



Twin Falls City Council Agenda

Monday, April 30, 2018, 5:00 PM

City Council Chambers
203 Main Avenue East- Twin Falls, Idaho

Members: Shawn Barigar, Suzanne Hawkins, Nikki Boyd, Chris Talkington, Gregory Lanting, Christopher Reid, Ruth Pierce

- 1) CALL MEETING TO ORDER/CONFIRMATION OF QUORUM
- 2) PLEDGE OF ALLEGIANCE
- 3) CONSIDERATION OF AMENDMENTS TO AGENDA
- 4) PROCLAMATIONS
 - a) Mental Health Month - Request made by Curtis Johnson, LCSW, Health & Welfare Behavioral Health
 - b) Older Americans Month May 2018 -Request made by Jeanette Roe, Twin Falls Senior Center
- 5) GENERAL PUBLIC INPUT
- 6) CONSENT CALENDAR
 - a) Request to approve the Accounts Payable for April 24-30, 2018.
Purpose: **ACTION ITEM** By: Sharon Bryan, Deputy City Clerk
 - b) Request to approve the April 23, 2018, City Council Minutes.
Purpose: **ACTION ITEM** By: Sharon Bryan, Deputy City Clerk
 - c) Request to approve an Alcohol License transfer of ownership for Whiskey Creek Saloon and Grill, LLC.
Purpose: **ACTION ITEM** By: Sharon Bryan, Deputy City Clerk
 - d) Request to approve the Twin Falls Tonight Concert Series to be held on Wednesday evenings between June 20, 2018, and August 15, 2018.
Purpose: **ACTION ITEM** By: Justin Dimond, Sergeant
 - e) Request to approve the "Beat the Heat" 5K Run/Walk on Saturday, June 9, 2018.
Purpose: **ACTION ITEM** By: Ryan Howe, Sergeant
 - f) Request to approve the Annual Mother's Day Fiesta and Cinco de Mayo event to be held on Sunday, May 13, 2018.
Purpose: **ACTION ITEM** By: Justin Dimond, Sergeant

- g) Request to approve the Vintage Vixen - Guppies Hotrod Car Show to be held on Saturday, May 19, 2018.
Purpose: **ACTION ITEM** By: Justin Dimond, Sergeant
- h) Request to approve the annual Fourth of July Celebration Event to be held on Wednesday, July 4, 2018.
Purpose: **ACTION ITEM** By: Justin Dimond, Sergeant
- i) Request to approve the 36th Annual Western Days Special Event and Parade Application. Western Days is scheduled to be held on Friday, June 1; Saturday, June 2; and Sunday, June 3, 2018. The Western Days Parade is scheduled to be held on Saturday, June 2, 2018.
Purpose: **ACTION ITEM** By: Justin Dimond, Sergeant

7) ITEMS OF CONSIDERATION

- a) Request from Twin Falls Optimist Foundation to waive building permit fees associated with the Youth House project.
Purpose: **ACTION ITEM** By: Eck Senivongs, Senior Building Inspector, Barry Knoblich, Twin Falls Optimist Foundation
- b) Request to approve an agreement for Engineering Services with J-U-B Engineers for the 2018/2019 FAA Airport Projects.
Purpose: **ACTION ITEM** By: William Carberry, Airport Manager
- c) Request to utilize Airport Fund Reserves to replace a recently failed emergency generator.
Purpose: **ACTION ITEM** By: William Carberry, Airport Manager
- d) Presentation on Southern Idaho Water Quality Coalition.
Purpose: **Informational** By: Jason Brown, Environmental Engineer

8) GENERAL INPUT/ADVISORY BOARD REPORT/ANNOUNCEMENTS

9) PUBLIC HEARINGS

- a) Request to approve the Enforcement Response Plan (ERP) and Industrial User Surcharge Program and to adopt the Enforcement Response Plan (ERP) and Industrial User Surcharge Program Resolution.
Purpose: **ACTION ITEM** By: Jason Brown, Environmental Coordinator

10) ADJOURNMENT

Any person(s) needing special accommodations to participate in the above-noticed meeting could contact Leila Sanchez (208) 735-7287 at least two working days before the meeting. Si desea esta información en español, llame Leila Sanchez (208) 735-7287.

Public Input Procedures

1. Individuals wishing to provide public input regarding matters relevant to the City of Twin Falls shall
 - wait to be recognized by the Mayor or Chairman
 - approach the microphone/podium
 - state their name, and whether they are a resident or property owner in the City of Twin Falls, and proceed with their input.
2. The Mayor or Chairman may limit input to no less than two (2) minutes. Individuals are not permitted to give their time to other speakers.

Public Hearing Procedures for Zoning Requests

1. Prior to opening the first Public Hearing of the session, the Mayor or Chairman shall review the public hearing procedures.
 2. Individuals wishing to testify or speak before the City Council or Planning and Zoning shall wait to be recognized by the Mayor or Chairman, approach the microphone/podium, state their name, then proceed with their comments. Following their statements, they shall write their name and address on the record sheet(s) provided by the staff. The staff shall make an audio recording of the Public Hearing.
 3. The Applicant, or the spokesperson for the Applicant, will make a presentation on the application/request (request). No changes to the request may be made by the applicant after the publication of the Notice of Public Hearing. The presentation should include the following:
 - A complete explanation and description of the request.
 - Why the request is being made.
 - Location of the Property.
 - Impacts on the surrounding properties and efforts to mitigate those impacts.
 4. Applicant is limited to 15 minutes, unless a written request for additional time is received, at least 72 hours prior to the hearing, and granted by the Mayor or Chairman.
 5. A City Staff Report shall summarize the application and history of the request.
 6. The City Council or Planning & Zoning Commission may ask questions of staff or the applicant pertaining to the request.
 7. The general public will then be given the opportunity to provide their testimony regarding the request. The Mayor or Chairman may limit public testimony to no less than two (2) minutes per person.
 - Five or more individuals, having received personal public notice of the application under consideration, may select by written petition, a spokesperson. The written petition must be received at least 72 hours prior to the hearing and must be granted by the Mayor or Chairman. The spokesperson shall be limited to 15 minutes.
 - Written comments, including e-mail, shall be either read into the record or displayed to the public on the overhead projector.
 - Following the Public Testimony, the applicant is permitted five (5) minutes to respond to Public Testimony.
 8. Following the Public Testimony and Applicant's response, the hearing shall continue. The City Council or Planning & Zoning Commission, as recognized by the Mayor or Chairman, shall be allowed to question the Applicant, Staff or anyone who has testified. The Mayor or Chairman may again establish time limits.
 9. The Mayor or Chairman shall close the Public Hearing. The City Council or Planning and Zoning Commission shall deliberate on the request. Deliberations and decisions shall be based upon the information and testimony provided during the Public Hearing. Once the Public Hearing is closed, additional testimony from the staff, applicant or public is not allowed. Legal or procedural questions may be directed to the City Attorney.
- * Any person not conforming to the above rules may be prohibited from speaking. Persons refusing to comply with such prohibitions may be asked to leave the hearing and, thereafter removed from the room by order of the Mayor or Chairman.

Office of the Mayor
City of Twin Falls, Idaho

Proclamation

Mental Health Month

WHEREAS, mental health is essential to everyone’s overall health and well-being; and

WHEREAS, all Americans experience times of difficulty and stress in their lives; and

WHEREAS, prevention is an effective way to reduce the burden of mental health conditions; and

WHEREAS, there is a strong research that diet, exercise, sleep, and stress management can help all Americans protect their health and well-being; and

WHEREAS, mental health conditions are real and prevalent in our nation; and

WHEREAS, with effective treatment, those individuals with mental health conditions can recover and lead full, productive lives; and

WHEREAS, each business, school, government agency, healthcare provider, organization and citizen shares the burden of mental health problems and has a responsibility to promote mental wellness and support prevention efforts.

THEREFORE, I Shawn Barigar, do hereby proclaim May 2018 as **Mental Health Month** in Twin Falls, Idaho.

As the Mayor, I also call upon the citizens, government agencies, public and private institutions, businesses and schools in Twin Falls to recommit our community to increasing awareness and understanding of mental health, the steps our citizens can take to protect their mental health, and the need for appropriate and accessible services for all people with mental health conditions.

In witness whereof, I have hereunto set my hand and caused this seal to be affixed.

Mayor Shawn Barigar

Deputy City Clerk Leila A. Sanchez

Date: _____

Office of the Mayor
City of Twin Falls, Idaho

Proclamation



Older americans month

may 2018

WHEREAS, the City of Twin Falls includes countless older Americans who enrich and strengthen our community; and

WHEREAS, the City of Twin Falls in partnership with the Twin Falls Senior Center is committed to engaging and supporting older adults, their families, and caregivers; and

WHEREAS, we acknowledge the importance of taking part in activities that promote physical, mental, and emotional well-being—no matter your age; and

WHEREAS, the City of Twin Falls in partnership with the Twin Falls Senior Center can enrich the lives of individuals of *every age* by:

- promoting home- and community-based services that support independent living;
- involving older adults in community planning, events, and other activities; and
- providing opportunities for older adults to work, volunteer, learn, lead, and mentor.

THEREFORE, I, Shawn Barigar, Mayor of Twin Falls do hereby proclaim **MAY 2018** to be **OLDER AMERICANS MONTH**. I urge every resident to take time during this month to recognize older adults and the people who serve them as vital parts of our community.

In witness whereof, I have hereunto set my
hand and caused this seal to be affixed.

Mayor Shawn Barigar

Deputy City Clerk Leila A. Sanchez

Date: April 30, 2018



Twin Falls City Council Minutes

Monday, April 23, 2018, 5:00 PM City Council

Chambers
203 Main Avenue East- Twin Falls, Idaho

1) CALL MEETING TO ORDER/CONFIRMATION OF QUORUM

Present: Vice Mayor Nikki Boyd, Councilmembers Chris Talkington, Greg Lanting, Suzanne Hawkins, Ruth Pierce, and Christopher Reid

Absent: Mayor Shawn Barigar

Staff Present: City Manager Travis Rothweiler, Deputy City Manager Brian Pike, Deputy City Manager Mitch Humble, City Attorney Fritz Wonderlich, Deputy City Attorney Shayne Nope, Assistant City Engineer Troy Vitek, Economic Development Director Nathan Murray, Code Enforcement Director Sean Stanley, Planning and Development Manager Jonathan Spendlove, Deputy City Clerk Sharon Bryan

Vice Mayor Boyd called the meeting to order at 5:03 PM
A quorum was present.

2) PLEDGE OF ALLEGIANCE

Vice Mayor Boyd invited all present, who wished, to recite the Pledge of Allegiance to the Flag.

3) CONSIDERATION OF AMENDMENTS TO AGENDA

City Manager Rothweiler asked that the letter of support for the Twin Falls Fire Department for a Staffing for Adequate Fire and Emergency Response grant through the Federal Emergency Management Agency of the US Department of Homeland Security be added to the Items of Consideration.

MOTION:

Councilmember Talkington moved to add the letter of support for the Twin Falls Fire Department for a Staffing for Adequate Fire and Emergency Response grant through the Federal Emergency Management Agency of the US Department of Homeland Security be added to the Items of Consideration 7 d). Councilmember Hawkins seconded the motion. Roll call vote showed all members present voted in favor of the motion. 6 to 0.

4) PROCLAMATIONS

a) Arbor Day Proclamation - Request made by Wendy Davis, Parks & Recreation Director

Vice Mayor Boyd read Proclamation and presented it to Parks and Recreation Director Davis.

Parks and Recreation Director Davis thanked City Council and invited them to the Arbor Day Celebration on Friday, April 27, 2018 at Oregon Trail Youth Complex starting at 4:00 PM.

5) GENERAL PUBLIC INPUT

Terry Edwards, Jerome, Idaho, said he was concerned about not having information ahead of time in regards to spending government funds.

6) CONSENT CALENDAR

MOTION:

Councilmember Reid moved to approve the Consent Calendar as presented. Councilmember Pierce seconded the motion. Roll call vote showed all members present voted in favor of the motion. 6 to 0.

- a) Request to approve the Accounts Payable for April 17-23, 2018.
- b) Request to approve the April 16, 2018 City Council Minutes.

7) ITEMS OF CONSIDERATION

- a) Presentation on the Twin Fall County Emergency Operations Plan with request for Mayor's signature on Memorandum of Understanding.

Jackie Frey, Twin Falls County Office of Emergency Management presented the Twin Falls County Emergency Operations Plan with request for Vice Mayor's signature on Memorandum of Understanding.

Jackie Frey explained how the Emergency operation plan works.

City Council thanked Jackie Frey for all the work she does.

MOTION:

Councilmember Reid moved to have the Mayor sign the Memorandum of Understanding. Councilmember Lanting seconded the motion. Roll call vote showed all members present voted in favor of the motion. 6 to 0.

- b) Request to sign a contract with JUB Engineers for the remainder of the Canyon Springs Road Project Design and construction services in the amount of \$343,900.

Assistant City Engineer Vitek reviewed the contract with JUB Engineers.

Discussion ensued on the following:

- Bring all the rock down or just the unstable rock. Increase liability.
- Cost saving between the two rock protection drape. How far does the drape come down?
- During construction pedestrians will not be allowed to walk/run the grade.

MOTION:

Councilmember Talkington moved to sign a contract with JUB Engineers for the remainder of the Canyon Springs Road Project Design and construction services in the amount of \$343,900. Councilmember Lanting seconded the motion. Roll call vote showed all members present voted in favor of the motion. 6 to 0.

- c) Request to adopt an ordinance amending City Code 9-7-3 and 9-7-6(C) regarding off-street parking passes.

Economic Development Director Murray reviewed the Ordinance.

MOTION:

Councilmember Lanting made a motion to suspend the rules and place Ordinance 2018-013 on third and final reading by title only. The motion was seconded by Councilmember Hawkins. Roll call vote showed all members present voted in favor of the motion. Approved 6 to 0

Deputy City Clerk Bryan read the ordinance by title only:

ORDINANCE NO. 2018-013

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, AMENDING TWIN FALLS CITY CODE 9-7-3 AND 9-7-6(C) BY DELETING REFERENCES TO OFF STREET PARKING LOT PASSES.

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

MOTION:

Councilmember Talkington made a motion to adopt Ordinance 2018-013. Councilmember Lanting seconded the motion. Roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

- d) Request letter of support for the Twin Falls Fire Department for a Staffing for Adequate Fire and Emergency Response grant through the Federal Emergency Management Agency of the US Department of Homeland Security.

City Manager Rothweiler reviewed the assistance to firefighter's grants branch.

Discussion ensued on the following:

- Increasing fireman up to 5 firefighters.
- NFPA 1710 required.
- Driven by City growth.
- Firefighters will not be hired if grant is not approved. Stipulations or attachments to grant.
- When will we know when we receive grant?
- Time line once we receive grant.

