UNION
SANITARY
DISTRICT

UNION SANITARY DISTRICT
SEWER USE ORDINANCE

ORDINANCE NO. 36.04

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Section 1

GENERAL PROVISIONS

1.01 Purpose and Policy

This ordinance sets forth uniform requirements for users of the Publicly Owned Treatment Works of the Union Sanitary District and enables the Agency to comply with all applicable Local, State and Federal laws, including the Clean Water Act (33 United States Code § 1251 *et seq.),* the General Pretreatment Regulations (40 Code of Federal Regulations Part 403) and the water quality requirements set by the Regional Water Quality Control Board and/or the State of California Water Resource Control Board. The objectives of this ordinance are:

(a) To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;

(b) To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;

(c) To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;

(d) To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;

(e) To provide revenues derived from the application of this Ordinance which shall be used to defray the Agency's cost of operating and maintaining adequate wastewater collection and treatment systems and to provide sufficient funds for capital outlay, bond service costs, capital improvements, and depreciation for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and

(f) To enable Agency to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal, State or Local laws to which the Publicly Owned Treatment Works is subject.

This ordinance shall apply to all users of the Publicly Owned Treatment Works. The ordinance authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

1.02 Definitions

Unless otherwise defined herein, terms shall be as found in Title 40 Code of Federal Regulations (CFR) Parts 403 and 136.

(a) *Agency:* Union Sanitary District.

(b) *Amalgam:* an alloy containing mercury, tin, silver, or copper that is used in dentistry to restore teeth.

(c) *Amalgam Separator:* a device that applies filtration, settlement, centrifugation, or ion exchange to remove amalgam and its metal constituents from a dental office vacuum system before it discharges to the sewer.

(d) *Amalgam Waste:* includes non-contact amalgam (amalgam scrap that has not been in contact with the patient); contact amalgam (including, but not limited to, extracted teeth containing amalgam); amalgam sludge captured by chair-side traps, vacuum pump filters, screens and other amalgam trapping devices; used amalgam capsules; and leaking or unusable amalgam capsules.

(e) *Authority:* The East Bay Dischargers Authority.

(f) *Batch Discharge:* A definite quantity or volume of wastewater produced under conditions that are considered uniform.

(g) *Beneficial Uses:* Uses of the waters of the state that may be protected against quality degradation include, but are not necessarily limited to, domestic, municipal, agricultural and industrial supply, power generation, recreation, aesthetic enjoyment, navigation and the preservation and enhancement of fish, wildlife and other aquatic resources or reserves, and other uses, both tangible or intangible, as specified by federal or state law.

(h) *Best Management Practices or BMPs:* Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5(a)(1) and (b). BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage and leaks, sludge or waste disposal, or drainage from raw materials.

(i) *Building Sewer:* A sewer conveying wastewater from a point 30 inches or less from the building or structure to a main sewer. The building sewer includes that portion on the property and that portion from the property line or easement line to the sewer main (Lateral Sewer).

(j) *Bypass:* The intentional diversion of waste streams from any portion of an Industrial User's treatment facility.

(k) *Categorical Pretreatment Standard or Categorical Standard:* Standards specifying the quantity, concentration, or properties of pollutants that may be discharged to POTWs. EPA promulgates pretreatment standards for specific industry categories in accordance with Clean Water Act section 307. These standards are codified in 40 CFR chapter I, subchapter N, Parts 405–471.

(l) *Chemical Oxygen Demand or COD:* The measure of the oxygen equivalent of the organic matter content of a sample that is susceptible to oxidation by a strong chemical oxidant.

(m) *Community Sewer:* A sewer owned and operated by the Agency, a city, or other public agency tributary to a treatment facility operated by the Agency or the Authority.

(n) *Compatible Pollutant:* Biochemical oxygen demand, chemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified in the Agency's National Pollutant Discharge Elimination System (NPDES) permit if the publicly owned treatment works was designed to treat such pollutants, and in fact does remove such pollutants to a substantial degree.

(o) *Composite Sample:* A sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time. Samples may be taken manually or by using automatic equipment. Manual composite samples shall consist of a minimum of four (4) grab samples.

(p) *Contamination:* An impairment of the quality of the waters of the state by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease. Contamination shall include any equivalent effect resulting from the disposal of wastewater, whether or not waters of the state are affected.

(q) *District*: Union Sanitary District

(r) *Domestic Use:* Any single family or multifamily residence which discharges, or causes, or allows the discharge of domestic wastewater to the POTW.

(s) *Domestic Wastewater:* The liquid waste or liquid-borne waste discharged from residential units, normally resulting from the non-commercial preparation, cooking and handling of food, personal laundry, and wastes from sanitary conveniences or from sanitary devices in industrial or commercial establishments.

(t) *Environmental Protection Agency or EPA:* The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.

(u) *Federal Act, Clean Water Act:* The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, PL 92-500 Title 33 U.S. Code, section 1251 et seq. (and any amendments thereto; as well as any guidelines, limitations, and standards promulgated by the Environmental Protection Agency pursuant to the Act.)

(v) *Grab Sample:* A sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

(w) *Hazardous Waste*: Waste substances which can pose a hazard to human health or the environment when improperly managed; or. waste that possesses at least one of these four characteristics: ignitability, corrosivity, reactivity or toxicity; or appears on special U.S. EPA lists. This definition also includes all wastes covered in the California Code of Regulations, Title 22, Division 4.5 Environmental Health Standards for the Management of Hazardous Waste.

(x) *Holding Tank Waste:* Any waste from temporary or permanent containers such as holding tanks, vessels, truck tanks, chemical toilets, campers, trailers, septic tanks, totes, drums, vacuum pump tank trucks, etc.

(y) *Incompatible Pollutant:* Any pollutant, which is not a compatible pollutant as defined in this section.

(z) *Industrial User*: An industrial or commercial business, which discharges, or causes, or allows the discharge of non-domestic wastewater to the POTW.

(aa) *Industrial Wastewater:* Liquid waste or liquid-borne waste that is generated in a commercial or industrial process.

