

**COUNCIL BILL NO. 2022-11  
ORDINANCE NO. 2022-11**

AN ORDINANCE AMENDING CHAPTER 4 OF TITLE 13 ENTITLED "WASTEWATER TREATMENT SYSTEM" AND CHAPTER 8 OF TITLE 13 ENTITLED "SERVICE CHARGES FOR USE OF WASTEWATER TREATMENT SYSTEM" OF THE BUTTE-SILVER BOW MUNICIPAL CODE AND; SPECIFICALLY ADDING SECTIONS 13.04.105, RENUMBERING 13.04.110 TO 13.04.109, ADDING NEW SECTIONS 13.04.110, AND 13.04.051, AMENDING SECTION 13.04.350, AMENDING SECTIONS 13.04.681, 13.04.684, AND 13.04.686, ADDING SECTIONS 13.04.740, 13.04.750 and 13.04.760 AND AMENDING SECTIONS 13.08.055, 13.08.057 AND 13.08.060 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

INTRODUCED BY: E JOYCE

REFERRED TO COUNCIL 8/17/2022

PASSED ON 1/8/2023

RECOMMENDATIONS: The EPA approved BSB's pretreatment Ordinance 2023-11. And was signed on February 8, 2023.

DISPOSITION:

YEAS 12 NAYS 0

MOTION PASSES

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CLERK: Linda Sajor-Joyce

COMMITTEE CHAIRMAN: William O. Andersen

COUNCIL BILL NO. 2022-11

ORDINANCE NO. 2022-11

1 AN ORDINANCE AMENDING CHAPTER 4 OF TITLE 13 ENTITLED  
2 "WASTEWATER TREATMENT SYSTEM" AND CHAPTER 8 OF TITLE 13  
3 ENTITLED "SERVICE CHARGES FOR USE OF WASTEWATER TREATMENT  
4 SYSTEM" OF THE BUTTE-SILVER BOW MUNICIPAL CODE AND;  
5 SPECIFICALLY ADDING SECTIONS 13.04.105, RENUMBERING 13.04.110  
6 TO 13.04.109, ADDING NEW SECTIONS 13.04.110, AND 13.04.051,  
7 AMENDING SECTION 13.04.350, AMENDING SECTIONS 13.04.681,  
8 13.04.684, AND 13.04.686, ADDING SECTIONS 13.04.740,13.04.750  
9 and 13.04.760 AND AMENDING SECTIONS 13.08.055, 13.08.057 AND  
10 13.08.060 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

11 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF COMMISSIONERS  
12 OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA:

13 SECTION 1: New Section: Ordinance 15-16 and Section  
14 13.04.105 of the Butte-Silver Bow Municipal Code  
15 (B-SB MC) shall be and are hereby amended to  
16 read as follows:

17 "13.04.105 Grease Interceptor Sizing.

18 "Grease Interceptor Sizing" shall be completed  
19 according to the sizing criteria set forth in

1 the FOG Sector Control Program Policy at the  
2 link located at 13.04.740.B.1.a.

3 SECTION 2: Amendment: Ordinance 15-16 and Section 13.04.110  
4 of the Butte-Silver Bow Municipal Code (B-SB MC)  
5 shall be and are hereby amended and renumbered  
6 to read as follows:

7 "13.04.110-109Groundwater. "Groundwater" means  
8 the water within the earth."

9 SECTION 3: New Section: Ordinance 15-16 of the Butte-Silver  
10 Bow Municipal Code (B-SB MC) shall be and is  
11 hereby amended to add Section 13.04.110 to read  
12 as follows:

13 "13.04.110 - Hauled Waste. Sewage, domestic  
14 waste, industrial waste or other waste that is  
15 pumped, siphoned or otherwise drained from a  
16 holding tank, pond, privy, privy vault, pit,  
17 portable toilet (porta potty), cesspool, septic  
18 tank, septic system, grease trap or other  
19 storage device and transported to the POTW by  
20 vehicles, railcar or other mode not including  
21 through pipes directly connected to the BSB

1 sanitary sewer.”