Terry Edwards, Jerome, Idaho, spoke against grants, concerned with fire department being understaffed and not being compliant.

Discussion ensued on the following:

- Understaffing
- Safety is important.

MOTION:

Councilmember Reid moved to support letter for the Twin Falls Fire Department for a Staffing for Adequate Fire and Emergency Response grant through the Federal Emergency Management Agency of the US Department of Homeland Security. Councilmember Talkington seconded the motion. Roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

8) GENERAL INPUT/ADVISORY BOARD REPORT/ANNOUNCEMENTS

City Manager Rothweiler reminded City Council of the Arbor Day Celebration on Friday, April 27, 2018 at Oregon Trail Youth Complex starting at 4:00 PM.

9) PUBLIC HEARINGS

- a) Request for a **Zoning District Change and Zoning Map Amendment** from R-2 to R-2 PRO for property located at 104 Lincoln Street. c/o Brian Tanner (app. 2929)

Zoning and Development Manager Spendlove introduced Brian Tanner.

Brian Tanner asked for a Zoning District Change and Zoning Map Amendment from R-2 to R-2 PRO for property located at 104 Lincoln Street.

- Discussion ensued on the following: Size of sign.
- Where is sign going to be placed?

Zoning and Development Manager Spendlove gave staff report.

Discussion ensued on the following:

- Lighting
- Adjourning properties already has the professional overlay.
- Heritage lighting on Lincoln Street.

Public Hearing Open:

Terry Edwards, Jerome, Idaho, spoke out of turn regarding a previous agenda item.

Public Hearing Closed

MOTION:

Councilmember Hawkins moved to approve the request for a Zoning District Change and Zoning Map Amendment from R-2 to R-2 PRO for property located at 104 Lincoln Street. Councilmember Lanting seconded the motion. Roll call vote showed all members present voted in favor of the motion. 6 to 0.

- b) Request for a **PUD Amendment to The Preserve PUD #261** to reflect changes in proposed uses, project boundary, completion of Canyon Rim Trail, dedicating Trail Head Park and to allow project specific roadway standards on approximately 370(+/-) acres located at the southeast corner of Eastland Drive North and Pole Line Road East. c/o Gerald Martens on behalf of Connie Storrer (app. 2931)

Gerald Martens on behalf of Connie Storrer, spoke on the request for a PUD Amendment to The Preserve PUD #261 to reflect changes in proposed uses, project boundary, completion of Canyon Rim Trail, dedicating Trail Head Park and to allow project specific roadway standards on approximately 370(+/-) acres located at the southeast corner of Eastland Drive North and Pole Line Road East.

Zoning and Development Manager Spendlove gave staff report. Discussion

ensued on the following:

- Mary Ellis Park

Public Hearing Open:

- Tyler Ellison, Twin Falls, Idaho, concerned with the acre lots and that they do not match the surrounding areas and would like Trail completed.
- Stacy Campbell, Twin Falls, Idaho, concerned with The Willows, Hankins Road, Skyline, Falls Avenue and access to Canyon Trail Systems, safety concerns, Green Space and Dark Sky.

Discussion ensued on the following:

- Open Space
- Will Castillo, Twin Falls, concerned about the density, parking concerns and road maintenance.
- Tawna Root, Twin Falls, concerned about the 4 acres that have access to the private road that is maintained by the homeowners. Also Pillar Falls Trail access.

Public Hearing Closed:

Gerald Martens addressed the concerns that surrounding property owners spoke on.

Discussion ensued on the following:

- Amount of estate lots.
- City Water and Sewer.
- Extension of Hankins Road.
- Deputy City Manager Humble said that Hankins Road will stop at Cheney.
- Clarification on what is being asked for.
- Growth
- Open Space
- Parking lot improvements.
- Process in improving roads.

- Roads outside of City Limits are Twin Falls County's.
- Eminent Domaine.

MOTION:

Councilmember Lanting moved to approve the request for a PUD Amendment to The Preserve PUD #261 to reflect changes in proposed uses, project boundary, completion of Canyon Rim Trail, dedicating Trail Head Park and to allow project specific roadway standards on approximately 370(+/-) acres located at the southeast corner of Eastland Drive North and Pole Line Road East with the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to comply with applicable City Codes and standards.
2. Subject to approval and recordation of the 1st Amended Preserve PUD Agreement #261.
3. Subject to the typical size of barrow ditch to be confirmed in the acceptable Storm water Plan by the City Engineer.
4. Subject to a pedestrian/bicycle pathway along Eastland Drive being designed and constructed by developer, as approved by City Staff. Construction to be completed by June 1, 2021, or as separately agreed to between Developer and City Council.
5. Subject to street islands and drainage swales being the responsibility of the homeowners association for maintenance, and uniformity in management.
6. Subject to a final modified roadway section being approved by City Engineer.

Councilmember Pierce seconded the motion. Roll call vote showed all members present voted in favor of the motion. 6 to 0.

10) ADJOURNMENT

The meeting adjourned at 07:40 PM

Sharon Bryan, Deputy City Clerk



City of Twin Falls
103 Main Avenue East
P.O. Box 1907
Twin Falls, Idaho 83303

Print Form

Alcohol License

Please attach a copy of your state license

Business Name: Whiskey Creek Saloon and Grill llc State License # 2T-11102

Doing Business As: Whiskey Creek Saloon and Grill

Physical Address: 213 5th Ave S City, State, Zip Twin Falls Id 83301

Legal Description of Place of Business Lot _____ Block _____ Subdivision _____

Mailing Address: 213 5th Ave S City, State, Zip: Twin Falls Id 83301

Contact Person: Heather Abbiss Phone # 2084211739

Beer: *Bottled for consumption off the premises only* (\$ 50.00) ☐

Bottled for consumption on premises (\$150.00) ☐

Bottled for Draught for consumption on premises (\$200.00) ☒ 5⁰⁰

Wine: *Retailed Sales for consumption off premises only* (\$200.00) ☐

Wine by the Drink for consumption on premises only (\$200.00) ☐

Liquor: *Liquor license & fees cover wine license and fees* (\$562.50) ☒ 55⁰⁰

License expires June 30th

Total Fee \$ 65⁰⁰

Applicant is an: Individual ☒ Partnership ☐ Corporation ☐

If a partnership, name all partners:

Name: _____

Name: _____

Name: _____

If a corporation or association, name all officers:

Name: _____

Title: _____

Name: _____

Title: _____

Name: _____

Title: _____

Name: _____

Title: _____

Date of incorporation or organization: _____ Place of incorporation or organization: Twin Falls

Principal place of business in Idaho: 213 5th Ave S Twin Falls ID 83301

Owner of premises: Dave Woodhead

Name of person who will manage business of selling beer at retail: Heather Abbiss

(If a partnership, all partners must sign)

Signature of applicant [Signature]

Name: Heather Abbiss [Redacted]

Signature of applicant _____

Name: _____ Birth date: _____

Signature of applicant _____

Name: _____ Birth date: _____

Signature of applicant _____

Name: _____ Birth date: _____

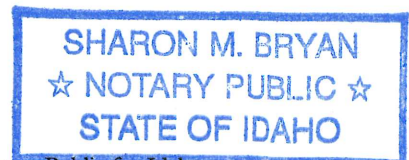
Subscribed and sworn to before me this 25 day of April, 2018.

[Signature]

Notary Public for Idaho

Residing at: Twin Falls, Idaho

Notary Expiration Date: Jan 21, 2024



For Questions call 208-735-7245 [Click here for the City Code \(Title 3 then Chapter 7.8, & 9\)](#)

Return completed form to: Deputy City Clerk, City of Twin Falls, 103 Main Ave. East, Twin Falls, ID 83301

CITY STAFF USE ONLY:

Approvals:

Planning and Zoning: Yes _____ No _____

Comments:

Police Department: Yes _____ No _____

Comments:

City Clerk: Yes _____ No _____

Comments:

State of Idaho

Idaho State Police

Cycle Tracking Number: 100982
ISLD ID: 8270

Premise Number: 2T-11102
Incorporated City

Retail Alcohol Beverage License

License Year: 2018
License Number: 11102

This is to certify, that
Whiskey Creek Saloon & Grill LLC
doing business as: Whiskey Creek Saloon & Grill

is licensed to sell alcoholic beverages as stated below at:
213 5th Ave South, Twin Falls, Twin Falls County

Acceptance of a license by a retailer shall constitute knowledge of and agreement to operate by and in accordance to the Alcohol Beverage Code, Title 23. Only the licensee herein specified shall use this license.
County and city licenses are also required in order to operate.

Liquor	Yes	\$375.00
Beer	Yes	\$20.00
On-premise consumption	Yes	\$0.00
Kege to go	No	
Restaurant	No	
Wine by the bottle	Yes	\$0.00
Wine by the glass	Yes	\$0.00
Multipurpose arena	No	
Growlers	No	

TOTAL FEE: \$395.00

Signature of Licensee, Corporate Officer, LLC Member or Partner

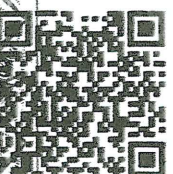
WHISKEY CREEK SALOON & GRILL LLC
WHISKEY CREEK SALOON & GRILL
213 5TH AVE SOUTH

TWIN FALLS, ID 83301

Mailing Address

License Valid: 04/06/2018 - 06/30/2018
Expires: 06/30/2018

Director of Idaho State Police



Retail Alcohol Beverage License

THIS IS TO CERTIFY THAT Whiskey Creek Saloon & Grill LLC

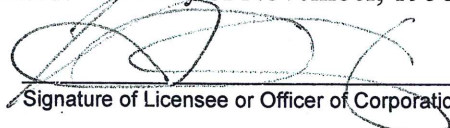
doing business as Whiskey Creek Saloon & Grill

at 213 5th Ave South, Twin Falls, Idaho 83301

a(n) Corporation, is licensed to sell Alcoholic Beverages as stated below, subject to the provisions of Chapter 23-903 and 23-916 Idaho Code Annotated, and the laws of the State of Idaho, Municipal Ordinances, and the regulations of the Commissioner in regard to sale of Alcoholic Beverages and the resolution passed by the Commissioners of said County, on file in the office of the Clerk of the Board at the Twin Falls County Courthouse, Twin Falls, Idaho, dated: 14th day of November, 1958.

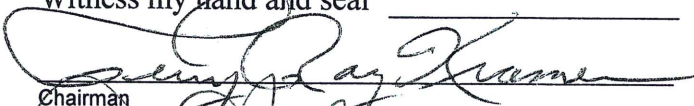
	"TRANSFER"
Draught and Bottled or Canned Beer.....	5.00
Bottled or Canned Beer to be consumed on premises.....	
Bottled or Canned Beer not to be consumed on premises.....	
Retail Liquor.....	20.00
Retail Wine.....	
Wine by the Drink.....	
Special Wine (Sunday).....	
TOTAL FEE \$	25.00

(SEAL)


Signature of Licensee or Officer of Corporation

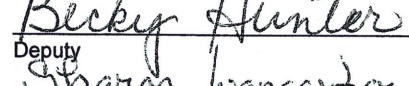
This License is TRANSFERABLE and EXPIRES
July 1, 1:00 a.m., 2018

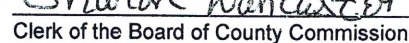
Witness my hand and seal


Chairman


Vice Chairman


Commissioner


Deputy


Sharon Lancaster
Clerk of the Board of County Commissioners

(This license must be conspicuously displayed)

208-421-1739
Heather



Date: Monday, April 30, 2018
To: Honorable Mayor and City Council
From: Justin Dimond, Sergeant

ACTION ITEM

Request:

Request to approve the Twin Falls Tonight Concert Series to be held on Wednesday evenings between June 20, 2018, and August 15, 2018.

Time Estimate:

Due to the time and nature of this event and the fact it is the 19th annual event, it is recommended that this item be placed on the Consent Calendar.

Background:

Robin Dober, on behalf of the Twin Falls Tonight Committee, has submitted a Special Event Application to host the 19th annual Twin Falls Tonight Concert Series. The Twin Falls Tonight Concerts are an annual outdoor event held in downtown Twin Falls. This event will be held in the area of Main Avenue and Hansen Street. The events will be held in the roadway and surrounding sidewalks until the completion of the downtown common area. At that point, the concerts will be held in the downtown common area.

The concert series will be held on eight (8) Wednesday evenings, beginning June 20th and ending August 15th. There will be no concert held on Wednesday, July 4th. Each week, the event begins at 6:00 p.m. and ends at 9:00 p.m. The event incorporates live amplified music, a bounce house for children, and the market on Main Avenue. The band "stage" will be located on Main Avenue at the intersection of Hansen Street, near City Hall. Upon completion of the Downtown Commons, the event will be moved to that location.

Alcohol will be served and catering will be provided by Soran's Catering. Identification will be checked by Twin Falls Tonight Committee members and wristbands will be issued accordingly.

The Committee has arranged for a lost child booth and first aid booth at this year's concerts.

Parking for the events will be the public lots in downtown Twin Falls.

Based upon last year's attendance, the committee estimates 800 to 1,200 people will frequent the event each Wednesday evening. Based on the recommendations of the Twin Falls Police Department, the committee has hired three (3) Twin Falls County Deputies to provide security for the concerts.

Approval Process:

Consent of the City Council

Budget Impact:

This event will require Law Enforcement Security and the Twin Falls Tonight Committee has contracted

with the Twin Falls County Sheriff's Office for said security. Therefore, there will be no cost to the City of Twin Falls.

Regulatory Impact:

N/A

History:

N/A

Analysis:

N/A

Conclusion:

Relevant City Staff members have approved the Special Event Application request. The Twin Falls Police Department Staff recommends that the on-duty Patrol Supervisor be given the authority to order the event organizers to mitigate the sound of amplified music. If there are continued noise complaints or disturbances by those participating in the event, and non-compliance, the on-duty Patrol Supervisor shall terminate the event.

Based on this request and the information provided, Staff recommends that this event be approved.

Attachments:

None



Date: Monday, April 30, 2018
To: Honorable Mayor and City Council
From: Ryan Howe, Sergeant

ACTION ITEM

Request:

Request to approve the "Beat the Heat" 5K Run/Walk on Saturday, June 9, 2018.

Time Estimate:

This is the third year of this event. Staff requests that this item be placed on the Consent Calendar.

Background:

Candy Reynolds and Tracy Bramwell have submitted this Special Event Application to host the Beat the Heat 5K Run/Walk, sponsored by the Twin Falls Police Department on behalf of the Special Olympics. This event is scheduled to be held on Saturday, June 9, 2018, from 8:00 a.m. to 11:00 a.m.

Setup for this event will begin at approximately 7:30 a.m. with participant registration. At 8:00 a.m., runners/walkers will depart from the Twin Falls City Park and head southwest along Shoshone Street East. Participants will turn east on Main Avenue, proceed to Main Avenue and Nevada Street and turn around. Participants will then run the length of Main Avenue to Albion Street and turn around, heading back to Hansen Street. Once to Hansen Street, participants will turn back to the northeast on Hansen Street and head back to the City Park.