(bb) *Indirect Discharge or Discharge:* The introduction of pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c), or (d) of the Clean Water Act.

(cc) *Interference:* A discharge that, alone or in conjunction with discharges from other sources, both:

(1) inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and therefore

(2) is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued there under (or more stringent state or local regulations): Section 405 of the Clean Water Act, the

Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

(dd) *Manager:* The General Manager of the District, or his or her designated representative.

(ee) *Mass Limit Rate:* The weight of material discharged to the sewer system during a given time interval. Unless otherwise specified, the mass limit rate shall mean pounds per day of a constituent or combination of constituents.

(ff) *Maximum Allowable Discharge Limit:* The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

(gg) *Medical Waste:* Any waste, liquid or solid, generated by a medical facility which may pose a health and/or safety threat to Agency personnel.

(hh) *National Pretreatment Standard, Pretreatment Standard, or Standard:* Any regulation containing pollutant discharge limits or Best Management Practices promulgated by the EPA in accordance with section 307 (b) and (c) of the Clean Water Act, that applies to industrial users. This term includes prohibitive discharge limits established pursuant to 40 CFR 403.5.

(ii) *New Source:* Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307c of the Clean Water Act that will be applicable to such source if such standards are thereafter promulgated, provided that:

(1) The building, structure, facility or installation is constructed at a site at which no other source is located; or

(2) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(3) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered

(jj) *pH:* A measure of the acidity or alkalinity of a solution, expressed in standard units.

(kk) *POTW Treatment Plant:* That portion of the Publicly Owned Treatment Works which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

(ll) *Pass Through:* A discharge that exits the POTW into waters of the United States in quantities or concentrations that, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

(mm) *Person:* Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes any Federal, State and local governmental entity.

(nn) *Pesticides:* Total pesticides identified in Table 1, Section 307 of the Clean Water Act which are detectable by EPA approved methods.

(oo) *Phenolics:* Compounds having one or more hydroxy groups attached to a benzene or other polynuclear aromatic hydrocarbons as tested using EPA Method 420.

(pp) *Pollution:* An alteration of the quality of the waters of the state by waste to a degree which unreasonably affects such waters for beneficial use or facilities which serve such beneficial uses. Pollution may include contamination.

(qq) *Pollution Prevention:* Activities which reduce the amount of pollutants discharged to the community sewer, without transferring those pollutants to the air or land, including reduction in the use of chemicals containing regulated pollutants, reduction in the generation of wastes which contain pollutants, recovery and recycling of wastes and/or improved pretreatment of wastes prior to discharge.

(rr) *Polychlorinated biphenyls (PCB)*: Total PCBs detectable by EPA approved methods.

(ss) *Polynuclear Aromatic Hydrocarbons (PAH):* Total organic pollutants containing more than one fused aromatic ring, which are detectable by EPA approved methods.

(tt) *Premise:* A parcel of real estate including any improvements thereon which is determined by the Agency to be a single user for purposes of receiving, using, and paying for service.

(uu) *Pretreatment Requirement:* Any substantive or procedural pretreatment requirement other than a national pretreatment standard.

(vv) *Private Sewer Lateral:* The pipeline that conveys wastewater from a residence or any other building foundation to the main District sewer line.

(ww) *Prohibited Discharge Standards or Prohibited Discharges:* Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2.01 of this ordinance.

(xx) *Publicly Owned Treatment Works or "POTW":* A treatment works as defined by section 212 of the Clean Water Act, which is owned by a state or municipality (as defined by section 502(4) of the Clean Water Act). This definition includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the municipality as defined in section 502(4) of the Clean Water Act, that has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

(yy) *Sample points:*

(1) Facility (FAC) – a sample point whereby the total, combined waste stream, both process and domestic, from a facility is monitored for compliance with local discharge limitations or requirements.

(2) "001" – a sample point whereby a facility's federally regulated process waste stream/streams, immediately after treatment, is/are monitored for compliance with federally imposed discharge limitations or requirements.

(3) "002" – a sample point whereby all process waste streams (non-categorical), excluding domestic, from a facility are monitored for compliance with local discharge limitations.

(zz) *Septic Tank Waste:* Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

(aaa) *Severe Property Damage:* Substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(bbb) *Significant Industrial User (SIU):*

(1) A user subject to categorical pretreatment standards; or

(2) A user that:

(i) Discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);

(ii) Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(iii) Is designated as such by the Agency on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

(3) Upon finding that a User meeting the criteria in Subsection (2) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the Agency may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.

(ccc) *Significant Noncompliance:* An industrial user is in significant noncompliance with applicable pretreatment requirements if any violation meets one or more of the following criteria:

(1) Chronic violations of wastewater discharge limits defined here as those in which 66 percent or more of all 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, as defined by 40 CFR 403.3(l).

(2) Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all the measurements taken for the same pollutant parameter during a 6-month period are equal to or exceed the product of the numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease and 1.2 for all other pollutants except pH.)

(3) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (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).

(4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under paragraph (f)(1)(vi)(B) of 40 CFR 403.8 to halt or prevent such a discharge.

(5) Failure to meet, within 90 days after the due date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction or attaining final compliance.

(6) 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.

(7) Failure to accurately report noncompliance.

(8) Any other violation or group of violations, which may include a violation of Best Management Practices (BMPs), that the Agency determines will adversely affect the operation or implementation of the local pretreatment program.

(ddd) *Slug Load or Slug:* Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 2.01 of this ordinance. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, that has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.

(eee) *Stormwater:* The runoff generated when precipitation from rain and snowmelt events flow over land or impervious surfaces without percolating into the ground.

(fff) *The District:* Union Sanitary District.

(ggg) *Total Halogenated Organics (THO):* Total halogenated organic pollutants identified in Table 1, Section 307 of the Clean Water Act which are detectable by EPA approved methods.

(hhh) *Total Organics (TO):* Total organic pollutants as specified by the Agency which are detectable by EPA approved methods.