2 SECTION 4: New Section: Ordinance 15-16 of the Butte-Silver  
3 Bow Municipal Code (B-SB MC) shall be and is  
4 hereby amended to add Section 13.04.051 to read  
5 as follows:

6 “13.04.051 Sector control program” means a  
7 program to control specific pollutants from  
8 industrial users with similar waste generation  
9 or treatment through the implementation of  
10 Pretreatment Standards and Requirements,  
11 including Best Management Practices. These  
12 programs can be found at Section 13.04.740”.

13 Article II - General Provisions

14 SECTION 5: Amendment: Ordinance 15-16 and Section 13.04.350  
15 of the Butte-Silver Bow Municipal Code (B-SB MC)  
16 shall be and are hereby amended and renumbered  
17 to read as follows:

18 “13.04.350 - Notice of violations.

19 Whenever the director finds that any SIU has  
20 violated or is violating any provisions of this  
21 chapter, the director may serve upon such person

1 a written notice stating the nature of the  
2 violation and providing for a reasonable time,  
3 not to exceed forty-five days, for the  
4 satisfactory correction thereof. The SIU may  
5 request a meeting with the director to discuss  
6 the violation or the correction schedule. Such  
7 notice given shall be in writing and served in  
8 person or by registered or certified mail. The  
9 notice shall be sent to the last address of the  
10 violator known to the director. Where the  
11 address is unknown, service may be made upon the  
12 owner of record of the property involved. If  
13 satisfactory action is not taken in the time  
14 allotted by the notice, Section 13.04.360 of  
15 this chapter shall be implemented."

16 ARTICLE VII- DISCHARGE OF SIGNIFICANT AND  
17 CATEGORICAL INDUSTRIAL WASTES- PRETREATMENT  
18 PROGRAM

19 SECTION 6: Amendment: Ordinance 15-16 and Section 13.04.681  
20 of the Butte-Silver Bow Municipal Code (B-SB MC)  
21 shall be and are hereby amended to read as

1 follows:

2 "13.04.681 Information Requirements for  
3 Permittees.

4 A. All SIUs and CIUs must first obtain an  
5 industrial waste discharge permit before  
6 discharging any industrial waste into the POTW.  
7 Before issuing any industrial waste discharge  
8 permits the director shall require ~~SIUs~~  
9 potential permittees discharging industrial  
10 wastes to provide information needed to  
11 determine compliance with this chapter.

12 B. These requirements shall include a completed  
13 permit application provided to BSB with the  
14 following information:

- 15 1. Wastewater discharge peak rate and cumulative  
16 volume data;
- 17 2. Representative chemical analyses of wastewaters;
- 18 3. Information on raw materials, processes and  
19 products affecting wastewater volume and  
20 quantity;

- 1           4. Quantity and disposition of specific liquid,  
2           sludge, oil, solvent or other materials  
3           important to sewer use control;
- 4           5. A plan of sewers on the SIU's property showing  
5           sewer pretreatment facility location;
- 6           6. Details of wastewater pretreatment facilities;
- 7           7. Details of facilities operated or planned to  
8           prevent and control the losses of materials  
9           through slug discharge to the sanitary  
10          wastewater system including development of  
11          compliance schedules for installation of such  
12          facilities.
- 13          C. Reporting Requirements for permitted IUs and  
14          SIUs.
- 15          1. Permitted IUs and SIUs shall submit quarterly  
16          reports to the POTW. These reports shall be for  
17          the periods January 1st through March 31<sup>st</sup>, April  
18          1<sup>st</sup> through June 30<sup>th</sup>, July 1<sup>st</sup> through September  
19          30<sup>th</sup>, and October 1<sup>st</sup> through December 31<sup>st</sup> of  
20          each year, respectively, and shall be hand

1 delivered to the BSB Pretreatment Coordinator by  
2 the last business day of the month following the  
3 reporting quarter. These reports shall contain a  
4 description of the nature, concentration and  
5 flow of the pollutants required to be reported  
6 to the POTW. These reports shall be based on  
7 sampling and analysis performed in the period  
8 covered by the report and performed in  
9 accordance with the techniques described in 40  
10 CFR part 136. In cases where the pretreatment  
11 standard requires compliance with a best  
12 management practice (BMP) or pollution  
13 prevention alternative, the user must submit  
14 documentation required by the individual permit  
15 or the pretreatment standard necessary to  
16 determine the compliance status of the user.