Eight volunteers and six staff members will be on hand to help direct participants along the route and give vehicular traffic advance warning of runners/walkers at major crossings.

Proceeds raised will benefit the Magic Valley Special Olympics Team.

Event organizers predict approximately 100 participants for this event.

Approval Process:

Consent by the City Council

Budget Impact:

This event will not have any budget implications. Participants will be required to follow all pedestrian laws. Volunteers will assist with major road crossings on the course.

Regulatory Impact:

N/A

History:

N/A

Analysis:

N/A

Conclusion:

This Special Event Application has been approved by several relevant City Staff Members and the Twin Falls Police Department Staff.

Attachments:

None



Date: Monday, April 30, 2018
To: Honorable Mayor and City Council
From: Justin Dimond, Sergeant

ACTION ITEM

Request:

Request to approve the Annual Mother's Day Fiesta and Cinco de Mayo event to be held on Sunday, May 13, 2018.

Time Estimate:

This is an annual event that typically requires little to no Police response. Staff is, therefore, requesting that this item be placed on the Consent Calendar.

Background:

Rosa Paiz has submitted a Special Event Application for the Annual Mother's Day Fiesta and Cinco de Mayo celebration to be held at the Twin Falls City Park on Sunday, May 13, 2018. The event will commence at 10:00 a.m. and conclude at 8:00 p.m. All alcoholic beverages will be served and consumed at an established beer garden. Identifications will be checked, and bracelets will be required. There will be live music performed by various bands in the band shell, as well as pre-recorded music starting at 1:00 p.m. There will also be a variety of food vendors in the park.

This event will not require the closure of any streets. The Twin Falls Police Department's Administrative Staff recommends that four (4) sworn law enforcement personnel provide security from 4:00 p.m. until 8:00 p.m. Rosa Paiz has arranged for Twin Falls County Sheriff's Reserve Deputies to provide security.

While it is possible that the live band and recorded music may become a noise disturbance issue for the residential neighborhood near the City Park, we have had very few complaints in past years. Should the amplified sound become an issue, the Patrol Supervisor will be advised to contact Rosa Paiz regarding noise complaints. Staff recommends that the on-duty Supervisor be given the authority to order event organizers to mitigate the sound of amplified music. If the noise complaints become habitual, the Patrol Supervisor shall be granted the authority to order the music to be terminated.

There were no calls for Police service during the 2016 or 2017 Mother's Day Fiesta and Cinco de Mayo event.

Approval Process:

Consent of the Council

Budget Impact:

Ms. Paiz has requested that the Twin Falls Sheriff's Reserve Deputies provide security for the event; therefore, there will be no foreseen budgetary issues with the City of Twin Falls.

Regulatory Impact:

Approval of this request will allow the applicant to proceed with the event as scheduled. Given the success of previous years' events, Staff has approved the use of four (4) Twin Falls County Sheriff's Reserve Deputies for security for this event from 4:00 p.m. until 8:00 p.m.

History:

N/A

Analysis:

N/A

Conclusion:

This Special Event Application has been approved by several relevant City Staff Members and the Twin Falls Police Department Staff. It is recommended that this request be approved by the City Council as presented.

Attachments:

None



Date: Monday, April 30, 2018
To: Honorable Mayor and City Council
From: Justin Dimond, Sergeant

ACTION ITEM

Request:

Request to approve the Vintage Vixen - Guppies Hotrod Car Show to be held on Saturday, May 19, 2018.

Time Estimate:

Due to the location, time, and nature of this event, Staff is requesting that this item be placed on the Consent Calendar.

Background:

Guppies Hotrod Grill has submitted a Special Event Application to hold the Vintage Vixen - Guppies Hotrod Car Show on Main Avenue on Saturday, May 19, 2018. This event will take place in the 100 Block of Main Avenue North/West and will run from 4:00 p.m. until 8:00 p.m.

The Vintage Vixen - Guppies Hotrod Car Show is a fundraiser intended to raise money for the "Tough Enough to Wear Pink" and "Breast Cancer Awareness" foundations with all proceeds being donated to the fight against breast cancer. This event will feature approximately forty (40) vintage automobiles on display on Main Avenue.

This event requires the closure of the 100 Block of Main Avenue North/West to allow for the display of the cars. There will also be both live and pre-recorded, amplified music during the event.

The organizers will be responsible for the cleanup of any areas affected by the event. They have contracted for extra trash receptacles to be at that location and will be monitoring the trash throughout the event.

Alcohol will not be served at this event.

Approval Process:

Consent of the Council

Budget Impact:

There is no budget impact to the City of Twin Falls since alcohol will not be served and law enforcement will not be required to provide security at this event.

Regulatory Impact:

N/A

History:

N/A

Analysis:

N/A

Conclusion:

Relevant City Staff Members have approved this Special Event Application. Staff recommends that the Council approve the Vintage Vixen - Guppies Hotrod Car Show application. Twin Falls Police Department Staff requests approval for the on-duty Patrol Supervisor to have the authority to close down the event based on non-compliance of noise complaints from the music or disturbances if they should arise.

Attachments:

None



Date: Monday, April 30, 2018
To: Honorable Mayor and City Council
From: Justin Dimond, Sergeant

ACTION ITEM

Request:

Request to approve the annual Fourth of July Celebration Event to be held on Wednesday, July 4, 2018.

Time Estimate:

Staff requests that this item be placed on the Consent Calendar.

Background:

The Fourth of July Fireworks Celebration has been held for many years at the College of Southern Idaho. The fireworks display will begin at approximately 10:00 p.m. and is expected to conclude by 10:30 p.m. As in the past, the area around the CSI Campus will be closed to traffic at 9:00 p.m.

Our evaluation of this event considered the following factors:

1. History - Fireworks Event

- The Fourth of July Fireworks Celebration has been an annual event for many years.
- The calls for service experienced during the 2017 event were minimal.

2. Expected Crowd Size

- Attendance at past fireworks events has been estimated to be in excess of 3,000 people. The Twin Falls Police Department will provide a minimum of two (2) Police Officers to patrol on bicycles through the interior of the campus during the event.
- This event will require a total of fifteen (15) Twin Falls Police Officers, four (4) non-sworn employees, and several volunteers. Officers from other local law enforcement agencies will assist with traffic control. The entire event requires thirty-five (35) people to provide traffic control and to ensure the safety of citizens.

3. Traffic Concerns

- At 9:00 a.m., Falls Avenue will be closed between Blue Lakes Boulevard North and Washington Street North. North College Road will be closed between Blue Lakes Boulevard North and Washington Street North. Cheney Drive will also be closed from North College Road to Washington Street North. The road closures will be controlled by traffic cones, barricades, and Police Officers and non-sworn personnel of the Twin Falls Police Department.
- The City of Twin Falls will provide barricades and traffic cones.

4. Interest to the City of Twin Falls

- The Twin Falls Police Department feels the necessity to make this a safe event for the citizens of our community.

Approval Process:

Consent of the City Council

Budget Impact:

The special event overtime cost for the Twin Falls Police Department will be \$3,274.00. The cost of this special event is included in the Patrol Division's 2017-2018 overtime budget.

The Police Department will also contract with Road Work Ahead for additional traffic control personnel as needed. In 2017, six (6) Road Work Ahead personnel were used, at a cost of \$472.

Regulatory Impact:

This event will require fifteen (15) Twin Falls Police Officers and four (4) non-sworn employees.

The Twin Falls Fire Department has approved the Special Event Application.

The Twin Falls City Street Department will provide traffic cones and barricades. The Street Department will pick up the traffic cones and barricades the next business day, during normal working hours.

History:

N/A

Analysis:

N/A

Conclusion:

Several relevant City Staff Members have approved this application.

Staff recommends that the City Council approve the Special Event Application submitted for the Fourth of July Celebration as presented.

Attachments:

None



Date: Monday, April 30, 2018
To: Honorable Mayor and City Council
From: Justin Dimond, Sergeant

ACTION ITEM

Request:

Request to approve the 36th Annual Western Days Special Event and Parade Application. Western Days is scheduled to be held on Friday, June 1; Saturday, June 2; and Sunday, June 3, 2018. The Western Days Parade is scheduled to be held on Saturday, June 2, 2018.

Time Estimate:

Staff requests that this item be placed on the Consent Calendar.

Background:

The opening ceremonies for the 36th Annual Twin Falls Western Days Event are scheduled for Friday, June 1, 2018, at 5:00 p.m. in the City Park. The Western Days Committee has requested the following:

- **Friday, June 1, 2018** - 12:00 p.m. (noon) to 9:00 p.m. - Opening ceremonies at the City Park at 5:00 p.m.; amplified music in the form of pre-recorded music and also live bands; food and craft vendors; carnival and amusement rides provided in the park until 8:00 p.m. There will be a beer garden open until 8:00 p.m.
- **Saturday, June 2, 2018** - 9:00 a.m. to 9:00 p.m. - Parade to start at 9:00 a.m. and conclude by 1:00 p.m.; live music from 1:00 p.m. to 9:00 p.m.; 4th Avenue East closure between Shoshone Street and Hansen Street to allow for Army National Guard equipment display; carnival and amusement rides provided in the park until 9:00 p.m. There will be a beer garden open until 8:00 p.m.
- **Sunday, June 3, 2018** - 10:00 a.m. to 7:00 p.m. - Food and craft vendors from 10:00 a.m. to 7:00 p.m.; live music from 12:30 p.m. to 7:00 p.m.; carnival and amusement rides provided in the park from 12:00 p.m. to 7:00 p.m. There will be a beer garden open until 6:00 p.m.

The Western Days Parade will be held on Saturday, June 2, 2018, and will begin promptly at 9:00 a.m. The staging area for the parade will be on Falls Avenue, from Blue Lakes Boulevard North to Frontier Road. Additionally, Fillmore Street between Caswell Avenue and Falls Avenue will be closed as a staging area for parade participants. The Western Days Committee has also made arrangements with Fred Meyer to utilize the parking lot on the west side of their store for staging. The area of Falls Avenue will be closed to traffic from Harrison Street to Blue Lakes Boulevard North. All road closures will take place at 7:00 a.m.

The parade route will start at the intersection of Falls Avenue and Blue Lakes Boulevard North. The parade will travel from that intersection, south on Blue Lakes Boulevard North to the intersection of Shoshone Street East/North where it will travel down Shoshone Street to the intersection of 2nd Avenue West/South, the ending point of the parade. Those participating in the parade will disperse in the 100 Block of 2nd Avenue South.

The Western Days Committee is requesting to host the Funtime Carnival Company from Payette, Idaho, for the 2018 Western Days Event. There will be seven (7) rides which will include a Ferris wheel, merry-go-round, and kiddy rides. The amusement rides will be contained within the boundaries of the Twin Falls City Park, located primarily on the north side of the park.

The Western Days Committee is requesting to serve beer in the beer garden during the event. Elevation 486 has obtained the alcohol catering permit for the event. The proposed beer garden schedule is as follows:

Friday, June 1, 2018	5:00 p.m. to 8:00 p.m.
Saturday, June 2, 2018	11:00 a.m. to 8:00 p.m.
Sunday, June 3, 2018	12:00 p.m. to 6:00 p.m.

Identification bracelets will be issued and required to be worn in order to be served at the designated beer garden. Those purchasing and consuming beer will have to remain in the designated beer garden boundaries and will not be allowed to possess or consume alcohol outside of the designated boundary. The boundary will be constructed of fencing, which will be marked as the designated beer garden. This area will be approximately 70 feet by 70 feet.

All event activities in the park will cease by 9:00 p.m. on Friday and Saturday and 8:00 p.m. on Sunday. During the after-hours time frame of the Western Days Event, the Western Days Committee must have someone stay on site at the beer garden while beer is left at the park. The beer at the beer garden cannot be left unattended at any time.

Event organizers are required to arrange for all trash to be picked up after each day's activities.

After a review of last year's event, the Twin Falls Police Department's Administrative Staff has decided that Twin Falls Police Officers will provide security in the park for these events. The Officers will be scheduled to begin providing security when the beer garden opens and will continue until one (1) hour after the beer garden closes each day.

The schedule for Officers will be as follows:

Friday, June 1, 2018	5:00 p.m. to 9:00 p.m.	Six (6) Police Officers
Saturday, June 2, 2018	12:00 p.m. to 9:00 p.m.	Eight (8) Police Officers
Sunday, June 3, 2018	1:00 p.m. to 7:00 p.m.	Four (4) Police Officers

Officer deployment is being kept the same as the previous four years for each day of the event.

The Western Days Committee has requested a street closure for Saturday to accommodate an Army National Guard equipment display. The street closure will be on 4th Avenue East between Shoshone Street East and Hansen Street East.

Our evaluation of this event considered the following factors:

1) History: 2017 Western Days Event

The 2017 Western Days Event included 15 calls for Police services. Each call required a minimum two-Officer response due to the crowd size.

Friday, June 2, 2017 - 6:00 p.m. to 9:00 p.m.

- 4 calls for service
- 2 found property
- 2 lost child
- 1 juvenile issue

Saturday, June 3, 2017 - 11:00 a.m. to 9:00 p.m.

- 10 calls for service
- 1 warrant arrest
- 2 lost child
- 1 animal problem
- 1 intoxicated person
- 1 found property
- 1 followup
- 1 battery
- 1 domestic disturbance
- 1 juvenile issue

Sunday, June 4, 2017 - 12:00 p.m. to 7:00 p.m.

- 1 call for service
- 1 lost child

2) Expected Crowd Size

Based on previous years' estimates, 30,000 to 40,000 people will be attending the three-day event, to include spectators watching the parade.

3) Traffic Concerns

The parade requires the closure of numerous intersections and coordination between various City Departments and the Idaho Transportation Department.

The Twin Falls Police Department has assisted the applicants with the traffic control plan and the manpower issues this event will create. In my opinion, there is an effective plan in place which addresses these issues.

4) Beer Sales/Live Amplified Music

Alcohol will be sold in conjunction with the live bands playing amplified music for several hours during each day of the event. Those purchasing and consuming alcohol will be required to stay within the designated boundaries of the beer garden.

5) Electrical Concerns

The Twin Falls Building Department requires that an electrical permit be purchased by the Western Days Committee in the event any electrical powered rides or entertainment are provided for the public, excluding the use of the band shell. The power source and equipment must pass an electrical inspection by the Twin Falls City Electrical Inspector.

6) Insurance Security Bond

The Western Days Committee has provided the required comprehensive general liability insurance policy in the amount of One Million Dollars (\$1,000,000) per incident, with the City of Twin Falls named as the certificate holder, written by a company authorized to write insurance policies within the State of Idaho and filed with the Chief of Police or his/her designee. Applicants must also execute indemnification and hold harmless provisions contained within the application.