(iii) *Total Toxic Organics (TTO):* Total organic pollutants including polynuclear aromatic hydrocarbons (PAHs), but excluding pesticides, PCBs, and phenols, which are detectable by EPA approved methods. The TTO value is determined as the summation of all quantifiable values greater than 0.01 milligrams per liter for the regulated toxic organics.

(jjj) *Unpolluted Water:* Water to which no constituent has been added, either intentionally or accidentally, which would render such water unacceptable to the

agency having jurisdiction thereof for disposal to storm or natural drainages or directly to surface waters.

(kkk) *User:* Any person that discharges, causes, or permits the discharge of wastewater into a community sewer.

(lll) *User Classification:* A classification of user based on the latest edition of the Standard Industrial Classification (SIC) Manual prepared by the Executive Office of Management and Budget.

(mmm) *Waste:* Includes sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation of whatever nature, including such waste placed within containers of whatever nature prior to, and for purposes of, disposal.

(nnn) Wastewater*:* Waste and water, whether treated or untreated, discharged into or permitted to enter a community sewer.

(ooo) *Wastewater Constituents and Characteristics:* The individual chemical, physical, bacteriological and radiological parameters, including volume and flow rate and such other parameters that serve to define, classify or measure the contents, quality, quantity, and strength of wastewater.

(ppp) *Wastewater Discharge Permit:* A legal document used as a control mechanism to ensure compliance with regulations that grants revocable permission to discharge wastewater to the sanitary sewer, including the following types of Wastewater Discharge Permit:

Class I Permit	-	Issued to Significant Industrial Users both Categorical and Non-Categorical
Class II Permit	-	Issued to Non-Significant Industrial Users.
Class III Permit	-	Issued to Industrial or Commercial Users determined by the Agency not to fall in the Class I or Class II categories.
General Permit	-	Similar to a Class III permit, issued to Industrial or Commercial User groups that perform similar functions or activities.
Groundwater Permit	-	Issued for the discharge of treated groundwater from contaminated site remediation, excavation groundwater or potable water related projects.

Temporary Permit - Issued for single or short term (less than one year) discharges of wastewater or contaminated ground water.

(qqq) *Waters of the State:* Any water, surface or underground, including saline waters within the boundaries of the state.

1.03 Analytical and Sampling Methodology and Procedures

(a) The method and procedures utilized for all analyses which are reported under the requirements of these regulations shall be as specified by the provisions of 40 CFR Part 136.

(b) The methods and procedures utilized for all sampling performed and/or reported under the requirements of these regulation shall be as specified by the provisions of 40 CFR Part 136.

(c) If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the District or EPA.

(d) Analytical data collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report and is representative of conditions occurring during the reporting period.

Section 2

REGULATIONS

2.01 Sewer Use Requirements

2.01.1 Prohibited Discharges

(a) General Prohibitions: No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical Pretreatment Standards or any other National, State or Local Pretreatment Standards or Requirements.

(b) Specific Prohibitions: No user shall introduce or cause to be introduced into the community sewer system any pollutants, substances, or wastewater which cause,

threaten to cause, or are capable of causing, either alone or by interaction with other substances:

(1) a fire or explosion, including but not limited to discharges with a closed cup flashpoint of less than 140° F (60° C) using the test methods specified in 40CFR261.21;

(2) obstruction of flow in a sewer system or injury of the system or damage to the wastewater collection, treatment, or disposal facilities;

(3) danger to life or safety of personnel;

(4) a nuisance or prevention of the effective maintenance or operation of the sewer system, through having a strong, unpleasant odor;

(5) air pollution by the release of toxic or malodorous gases or malodorous gas-producing substances;

(6) interference with the wastewater treatment process; and/or pass through of any pollutant which causes a violation of the Agency's National Pollutant Discharge Elimination System (NPDES) permit;

(7) the Agency's effluent or any other product of the treatment process, residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process;

(8) a detrimental environmental impact or a nuisance in the waters of the state or a condition unacceptable to any public agency having regulatory jurisdiction over the Agency;

(9) discoloration or any other condition in the quality of the Agency's treatment works effluent in such a manner that receiving water quality requirements established by law cannot be met;

(10) conditions at or near the Agency's treatment works which violate any statute or any rule, regulation, or ordinance of any public agency or state or federal regulatory body;

(11) quantities or rates of flow which overload the Agency's collection or treatment facilities or cause excessive Agency collection or treatment costs, or may use a disproportionate share of the Agency facilities;

(12) the evolution of toxic gases, fumes, or vapors in quantities injurious to the health and safety of Agency personnel;

(13) the temperature at the treatment plant headworks to exceed 104° F (40°C) or temperature which will inhibit biological activity in the treatment plant resulting in Interference;

(14) wastewater having a pH less than 5.0 or greater than 12.0, or otherwise causing corrosive structural damage to the collection system, POTW or equipment;

(15) an exceedance of the permitted Mass Limit Rate established in the Local Limits or discharge permits; or

(16) settlement of materials or obstruction to flow resulting in interference, such as, but not limited to, sand, mud, glass, metal, filings, diatomaceous earth, cat litter, asphalt, wood, bones, hair, fleshings, food packaging, product containers and non-dispersible products.

2.01.2 No person shall discharge the following wastes to the community sewer:

(a) Pollutants, including oxygen-demanding pollutants (for example, COD), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;

(b) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;

(c) Sludges, screenings, or other residues (solid or liquid) from the pretreatment of industrial wastes;

(d) Medical wastes, except as specifically authorized by the Agency;

(e) All prescription and non-prescription (over the counter) pharmaceutical drugs or medications;

(f) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;

(g) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;

(h) Wastewater containing pesticides, dioxins and dioxin-like compounds, and/or polychlorinated biphenyls (PCB) at levels detectable by EPA approved methods;

(i) Hazardous wastes or materials, as defined by California Code of Regulations Title 22 or Subtitles C and D of the Federal Resource Conservation and Recovery Act;

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

2.02 Requirements for Dental Facilities that Remove or Place Amalgam Fillings

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

(1) No person shall rinse chair-side traps, vacuum screens, or amalgam separator equipment in a sink or other connection to the community sewer per 40CFR441.30(b)(1). Such traps, vacuum screens or amalgam separator equipment must be recycled or disposed of in an appropriate manner according to recycler or equipment manufacturer.