17 D. SAME.

18 E. SAME."

19 SECTION 7: Amendment: Ordinance 15-16 and Section 13.04.684  
20 of the Butte-Silver Bow Municipal Code (B-SB MC)  
21 shall be and are hereby amended to read as

1 follows:

2 "13.04.684 General control mechanisms. If in the  
3 opinion of the POTW, the permitted IU or SIU is  
4 more appropriately controlled under a general  
5 control mechanism, the permitted IU or SIU will  
6 be managed under said control mechanism.

7 i. To be covered by the general control mechanism,  
8 the significant industrial user must file a  
9 written request for coverage that identifies its  
10 contact information, production processes, the  
11 types of wastes generated, the location for  
12 monitoring all wastes covered by the general  
13 control mechanism, any requests in accordance  
14 with 40 CFR 403.12(e)(2) for a monitoring waiver  
15 for a pollutant neither present nor expected to  
16 be present in the discharge, and any other  
17 information the POTW deems appropriate. A  
18 monitoring waiver for a pollutant neither  
19 present nor expected to be present in the  
20 discharge is not effective in the general  
21 control mechanism until after the POTW has

1 provided written notice to the significant  
2 industrial user that such a waiver request has  
3 been granted in accordance with 40 CFR  
4 403.12(e)(2). The POTW must retain a copy of the  
5 general control mechanism, documentation to  
6 support the POTW's determination that a specific  
7 significant industrial user meets the criteria,  
8 and a copy of the user's written request for  
9 coverage for three years after the expiration of  
10 the general control mechanism. A POTW may not  
11 control a significant industrial user through a  
12 general control mechanism where the facility is  
13 subject to production-based categorical  
14 pretreatment standards or categorical  
15 pretreatment standards expressed as mass of  
16 pollutant discharged per day or for industrial  
17 users whose limits are based on the combined  
18 waste stream formula or net/gross calculations  
19 (40 CFR 403.6(e) and 403.15).

20 ii. General control mechanisms must be enforceable  
21 and contain, at a minimum, the conditions set

1           forth in the Wastewater discharge permits  
2           Section 13.04.683(1) through (5) and  
3           13.04.683(7) through (8)."

4 SECTION 8:    Amendment: Ordinance 15-16 and Section 13.04.686  
5           of the Butte-Silver Bow Municipal Code (B-SB MC)  
6           shall be and are hereby amended to read as  
7           follows:

8           "13.04.686 Random Sampling and inspection by  
9           POTW. The POTW shall randomly sample and analyze  
10          the effluent from IUs and conduct surveillance  
11          activities in order to identify, independent of  
12          information supplied by the IUs, occasional and  
13          continuing noncompliance with pretreatment  
14          standards. The POTW shall inspect and sample the  
15          effluent from each permitted IU or SIU at least  
16          once a year. Representatives of the POTW shall  
17          be authorized to enter any premises of any  
18          industrial user in which a discharge source or  
19          treatment system is located or in which records  
20          are required to be kept to assure compliance  
21          with pretreatment standards. Such authority

1 shall be at least as extensive as the authority  
2 provided under section 308 of the Act.”

3 ARTICLE VII - PRETREATMENT

4 SECTION 10: New Section: Ordinance 15-16 of the Butte-Silver  
5 Bow Municipal Code (B-SB MC) shall be and is  
6 hereby amended to add Section 13.04.740 to read  
7 as follows:

8 “13.04.740 Sector Control programs.