7) Interest to City of Twin Falls

The Twin Falls Police Department and the City of Twin Falls feel the necessity to make this a safe event for the citizens of our community. Requiring that security be provided by the Twin Falls City Police Department is an effort to ensure the safety of all participants.

Approval Process:

Staff requests that the City Council take into consideration the recommendations provided below when approving the Special Event Application submitted by the Western Days Committee.

Budget Impact:

The Council's approval of this request will impact the City budget as follows:

In order to make the Western Days Parade successful each year, we have approximately 50 people from various volunteer groups and different law enforcement agencies assisting with this parade event. Without their assistance, we could not host a special event of this size.

In addition to the volunteers, the Twin Falls Police Department has required 24 of our employees to cover the parade route and road closures. Special events of this kind require a briefing of personnel, sufficient time to block intersections and allow traffic to become accustomed to the change, the event itself, and the breakdown of traffic control devices. I anticipate this event to take approximately six (6) hours; therefore, the approximate overtime cost to the City would be an estimated \$7,983.00 if all 24 Department members are utilized.

Historically, costs associated with this special event were included in the Police Department's overtime budget. An alternately developed plan would utilize employees from Road Work Ahead to augment volunteers and necessary Twin Falls Police employees. I believe we can reduce the total number of Police Department employees to 12 and contract with Road Work Ahead to provide 12 employees. The cost of Road Work Ahead employees is \$26.25 per hour, per employee. This would result in the total cost of the parade coverage to be \$5,881.00 with \$3,991.00 coming from the overtime budget of the Twin Falls Police Department and \$1,890.00 being paid to Road Work Ahead. This plan allows for adequate Police coverage and customer service, while also utilizing resources more efficiently.

The Twin Falls City Street Department will also have two employee available for four (4) hours each to assist with cones and barricades at a total overtime cost of \$395.12.

The total overtime hours for sworn Officers to provide security for all three (3) days in the park is 126 hours; therefore, the total cost of overtime is \$6,985.00 if all security is provided by the Twin Falls Police Department. The Western Days Committee has requested to use Twin Falls County Sheriff's Deputies for a portion of the security in the park. The costs for security if manpower is divided between the Twin Falls Police Department and the Twin Falls County Deputies will be approximately \$4,379.00 for the City of Twin Falls and approximately \$1,974.00 for the County Deputies. This reduces the total security cost to \$6,353.00.

Representatives from the Western Days Committee were advised that they will be responsible for the overtime costs associated with security. These have been included in the recommendations to Council. The Western Days Committee will be responsible for additional security costs if more Officers are required to respond to the City Park during this event. Any additional costs incurred by the Western Days Committee or their vendors, such as electrical company call outs for the City Park or other incidents which incur a billing, will be paid by the Western Days Committee. The Western Days Committee will be required to make payment in full to the City of Twin Falls within 60 days of the conclusion of the event for the total cost of security and any additional costs incurred.

Regulatory Impact:

N/A

History:

N/A

Analysis:

N/A

Conclusion:

Several relevant City Staff members have reviewed and approved the Special Event Application submitted for the annual Twin Falls Western Days Parade and festivities to be held June 1 through June 3, 2018, based on the information provided above.

Twin Falls Police Staff recommends that the City Council approve the Special Event Application as presented.

Attachments:

None



Date: Monday, April 30, 2018
To: Honorable Mayor and City Council
From: Eck Senivongs, Senior Building Inspector

ACTION ITEM

Request:

Request from Twin Falls Optimist Foundation to waive building permit fees associated with the Youth House project.

Time Estimate:

The request will take approximately 10 minutes.

Background:

Barry Knoblich is the President of the Twin Falls Optimist Foundation. Barry approached City staff to waive our building permit fees in an effort to reduce the overall cost of the project. In the past, the City Council has elected to waive building department fees for non-profit organizations, such as the Valley House, Jubilee House, Safe Harbor, Disabled Veterans, etc.

The estimated total value for all building permit fees associated with this project are approximately **\$2,497**. Any applicable *impact* or *sewer* capacity fees will be assessed.

Approval Process:

Approval of this request requires a simple majority (50%+1) of the members in attendance at this meeting.

Budget Impact:

If the request is granted, the City of Twin Falls will not receive the building permit revenue for this project.

Regulatory Impact:

There is no regulatory impact.

History:

N/A

Analysis:

N/A

Conclusion:

Staff is asking Council to review this request and direct staff on how to proceed.

Attachments:

1. Permit fee waiver letter from Twin Fall Optimist Foundation



City of Twin Falls

Jarrold Bordi

Building Department

Jarrold,

On behalf of the Twin Falls Optimist Foundation we request the City of Twin Falls consideration of waving the remodel permit fees connected to the Youth House project at 239 3rd Ave North Twin Falls Idaho. The home will accommodate Youth that have aged out of Foster care at age 18 that still need the community support to be successful adults.

Thank You for your help and support of this community project for this group of youth.

Sincerely,

Barry Knoblich

Twin Falls Optimist Foundation President

Youth House Chairman



Date: Monday, April 30, 2018
To: Honorable Mayor and City Council
From: William Carberry, Airport Manager

ACTION ITEM

Request:

Request to approve an agreement for Engineering Services with J-U-B Engineers for the 2018/2019 FAA Airport Projects.

Time Estimate:

The request will take approximately 5 minutes with additional time needed for questions and answers.

Background:

The Airport's FAA Airport Improvement Program (AIP) capital construction program for 2018 consists of: Northeast Taxi Lane Design and Construction (Phase I); Snow Removal Equipment Acquisition; and a Pavement Management Plan Update. (See attached project descriptions)

The airport advertised an RFQ for engineering services in 2015 for a service period of up to five years. The engineering firm of JUB was recommended to the City and County by the Airport Board from amongst the engineering firms interviewed; the City & County concurred with the Airport Board's recommendation. With JUB being the engineer of choice, the Airport requested a contract proposal for engineering services for the 2018/2019 FAA grant projects. The enclosed contract is for all services related to the projects.

When FAA AIP projects include engineering costs in excess of \$100,000, airports are required by the FAA to obtain an independent fee estimate (IFE) from another engineering firm as a means to help compare and negotiate engineering service costs. Staff solicited the assistance of T-O Engineer's aviation personnel in their Boise office to help develop the independent fee estimate based on the defined scope of work for the projects.

Approval Process:

A majority of Council votes is needed for approval.

Budget Impact:

- o The JUB Contract- The cost of the contract, inclusive of all areas of service for the projects, totals \$391,359. The independent fee estimate provided by T-O engineers is \$427,029. The total fee for the projects provided by JUB is 8.35% lower than the independent fee estimate. The FAA generally considers fee proposals within 10-15% of each other as a reasonable comparison. (See attached IFE analysis)
- o Construction Costs- (See attached project description/cost)
- o FAA Funding- J-U-B's contract and the associated projects are all eligible for FAA Funding at a level of 93.75%.

o Local Match-The airport construction fund includes the locally required City and County 6.25% matching dollars for FAA grants. The Passenger Facility Charge collections are utilized to fund the local match.

Regulatory Impact:

The projects will help the airport construct new taxi lanes to aid in hangar development and help maintain an adequate fleet of snow removal equipment.

History:

N/A

Analysis:

N/A

Conclusion:

Through the strong collaboration between the FAA, the Airport, and our consulting firm JUB, we have positioned the community to keep on pace with the airport's capital needs.

After reviewing the proposed contract with the FAA and the Airport Advisory Board, staff recommends that the City Council approve the agreement for engineering services with JUB Engineering for \$391,359.96, contingent upon legal review and FAA concurrence and funding.

Attachments:

1. PROJECT DESCRIPTION- 2018 JUB Contract 043018

PROJECT DESCRIPTION

Fiscal year 2018 and 2019 Estimated FAA Grant Project Costs:

- \$470,000 - Construct New Northeast Taxi Lane (Phase I – Design 2018, Construct- 2019)
- \$280,000 - Acquire snow removal equipment truck- one three-axle truck with dumping bed, plow mount. (FY-2018)
- \$70,000 - Acquire snow removal equipment truck -a 2 ton 10,000 lb. basic light truck, with 12' snowplow and 4 yd. hopper/spreader for granular de-icing chemicals. (FY-2018)
- \$700,000 - Acquire snow removal equipment- Broom, (FY-2019).
- \$40,000 - Pavement Management Plan Update (FY2018)

Independent Fee Estimate Comparison- Engineering Services

(Design/Bid/Construction/Equip Acquisition)

	J-U-B Engineers		T-O Engineers		(%) change	
	Cost	Hours	Costs	Hours	Cost	Hours
Design Services (Task C,D,G,H,I and P)	\$193,858.23	1297	\$188,175.00	1258	-3.0%	-3.1%
Bid/Construction (Task E, F,J,K,L,M,N,OQ and R)	\$197,501.73	1361	\$239,000.00	1527	17.4%	10.9%
Total	\$391,359.96	2658	\$427,029.00	2785	-8.35%	4.56%

T-O Engineers Fee Proposal is \$35,669.04 higher than J-U-B Engineers

Conclusion:

Staff recommends that the City Council approve the agreement for engineering services with J-U-B Engineering for \$391,359.96, contingent upon legal review, FAA concurrence and funding.



Date: Monday, April 30, 2018
To: Honorable Mayor and City Council
From: William Carberry, Airport Manager

ACTION ITEM

Request:

Request to utilize Airport Fund Reserves to replace a recently failed emergency generator.

Time Estimate:

Approximately 5 minutes with possible time needed for questions.

Background:

The airport installed an emergency generator in 2003 through the assistance of the FAA AIP program. This was done as part of a security enhancement package to include lighting and fencing in the wake of the 9-11 national tragedy.

The generator provides emergency power back-up for our terminal building systems and the airfield lighting systems, thus keeping the airport operationally functional during power losses. Due to a catastrophic failure of the generator, we are currently within the first month of renting a portable back-up generator for \$8,500 per month.

Our City Electrician has determined that the generator cannot be repaired due to excessive cost and the difficulty of obtaining parts. The best course of action is to procure a new replacement generator thru the informal bidding process of acquiring three bids and moving to award to the lowest bidder. Informal bidding is eligible for projects under \$100,000. (The replacement is estimated between \$75-\$100K)

The use of Airport Fund reserves would be a cash flow solution while awaiting reimbursement from the FAA (or possibly from participation from ICRMP). The FAA has given concurrence that the replacement generator is eligible for reimbursement through the Airport Improvement grant program (AIP).

It has not been determined if we will continue to rent a portable generator for the period it will take to bid and install a replacement (8-12 weeks). That cost would have to be borne in house or possibly by ICRMP.

Approval Process:

A majority vote of the Council is required.

Budget Impact:

I've discussed the request with Lorie Race, City CFO, and she has no objection to utilizing airport reserves to fund the replacement generator.

The use of Airport Fund reserves would be a cash flow solution while awaiting reimbursement from the FAA (or possibly from participation from ICRMP). The FAA has given concurrence that the replacement

generator is eligible for reimbursement through the Airport Improvement grant Program (AIP).

Regulatory Impact:

The replacement of the Generator will allow the airport to maintain operational functionality for our security systems and our airfield lighting systems.

History:

N/A

Analysis:

N/A

Conclusion:

Staff recommends the Council approve the use of Airport fund reserves to replace the airport's failed emergency generator.

Attachments:

None



Date: Monday, April 30, 2018
To: Honorable Mayor and City Council
From: Jason Brown, Environmental Engineer

Informational

Request:

Presentation on Southern Idaho Water Quality Coalition.

Time Estimate:

Staff estimates 10 minutes to introduce Coalition to City Council

Background:

The Southern Idaho Water Quality Coalition is forming to engage a broader area of land and water users to identify, manage, and increase awareness for water quality issues, projects, and partnerships to benefit southern Idaho water bodies.

Approval Process:

N/A

Budget Impact:

N/A

Regulatory Impact:

None at this time.

History:

N/A

Analysis:

N/A

Conclusion:

City of Twin Falls staff has been helping with the formation of Southern Idaho Water Quality Coalition in conjunction with the regulatory process of revising the Mid-Snake TMDL. The Coalition is forming to help bring the awareness to water quality issues in Southern Idaho and the interconnection between land users and water users.

Attachments:

1. 20180404 SIWQC Resolution

Southern Idaho Water Quality Coalition

April 4, 2018

WHEREAS, the State of Idaho, through the Idaho Department of Environmental Quality (IDEQ) implements the Clean Water Act (33 U.S.C. § 1251 et seq.), including promulgating state water quality standards to meet identified beneficial uses and listing impaired waters that require development of a total maximum daily load (TMDL) for specific pollutants; and

WHEREAS, waterbodies in Southern Idaho are complex, dynamic, and non-equilibrium systems used for agricultural, industrial, municipal, and domestic purposes, and have many stressors including legacy and background conditions, point and non-point source pollution, and flow alteration; and

WHEREAS, implementing and/or rewriting TMDL standards may not be the most beneficial and cost-effective mechanism to improve water quality, including in the Mid-Snake River, and area TMDLs need greater flexibility and innovative frameworks to achieve water quality standards and beneficial uses; and

WHEREAS, municipalities, industry, agriculture, and all facets of the southern Idaho economy rely upon the Snake River and area waterbodies and stand to benefit from improved water quality in the area; and

WHEREAS, the Southern Idaho Water Quality Coalition (SIWQC) is being formed to engage a broad coalition of area land and water users to identify, manage, and increase awareness for water quality issues, projects, and partnerships to benefit the Mid-Snake River and related waterbodies.

NOW, THEREFORE BE IT RESOLVED, SIWQC encourages comprehensive water quality improvement projects and programs to meet water quality standards and beneficial uses;

BE IT FURTHER RESOLVED, SIWQC seeks to work collaboratively and voluntarily to invest and obtain resources to implement water quality projects, raise awareness, and form partnerships to improve and sustain healthy river and waterbodies in the area;

BE IT FURTHER RESOLVED, SIWQC calls upon local, state, and federal authorities to allocate resources for the implementation of water quality projects and programs to meet these goals.



Date: Monday, April 30, 2018
To: Honorable Mayor and City Council
From: Jason Brown, Environmental Coordinator

ACTION ITEM

Request:

Request to approve the Enforcement Response Plan (ERP) and Industrial User Surcharge Program and to adopt the Enforcement Response Plan (ERP) and Industrial User Surcharge Program Resolution.

Time Estimate:

Staff estimates that this will take 5 minutes

Background:

Over the past 18 months, staff have been working on revising the ERP and creating a new industrial surcharge program. EPA is required to review and approve the ERP once revisions have been made. The City received EPA's approval of the revised ERP on April 3, 2018. Along with the revised ERP, staff worked on a new industrial surcharge documents. These two documents allow the City better implementation of the requirements in the City's pretreatment program and the Clean Water Act (CWA). The CWA requires local agencies to control discharges of pollutants to surface waters of the United States from Publicly Owned Treatment Works (POTWs) or wastewater treatment facilities. As part of the CWA, the City is also required to control discharges from industrial users under the Pretreatment Regulation.