(2) Amalgam waste and other hazardous solutions shall be properly collected, packaged, labeled, stored, managed, and disposed.

(3) Dental unit water lines, chair-side traps, and vacuum lines that discharge amalgam process wastewater to a community sewer must not be cleaned with oxidizing or acidic cleaners, including but not limited to bleach, chlorine, iodine and peroxide that have a pH lower than 6 or greater than 8 per 40CFR441.30(b)(2).

(4) Owners and operators of dental facilities shall ensure that all staff members who handle amalgam waste are trained in the proper handling, management and disposal of mercury-containing material and other hazardous solutions and shall maintain training records that will be made available for inspection by an employee of the District during normal business hours.

(5) The use of bulk mercury is prohibited. Only pre-capsulated dental amalgam is allowed.

(b) All owners and operators of dental vacuum suction systems, except as set forth in subsection (c) of this section, shall comply with the following:

(1) Install amalgam separator device compliant with 40CFR441.30 (existing offices) or 40CFR441.40 (new offices). Amalgam separator device must achieve at least a 95 percent removal efficiency. No bypass of separator device or related plumbing shall be allowed.

(2) Per 40CFR441.50, a One-Time Compliance Report must be submitted to the District from existing offices by no later than October 12, 2020, or 90 days after a transfer of ownership. For new offices, a One-Time Compliance Report must be submitted to the District no later than 90 days following the introduction of wastewater into the community sewer.

(3) Amalgam separators shall be installed, operated and maintained in accordance with manufacturer recommendations per 40CFR441.30 (existing offices) or 40CFR441.40 (new offices).

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

- Documentation of the date, person(s) conducting the inspection, and results of each inspection of the amalgam separator(s) and a summary of follow-up actions, if needed.

- Documentation of amalgam retaining container replacement (including installation date, as applicable).

- Documentation of all dates that collected dental amalgam is picked up or shipped for proper disposal in accordance with 40 CFR 261.5(g)(3), and the name of the permitted or licensed treatment, storage or disposal facility receiving the amalgam waste.

- Documentation of any repair or replacement of an amalgam separator, including the date, person(s) making the repair or replacement, and a description of the repair or replacement (including make and model).

- Dischargers or an agent or representative of the dental discharger must maintain and make available for inspection in either physical or electronic form the manufacturers operating manual for the current device.

(c) Specialty dental offices where the practice of dentistry consists exclusively of one or more of the following are exempt from this requirement (Section 2.02) per 40CFR441.10(c), provided that the District receives written certification that removal or placement of amalgam fillings does not take place:

- Orthodontics
- Periodontics
- Oral and Maxillofacial Surgery
- Oral and Maxillofacial Radiology
- Oral Pathology or Oral Medicine
- Prosthodontics

2.03 Prohibitions on Storm Drainage and Groundwater

Storm water, groundwater, rainwater, street drainage, subsurface drainage or yard drainage shall not be discharged through direct or indirect connections to a community

sewer unless a permit is issued by the Agency. The Agency may approve the discharge of such water at its discretion and only when no reasonable alternative method of disposal is available.

If the permit is granted for the discharge of such water into a community sewer, the user shall pay the applicable charges and fees and meet such other conditions as required by the Agency. For the purpose of permits and fees, the discharge shall be considered a Class I discharge subject to permit requirements in Section 4 and discharge limitations or prohibitions of Section 2. The Agency retains the right to terminate the discharge at any time for cause. Each discharge permit must be reviewed on an annual basis.

2.04 Acceptance of Groundwater from Remediation Projects

Wastewater generated from the cleanup of spills, leaking underground storage tanks, groundwater remediation, monitoring wells, excavation groundwater, potable water projects or other similar sources shall not be discharged through direct or indirect connections to a community sewer unless a discharge permit is issued by the Agency. The Agency may approve the discharge of such water at its discretion only when no reasonable alternative method of disposal is available.

If a discharge permit is granted for the discharge of such water into the community sewer, the user shall pay the applicable charges and fees and meet such other conditions as required by the Agency. For the purpose of permits and fees, the discharge shall be considered a Class I discharge subject to permit requirements in Section 4 and discharge limitations or prohibitions of Section 2. The Agency retains the right to terminate the discharge at any time for cause. Each discharge permit must be reviewed on an annual basis.

2.05 Prohibition on Unpolluted Water

Unpolluted water, including but not limited to cooling water, process water, or blow-down from cooling towers or evaporative coolers, will not be discharged through direct or indirect connection to a community sewer unless a permit is issued by the Agency. The Agency may approve the discharge of such water at its discretion and only when no reasonable alternative method of disposal is available.

If authorization is granted for the discharge of such water into a community sewer, the user shall pay the applicable user charges and fees and shall meet such other requirements and/or conditions as required by the Agency.

2.06 Limitations on Radioactive Wastes

No person shall discharge or cause to be discharged any radioactive waste into a community sewer except:

(a) when a person is authorized to use radioactive materials by the State Department of Health or other governmental agency empowered to regulate the use of radioactive materials; and

(b) when the waste is discharged in strict conformity with the requirements of the United States Nuclear Regulatory Commission, the United States Department of Energy, and/or the California Radiation Control Regulations; and

(c) when the person is in compliance with all rules and regulations of all other applicable regulatory agencies.

2.07 Limitations on the Use of Garbage Grinders

Waste from garbage grinders, food waste liquefiers, aerobic and anaerobic bio-digesters, food composters and similar devices shall not be discharged into the community sewer excepts as approved in writing by the Agency.

Garbage grinders and similar devices shall not be used for grinding plastic, paper products, inert materials, or garden refuse.

2.08 Limitations on Points of Discharge

No person shall discharge any substances directly into a manhole or other opening in a community sewer other than through an approved building sewer unless, upon written application by the user and payment of the applicable user charges and fees, the Agency issues a permit for such direct discharges.