9 A. General Requirements

10 1. Authority. BSB may establish specific  
11 sector control programs for users to control  
12 specific pollutants as necessary to meet the  
13 objectives of this Chapter. Pollutants subject  
14 to these sector control programs shall generally  
15 be controlled using Best Management Practices  
16 (BMPs) or by permits as determined by BSB. These  
17 sector control programs shall not limit BSB’s  
18 authority to inspect, sample, require reports,  
19 enforce or otherwise carry out its  
20 responsibility under this Chapter.

21 2. Notification to BSB by the IU and

1 Management Review. BSB shall review new  
2 construction and existing facilities undergoing  
3 any physical change, change in ownership, change  
4 in operations, or other change that could affect  
5 the nature, properties, or volume of wastewater  
6 discharge, to ensure that current sector control  
7 program requirements are incorporated and  
8 implemented.

9 3. When a Sector Control Program is  
10 adopted, the Users covered by that Sector  
11 Control Program shall inform BSB prior to:

12 a. Sale or transfer of ownership of  
13 the business; or

14 b. Change in the trade name under  
15 which the business is operated; or

16 c. Change in the nature of the  
17 services provided that affect the potential to  
18 discharge Sector Control Program pollutants; or

19 d. Remodeling of the facility that may  
20 result in an increase in flow or pollutant  
21 loading or that otherwise requires the facility

1 to submit plans or specifications for approval  
2 through a building or zoning department, or any  
3 other formal approval process of BSB.

4 4. Closure. BSB may require closure of  
5 plumbing, treatment devices, storage components,  
6 containments, or other such physical structures  
7 that are no longer required for their intended  
8 purpose. Closure may include the removal of  
9 equipment, the filling in and/or cementing,  
10 capping, plugging, etc.

11 5. Cost Recovery

12 a. These requirements form a part of  
13 this Chapter. Enforcement of this regulation is  
14 governed by the express terms herein and the  
15 enforcement provisions of Section 13.04.750.

16 b. Any costs incurred by BSB due to  
17 interference, damage, pass through, or  
18 maintenance necessary in the treatment and/or  
19 collection system shall be paid by the  
20 industrial user to BSB. The direct costs of all  
21 labor, equipment and materials incurred in

1 rectifying the interference or damage, including  
2 reasonable attorney's fees, shall be billed  
3 directly to the owner or the industrial user by  
4 BSB, and such costs shall become part of the  
5 total charges due and owing to BSB and shall  
6 constitute a lien on the industrial user until  
7 paid in full.

8 B. Sector Control Program Policy Documents. All  
9 other information related to each Sector Control  
10 Program shall be detailed in Sector Control  
11 Program Policies including but not limited to:  
12 definitions, permit information, regulations,  
13 enforcement, and any other items required by BSB  
14 or the Federal Pretreatment Program.

15 1. Sector Control Program Policies can be  
16 found at the BSB Metro Sewer website and at the  
17 following links:

18 a. FOG Sector Policy Link

19 [https://co.silverbow.mt.us/DocumentCenter/View/24066/BSB-FOG-Sector-Policy-Draft-Final-  
20 --06-02-2022](https://co.silverbow.mt.us/DocumentCenter/View/24066/BSB-FOG-Sector-Policy-Draft-Final-<br/>20 --06-02-2022)

21  
22 b. Trucked and Hauled Waste Policy Link

23 [https://co.silverbow.mt.us/DocumentCenter/View/24067/BSB-Trucked-and-Hauled-Sector-  
24 Policy-Draft-Final---06-02-2022](https://co.silverbow.mt.us/DocumentCenter/View/24067/BSB-Trucked-and-Hauled-Sector-<br/>24 Policy-Draft-Final---06-02-2022)

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C. BSB may add amend its Sector Control Program Policies to new Sector Control Programs as deemed necessary to control specific pollutants which may cause adverse effects to the POTW."

SECTION 11: New Section: Ordinance 15-16 of the Butte-Silver Bow Municipal Code (B-SB MC) shall be and is hereby amended to add Section 13.04.750 to read as follows:

"13.04.750 Compliance and Enforcement.