As part of the Pretreatment Regulations, the City is required to establish processes and procedures for ensuring compliance with the CWA. The ERP is the document that helps establish these processes and procedures to ensure compliance with the CWA and Pretreatment Regulations. The ERP provides guidance on how the City will investigate and respond to instances of noncompliance from industrial users. The City has primary responsibility to enforce the City's Sewer Use Ordinance and the Pretreatment Regulations as part of our approved program.

This revision is the biggest change to the ERP since our pretreatment program was first approved by the EPA in the early 1980's.

This Public Hearing is to allow the community the ability to comment on the Industrial Surcharge program fees associated with the new surcharge program. The surcharge program is a part of the industrial pretreatment program of the City. The Surcharge Program will help the City further implement its pretreatment program.

Approval Process:

Approval of this request requires a simple majority (50%+1) of the members in attendance at this meeting.

Budget Impact:

N/A

Regulatory Impact:

This will help the City to further implement and work with the City's pretreatment program.

History:

N/A

Analysis:

N/A

Conclusion:

The Public Hearing process allows the City to receive input from the community on the newly proposed Surcharge Program fees and for the adoption of the Enforcement Response Plan (ERP), and Industrial User Surcharge Program Resolution.

Attachments:

1. EPA+APPROVAL+LETTER
2. PUBLIC NOTICE OF CHANGE OF RATES FOR SURCHARGE
3. Resolution - 2018+Industrial+User+Surcharge+Program+Resolution (4)
4. Exhibit+A+2018+Enforcement+Response+Plan
5. Exhibit+B+2018+Industrial+User+Surcharge+Program



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF
WATER AND WATERSHEDS

APR - 3 2018

Mr. Travis Rothweiler
City Manager
203 Main Avenue East
Twin Falls, Idaho 83303-1907

Re: City of Twin Falls NPDES Permit No: ID0021270 Pretreatment Program Modifications

Dear Mr. Rothweiler:

I am pleased to approve modifications to the City of Twin Falls' pretreatment program enforcement response plan in accordance with the General Pretreatment Regulations at 40 C.F.R. Part 403. The intention to approve this modification was announced to the public on February 9, 2018 and no comments were received. A copy of the public notice is enclosed.

The U.S. Environmental Protection Agency's General Pretreatment Regulations describe the Control Authority's responsibilities based on the Clean Water Act. Pursuant to these regulations, the City of Twin Falls' approved pretreatment program and subsequent modifications must be consistent with the 40 C.F.R. Part 403 regulations. We appreciate the assistance of Lance Nielsen, Twin Falls' pretreatment coordinator, in putting together an approvable package for the EPA's consideration.

Thank you for your cooperation. If you have any questions, please do not hesitate to contact our pretreatment lead, Michael Le, at (206) 553-1099 or le.michael@epa.gov.

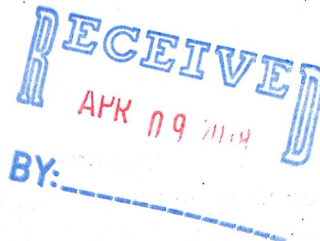
Sincerely,

A handwritten signature in blue ink, appearing to read "Dan Opalski".

Daniel D. Opalski, Director
Office of Water and Watersheds

Enclosure

cc: Jaqueline Fields, City of Twin Falls



*** Proof of Publication ***

Twin Falls Times-News
132 Fairfield St W, Twin Falls, Idaho 83301

RUBY AUFDERHEIDE, being duly sworn, deposes and says: That she is the Principal Clerk of the Times-News, a daily newspaper printed and published at Twin Falls, Twin Falls County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in the Times-News, in conformity with Section 60-108, Idaho Code, as amended, for:

1 Insertions

US EPA

1200 6TH AVENUE MS OWW-130 SUITE
SEATTLE, WA 98118

ORDER NUMBER 62048

Ruby Aufderheide
(Legals Clerk)

STATE OF IDAHO)
 SS
COUNTY OF TWIN FALLS)

On this 9 day of Feb in the year of 2018 before me, a Notary Public, personally appeared before me Ruby Aufderheide known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Mark S. Smith
Notary Public FOR Idaho
Residing at: Twin Falls, Idaho
My Commission expires: 6/13/2023

PUBLISHED ON: 02/09/2018

TOTAL AD COST: 88.15
FILED ON: 2/9/2018

NOELLE R. SMITH
Notary Public
State of Idaho

Environmental Protection Agency, Region 10
Office of Water and Watersheds (OWW-191)
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

Public Notice: ID0021270
Public Notice Start Date: February 9, 2018
Public Notice End Date: March 12, 2018

The following Publicly Owned Treatment Works (POTW) has requested approval of modifications to its approved pretreatment program:

Travis Rothweiler, City Manager
City of Twin Falls
324 Hansen Street East
Twin Falls, Idaho 83303
NPDES Permit Number: ID0021270
Receiving Stream: Snake River

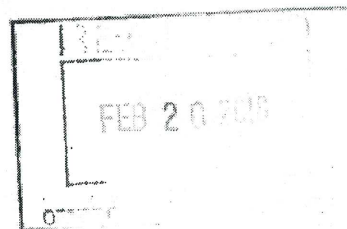
Procedures for Final Determination

The Environmental Protection Agency (EPA), Region 10 is issuing the following notice of proposed action under the Clean Water Act, as amended, and implementing regulations. The permittee has requested approval of modifications to the POTW pretreatment program in accordance with the requirements of 40 CFR 403.18 and with 40 CFR 403.11. The modifications to the permittee's authorized pretreatment program include the Enforcement Response Plan (ERP). Pretreatment programs are implemented by POTW's and establish treatment requirements for industrial facilities that discharge wastewater to the municipal wastewater treatment plants.

The program modifications submission is available for viewing and copying at the EPA, Region 10, 1200 Sixth Avenue, Suite 900, Seattle, Washington 98101-3140. Further information may be obtained by writing to the above address and by calling Audrey Washington at (206) 553-0523.

Persons wishing to submit comments or object to the EPA approval of the above POTW pretreatment program modifications, or request a public hearing pursuant to the Federal Water Pollution Act, must submit their comments or request in writing within thirty (30) days of the date of this notice to the above EPA address, attention: Pretreatment Coordinator. If no comments to the notice are received, the proposed pretreatment modifications referenced above will be approved without changes and without further public notice. In such event, this notice shall constitute the "notice of approval or disapproval" required by 40 CFR 403.11(e) and no additional notice shall be provided. Anyone who wishes to be given a notice of approval or disapproval of the modifications should send a request for such notice to the above EPA address.

PUBLISH: February 9, 2018



NOELLE R. SMITH
Notary Public
State of Idaho

**CITY OF TWIN FALLS
NOTICE OF PUBLIC HEARING
MONDAY, APRIL 30, 2018, 6:00 P.M.
CITY HALL COUNCIL CHAMBERS**

203 MAIN AVENUE EAST, TWIN FALLS, IDAHO

For the purpose of Hearing Public Comments Regarding the new fee for

SURCHARGE ON INDUSTRIAL SEWER DISCHARGE

Beyond the limits prescribed by Idaho Code Section 63-1311A

The Proposed Fees Exceed 105% of the Fees Last Collected

Notice is hereby given that the City Council of the Twin Falls, Idaho, will hold a public hearing for consideration of proposed fee increases, said hearing to be held at the City Council Chambers, located at 203 Main Avenue East, Twin Falls, Idaho at 6:00 p.m., on April 30, 2018.

The City of Twin Falls has proposed to increase sewer discharge violation fees by an amount that exceeds one hundred five percent of the current fee. The proposed increases would have the following impact on current fees:

FEE	CURRENT RATE	PROPOSED RATE	% INCREASE
Administrative Fines:			
Any pollutant parameter violation	\$100	\$250	150%
2nd violation	\$200	\$500	150%
3rd violation	\$300	\$750	150%
Add'l violations	\$500	\$1000	100%
Admin Fines: Surcharging			
Consecutive days – 4 – 5	.00	\$750	100%
Consecutive days – 6+	.00	\$1000	100%
Surcharge Levels (1-1.2x Permit Limit)		\$25 for every .1 standard pH unit outside permitted limit (up to .5)	
pH	.00		100%
BOD	.00	5x current billing rate	100%
TSS	.00	5x current billing rate	100%
FOG	.00	\$20/mg/L over permit limit	100%
Flow	.00	10x billing rate	100%
Metals	.00	\$10 x % over permit limit	100%
Surcharge Levels (1.2-1.4x Permit Limit)			
BOD	.00	10x current billing rate	100%
TSS	.00	10x current billing rate	100%
FOG	.00	\$40/mg/L over permit limit	100%
Surcharge Levels (Enforcement Limit)		\$50 for every .1 standard pH unit outside permitted limit (>.5)	
pH	.00		100%
BOD	.00	15x current billing rate	100%
TSS	.00	15x current billing rate	100%
FOG	.00	\$60/mg/L over permit limit	100%
Flow	.00	15x billing rate	100%
Metals	.00	\$20 x % over permit limit	100%

The increased rates are to encourage and allow the City and its industrial partners the ability to remain compliant with federal, state, and local pretreatment standards.

At this hearing all interested persons may appear and show cause, if any they have, why said proposed increases should not be adopted.

Dated this 10th day of April, 2018

PUBLISH April 18th & April 25th, 2018

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO,
ADOPTING AN INDUSTRIAL USER ENFORCEMENT RESPONSE PLAN, AND AN
INDUSTRIAL USER SURCHARGE PROGRAM.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF TWIN FALLS,
IDAHO:

That the Industrial User Enforcement Response Plan, attached hereto as Exhibit "A", and the Industrial
User Surcharge Program SOP for the City of Twin Falls Industrial Pretreatment Program, attached hereto as
Exhibit "B", are hereby adopted for the City of Twin Falls, Idaho.

PASSED BY THE CITY COUNCIL _____, 2018.
SIGNED BY THE MAYOR _____, 2018.

MAYOR

ATTEST:

DEPUTY CITY CLERK

Exhibit A

ENFORCEMENT RESPONSE PLAN

CITY OF TWIN FALLS

INDUSTRIAL PRETREATMENT PROGRAM



The City of Twin Falls is required under federal guidelines contained in 40 CFR Part 403 to implement and maintain an Enforcement Response Plan (ERP). The ERP ensures that the City of Twin Falls is achieving compliance with respect to the Clean Water Act (CWA), General Pretreatment Regulations (40 CFR Part 403), and the City of Twin Falls Wastewater Treatment Plant's NPDES permit (ID-002127-0).

Background

In 1972, Congress enacted the Clean Water Act (CWA). The CWA established requirements for federal, State, and local agencies to control the discharge of pollutants to surface waters of the United States. The National Pollution Discharge Elimination System (NPDES) program was instituted to control point-source discharges to surface waters, including those of wastewater treatment plants.

In 1978, the EPA promulgated The General Pretreatment Regulations (40 CFR Part 403) and has continued to update and revise these regulations to reflect current knowledge of water quality issues, best management practices, and treatment technologies. These Regulations govern the discharge of pollutants to Publicly Owned Treatment Works (POTWs) from any non-domestic source regulated under §307(b), (c) or (d) of the CWA (i.e. industrial users) and provide municipalities (as defined in CWA § 502(4)) with the legal authority to implement and enforce the National Pretreatment Program.

All POTWs collect wastewater from homes, commercial buildings, and industrial facilities and transport it via a series of pipes, known as the collection system, to the treatment plant. Here, the POTW removes harmful organisms and other contaminants from the wastewater so it can be discharged safely into a receiving body of water. Generally, POTWs are designed to treat only domestic wastewater. However, POTWs also receive wastewater discharges from non-domestic users, which are regulated by 40 CFR Part 403. The purpose of these regulations is to control pollutants from industrial user discharges that may cause pass through or interfere with the POTW's treatment process or that may contaminate treated bio solids.

In general terms, the City of Twin Falls Pretreatment program consists of identifying industrial users (IUs) that are subject to federal regulations (*and - by extension – State regulations and local limits*), issuing such users Industrial Wastewater Discharge Permits, and enforcing noncompliance and/or violations of these permits.

Through its EPA-Approved Industrial Pretreatment Program, The City of Twin Falls is committed to demonstrating compliance with the CWA and the General Pretreatment Regulations, as well as its own NPDES permit (ID-002127-0), while also working with industrial users to provide service in a business-friendly, environmentally responsible manner.

The general Pretreatment Regulations identify specific requirements that apply to all non-domestic (i.e. industrial) sources of wastewater discharge to a POTW. Additionally, there are requirements that apply to all Significant Industrial Users (SIUs)¹ and certain requirements that apply only to Categorical Industrial Users (CIUs).²

¹ As defined in 40 CFR 403.3(v)

² As defined in 40 CFR 403.3 (v)(i)

The objectives of the National Pretreatment Program are achieved by applying and enforcing both discharge standards and pretreatment standards. The general and specific prohibited discharge standards are contained in the National Pretreatment Standards: Prohibited Discharges (40 CFR 403.5), and the pretreatment standards are contained in: the Categorical Pretreatment Standards (40 CFR Parts 405-471), individual State requirements, and local discharge limitations (as per 40 CFR 403.5).

The requirement of a POTW to implement and maintain an enforcement response plan (ERP) is as follows (40 CFR 403.8(f)(5)):

The POTW shall develop and implement an enforcement response plan. This plan shall contain detailed procedures indicating how a POTW will investigate and respond to instances of industrial user noncompliance. The plan shall, at a minimum:

- (i) Describe how the POTW will investigate instances of noncompliance;
- (ii) Describe the types of escalating enforcement response the POTW will take in response to all anticipated types of industrial user violations and the time periods within which response will take place;
- (iii) Identify (by title) the official(s) responsible for each type of response;
- (iv) Adequately reflect the POTW's primary responsibility to enforce all applicable pretreatment requirements and standards, as detailed in 40 CFR 403.8 (f)(1) and (f)(2). (403.8(f)(5))

This enforcement response plan establishes the process for ensuring full compliance with all provisions of the local sewer use ordinance and industrial wastewater discharge permits. The remedies provided in this Enforcement Response Plan are not all-inclusive. The City may take any, all, or any combination of these actions against a non-compliant person or user. The City may take other actions against any person or user when the circumstances warrant. Furthermore, the City is empowered to take more than one enforcement action against any non-compliant person or user.

