

C. Users shall notify the city wastewater treatment plant water renewal facility immediately upon the occurrence of a slug load or accidental discharge of substances prohibited by this chapter. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume, and corrective actions. Within five (5) days following an accidental discharge, the user shall submit to the city a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Any user that discharges a slug load of prohibited materials shall be liable for any expense, loss or damage to the POTW, in addition to the amount of any fines or costs imposed on the city on account thereof under state or federal law.
SECTION 8. That portions of Title 6, Chapter 6, Section 13, Subsection 1 ("General Charges and Fees"), Garden City Code, be, and the same are hereby amended to read as follows:

6-6-13-1: GENERAL CHARGES AND FEES:
Users of the POTW shall pay reasonable charges and fees to compensate the city for its costs associated with permitting, monitoring, inspection, surveillance and laboratory analyses required by the federal and state pretreatment program and this chapter. Sewer system connection and service charges and fees are established by a separate ordinance (title 8, chapter 11 of Boise City code).

SECTION 9. That portions of Title 6, Chapter 6, Section 15, Subsection 2 ("Disclosure Forms"), Garden City Code, be, and the same are hereby amended to read as follows:

6-6-15-2: DISCLOSURE FORMS:

A. SIUs Significant industrial users shall complete and file with the city a data disclosure form prescribed by the city. Existing sources shall file data disclosure forms within one hundred eighty (180) days of promulgation of an applicable categorical pretreatment standard and ninety (90) days upon notification by the city. New sources shall file a data disclosure form at least ninety (90) days prior to commencement of their discharge to the POTW. Certain new and existing users may be required to submit data disclosure forms as prescribed herein. This data disclosure form satisfies the requirement of the user baseline monitoring report as described in 40 CFR 403.12(b). The disclosure to be made by the user shall be made on written forms provided by the city and shall include:

13. Type and amount of raw materials used, including chemicals used in process which may be discharged to sanitary the collection system (average daily and maximum daily).

SECTION 10. That portions of Title 6, Chapter 6, Section 17, Subsection 2 ("Significant Industrial Users"), Garden City Code, be, and the same are hereby amended to read as follows:

6-6-17-2: SIGNIFICANT INDUSTRIAL USERS:

A. No SIU significant industrial user shall discharge wastewater into the POTW without first obtaining an indirect discharge permit. Any violation of the terms and conditions of an indirect discharge permit shall be deemed a violation of this chapter and subjects the user or permittee to the sanctions set out in this chapter. Obtaining an indirect discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, and local laws.
B. The city shall issue to each SIU significant industrial user an indirect discharge permit, which will be based on information in the data disclosure form and include:

12. Standard conditions as apply to all SIUs significant industrial users.

F. The City may authorize an SIU subject to a categorical pretreatment standard to forego sampling of a pollutant regulated by categorical pretreatment standard if the SIU has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from the intake water and without an increase in the pollutant due to activities by the User. The authorization is subject to the conditions as outlined in CFR 403.12(e)(2)(i) through (vii).

G. The City may authorize an SIU subject to a categorical pretreatment standard to reduce its reporting requirement to no less frequently than once a year, unless required more frequently in a Pretreatment Standard or by the Approval Authority, where the User meets all of the conditions outlined in 40 CFR 403.12(e)(3).

SECTION 11. That portions of Title 6, Chapter 6, Section 19, Subsection 1 ("Final Compliance Report"), Garden City Code, be, and the same are hereby amended to read as follows:

6-6-19-1: FINAL COMPLIANCE REPORT:
Within ninety (90) days following the date for final compliance by the user with applicable pretreatment standards and requirements set forth in this chapter or an indirect discharge permit, or within ninety (90) days after commencement of the introduction of wastewater into the POTW by a new user, including new source users, any user when required shall submit to the city a report indicating the nature and concentration of all prohibited or regulated substances contained in its discharge, and the average and maximum daily flow in gallons. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operation, maintenance, and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an "authorized representative of the user" as defined in section 6-6-3 of this chapter. For CIUs categorical users, this report shall contain the information outlined in subsections 6-6-15-2A3, A4, A6, and A11 of this chapter.

SECTION 12. That portions of Title 6, Chapter 6, Section 19, Subsection 2 ("Periodic Compliance Reports"), Garden City Code, be, and the same are hereby amended to read as follows:
6-6-19-2: PERIODIC COMPLIANCE REPORTS:

C. If a user has been granted a waiver to forego sampling for one or more constituents required by the user’s categorical pretreatment standards, each periodic compliance report shall include a statement certifying that the level of waived pollutants has not increased in the facility’s discharge per 40 CFR 403.12(e)(2)(v).

D. If the City has designated a user as an NSCIU, the user is required to submit an annual certification statement as specified in 40 CFR 403.12(g) and include any additional information necessary to support the certification statement.

CE. All users not required to obtain an indirect discharge permit shall provide appropriate reports to the city as may be required.