2.09 Waste Holding Tanks, Vessels and Containers

No person shall discharge any holding tank or vessel waste into a community sewer unless a wastewater discharge permit is issued by the Agency. Unless otherwise allowed by the Agency under the terms and conditions of the permit, a separate permit must be secured for each separate discharge. This permit may state the specific location of discharge, the time of day the discharge is to occur, the volume of the discharge and the wastewater constituents and characteristics. If a permit is granted for discharge of such waste into a community sewer, the user shall pay the applicable charges and fees and shall meet such other conditions as required by the Agency. An exception to the above is that no permit will be required for discharge of domestic wastes from mobile home holding

tanks provided that such discharges are made into an Agency approved facility designed to receive such wastes.

2.10 Limitations on Wastewater Strength

(a) The Manager is authorized to establish Local Limits or Best Management Practices (BMP's) pursuant to 40 CFR 403.5(c).

(b) The following pollutant limits are established to protect against Pass Through and Interference.

(1) The following limits are maximum allowable discharge limits (the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event). Limits for metals are for total recoverable metals.

No person shall discharge wastewater containing in excess of:

Arsenic	0.35	mg/L
Cadmium	0.2	mg/L
Copper	2.0	mg/L
Cyanide	0.65	mg/L
Lead	1.0	mg/L
Mercury	0.01	mg/L
Nickel	1.0	mg/L
Silver	0.5	mg/L
Total Chromium	2.0	mg/L
Zinc	3.0	mg/L
TTO	2.13	mg/L
Formaldehyde	50.0	mg/L
Phenolics	5.0	mg/L

(2) No person shall discharge wastewater:

(A) having a temperature higher than 150° F (65.5° C), or any thermal discharge which as a result of temperature and/or volume causes the influent of the wastewater treatment plant to exceed 104° F (40° C);

(B) containing more than 300 mg/L of oil or grease of animal or vegetable origin, unless specifically approved by the District. The District may approve, on a case by case basis, a modification to the analytical method if the discharger can demonstrate that constituents in their wastewater interfere with the freon extraction, hexane extraction or current EPA approved procedure and have no negative impact on the POTW and/or receiving waters.

(C) containing more than 100 mg/L of oil or grease of mineral or petroleum origin;

(D) having a pH lower than 6.0 or higher than 12.0 units, or otherwise causing corrosive structural damage to the collection system, POTW or equipment, unless specifically approved by the District. Under no circumstances will a pH of less than 5.0 or higher than 12.5 pH units be approved.

(3) The following limits for ammonia are maximum allowable average concentrations. Limits are for total ammonia expressed as nitrogen. Limits are tiered based on average daily flow, which is the arithmetic average of the permitted industrial user's daily flows for the preceding calendar year and is equivalent to the flow rate used in establishing sewer service charges:

Average Daily Flow	**Ammonia Limit**
<10,000 gallons per day (gpd)	225 mg/L as N
10,000 – 25,000 gpd	150 mg/L as N
>25,000 gpd	75 mg/L as N

Compliance determination shall be based on the average of all valid and representative analyses occurring within a 6-month period

For industrial users holding permits issued prior to January 1, 2014, the Manager may issue compliance schedules for ammonia as described in Sections 6.09 and 6.10. In no case may these compliance schedules exceed 5 years. All new permitted industrial users must comply with these limits upon initial discharge.

(4) Additional Limits

Limits for pollutants not listed in this section 2.10 may be established in a wastewater discharge permit based on available treatment technology, existing wastewater conditions in the District's facilities or other factors determined by the Manager. The Manager may also establish wastewater strength limits on the wastewater discharge permits at locations within a premises whenever non-process water many dilute wastewater discharging from side sewers.

(c) National Categorical Standards, found in 40 CFR Chapter I, Subchapter N, Parts 405-471, as may be amended from time to time, are hereby incorporated into these regulations. Effluent limitations promulgated by the Clean Water Act shall apply in any instance where they are more stringent than those in these regulations.

(d) Additional limits specific to the discharge of groundwater or surface water. No person shall discharge groundwater or surface water in excess of:

Total Halogenated Organics (THO)	0.02mg/L
Total Organics	2.0mg/L

2.10.1 Mass Limit Rate Determination

(a) Mass Limit Rates for non-compatible or compatible pollutants that are present or anticipated in the User's wastewater discharge may be set for each User and made an applicable part of each User's wastewater discharge permit. These rates shall be based on Maximum Allowable Local Discharge Limits, Federal Categorical Pretreatment Standards, the User's average daily wastewater discharge for the past three years, the most recent representative data, or other data or factors determined by the Manager

(b) To verify the User's operating data, the User may be required to submit an inventory of all wastewater streams and/or records indicating production rates.

(c) The District may revise limits or Mass Limit Rates previously established in the User's permit at any time, based on current or anticipated operating data of the User or the District the District's ability to meet NPDES limits, or changes in the requirements of regulatory agencies.

(d) The excess use of water to establish artificially high flow rate for the Mass Limit Rate determination is prohibited.

2.11 Prohibition on Slug Discharges

No user shall discharge any pollutant, including oxygen-demanding pollutants, at a flow rate and/or pollutant concentration which causes or threatens to cause interference with the wastewater treatment process. For the purposes of this section, any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards or limitations in Section 2 of this ordinance shall be deemed a slug discharge.

2.12 Prohibition on Use of Dilution

Except where expressly authorized to do so by an applicable pretreatment standard or requirement, no user shall increase the use of process water, or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate pretreatment to achieve compliance with a pretreatment standard, requirement or discharge limitation.

2.13 Prohibition of Bypass

(a) Bypass of pretreatment equipment and/or discharge points is prohibited and the Agency may take enforcement action against any user for bypass unless:

(1) bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(2) there were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and

(3) the industrial user submits the following notices:

(i) If an Industrial User knows in advance of the need for a bypass, it shall submit prior notice to the Agency, if possible at least ten days before the date of the bypass.