The ERP provides guidelines on how the City of Twin Falls (Control Authority) will investigate and respond to instances of Industrial User (IU) noncompliance. The ERP provides guidance as to the range of enforcement responses, including types of violations and time frames for actions and follow-up. The ERP also provides references to the legal authority (sewer use ordinance) used to carry out the enforcement responses. The Control Authority has the primary responsibility to enforce the local sewer use ordinance. The ERP has been developed in accordance with 40 CFR 403.8(f)(5) and EPA guidelines as presented in *Guidance for Developing Control Authority Enforcement Response Plans* (EPA 1989).

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1. ENFORCEMENT PROCEDURES

The following section addresses the enforcement procedures for noncompliance. The range of enforcement actions available to the Control Authority is identified, along with the personnel responsible for the different levels of enforcement actions. Guidance on how to determine what enforcement action is appropriate is also provided.

1.1 COMPLIANCE INFORMATION DOCUMENTATION

The Control Authority shall endeavor to keep accurate records of all compliance information to ensure accurate and prompt enforcement responses. Records shall be kept of each enforcement action taken in response to evidence of noncompliance.

1.2 PROCEDURES TO SCREEN FOR NONCOMPLIANCE

Noncompliance is determined based on the Control Authority's sample monitoring, inspection monitoring, and evaluation of industry-generated compliance monitoring reports. Wastewater sampling and/or inspection monitoring can occur daily, weekly, monthly, quarterly, or semi-annually depending on the discharger's performance or other relevant requirements, such as those contained in the discharger's industrial waste discharge permit.

All sampling results and reports shall be reviewed for violations of local enforcement limits, applicable hazardous waste limits, and federal pretreatment standards as appropriate. Sampling results from a discharger's self-monitoring report (SMR) or the Control Authority's monitoring program are given to the Industrial Pretreatment Coordinator to review for violations, and the Industrial Pretreatment Coordinator initiates enforcement actions, as necessary.

1.3 PRETREATMENT PROGRAM STRUCTURE AND DUTIES

The City of Twin Falls' Pretreatment Program involves a partnership between the Control Authority (City of Twin Falls) and CH2M (Contract Operator). In general terms, the Control Authority initiates formal enforcement actions, whereas the Contract Operator or Control Authority monitors SIU compliance with respect to Industrial Wastewater Discharge Permits, initiates informal enforcement actions in a timely manner, and recommends formal enforcement actions to the Control Authority. To achieve this, the Contract Operator's Industrial Pretreatment Coordinator performs the following:

- Reviews Control Authority sampling results and/or SIU self-monitoring reports, identifying discharge violations.
- Initiates enforcement actions for noncompliance as delineated in the Enforcement Response Guide (ERG).
- Tracks SIU's responses to enforcement actions, compliance meetings, and compliance schedules.
- Reviews SIU's response letters to ensure the responses are adequate.
- In conjunction with the City, sets up compliance meetings using appropriate communications.
- Reviews and prepares IU compliance history reports.
- Prepares recommendations for: Notices of Violation, Administrative fines, Administrative Orders, and/or Judicial Action(s).

1.4 RANGE OF ENFORCEMENT ACTIONS

Enforcement responses range from an informal telephone call to judicial actions that include criminal charges. For many noncompliance episodes, the least severe enforcement action may be taken, which is

an informal telephone call and/or e-mail. If the discharger continues to be in noncompliance, or if noncompliance becomes significant, enforcement action will be escalated.

The range of enforcement actions available to the Control Authority is delineated below, in order of increasing severity, along with a list of the personnel that have signature authority for the enforcement action.

TABLE 1. ENFORCEMENT ACTIONS AND RESPONSIBLE PERSONNEL

Enforcement Action	Initiating Personnel	Signature Authority
Corrective Notice: Informal action including telephone calls, Control Authority-generated discharge monitoring reports, site visits, warning letters, and/or e-mail communications	Industrial Pretreatment Coordinator	Industrial Pretreatment Coordinator
Notice of Violation (NOV)	City Personnel <i>(Industrial Pretreatment Coordinator provides recommendation)</i>	City Personnel
Administrative Order: Consent Order	City Personnel <i>(Industrial Pretreatment Coordinator provides recommendation)</i>	City Personnel
Administrative Order: Show Cause Hearing	City Personnel <i>(Industrial Pretreatment Coordinator provides recommendation)</i>	City Personnel
Administrative Order: Compliance Order	City Personnel <i>(Industrial Pretreatment Coordinator provides recommendation)</i>	City Personnel
Administrative Order: Cease and Desist Order	City Personnel <i>(Industrial Pretreatment Coordinator provides recommendation)</i>	City Personnel
Judicial Action	City Personnel <i>(Industrial Pretreatment Coordinator provides recommendation)</i>	City Personnel

A series of tables comprising an Enforcement Response Guide (ERG) is included within this ERP (see Section 2). The ERG is to be used to help Pretreatment Personnel determine the appropriate enforcement action that corresponds to the nature of the violation. The ERG shall serve as a minimum standard in determining enforcement responses.

As circumstances warrant, the Industrial Pretreatment Coordinator, or City Personnel may perform any enforcement action for which the Industrial Pretreatment Coordinator is responsible. The range of enforcement actions available are described below, listed in the approximate order of escalation.

1) **Corrective Notice/Informal Action** (e.g., telephone call, e-mail, Control Authority-generated discharge monitoring report, site visit or warning letter): Although these actions are informal they are still documented and kept in the discharger's file. A warning letter encourages the discharger to enact corrective action prior to issuance of an NOV or implementation of progressively severe enforcement action. A warning letter shall indicate it is not a Notice of Violation. Informal Actions are normally performed by the Industrial Pretreatment Coordinator, but may also be performed by the City Personnel.

2) **Notice of Violation**: This is an informal enforcement letter indicating in writing that it serves as a Notice of Violation (NOV) to the discharger. The NOV specifies the violation and requires some type of corrective action. The NOV is recommended by the Industrial Pretreatment Coordinator and authorized by the appropriate City Personnel.

3) **Administrative Order**: An administrative order is a formal enforcement document that requires the discharger to undertake or cease a specified activity and that requires compliance with pretreatment standards and requirements under the Twin Falls Municipal Code (Sewer Use Ordinance No. 2975). Administrative orders can include administrative penalties, compliance schedules and termination of service orders. Termination of water and or sewer service is an administrative response that can be implemented directly by the appropriate City Department. The four types of administrative orders used are a Consent Order, Show Cause Hearing, Compliance Order, and Cease and Desist Order.

a) A **Consent Order** is a formal agreement between the Control Authority and the discharger normally containing three elements: compliance schedules, stipulated fines or remedial actions and signatures of the Control Authority and industry representatives. The consent order is appropriate when the user accepts responsibility for its noncompliance and is willing to negotiate corrective actions in good faith. Examples of corrective actions that have been required under past Consent Orders include a compliance schedule, an engineering study of inflow and infiltration, and implementation of best management practices (BMPs).

b) A **Show Cause Hearing** is a formal request to appear before the Control Authority and “show cause” why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least 15 days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

c) A **Compliance Order** is a formal enforcement document that directs the discharger to achieve compliance according to specific actions (with specified due dates). The terms of a Compliance Order do not need to be discussed with the discharger. The Control Authority tracks the dischargers compliance with milestone dates set in the order.

d) A **Cease and Desist Order** is a formal enforcement document that directs the discharger to terminate illegal and/or authorized discharges immediately. This order is used when the discharge could threaten POTW operations, compliance or the environment. The order may be given immediately over the telephone, with a follow-up written order. The Control Authority has the authority to immediately halt any actual or threatened discharge to the treatment plant that may represent an endangerment to the

public health, the environment, or the treatment plant, upon informal notification to the Industrial User. (Sewer Use Ordinance Section 7-7-9.5).

4) **Judicial Action:** Civil or criminal cases can be brought against the discharger. The Control Authority brings civil and criminal cases to the attention of the City Attorney. (Sewer Use Ordinance Section 7-7-10)

1.5 TYPES OF NONCOMPLIANCE

To ensure the enforcement action selected is appropriate to the violation, the Control Authority has divided noncompliance episodes into two types, noncompliance and significant noncompliance.

1.5.1 NONCOMPLIANCE

Most cases of noncompliance that are not significant are:

- 1) First time or infrequent violations of enforcement limits, reporting requirements, or other permit requirements that may be identified during an inspection, except violations that would constitute significant noncompliance as delineated below,
- 2) Minor deficiencies in the submittal of information or reports, which in and of themselves do not constitute significant noncompliance.

All cases of noncompliance that are not significant may be followed up by a telephone call, e-mail, site visit, warning letter, or NOV and documented to the SIU's file.

1.5.2 SIGNIFICANT NONCOMPLIANCE

At a minimum, and except as provided within the definition, one or more of the criteria listed in the definition for Significant Noncompliance shall constitute significant noncompliance (see **Table 7** and **Section 3, Definitions**) (40 CFR 403.8(f)(2)(viii)).

The Industrial Pretreatment Coordinator or Control Authority reviews violations that meet one or more of these criteria on a case-by-case basis. The Industrial Pretreatment Coordinator or Control Authority may determine that a violation, though technically meeting one of these criteria, did not meet the intent of the criteria. In such cases, the violation shall not be considered significant noncompliance, and the exception shall be noted.

The responsible personnel shall describe and document the reason why the violation did not meet the intent of the criteria in the discharger's Pretreatment Compliance Monitoring Correspondence and Enforcement file.

Dischargers who have been in Significant Noncompliance must be listed in the newspaper. The list must be published at least annually as required by 40 CFR 403.8(f)(2)(viii). EPA guidance indicates that the act of publishing a list of Significant Violators may be used by the POTWs as a deterrent to continued noncompliance (EPA 1989).

The list of dischargers who are in Significant Noncompliance is published in the *local newspaper with the largest circulation*. Federal regulations require the public notice to contain the names of significant violators and an accompanying statement regarding the violations during the previous twelve months (40 CFR 403.8(f)(2)(viii)). However, EPA states that the public notice may also include additional information such as duration of violation, type and severity of violation, compliance action taken (if any), whether the Industrial User is currently complying with a compliance schedule, and whether the Industrial User has returned to compliance (EPA 1989).

1.6 ADMINISTERING ENFORCEMENT ACTION

There are a number of factors to consider when selecting an enforcement action from the range of available enforcement actions. These factors include:

- **Magnitude of the violation.**
- **Duration of the violation.**
- **Effect of the violation on the receiving water.**
- **Effect of the violation on the POTW.**
- **Compliance history of the Industrial User.**
- **Good faith of the Industrial User.**

The Control Authority considers the above factors when deciding how stringent an enforcement action is warranted under recommendation of the Industrial Pretreatment Coordinator. It is important to be consistent when using these factors to determine the enforcement response for a noncompliance episode. More information on each of these factors is presented below.

1.6.1 MAGNITUDE OF THE VIOLATION

For a given category of violation, the Control Authority may need to decide if the violation constitutes Significant Noncompliance as defined in 40 CFR 403.8(f)(2)(viii) (see **Section 4 Definitions** and **Table 6**). It is recommended that the Control Authority respond to Significant Noncompliance “with an enforceable order that requires a return to compliance by a specific deadline” (EPA 1989).

An initial enforcement response for most instances of noncompliance will be a site visit, a telephone call, e-mail, or a warning letter that informs the discharger of the nature of the violation, the SUO section violation, and the consequence of a failure to correct the deficiency.

1.6.2 DURATION OF THE VIOLATION

Regardless of whether noncompliance is deemed significant, if the discharger does not respond to the initial enforcement response or continues to be in noncompliance, or if the violation continues over prolonged periods of time, an escalated enforcement action is taken.

1.6.3 EFFECT OF THE VIOLATION ON THE RECEIVING WATER OR BIOSOLIDS

Industrial User noncompliance might adversely affect receiving waters or the quality of the Biosolids. Environmental harm is presumed whenever an Industrial User discharges a pollutant into the collection system that:

- Passes through the POTW
- Causes interference with POTW processes
- Causes a violation of the POTW’s NPDES permit
- Has a toxic effect on the receiving waters
- Causes an exceedance in a Biosolids limit or otherwise limits its beneficial reuse

Such violations shall be addressed through formal enforcement action and penalties to ensure that adequate treatment and compliance is achieved promptly. In some cases, injunctive measures may also be appropriate.

1.6.4 EFFECT OF THE VIOLATION

Industrial User noncompliance might cause interference with treatment plant performance. Such violations shall be addressed through formal enforcement action and penalties to ensure that adequate

treatment and compliance is achieved promptly. In some cases, injunctive measures may also be appropriate.

1.6.5 COMPLIANCE HISTORY OF THE INDUSTRIAL USER

More aggressive enforcement actions should normally be taken against facilities that frequently exceed numerical pretreatment standards than those that report isolated violations, unless the isolated violations are significant or troublesome when weighed using the factors delineated above under “*Types of Noncompliance*”. Informal review meetings or a written notice of violation should seek specific explanations of the cause of frequent exceedances. If inadequate operating practices are found to be the cause, the Industrial Pretreatment Coordinator and/or City Personnel should seek specific commitments and deadlines to improve operating practices. If additional treatment is required, an enforceable compliance schedule should be issued to the industrial facility.

1.6.6 GOOD FAITH OF THE INDUSTRIAL USER

If Industrial User personnel appear to be attempting in good faith to comply with pretreatment requirements, enforcement actions should be on a more cooperative level than if Industrial User personnel do not appear to be attempting to comply in good faith. Staff responsible shall weigh the specific facts of the situation or acts performed by the Industrial User in determining whether the Industrial User is attempting to comply in good faith. In addition, Control Authority staff shall be aware that the CWA requires extraordinary efforts to comply with its requirements in a timely manner. Good faith shall be measured against this standard. Congress clearly expresses the efforts that are expected:

The Act requires industry to take extraordinary efforts if the vital and ambitious goals of the congress are to be met. This means that business-as-usual is not enough. Prompt, vigorous, and in many cases, expensive pollution control measures must be initiated and completed as promptly as possible. In assessing the good faith of a discharger, the discharger is to be judged against these criteria. Moreover, it is an established principle, which applies to this act, that administrative and judicial reviews are sought on the discharger's own time. (U.S. Congress 1978, p. 468)

Thus, if a facility challenges a permit, contract, or applicable pretreatment standard and delays progress toward compliance, the facility assumes the risk that the permit, contract, or standard will be upheld on judicial review. If the facility begins aggressively to come into compliance only after a decision is made adverse to its interests, it cannot be considered to have acted in good faith. Likewise, if a facility follows business-as-usual procedures, it cannot be considered to have acted in good faith.

1.7 RESPONSE TIME

In cases where the Control Authority is conducting sampling and generating compliance data, Discharge Monitoring Reports shall be generally sent out on a weekly basis to applicable SIU's. These reports contain up-to-date discharge information and constitute an informal enforcement action in cases of enforcement limit violations. It is the responsibility of the industry to have an authorized representative review this report and note any permit violations (*enforcement limits, etc.*) and address the cause(s) of the violations. It is the responsibility of the Industrial Pretreatment Coordinator to submit recommendation(s) for formal enforcement action to City Personnel by the 10th of the following month. City Personnel will initiate the appropriate enforcement action usually within 30 days, but no later than 90 days upon receiving the Industrial Pretreatment Coordinator's recommendations concerning formal enforcement action(s).