SECTION 13. That portions of Title 6, Chapter 6, Section 19, Subsection 5 (“Hazardous Waste Notification”), Garden City Code, be, and the same are hereby amended to read as follows:

6-6-19-5: HAZARDOUS WASTE NOTIFICATION:

A. Any user that is discharging more than fifteen kilograms (15 kg) of hazardous wastes as defined in 40 CFR 261 (listed or characteristic wastes) in a calendar month or any facility discharging any amount of acutely hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e) is required to provide a one-time notification in writing to the city, EPA regional waste management division director, and Idaho division of environmental quality. Any existing user exempt from this notification shall comply with the requirements contained herein within thirty (30) days of becoming aware of a discharge of fifteen kilograms (15 kg) of hazardous wastes in a calendar month or the discharge of acutely hazardous wastes to the city sewer system. Such notification shall include:

SECTION 14. That portions of Title 6, Chapter 6, Section 20, Subsection 2 (“Sample Collection”), Garden City Code, be, and the same are hereby amended to read as follows:

6-6-20-2: SAMPLE COLLECTION:

B. Unless otherwise prescribed by the city, samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques. Except for temperature and pH, multiple grab samples collected during a 24-hour period may be composited prior to analysis.

SECTION 15. That portions of Title 6, Chapter 6, Section 23 (“Confidential Information”), Garden City Code, be, and the same are hereby amended to read as follows:
6-6-23:  **CONFIDENTIAL INFORMATION:**

Information and data on a user obtained from data disclosure forms, reports, surveys, indirect discharge permits, and monitoring programs, and from city inspection and sampling activities, shall be available to the public or other governmental agency without restriction unless the user specifically requests, and is able to demonstrate to the satisfaction of the city, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable state law. When requested and demonstrated by the user that the information furnished be kept confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the user furnishing the information. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction. Any such claim must be asserted at the time of submission by clearly indicating the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, all information will be available to the public. All alleged confidential business information is still subject to a valid public records request, pursuant to Idaho Code Title 74, Chapter 1.

**SECTION 16.** That portions of Title 6, Chapter 6, Section 24, Subsection 3 ("Recovery of Costs Incurred by the City"), Garden City Code, be, and the same are hereby amended to read as follows:

6-6-24-3:  **RECOVERY OF COSTS INCURRED BY THE CITY:**

Any user that violates any of the provisions of this chapter or that discharges or causes a discharge producing a deposit or obstruction or causes damage to or impairs the Garden City's sewer collection system or the Boise City POTW shall be liable to Garden City or Boise City for any expense, loss or damage caused by such violation or discharge. The city shall charge the user in accordance with the utility billing policy for all enforcement activities, but not limited to additional charges for the cost incurred by the city for any monitoring, surveillance, cleaning, repair or replacement work caused by the violation or discharge, and for costs incurred by the city in investigating the violation and in enforcing this chapter against the user including reasonable administrative costs, fees for testing, attorney fees, court costs and all expenses of litigation. Section 13 of the "utility billing policy", environmental fine and cost recovery schedule in no way relieves the industrial user from additional fines or cost recovery as deemed necessary by the city of Garden City. Refusal to pay the assessed costs shall constitute a violation of this chapter, enforceable under the provisions of this section 6-6-24 and section 6-6-25 of this chapter. Any user that violates any of the provisions of this ordinance or that discharges or causes a discharge producing a deposit or obstruction or causes damage to any property may be liable for any expense, loss, or damage caused by such violation.
SECTION 17. That Title 6, Chapter 6, Section 25 ("Judicial Enforcement Remedies"), Garden City Code, be, and the same is hereby amended to read as follows:

6-6-25: JUDICIAL ENFORCEMENT REMEDIES:
Civil and criminal penalties listed in this section are per Idaho Code 50-302.

SECTION 18. That portions of Title 6, Chapter 6, Section 25, Subsection 3 ("Criminal Prosecution"), Garden City Code, be, and the same are hereby amended to read as follows:

6-6-25-3: CRIMINAL PROSECUTION:
A. Any user that wilfully or negligently violates any provision of this chapter, an indirect discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by fines and/or imprisonment to the maximum extent allowable under state law. Such a misdemeanor offense shall have a maximum punishment of a fine of not more than one thousand dollars ($1,000) or by imprisonment not to exceed six (6) months, or by both such fine and imprisonment. Criminal fines shall be imposed on a per-violation, per-day basis. A separate misdemeanor violation is committed on a per day basis.

SECTION 19. If any provision or section of this Ordinance shall be held to be invalid by a court of competent jurisdiction, then such provision or section shall be considered separately and apart from the remaining provisions or sections of this Ordinance, which shall remain in full force and effect.

SECTION 20. All ordinances of the City of Garden City that conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 21. That the Summary of the Ordinance, attached hereto as Exhibit A, is hereby approved as to both form and content.

SECTION 22. This ordinance shall be in full force and effect on May 28, 2019, and from and after passage, approval, and publication.

PASSED by the City Council and APPROVED by the Mayor of Garden City, Idaho, this 28th day of May, 2019.