A. Enforcement Response Plan. BSB may adopt policies and procedures as set forth in BSB's Enforcement Response Plan <https://www.co.silverbow.mt.us/DocumentCenter/View/24750/BSB-Industrial-Pretreatment-Program-Enforcement-Response-Plan> for carrying out the provisions of this Chapter, provided that such policies and procedures are not in conflict with this Chapter or any applicable state or federal law or regulation.

B. Publication of IUs in Significant

1 Noncompliance. See Section 13.04.365.

2 C. Administrative Enforcement Actions.

3 1. Notice of Violation (NOV). See Section

4 13.04.350.

5 2. Suspension of Service. BSB, through the

6 Director of Public Works, may suspend water

7 service and/or wastewater treatment service

8 and/or revoke a Wastewater Discharge Permit

9 given pursuant to Section 13.04.683 when such

10 revocation is necessary in the opinion of the

11 Director, in order to stop an actual or

12 threatened discharge which presents or may

13 present an imminent or substantial endangerment

14 to the health or welfare of persons, the

15 environment, causes Pass Through or Interference

16 or causes BSB to violate any condition of its

17 MPDES Permit. Any person notified of a

18 suspension of the water service and/or

19 wastewater treatment service and/or the

20 Wastewater Discharge Permit shall immediately

21 stop or eliminate the discharge. In the event of

1 a failure of the person to comply voluntarily  
2 with the suspension order, BSB shall take such  
3 steps as deemed necessary including immediate  
4 severance of the sewer connection, to prevent or  
5 minimize damage to the POTW system or  
6 endangerment to individuals or the environment.  
7 BSB may reinstate the Wastewater Discharge  
8 Permit, water service and/or the wastewater  
9 treatment service upon proof of the elimination  
10 of the non-complying discharge.

11 3. Administrative Compliance Order. When  
12 BSB finds that an industrial user has violated,  
13 or continues to violate, any provision of this  
14 Chapter, a Wastewater Discharge Permit, or order  
15 issued hereunder, or any other Pretreatment  
16 Standard or Requirement, BSB may issue an order  
17 to the industrial user responsible for the  
18 discharge directing that the industrial user  
19 come into compliance within a specific time. If  
20 the industrial user does not come into  
21 compliance within the time provided, sewer

1 service may be discontinued unless adequate  
2 treatment facilities, devices, or other related  
3 appurtenances are installed and properly  
4 operated. Compliance orders also may contain  
5 other requirements to address the noncompliance,  
6 including additional self-monitoring and  
7 management practices designed to minimize the  
8 amount of pollutants discharged to the sewer. A  
9 compliance order may not extend the deadline for  
10 compliance established for a Pretreatment  
11 Standard or Requirement, nor does a compliance  
12 order relieve the industrial user of liability  
13 for any violation, including any continuing  
14 violation. Issuance of a compliance order shall  
15 not be a bar against, or a prerequisite for,  
16 taking any other action against the industrial  
17 user.

18 4. Consent Orders. BSB may enter into  
19 Consent Orders, assurances of compliance, or  
20 other similar documents establishing an  
21 agreement with any industrial user responsible

1 for noncompliance. Such documents shall include  
2 specific actions to be taken by the industrial  
3 user to correct the noncompliance within a time  
4 period specified by the document. A consent  
5 order may include penalties, supplemental  
6 environmental projects, or other conditions and  
7 requirements as agreed to by BSB and the  
8 industrial user.

9 5. Show Cause Hearing. See Section  
10 13.04.697 (Permit - Hearing - Suspension).

11 6. Administrative Fines.

12 a. When BSB finds that an industrial  
13 user has violated, or continues to violate, any  
14 provision of this Chapter, a Wastewater  
15 Discharge Permit, or order issued hereunder, or  
16 any other Pretreatment Standard or requirement,  
17 BSB may fine such industrial user in an amount  
18 not to exceed one thousand dollars (\$1,000.00)  
19 per day per violation. Such fines shall be  
20 assessed on a per violation, per day basis. In  
21 the case of monthly or other long-term average

1 discharge limits, fines shall be assessed for  
2 each day during the period of violation.