In the case where an Industrial User (*SIU or CIU*) is conducting self-monitoring and generating associated compliance monitoring reports, these reports are due by the 15th of the following month, with an extra 30 days allowed for metals sampling results. (Industrial Wastewater Discharge Permit, “Part 3 - Reporting Requirements” and Sewer Use Ordinance, section 7-7-4.3(A-H)) All compliance reports will be reviewed and an evaluation of compliance status made within 10 days upon receipt by the Industrial Pretreatment Coordinator. If, after the evaluation, one or more enforcement actions are deemed necessary, the following time frames for initial enforcement should apply:

If the violation is derived from an Industrial User report that is received by its due date, a 30-day period for initial enforcement action begins on the date when determination of noncompliance is made upon evaluation of the report.

If a report is not received by its due date, the 30-day period shall begin upon discovery of the violation by evaluation of the report, but any report received more than five days late shall in itself constitute an actionable violation, as delineated in the ERG. If the violation is found through an inspection or some other means, the 30-day period begins on the date the Industrial Pretreatment Coordinator or other responsible personnel acquire knowledge of the violation.

Any violations meeting the criteria for SNC will generally be addressed with an Administrative Order **within 15 working days** of the identification as SNC.

After the initial enforcement action has been taken, it is essential that follow-up action be taken to determine the effectiveness of the initial enforcement action. If the initial enforcement brought about the desired result, the follow-up action could simply entail a confirmation letter or e-mail to this effect. If, on the other hand, the initial enforcement action did not achieve the desired result, follow-up actions will be taken.

Follow-up response time begins on the compliance date specified in the initial action. By way of an example, if a NOV required a written response by the 10th day of the month, a follow-up action would be required within 30 days following that date. **These deadlines are the outer limit of enforcement response times. Depending on the situation, a quicker response may be necessary.**

Follow-up actions may include:

- Administrative Order sent certified mail or hand-delivered within 30 calendar days.
- Notice of Compliance Status Review Meeting sent certified mail or hand delivered within 30 calendar days.
- Seek administrative fines within 30 calendar days.
- Seek civil penalties within 30 calendar days.
- Contact City Attorney for possible civil and/or criminal lawsuit within 30 calendar days.
- Initiate termination of service within 30 calendar days.
- Initiate revocation of permit within 30 calendar days.

Violations that threaten health or environmental quality or that cause - or threaten to cause - interference to the POTW or cause the City to violate any condition of its NPDES permit are considered emergencies and will receive **immediate** responses such as halting the discharge or termination of service. (Sewer Use Ordinance Section 7-7-9.7)

1.8 GUIDANCE FOR ALLOCATING ADMINISTRATIVE FINES AND PENALTIES

The maximum administrative fine that can be levied against a discharger is \$1,000 per violation, per day. (Sewer Use Ordinance Sect. 7-7-9.6) The minimum administrative penalty varies depending on the severity of the violation, including whether-or-not the violation falls under significant noncompliance criteria and/or causes endangerment to health or the environment. Guidelines for assessing fines are provided below. The Control Authority reserves the right and discretion to recover all costs associated with SIU discharge violations that cause damage to the POTW, result in POTW interference or pass through, causes the POTW to violate its NPDES permit, or results in additional operational costs to the control authority or contractors. The Control Authority also reserve the right and discretion to negotiate the assessment of these costs.

1.8.1 ENFORCEMENT LIMIT VIOLATIONS

Enforcement limit violation fines accompany Notices of Violation or Administrative Orders. For violations of permit enforcement limits, the fine starts at \$250 per discharge parameter violation. If multiple violations for the same parameter occur in the same month, the fines increase accordingly: \$500 for second violation, \$750 for third violation, and \$1,000 for each subsequent violation beyond the third.

The following table shall be used to determine the proper amount of the fine to be issued.

TABLE 2: ENFORCEMENT LIMIT VIOLATION FINES

Any pollutant parameter violation	\$250
Second violation of same pollutant parameter	\$500
Third violation of same pollutant parameter	\$750
Additional violation(s) of same pollutant parameter	\$1,000

If a discharge interferes with the City's wastewater treatment plant, and/or the City's collections system, sewer pump stations, and/or the discharge causes an upset or pass through at the City's wastewater treatment plant, the City may issue an administrative penalty in addition to fines and as a way to recover any and all the City's expenses incurred as a result of the discharge(s). The fines, penalties and recuperation of the City's cost are in addition to the requirement(s) the City will place on the facility to prevent any future occurrence.

1.8.2 REPORTING VIOLATIONS

A fine may be assessed for late self-monitoring reports (SMR) or incomplete self-monitoring reports. The Control Authority allows a two business day grace period beginning on the date the self-monitoring report is due. The amount of the fine depends on the number of days the report was or continues to be late beyond the grace period, whether the report is incorrect and whether the self-monitoring report contains any discharge violations.

The following table shall be used to determine the proper amount of the fine to be issued.

TABLE 3: REPORTING VIOLATION FINES

<i>Number of days report is late or incorrect</i>	<i>Fine per day for a SMR with no violations</i>	<i>Fine per day for a SMR with discharge violations</i>
<30 days	\$100 per day	\$200 per day
>30 days	\$200 per day	\$400 per day

1.9 INCREASE IN INDUSTRIAL USER SELF-MONITORING FOR EFFLUENT VIOLATIONS

In cases of Industrial User self-monitoring when an SIU has one or more violations of any Wastewater Enforcement Limit, the Control Authority may require the Industrial User to sample for all parameters that were violated once a week for four consecutive weeks, or for four consecutive discharge days, to commence within 7 days of receipt of the Notice of Violation.

Four consecutive weeks refers to a week in which the regulated discharge would occur. Metals, BOD and TSS samples shall be composites as appropriate to the discharge, all others are to be grab samples or as specified in 40 CFR part 136. The sampling specified above may be used to satisfy the facilities monitoring as required in their wastewater discharge permit.

The results of each sample must be received by the Control Authority within five days from when the Industrial User has received results, but in no event longer than thirty days from the date the sample was taken.

Notice of the increase in sampling shall be in letter form and shall be sent certified mail. In the event that it is not possible for an Industrial User to increase the frequency of self-monitoring, then the Industrial Pretreatment Coordinator may perform an unannounced inspection at the Industrial User's site and, if possible, sample for the parameter violated within thirty days of becoming aware of the violation. The cost of this enforcement activity will be billed to the Industrial User.

2. ENFORCEMENT RESPONSE GUIDE

This guide has been developed as a tool for the Control Authority to utilize when determining the appropriate response to a specific violation of pretreatment regulations.

Furthermore, this guide is intended to serve two main purposes:

1. Cover enforcement response that may be appropriate in relation to the nature and severity of the violation and overall degree of noncompliance.
2. Serve as a reference to encourage the uniform application of enforcement response to comparable levels and types of violations as well as a mechanism to review the appropriateness of the response by Twin Falls pretreatment personnel.

Key elements in all enforcement responses are the timeliness with which they are initiated and the effect on compliance. Given many types of violations, applicable legal enforcement procedures, and the variance in resources available to the Control Authority, no specific time frame is established in which to initiate and complete a given response. The professional judgement of Twin Falls pretreatment personnel is essential to effective enforcement.

Within this section, the steps that are recommended to be taken when issuing enforcement actions are outlined. In addition, several tables are included that provide guidance on enforcement response.

2.1 RECOMMENDED STEPS FOR ALL ENFORCEMENT ACTIONS

1. Identify and verify the noncompliance and/or violation
2. Evaluate SNC

3. Identify the legal authority supporting the enforcement action
4. Evaluate compliance history and “good faith” of the Industrial User by consulting the enforcement history in their file
5. Notify affected Industrial User using the appropriate level of response once a violation is verified
6. Where applicable, require the Industrial User to:
 - a) Identify the cause of the violation and report on the cause
 - b) Correct the violation and report on corrective action(s)
 - c) Establish a date or dates by which the above corrective measures are to be completed
 - d) Re-sample all parameters in violation to demonstrate compliance within 30 days
7. The affected Industrial User will be required to respond in writing within 15 to 30 days of notification
8. The Control Authority will review the response (and may meet with the appropriate Industrial User representative) to determine the next step. The following scenarios may apply:
 - a. The Industrial User corrects the violation or pretreatment personnel determine that the response does not warrant escalating enforcement. No further action is warranted
 - b. The Industrial User fails to submit a response, fails to comply, or the violation is not corrected. Control Authority escalates the level of response
9. Follow-up with escalated enforcement action if the Industrial User’s response is not received or if violation continues
10. Document actions

2.2 EFFECTIVENESS OF ENFORCEMENT

The measure of the effectiveness of an enforcement response includes:

1. Whether the non-complying source returns to compliance as expeditiously as possible.
2. Whether the enforcement response establishes the appropriate deterrent effect for the particular violator and for other potential violators.
3. Whether the particular response is equitable when compared against similar violations and their associated enforcement responses.

2.3 ENFORCEMENT RESPONSE HIERARCHY

2.3.1 RESPONSE LEVEL 1

Level 1 responses are generally informal and represent the enforcement efforts utilized by the Control Authority to bring the Industrial User into compliance before a state of significant noncompliance is achieved. The following enforcement actions are utilized at this level of response:

1. Corrective Notice (*Phone call/e-mail*)

This informal response is the initial action immediately taken by the Control Authority (usually the Pretreatment Coordinator) for missed deadlines, isolated or infrequent self-monitoring deficiencies, minor reporting deficiencies, isolated or infrequent discharge violations, and other minor incidence of noncompliance as detected by sampling and/or inspection. Generally, a time frame for correction of the violations can be agreed upon between the Industrial User and the Control Authority and can include an extension of the deadline if a valid reason is given. In instances of limit violations, immediate verification sampling by the Industrial User and/or the Control Authority is requested to determine if the violation is continuing and to determine if further action is needed to correct the problem.

In order to establish a compliance record “good faith” history of an Industrial User, it is important to accompany a corrective notice with an update to the User’s enforcement file with the following information:

- Name of the Industrial User
- Name and Title of the person contacted
- Date and Time
- Nature of the violation
- Items discussed
- Results of conversation
- Initials or signature of person initiating the call/e-mail

In many cases, a phone call and/or e-mail is sufficient to bring the Industrial User back into compliance. However, when contacting the Industrial User does not result in measureable progress toward compliance, a letter of violation is issued to the Industrial User.

2. Informal Notice of Violation (NOV)

This informal enforcement action is taken when a phone call and/or e-mail to the Industrial User is not sufficient to prompt the User to return to compliance. When a User appears to be establishing a pattern of violations or when violations are detected by sampling or inspection, a letter of violation may be issued in conjunction with a phone call.

The informal NOV should contain: the nature of the violation (*citing the applicable section in the permit/ordinance*), the date the violation occurred, and the enforcement option that may be utilized should the Industrial User fail to implement corrective action in order to achieve compliance with pretreatment regulations. As needed, a time frame to implement corrective action and show progress toward achieving compliance may also be established in the letter.

3. Certified Notice of Violation

A certified notice of violation is the last enforcement action utilized at Level 1, and is the final attempt to resolve the noncompliance issue before a state of significant noncompliance (SNC) is reached by the User. This enforcement action can also be issued as an initial response to more serious violations such as certain self-monitoring violations, frequent limit violations (when initially discovered through an Industrial User's semiannual compliance report), or other noncompliance events listed specifically in the enforcement response guide tables. A certified NOV is similar to the informal NOV, but is sent by certified mail to document that the User actually received the letter and the date it was received. A compliance schedule submitted by the User by a certain date is requested in a certified NOV.

It is the intent of the Control Authority to resolve the vast majority of noncompliance issues within the Level 1 category of enforcement action. However, formal enforcement procedures are necessary when, due to negligence, stubbornness, or lack of interest on the part of the Industrial User, a state of SNC has been achieved.

2.3.2 RESPONSE LEVEL 2

When a state of SNC has been reached by the Industrial User, Level 2 enforcement action is initiated, requiring the Control Authority to issue any number of formal enforcement responses, including: Administrative Orders (AO), Show Cause Hearings, Compliance Orders (CO), Cease and Desist Orders, and/or Judicial Actions (JA).

Level 2 enforcement represents an escalation in enforcement severity and directs the Control Authority to report such enforcement to the EPA as part of the Pretreatment Performance Summary of User noncompliance.

Level 2 enforcement will generally include increased fines and/or compliance schedules with specified due dates by which certain levels of progress toward compliance with pretreatment regulations must be achieved.

2.3.3 RESPONSE LEVEL 3

This level of enforcement is reserved for the extreme occasion when the Industrial User does not respond to an Administrative Order (*or other formal enforcement action*), does not adhere to compliance schedules, and where fines have no effect in bringing the User into compliance with pretreatment regulations. This level of enforcement action generally requires the consultation of the City's Legal Department to determine the appropriateness and legal basis for the action to be implemented, but includes such actions as:

- 1.) Judicial Action (may include civil penalties and injunctive relief)
- 2.) Service Suspension, Termination of Discharge, and/or Permit Revocation

In extreme cases, where no remedies can be mitigated or a state of emergency exists, the Control Authority can revoke or suspend the services of an Industrial User in violation of Federal, State, or Local laws, ordinances, or regulations.

- a.) The Control Authority may revoke a wastewater discharge permit for – but not limited to – the reasons listed in the Sewer Use Ordinance, sect. 7-7-9.8
- b.) The Control Authority may immediately suspend an Industrial User’s discharge after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or causes an imminent or substantial endangerment to the health or welfare of persons as outlined in the Sewer Use Ordinance, sect. 7-7-9.7.

Overview of Enforcement Response Tables

The enforcement response tables (**Table 4** through **Table 6**) outline general types of non-compliant conditions and a range of responses that may be appropriate depending on the specific conditions encountered. The column headings used in each table are as follows:

Type of Noncompliance	Specific Nature of Violation	Enforcement Response	SNC	Enforcement Signature
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These column headings are listed and described in more detail below:

- 1) **Type of Noncompliance:** General description of a noncompliant condition.
- 2) **Specific Nature of Violation:** A description is provided to allow City staff to distinguish between the types of enforcement that may be appropriate.
- 3) **Enforcement Response:** Based on the information selected under **Type of Noncompliance** and **Specific Nature of Violation**, the recommended enforcement response(s) are reviewed, and the appropriate enforcement response(s) are identified.
 - a) City staff may select from the enforcement options presented based on a number of factors, including whether the Industrial User is a first time offender or repeat offender, or has demonstrated good faith efforts or negligence (see Section 1.6 Administering Enforcement Action). The selected enforcement action may be stricter or more lenient than that specified for a given type of noncompliance, but Pretreatment staff must clearly document the action taken and why the deviation from the ERP was warranted.
- 4) **SNC:** Determine whether or not the violation meets the criteria for significant noncompliance (SNC) as defined in 40 CFR 403.8(f) (2) (viii) and outlined in **Table 6**.