(ii) An Industrial User shall submit oral notice of an unanticipated bypass that exceeds applicable Pretreatment Standards to the Agency within 24 hours from the time the Industrial User becomes aware of the bypass. A written submission shall also be provided within 5 days of the time the Industrial User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Agency may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

(b) The Agency may approve an anticipated bypass, after considering its adverse effects, if the Agency determines that it will meet the three conditions specified in part (a) of this section.

2.14 Prohibition of the Discharge of Chemical Solutions and Sludges

No user shall, without prior written approval of the Agency, discharge any unused or waste chemical solutions to the community sewer. For the purposes of this section, such materials include, but are not limited to, concentrated solutions utilized within any commercial or industrial operation, containerized liquids of any description, spoiled or otherwise unusable raw materials of any description, or spoiled or otherwise unusable products of any description.

The Agency may approve the discharge of such wastes at its sole and absolute discretion.

2.15 Prohibition of the Discharge of Petroleum or Mineral Oil Causing Pass-through or Interference

Notwithstanding the provisions of section 2.10(b), no user may discharge petroleum oil, non-biodegradable cutting oil or other products of mineral origin in any amount that causes interference or pass-through.

2.16 Prohibition of the Discharge of Trucked or Hauled Wastes

The discharge of any trucked or otherwise hauled wastes to the sanitary sewer system is prohibited except as the Agency may permit under the provisions of section 2.09.

2.17 Prohibition of the Discharge from Containment Areas

The discharge of waste (solid or liquid), wastewater or chemicals from a chemical storage containment area is prohibited unless expressly authorized by the Agency.

2.18 Prohibition of Unapproved Sanitary Sewer Connections

Unapproved connections to the community sewer are strictly prohibited.
Any building sewers that have not been permitted, inspected, or where capacity and/or current sewer service charges have not been paid, are subject to the conditions of Ordinance 34, Article 2, Section 7, Connection of Building Drains.

Section 3

WASTEWATER VOLUME DETERMINATION

3.01 Application

Section 3 does not apply to "dwelling units" as defined in Agency Ordinance 31.

3.02 Metered Water Supply

User charges and fees shall be applied against the total amount of water used from all sources unless, in the opinion of the Agency, significant portions of water received are

not discharged to a community sewer. The total amount of water used from public and private sources will be determined by means of public meters or private meters, installed and maintained at the expense of the user and approved by the Agency.

(a) Metered Wastewater Volume and Metered Diversions. For users where, in the opinion of the Agency, a significant portion of the water received from any metered source does not flow into a community sewer because of the principal activity of the user or removal by other means, the user charges and fees will be applied against the volume of water discharged from such premises into a community sewer. Written notification and proof of the diversion of water must be provided by the user if the user is to avoid the application of the user charges and fees against the total amount of water used from all sources. The user may install a meter of a type and at a location approved by the Agency and at the user's expense. Such meters may measure either the amount of sewage discharged or the amount water diverted. Such meters shall be tested for accuracy at the expense of the user when deemed necessary by the Manager.

(b) Users With Source Meters. For users who, in the opinion of the Agency, divert a significant portion of their metered water supply from a community sewer, the user charges may be based upon an estimate of the volume to be discharged, provided the user obtains authorization from the agency and pays the applicable user charges and fees. The estimate must include the method and calculations used to determine the wastewater volume and may consider such factors as the number of fixtures, seating capacity, population equivalents, annual production of goods and services, or such other determinations of water use necessary to estimate the wastewater volume discharged.

(c) Users Without Source Meters. The agency may require the installation of water meters; however, for users where, in the opinion of the Agency, it is unnecessary or impractical to install meters, the quantity of wastewater may be based upon an estimate prepared by the Agency. This estimate shall be based upon a rational determination of the wastewater discharged and may consider such factors as the number of fixtures, seating capacity, population equivalent, annual production of goods and services, or such other determinants of water use necessary to estimate the wastewater volume discharged.

Section 4

ADMINISTRATION

4.01 Application

Section 4 does not apply to "dwelling units" as defined in Agency Ordinance 31.

4.02 Discharge Reports

(a) The Agency, or the Authority through the Agency, may require that any person discharging or proposing to discharge wastewater into a community sewer file a periodic discharge report. The discharge report may include, but not be limited to, nature of process, volume, rates of flow, mass emission rate, production quantities, hours of operation, number and classification of employees, or other information which relates to the generation of waste including wastewater constituents and characteristics in the wastewater discharge and sample analysis demonstrating compliance with Section 2. Such reports may also include the chemical constituents and quantity of liquid or gaseous materials stored on site even though they may not normally be discharged.

(b) The agency may prohibit, authorize or condition any discharge into the sanitary sewer in accordance with this ordinance and applicable state and federal regulations, whether or not a Discharge Permit is issued.

(c) Acceptance of any new discharge is contingent on available capacity in the collection system and/or treatment plant, as determined by the District Engineering Division and Operations Department.

4.03 Wastewater Discharge Permits

4.03.1 Class I Permits. All significant industrial users (SIU), as defined in Section 1.02 (bbb), must have a current Class I Wastewater Discharge Permit.

Each new SIU, if not connected to a community sewer, must obtain a Class I Wastewater Discharge Permit before connecting to or discharging into a community sewer.

Any user currently connected to the community sewer who in the future is deemed to be an SIU shall be required to obtain a Class I permit. User will be required to pay all applicable fees as set forth in the Agency's current fee schedule.

4.03.2 Class II Permits. Users who, as determined by the Agency, do not fall within the requirements for a Class I Permit, yet require some sampling and regular monitoring of wastewater discharge, if connected to a community sewer, may be required to obtain a Class II Wastewater Discharge Permit before connecting to or discharging into a community sewer. User will be required to pay all applicable fees as set forth in the Agency's current fee schedule.