3 b. A lien against the industrial  
4 user's property shall be sought for unpaid  
5 charges, fines, and penalties.

6 c. Industrial users desiring to appeal  
7 such fines must file a written request for BSB  
8 to reconsider the fine along with full payment  
9 of the fine amount within fifteen (15) days of  
10 being notified of the fine. Such notice or  
11 appeal shall set forth the nature of the order  
12 or determination being appealed, the date of  
13 such order or determination, the reason for the  
14 appeal, and request a hearing pursuant to  
15 procedures outlined in Section 13.04.697.

16 d. Issuance of an administrative fine  
17 shall not be a bar against, or prerequisite for,  
18 taking any other action against the industrial  
19 user.

20 D. Judicial Enforcement Remedies.

21 1. Injunction Relief. When BSB finds that

1 an industrial user has violated, or continues to  
2 violate, any provision of this Chapter, a  
3 Wastewater Discharge Permit, or order issued  
4 hereunder, or any other Pretreatment Standard or  
5 requirement, BSB may petition the District Court  
6 for the issuance of a temporary or permanent  
7 injunction, as appropriate, which restrains or  
8 compels the specific performance of the  
9 Wastewater Discharge Permit, order, or other  
10 requirement imposed by this Chapter on  
11 activities of the industrial user. BSB may also  
12 seek such other action as is appropriate for  
13 legal and/or equitable relief, including a  
14 requirement for the industrial user to conduct  
15 environmental remediation. A petition for  
16 injunctive relief shall not be a bar against, or  
17 a prerequisite for, taking any other action  
18 against an industrial user.

19 2. Civil Penalties.

20 a. An industrial user who has  
21 violated, or continues to violate, any

1 provision of this Chapter, a Wastewater  
2 Discharge Permit, or order issued  
3 hereunder, or any other Pretreatment  
4 Standard or requirement shall be liable to  
5 BSB for a maximum civil penalty not to  
6 exceed one thousand dollars (\$1,000.00) per  
7 day per violation. In the case of a monthly  
8 or other long-term average discharge limit,  
9 penalties shall accrue for each day during  
10 the period of violation.

11 b. BSB may recover reasonable  
12 attorneys' fees, court costs, and other  
13 expenses associated with enforcement  
14 activities, including sampling and  
15 monitoring expenses, and the cost of any  
16 actual damages incurred by BSB.

17 c. In determining the amount of civil  
18 liability, the Court shall take into  
19 account all relevant circumstances,  
20 including, but not limited to, the extent  
21 of harm caused by the violation, the

1 magnitude and duration of the violation,  
2 any economic benefit gained through the  
3 industrial user's violation, corrective  
4 actions by the industrial user, the  
5 compliance history of the industrial user,  
6 and any other factor as justice requires.

7 d. Actions for civil penalties shall  
8 be civil actions brought in the name of  
9 BSB. BSB must prove alleged violations by a  
10 preponderance of the evidence.

11 e. Filing a suit for civil penalties  
12 shall not be bar against, or a prerequisite  
13 for, taking any other action against an  
14 industrial user.

15 3. Civil Fine Pass Through. In the event  
16 that an industrial user discharges such  
17 pollutants which cause BSB to violate any  
18 condition of its MPDES permit and BSB is  
19 fined by the EPA or the State for such  
20 violation, then such industrial user shall  
21 be fully liable for the total amount of the

1 fine and/or supplemental environmental  
2 project that results from such action by  
3 the EPA and/or the State.