ATTEST:  
Lisa M. Leiby, City Clerk

APPROVED:  
John G. Evans, Mayor
EXHIBIT “A”

STATEMENT OF GARDEN CITY ATTORNEY
AS TO ADEQUACY OF SUMMARY
OF ORDINANCE NO. 1007-19

The undersigned, Charles I. Wadams, in his capacity as City Attorney of the City of Garden City, Idaho, hereby certifies that he is the legal advisor of the City and has reviewed a copy of the attached Summary of Ordinance No. 995-18 of the City of Garden City, Idaho, and has found the same to be true and complete and provides adequate notice to the public pursuant to Idaho Code § 50-901A(3).

DATED this 28th day of May, 2019.

Charles I. Wadams
City Attorney

SUMMARY OF ORDINANCE NO. 1007-19
OF THE CITY OF GARDEN CITY, IDAHO

PUBLIC NOTICE IS HEREBY GIVEN that the City of Garden City, Idaho, adopted at its regular meeting of May 28, 2019, that Ordinance No. 1007-19 entitled:

AN ORDINANCE OF THE CITY OF GARDEN CITY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING GARDEN CITY CODE TITLE 6 (“WATER AND SEWER”), CHAPTER 6 (“INDUSTRIAL PRETREATMENT”), SECTION 1 (“PURPOSE AND POLICY”) TO ADD TO CHAPTER OBJECTIVES; AMENDING SECTION 3 (“DEFINITIONS”) TO MODIFY AND ADD DEFINITIONS; AMENDING SECTION 3, SUBSECTION 1 (“ABBREVIATIONS”) TO ADD ABBREVIATIONS; AMENDING SECTION 4, SUBSECTION 2 (“SPECIFIC DISCHARGE PROHIBITIONS”) TO MODIFY AND ADD DISCHARGE PROHIBITIONS; AMENDING SECTION 7 (“LOCAL LIMITS”) TO MODIFY AND ADD DISCHARGE LIMITATIONS ALLOWED BY THE CITY; AMENDING SECTION 10 (“DEADLINE FOR COMPLIANCE WITH APPLICABLE PRETREATMENT REQUIREMENTS”) TO MODIFY TERMINOLOGY; AMENDING SECTION 11 (“ACCIDENTAL DISCHARGES”) TO MODIFY TERMINOLOGY; AMENDING SECTION 13, SUBSECTION 1 (“GENERAL CHARGES AND FEES”) TO ADD THE STATE PRETREATMENT PROGRAM; AMENDING SECTION 15, SUBSECTION 2 (“DISCLOSURE FORMS”) TO MODIFY TERMINOLOGY; AMENDING SECTION 17, SUBSECTION 2 (“SIGNIFICANT INDUSTRIAL USERS”) TO ADD TO CITY AUTHORIZATIONS; AMENDING SECTION 19, SUBSECTION 1 (“FINAL COMPLIANCE REPORT”) TO MODIFY TERMINOLOGY; AMENDING SECTION 19, SUBSECTION 2 (“PERIODIC COMPLIANCE REPORTS”) TO ADD USER REPORT AND CERTIFICATION REQUIREMENTS; AMENDING SECTION 19, SUBSECTION 5 (“HAZARDOUS WASTE NOTIFICATION”) TO MODIFY TERMINOLOGY; AMENDING
This ordinance updates Garden City’s Industrial Pretreatment Chapter (Chapter 6) of its Water and Sewer Title (Title 6) in the Garden City Code. It amends the Purpose and Policy Section to add to chapter objectives, modifies and adds definitions, and adds abbreviations. Additionally, this ordinance modifies and adds discharge prohibitions and discharge limitations allowed by the City, and amends the Deadline for Compliance with the Applicable Pretreatment Requirements Section to modify terminology.

Furthermore, this ordinance amends the Accidental Discharges Section to modify terminology, and adds the state pretreatment program to the General Charges and Fees Subsection. This ordinance amends the Disclosure Forms Subsection to modify terminology, adds to City authorizations for significant industrial users, and modifies terminology for final compliance reports. This ordinance adds user report and certification requirements for periodic compliance reports, modifies terminology for hazardous waste notifications, and adds to the process for sample collections.

Finally, this ordinance clarifies that confidential information may still be subject to public records requests, adds user liability for recovery of costs incurred by the city, specifies the legal authority for enforcement remedies, and specifies the maximum possible punishment for misdemeanors. The ordinance provides for severability and repeals any conflicting ordinances.

The effective date of the ordinance is May 28, 2019, and the date of its passage, approval, and publication. A copy of the full text of the ordinance is available at the city clerk’s office, 6015 N. Glenwood Street, Garden City, Idaho 83714. Examination may be requested in writing or in person during regular business hours of the city clerk’s office, from 8:00 a.m. until 5:00 p.m., pursuant to Section 50-901A(4), Idaho Code.

DATED this 28th day of May, 2019.

ATTEST:  
Lisa M. Leiby, City Clerk  
CITY OF GARDEN CITY, IDAHO:  
John G. Evans, Mayor