4.03.3 Class III Permits. Users who, as determined by the Agency, do not fall within the requirements for a Class I or II permit, yet have a wastewater discharge that the Agency may decide requires oversight due to potential risks associated with said discharge, if connected to a community sewer, may be required to obtain a Class III wastewater

discharge permit before connecting to or discharging into the community sewer. User will be required to pay all applicable fees as set forth in the Agency's current fee schedule. Class III permits may include General permits or any other as determined by the Manager.

4.03.4 Temporary and/or Groundwater Permits. Users who, as determined by the Agency, do not fall within the requirements for a Class I, II, or III permit, yet have a wastewater discharge that the Agency may decide requires oversight due to potential risks associated with said discharge if connected to the community sewer. Temporary permits will be issued for one time, or for a discharge period not to exceed one year. User will be required to pay all applicable fees as set forth in the Agency's current fee schedule.

The Manager may modify wastewater discharge requirements for the following types of facilities:

(a) Industrial Facilities that have a wastewater discharge with no treatment (beyond simple filtration) in place and do not require routine monitoring or inspection.

(b) Commercial Facilities that have a wastewater discharge that may have detectable amounts of one or more priority or conventional pollutants present in their waste stream. The Agency may require some level of treatment at such facilities, however, do not require routine monitoring or inspection. (Examples: dentists, photo processors, printers, and restaurants.)

4.04 Permit Application

Users seeking a Wastewater Discharge Permit shall complete and file with the Manager an application in the form prescribed by the Manager and accompanied by the applicable fees. The applicant may be required to submit, in units and terms appropriate for evaluation, the following information:

(a) name, address, and SIC number of applicant;

(b) volume of wastewater to be discharged;

(c) sampling of wastewater to determine constituents and characteristics including, but not limited to, those listed in Section 2.10 as determined by a laboratory approved by the Agency;

(d) time and duration of discharge;

(e) average and 30-minute peak wastewater flow rates, including daily, monthly, and seasonal variations, if any;

(f) site plans, floor plans, mechanical and plumbing plans, and details to show all sewers and appurtenances by function, size, location, and elevation;

(g) Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;

(h) each product produced by type, amount, and rate of production;

(i) number and type of employees, and hours of work;

(j) description of wastewater treatment system(s), and/or procedures, including system design, piping, layout, hydraulic and pollutant removal capacity, design criteria, calibration and maintenance procedures, alarm systems, sample points, treatment chemicals, excursion response procedures, and any other information necessary to evaluate the adequacy and appropriateness of the treatment system and/or procedures.

(k) management plans, including any or all of the following: solvent management plan, best management practice plan, slug control plan, hazardous materials management plan, emergency/violation response plan, and/or pollution prevention plan.

(l) any other information as may be deemed by the Manager to be necessary to evaluate the permit application.

The Manager will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Manager may issue a Wastewater Discharge Permit subject to terms and conditions provided herein.

4.05 Permit Conditions

Wastewater Discharge Permits shall be expressly subject to all provisions of these regulations and all other regulations, user charges, and fees established by the Agency. The conditions of Wastewater Discharge Permits shall be uniformly enforced by the Manager in accordance with these regulations, and applicable state and federal regulations. Permits may contain the following:

(a) A statement that indicates the duration of the wastewater discharge permit;

(b) A statement that the wastewater discharge permit is nontransferable without prior notification to the Agency in accordance with Section 4.08 of this ordinance;

(c) Effluent Limits, including Best Management Practices (BMPs), based on applicable pretreatment standards;

(d) Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or Best

Management Practices) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.

(e) A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law;

(f) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

(g) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;

(h) The average and maximum wastewater constituent concentrations and characteristics;

(i) Limits on rate and time of discharge or requirements for flow regulations and equalization;

(j) Requirements for installation of inspection and sampling facilities;

(k) Pretreatment requirements;

(l) Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, number, types and standards for tests, reporting schedules, and Best Management Practices;

(m) Requirements for submission of technical reports, self-monitoring reports, or discharge reports, including, but not limited to baseline monitoring reports, compliance schedule progress reports, reports of compliance with categorical pretreatment standard deadlines, periodic reports of continued compliance, or any report required by 40 CFR 403.12, and/or any other reports as required by the Agency;

(n) Requirements for maintaining plant records relating to wastewater discharge as specified by the Agency, and affording Agency access thereto;

(o) Mean and maximum mass emission rates, or other appropriate limits when incompatible pollutants (as defined by section 1.02(ee)) are proposed or presented in the user's wastewater discharge;

(p) Notification requirements;

(q) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;

(r) Development and implementation of pollution prevention plans to reduce the amount of pollutants discharged to the POTW;

(s) Other conditions as deemed appropriate by the Agency to insure compliance with these regulations;

(t) Requirements to control Slug Discharges, if determined by the Agency to be necessary.

4.06 Duration of Permits

Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than one year or may be stated to expire on a specific date. The terms and conditions of the permit may be subject to modification and change by the Agency during the life of the permit. The user shall be informed of any proposed changes in his or her permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

4.07 Modification of Permits

The Agency may modify an individual/general wastewater discharge permit for good cause, including, but not limited to, the following reasons:

(1) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;

(2) To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the individual/general wastewater discharge permit issuance;

(3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

(4) Information indicating that the permitted discharge poses a threat to the Agency's POTW, Agency personnel, the beneficial use of the Agency's bio-solids, or the receiving waters;

(5) Violation of any terms or conditions of the individual/general wastewater discharge permit;

(6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

(7) Revision of or a grant of variance from categorical Pretreatment Standards pursuant to 40 CFR 403.13;

(8) To correct typographical or other errors in the individual/general wastewater discharge permit; or

(9) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 4.08.

4.08 Wastewater Discharge Permit Transfer

Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least thirty (30) days advance notice to the Agency and the Agency approves the wastewater discharge permit transfer. The notice to the Agency must include a written certification by the new owner or operator which:

(a) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;

(b) Identifies the specific date on which the transfer is to occur; and

(c) Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

4.09 Revocation of Permit

Any user who violates the following conditions of the permit or any conditions of these regulations, or applicable state and federal regulations may be subject to permit revocation:

(a) failure of the user to factually report the wastewater constituents and characteristics of his or her discharge;

(b) violations of conditions of the permit.