4 4. Criminal Prosecution. An industrial user  
5 who purposely, knowingly or negligently  
6 violates any provision of this Chapter or  
7 willfully, negligently introduces any  
8 substance into the POTW which causes  
9 personal injury or property damage or  
10 knowingly makes any false statements,  
11 representations, or certifications in any  
12 application, record, report, plan, or other  
13 documentation filed or required to be  
14 maintained pursuant to a Wastewater  
15 Discharge Permit or order issued hereunder,  
16 or any other Pretreatment Standard or  
17 requirement, shall, upon conviction, be  
18 guilty of a misdemeanor, punishable by a  
19 fine not to exceed one thousand dollars  
20 (\$1,000.00) per day per violation and be  
21 subject to imprisonment for not more than

1                   six (6) months, or both. In addition, these  
2                   penalties may be sought for any person who  
3                   maliciously, willfully, or negligently  
4                   breaks, destroys, uncovers, defaces,  
5                   tampers with, or otherwise destroys, or who  
6                   prevents access to, any structure,  
7                   appurtenance or equipment, or any part of  
8                   the POTW.

9                   E. Remedies Nonexclusive. The remedies provided  
10                  for in this Chapter are not exclusive of any  
11                  other remedies that BSB may have under the  
12                  provisions of Montana law. BSB may take any,  
13                  all, or any combination of these actions against  
14                  a noncompliant industrial user. Enforcement of  
15                  pretreatment violations will generally be in  
16                  accordance with the Enforcement Response Plan.  
17                  However, BSB may take other action against any  
18                  industrial user when the circumstances warrant  
19                  and may take more than one (1) enforcement  
20                  action against any noncompliant industrial  
21                  user."

1 SECTION 12: New Section: Ordinance 15-16 of the Butte-Silver  
2 Bow Municipal Code (B-SB MC) shall be and is  
3 hereby amended to add Section 13.04.760 to read  
4 as follows:

5 "13.04.760 Program Cost Recovery.

6 \_\_\_\_\_ BSB may recover the costs to BSB of implementing  
7 the program established by this Chapter and  
8 adopt charges and fees, including, but not  
9 limited to the following:

10 A. Fees for monitoring, inspection, and  
11 surveillance activities.

12 B. Fees for reviewing accidental discharge  
13 procedures and construction;

14 C. Fees for permit applications;

15 D. Fees for filing appeals and other legal  
16 expenses;

17 E. Fees for consistent removal by BSB of  
18 pollutants as allowed under 40 CFR Section  
19 403.7; and

20 F. Such other fees as BSB may deem  
21 necessary to administer and enforce the

1 requirements contained herein.”

2 Section 13: Amendment: Ordinance 15-16 and Section 13.08.055  
3 of the Butte-Silver Bow Municipal Code (B-SB MC)  
4 shall be and are hereby amended and renumbered  
5 to read as follows:

6 “13.08.055 Additional commercial/industrial fees  
7 for high loading and high flow.

8 Although, the BSB WWTP is capable of treating  
9 certain industrial wastes, the actual treatment  
10 may increase the cost of operating and  
11 maintaining the treatment system. Therefore,  
12 there will be imposed upon each commercial and  
13 industrial user additional user fees where  
14 excessively high loading and/or high flows are  
15 present. These fees are developed around two  
16 thresholds; the first is a "surcharge level" and  
17 the second level is an "enforcement level."  
18 These concentration levels are one hundred  
19 twenty-five percent and one hundred fifty  
20 percent of typical BSB averages. The flow

1 surcharge level is based on the flow rate used  
2 to determine significant industrial users.

3 A. SAME.

4 B. SAME.

5 C. SAME.

6 D. SAME.

7 E. Fee Calculations.

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

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

13  $C_a$  = actual user discharge concentration in  
14 mg/l.

15  $C_s$  = the surcharge level concentration for  
16 each in mg/l.

17 8.34 = conversion factor.

18 Flow = average discharge flow in mgd for  
19 billing period.

20 Days = number of days in billing period.

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

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

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

1 Flow = average discharge flow in mgd for  
2 billing period.  
3 0.025 is surcharge threshold for flow in mgd.  
4 Days = number of days in billing period.  
5 1000 = conversion factor.  
6 Surcharge = \$/1000 gallons from sewer rate  
7 resolution.

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

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

13  $C_a$  = actual user discharge concentration in  
14 mg/l.

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

17 8.34 = conversion factor.