TABLE 4: DISCHARGE VIOLATIONS

<i>Type of Noncompliance</i>	<i>Specific Nature of Violation</i>	<i>Enforcement Response</i>	<i>SNC?</i>
<i>Unpermitted Discharge</i>	IU unaware of requirement No Harm to POTW/Environment	Level 1: CN/NOV	NO
	IU unaware of requirement Harm to POTW/Environment	Level 2: NOV/AO	YES
	Failure to apply for permit after notification	Level 2: AO	YES
<i>Non Permitted Discharge</i>	IU has not submitted application 90 days prior to expiration	Level 1: CN/NOV	NO
<i>Exceedance of discharge limits (Permit, Local Limits, Federal Pretreatment Standards)</i>	Occasional exceedance	Level 1: CN/NOV	NO
	Reoccurring, magnitude, multiple parameters	Level 2: NOV/AO	YES
	Isolated harm to POTW or environment	Level 2: NOV/AO/JA	YES
	Recurring no harm to POTW or environment	Level 3: NOV/AO/JA	YES
	Recurring harm to POTW or environment	Level 3: JA/Termination of Service	YES
	Dilution	Level 2: NOV/AO	YES
<i>Illegal Discharge</i>	No harm to POTW or environment	Level 1: NOV	NO
	Discharge causes harm or evidence of intent	Level 3: AO/JA/Termination of Service	YES
	Continued discharge after Administrative Order	Level 3: AO/JA/Termination of Service	YES

*CN = Corrective Notice, NOV = Notice of Violation, AO = Administrative Order, JA = Judicial Action

TABLE 5: MONITORING, SAMPLING, AND REPORTING VIOLATIONS

<i>Type of Noncompliance</i>	<i>Specific Nature of Violation</i>	<i>Enforcement Response</i>	<i>SNC?</i>
<i>Reporting Violations (including electronic reporting)</i>	Report is improperly signed or certified	Level 1: CN/NOV	NO
	Late, not significant (> 5 days)	Level 1: CN/NOV	NO
	Late, Significant (45 days or more)	Level2: AO	Yes
	Failure to report spill, slug, or changed discharge	Level 1: NOV	NO
	Reports are repeatedly late or no reports at all	Level 2: AO	YES
	Failure to report spill, slug, or changed discharge (results in harm)	Level 2/3: AO/JA	YES
	Falsification of any kind	Level 2/3: AO/JA	YES
	Inadequate Recordkeeping	Level 1/2: NOV/AO	NO
	Failure to report noncompliance	Level 1: NOV	NO
<i>Monitoring Violations</i>	Failure to monitor pollutants as required by permit	Level 1: NOV	NO
	Recurring failure to monitor	Level 2: AO	YES
	Failure to install monitoring equipment <30 days	Level 1: NOV	NO
	Failure to install monitoring equipment >30 days	Level 2: AO	YES
	Failure to report additional monitoring	Level 1: NOV	NO
<i>Sampling Violations</i>	Sampling at incorrect location	Level 1: NOV	NO
	Incorrect sampling container	Level 1: NOV	NO
	Incorrect sample collection techniques	Level 1: NOV	NO
	Failure to maintain sampling equipment	Level 1/2: NOV/AO	NO

*CN = Corrective Notice, NOV = Notice of Violation, AO = Administrative Order, JA = Judicial Action

TABLE 6: OTHER PERMIT VIOLATIONS

<i>Type of Noncompliance</i>	<i>Specific Nature of Violation</i>	<i>Enforcement Response</i>	<i>SNC?</i>
<i>Compliance Schedules</i>	Missed milestone by less than 30 days, or will not affect final milestone	Level 1: CN/NOV	NO
	Missed milestone by more than 30 days, or will affect final milestone (good cause for delay)	Level 1: CN/NOV	NO
	Missed milestone by more than 90 days, or will affect final milestone (no good cause for delay)	Level 2/3: AO/JA/Termination of Service	YES
	Recurring violation or violations of schedule in Administrative Order	Level 2/3: JA/Termination of Service	YES
<i>Failure to mitigate types of noncompliance or halt production</i>	Does not result in harm	Level 1: NOV	NO
	Does result in harm	Level 2/3: AO/JA/Termination of Service	YES
<i>Failure to properly operate and maintain pretreatment facility</i>	Does not result in harm	Level 1: NOV	NO
	Does result in harm	Level 2/3: AO/JA	YES
<i>Entry Denial</i>	Entry denied or consent withdrawn during inspection	Level 2/3: AO/JA	YES
	Copies of records denied	Level 2/3: AO/JA	YES

TABLE 7: SIGNIFICANT NONCOMPLIANCE

<i>Significant Noncompliance (see 40CFR 403.8(f)(2)(viii))</i>	
<i>Significant Noncompliance Criterion</i>	<i>Enforcement Response</i>
A. Chronic violations of wastewater enforcement limits, defined here as those in which 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	Administrative Order
B. Technical Review Criteria (TRC) violations, defined here 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, fats, oil, and grease, and 1.2 for all other pollutants except pH)	Administrative Order
C. Any other violation of a Pretreatment Standard or Requirement (daily maximum, long-term average, instantaneous limit, or narrative Standard) that the POTW determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW enforcement signature or the general public)	Administrative Order
D. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under Section 33.03.200 to halt or prevent such a discharge	Administrative Order
E. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a permit or enforcement order for starting construction, completing construction, or attaining final compliance	Administrative Order
F. 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	Administrative Order
G. Failure to accurately report noncompliance	Administrative Order
H. 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	Administrative Order

3. DEFINITIONS

The terms used in this ERP are defined below.

Administrative Fine: A punitive monetary charge unrelated to actual treatment costs that are assessed by the Control Authority rather than a court.

Administrative Order (AO): A document that orders the violator to perform a specific act or refrain from an act.

Cease and Desist Order: An administrative order directing an Industrial User to immediately halt illegal or unauthorized discharges.

Civil Litigation: A lawsuit filed in a civil court. If the court rules that the defendant Industrial User violated the law, the court may impose civil penalties, injunctions or other equitable remedies and/or cost recovery.

Civil Penalty: A punitive monetary award granted by a court to the Control Authority against a noncompliant Industrial User.

Compliance Order: An administrative order directing a noncompliant industry to achieve or restore compliance by a date specified in the order.

Compliance Schedule: A schedule of required activities (also called milestones) necessary for an Industrial User to achieve compliance with all pretreatment program requirements.

Compliance Status Review Meeting: An informal enforcement action requiring a meeting between the Control Authority and the noncompliant Industrial User.

Consent Order: An administrative order embodying a legal enforcement agreement between the Control Authority and the noncompliant Industrial User designed to restore the user to compliance status.

Control Authority: The entity directly administering and enforcing pretreatment standards and requirements against dischargers. For purposes of this Enforcement Response Plan, the Control Authority is the City of Twin Falls.

Criminal Prosecution: A criminal charge brought by the Control Authority against an accused violator. A court trial-by-jury is generally required and upon conviction, punishment may include a monetary penalty, imprisonment, or both.

Discharger: A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to the Clean Water Act §402 (an NPDES discharge). Dischargers include those domestic, industrial and commercial establishments whose discharges to the City's sewerage system include non-sanitary wastes.

Enforcement Limit: The maximum allowable discharge of a pollutant during a calendar day before enforcement action is taken against a discharger. **Note:** *In some, but not all cases, this can be considered discharge limit for some parameters.*

Fine: A punitive monetary charge for a violation of the law. Often used synonymously with "penalty" although the term "fine" generally implies the use of administrative rather than civil (judicial) procedures.

Industrial User (IU): A source of indirect discharge that does not constitute a "discharge of pollutants" under regulations issued pursuant to the Clean Water Act §402 (an NPDES discharge). Industrial Users include those industries and commercial establishments whose discharges to the City's sewerage system include non-sanitary wastes, and who are regulated under the City's Pretreatment Program under a system of discharge permits. (40 CFR 403.3(j))

Good Faith: A characteristic of actions exhibited by a discharger that show prompt and significant measures undertaken to achieve compliance. Good faith may also be defined as the user's honest intention to remedy its noncompliance coupled with actions that support this intention (see EPA's *Guidance for Developing Control Authority Enforcement Response Plans*, 4.1.6).

Judicial Action or Case: An enforcement action that involves a court. (The action may be either civil or criminal in nature).

Notice of Violation (NOV): A Control Authority document notifying a discharger that it has violated pretreatment standards and requirements, including but not limited to local discharge limits. (Sewer Use Ordinance, Sect. 7-7-9.1)

Penalty: A monetary or other punitive measure, usually associated with a court action. For the "Penalty" term is often synonymous with "fine," although the term "penalty" generally implies the use of civil (judicial) procedures.

Publicly Owned Treatment Works (POTW): A system of conveyances and treatment for wastewater and industrial wastes. Also refers to the government officials or Control Authority responsible for operation and maintenance of the collection system or treatment plant and the administration of the pretreatment program.

Responsible Personnel: A person responsible for performing or authorizing an Enforcement Action, including the Industrial Pretreatment Coordinator, the Wastewater Treatment Plant Project Manager, or the City Engineer or his/her designees, as specified in this ERP.

Show Cause Order: An administrative order directing a noncompliant user to appear before the Control Authority, explain its noncompliance, and show cause why more severe enforcement actions against the user should not go forward. (Sewer Use Ordinance, Sect. 7-7-9.3)

Significant Noncompliance (SNC): A violation that meets one or more of the following criteria (see 40 CFR 403.8(f) (2) (viii)):

(A) Chronic violations of wastewater enforcement limits, defined here as those in which 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;

(B) Technical Review Criteria (TRC) violations, defined here 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, fats, oil, and grease, and 1.2 for all other pollutants except pH);

(C) Any other violation of a Pretreatment Standard or Requirement (daily maximum, long-term average, instantaneous limit, or narrative standard) that the POTW determines has caused, alone or in

combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);

(D) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under Section 33.03.200 to halt or prevent such a discharge;

(E) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(F) 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;

(G) Failure to accurately report noncompliance;

(H) 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.

Exhibit B

INDUSTRIAL USER SURCHARGE PROGRAM SOP

CITY OF TWIN FALLS

INDUSTRIAL PRETREATMENT PROGRAM

The City of Twin Falls (City) has recently revised its *Enforcement Response Plan* in order to continue to improve their pretreatment program. Part of this revision was to look at the possibility of implementing a surcharge program. The basis of a surcharge program is to continually allow the City and its industrial partners the ability to remain compliant with federal, state, and local pretreatment standards. In order to bridge the *Enforcement Response Plan* and a surcharge program together, the City prepared this document (*Industrial User Surcharge Program SOP*). As an independent document, the City has the ability to modify it more frequently, which provides the City with the ability to be more dynamic in its implementation of the program. Both the *Enforcement Response Plan* and this *Industrial User Surcharge Program SOP* will be used to implement the City's pretreatment program.

Having the goal in mind, the City developed a program that facilitates compliance with federal, state, and local pretreatment standards. This document outlines and details the surcharge program and its administration, along with a fining structure for enforcement limit exceedances in the individual industrial user permits. Each industrial user permit will have specific surcharge threshold and requirements incorporated into them to better implement compliance.

The administrative portions of the surcharge programs is outlined in Tables 1 through 4 below. Table 1 outlines the required administrative fines for violations of industrial permits and pretreatment regulations. Table 2 defines the administrative fines for excessive surcharging duration. Tables 3 and 4 outline the surcharging levels and rates associated with the pretreatment program. Charges due to surcharging or enforcement actions, along with monthly discharge monitoring reports, will be sent out at the beginning each month with the industrial utility billing invoices for the previous month's discharges.

TABLE 1: ADMINISTRATIVE FINES: VIOLATIONS

Any pollutant parameter violation	\$250
Second violation of same pollutant parameter	\$500
Third violation of same pollutant parameter	\$750
Additional violation(s) of same pollutant parameter	\$1,000

**note: Violations accrued during a month*

TABLE 2: ADMINISTRATIVE FINES: SURCHARGING

Consecutive Days of Surcharging 4-5	\$750
Consecutive Days of Surcharging 6+	\$1,000

**note: Violations accrued during a month and each consecutive day after 6 will be fined \$1,000, a compliance schedule will be considered, and the IU will be considered SNC.*

**note: Surcharging period begins once lab results have been confirmed.*

TABLE 3: ENFORCEMENT VS SURCHARGE LEVELS

Pollutants	Surcharge	Enforcement Limit
pH		Outside permit limit 6.0-9.5
BOD	Up to 1.4x Surcharge Threshold	Over 1.4x Surcharge Threshold
TSS	Up to 1.4x Surcharge Threshold	Over 1.4x Surcharge Threshold
FOG	Up to 1.4x Surcharge Threshold	Over 1.4x Surcharge Threshold
Flow	Up to 1.2x Surcharge Threshold	Over 1.2x Surcharge Threshold
Metals	Up to 1.2x Surcharge Threshold	Over 1.2x Surcharge Threshold

**note: Surcharge thresholds are defined on each IU's Industrial Wastewater discharge permit*

TABLE 4: SURCHARGE RATES

Pollutant	1.0 - 1.2x the Surcharge Threshold	1.2 - 1.4x the Surcharge Threshold	Enforcement Limit
BOD	5x the billing rate	10x the billing rate	15x the billing rate
TSS	5x the billing rate	10x the billing rate	15x the billing rate
FOG	\$20 per mg/L over Surcharge Threshold	\$40 per mg/L over Surcharge Threshold	\$60 per mg/L over Enforcement Limit
Flow	10x the billing rate		15x the billing rate
Metals	\$10 x % over the surcharge threshold, up to 1.2x the surcharge threshold (ex: lead limit is 0.9 mg/l; discharge of 1.08 mg/l is 20% over limit and would incur a fine of \$10x20 = \$200)		\$20 x % over the surcharge threshold, above 1.2x the surcharge threshold (ex: lead limit is 0.9 mg/l; discharge of 1.8 is 100% over limit and would incur a fine of: \$10x120 + \$20x80 = \$2,800)
pH	\$25 for every 0.1 standard pH unit outside permit limit, up to ± 0.5 standard units outside of permit limit \$50 for every 0.1 standard pH unit outside permit limit, above ± 0.5 standard pH units outside of permit limit		

As with the *Enforcement Response Plan*, the City reserve the right to bring enforcement actions against excessive violations through either fines, improvement projects which help eliminate future violations, or other means in order to maintain compliance with the City's National Pollutant Discharge Elimination System (NPDES) permit or related programs. The City retains the ability to evaluate the excessive nature of the violations with each industrial user.