18 Flow = average discharge flow in mgd for  
19 billing period.

20 Days = number of days in billing period.

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

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

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

1 Flow = average discharge flow in mgd for  
2 billing period.  
3 0.025 is surcharge threshold for flow in mgd.  
4 Days = number of days in billing period.  
5 1000 = conversion factor.  
6 Enforcement = \$/1000 gallons from sewer rate  
7 resolution.

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

BOD	\$0.25/lb
TSS	\$0.25/lb
Total P	\$3.00/lb
Total N	\$1.00/lb
Flow	\$0.05/1000 gallons
COD	\$0.25/lb

10 If a permitted user fails to sample for analytes  
11 required in their ~~industrial~~ wastewater  
12 discharge permit, fees will be assessed using  
13 the most recent EXCEEDED value."

14 SECTION 14: NEW SECTION: Ordinance 15-16 and Section  
15 13.08.057 of the Butte-Silver Bow Municipal Code

1 (B-SB MC) shall be and are hereby amended and  
2 renumbered to read as follows:

3 "13.08.057 Fees for Trucked and Hauled Waste.

4 IUs of BSB shall not discharge waste to the WWTP  
5 until they have been issued a permit through the  
6 BSB Pretreatment Program. A permit will be  
7 issued after a completed permit application is  
8 approved by the BSB Pretreatment Program.

9 1. Permitted IUs will be charged \$200.00  
10 per vehicle for a 2-year permit.

11 2. Permitted IUs will be charged  
12 \$0.05/gallon for trucked and hauled waste  
13 received at the septic receiving station.

14 3. Permitted IU's will be required to post  
15 a \$25,000 performance bond and have a current  
16 Butte-Silver Bow business license."

17 SECTION 15: Amendment: Ordinance 15-16 and Section 13.08.060  
18 of the Butte-Silver Bow Municipal Code (B-SB MC)  
19 shall be and are hereby amended and renumbered  
20 to read as follows:

1                   "13.08.060 - Billing and notification of  
2                   wastewater service charges and fees and  
3                   termination of services.

4                   Collection of fees.

5                   A.       Residential customers served by the  
6                   district shall be billed annually based on the  
7                   rates of charge designated in the annual metro  
8                   sewer rate resolution passed by the council of  
9                   commissioners, the number of units of service  
10                  and charge derivation procedures designated in  
11                  Sections 13.08.040 and 13.08.050. The collection  
12                  fee will be placed on the annual real property  
13                  tax statement of the owners of all improved real  
14                  property to which the city-county is providing  
15                  sewer services and shall be payable in two  
16                  semiannual payments, which shall be collected by  
17                  the city-county treasurer in conjunction with  
18                  the collection of real property taxes. All funds  
19                  received by the city-county treasurer from the  
20                  sewer fee shall be deposited in the city-county  
21                  metro sewer fund.

1 B. SAME.

2 C. SAME.

3 D. Industrial Users shall be assessed fees on  
4 a quarterly basis with fees to be submitted to  
5 BSB within 30 days of notice."

6 SECTION 16: Effective Date. This Chapter shall be in full  
7 force and effect from and after thirty (30) days  
8 after its passage and approval.

PASSED this 8 day of February, 2022.

DocuSigned by:

*Shawn Fredrickson*

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SHAWN FREDRICKSON  
CHAIRMAN OF THE COUNCIL OF COMMISSIONERS

APPROVED this 8 day of February, 2022.

DocuSigned by:

*J.P. Gallagher*

DS

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J. P. GALLAGHER  
CHIEF EXECUTIVE



23 ATTEST:

DocuSigned by:

*Linda Sajor-Joyce*

086530206002425  
LINDA SAJOR-JOYCE  
CLERK & RECORDER

31 APPROVED AS TO FORM:

33

DocuSigned by:

*Eileen Joyce*

197411F2909F498

EILEEN JOYCE  
COUNTY ATTORNEY

DocuSigned by:

*Hattie Thatcher*

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HATTIE THATCHER  
CHAIRMAN, JUDICIARY COMMITTEE

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