(c) Failure to notify the Agency of significant changes to the wastewater prior to the changed discharge;

(d) Failure to provide prior notification to the Agency of changed conditions pursuant to Section 4.19 of this ordinance;

(e) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

(f) Falsifying self-monitoring reports;

(g) Tampering with monitoring equipment;

(h) Refusing to allow the Agency personnel timely access to the facility premises and records;

(i) Failure to meet effluent limitations;

(j) Failure to pay fines;

(k) Failure to pay sewer charges,

(l) Failure to meet compliance schedules;

(m) Failure to complete a wastewater survey or the wastewater discharge permit application;

(n) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or

(o) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this ordinance.

4.10 Monitoring Facilities

The Agency may require the user to construct at his or her own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer or internal drainage systems and may also require sampling or metering equipment to be provided, installed, and operated at the user's expense. The monitoring facility should normally be situated on the user's premises; but the Agency may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area with the approval of the public agency having jurisdiction over that street or sidewalk, and located so that it will not be obstructed by landscaping or parked vehicles.

If the monitoring facility is inside the user's fence, there shall be accommodations to allow access for Agency personnel, such as a gate secured with an Agency lock. There shall be ample room in or near such sampling manhole to allow accurate sampling and

compositing of samples for analysis. The manhole, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or oral request of the Manager and shall not be replaced. The costs of clearing such access shall be borne by the user.
Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Agency's requirements and all applicable local agency construction standards and specifications. Construction shall be completed within 90 days following written notification by the Agency unless a time extension is otherwise granted by the Agency.

4.11 Inspection and Sampling

The Agency may inspect the facilities of any user to ascertain whether the purpose of these regulations is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Agency or its representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and copying, or in the performance of any of their duties. The Agency shall have the right to set up on the user's property such devices as are necessary to conduct sampling or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security personnel so that, upon presentation of suitable identification, personnel from the Agency will be permitted to enter without delay for the purposes of performing their specific responsibilities. Agency personnel will not be required to sign release forms prior to entry and may take appropriate photographs as necessary to document compliance and/or non-compliance with the provisions of this ordinance. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or oral request of the Manager and shall not be replaced. The costs of clearing such access shall be borne by the user. Unreasonable delays in allowing the Manager access to the user's premises shall be a violation of this ordinance.

4.12 Search Warrants

If the Manager has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Agency designed to verify compliance with this ordinance or any permit or order issued here under, or to protect the overall public health, safety and welfare of the community, then the Manager may seek issuance of an inspection warrant and/or a search warrant.

4.13 Pretreatment

Users shall make wastewater acceptable under the limitations established herein before discharging to any community sewer. Any facilities required to pretreat wastewater to a level acceptable to the Agency shall be provided and maintained at the user's expense. Detailed plans showing the pretreatment facilities, design criteria and operating procedures shall be submitted to the Agency for review and shall be acceptable to the Agency before construction of the facility. The review of such plans, design criteria, and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Agency under the provisions of these regulations. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Agency.

4.14 Protection from Accidental Discharge

Each user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by these regulations. Such facilities shall be provided and maintained at the user's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Agency for review and shall be acceptable to the Agency before construction of the facility.

The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to provide the protection necessary to meet the requirements of this section.

4.15 Confidential Information

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the Agency's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Manager, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State and/or Federal law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available immediately to the EPA upon request. Such information will also be made available immediately upon request to other governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

4.16 Signature Requirement

(a) All reports and/or permit applications received and/or required under these regulations shall be signed:

(1) By a responsible corporate officer, if the user submitting the reports is a corporation. For the purpose of this paragraph, a responsible corporate officer means:

(i) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or;

(ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) By a general partner or proprietor if the user submitting the reports is a partnership or sole proprietorship, respectively.

(3) By a duly authorized representative of the individual designated in paragraph (1) or (2);

(i) The authorization is made in writing by the individual designated in paragraph (1) or (2);

(ii) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and

(iii) The written authorization is submitted to the Agency.

(4) If an authorization under paragraph (3) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of paragraph (3)

of this section must be submitted to the Agency prior to or together with any reports to be signed by an authorized representative.

(b) Reports and applications must include the following certification statement:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

4.17 Retention of Records

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Section 2.10(a), including but not limited to discharge reports, permits, self-monitoring data, pretreatment system process control logs, and relevant correspondence (whether or not required by these regulations). All records must be maintained by the user for a period of not less than three (3) years. All such records shall be made available for inspection and copying by a duly authorized representative of the Agency or any other governmental entity having jurisdiction. The retention period may be extended in the case of unresolved litigation or at any time at the request of the Agency, the State or US EPA.

4.18 Notices to Employees

In order that employees of users be informed of Agency requirements, users shall make available to their employees copies of these regulations together with such other wastewater information and notices which may be furnished by the Agency from time to time directed toward more effective water pollution control. A notice shall be furnished and permanently posted on the user's bulletin board advising employees whom to call in case of an accidental discharge in violation of these regulations.

4.19 Preventive Measures

Any direct or indirect connection or entry point for persistent or deleterious wastes to the user's plumbing or drainage system should be eliminated. Where such action is

impractical or unreasonable, the user shall appropriately label such entry points to warn against discharge of such wastes in violation of these regulations.

4.20 Notification of Changed Conditions

Each user must notify the Agency of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater discharge prior to implementation of said change.

(a) The Manager may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 4.04 of this ordinance.

(b) The Manager may issue a wastewater discharge permit under Section 4.03 of this ordinance or modify an existing wastewater discharge permit under Section 4.06 of this ordinance in response to changed conditions or anticipated changed conditions.

(c) For purposes of this requirement, significant changes include, but are not limited to, significant flow increases or decreases (greater than 25%), modification of any pretreatment system, bypass of any portion of the pretreatment system, installation or removal of process tanks or equipment, discharge of any previously unreported pollutants, and the closure of a facility due to purchase by another party, relocation, changed business conditions, or other factor affecting the continued operation of the facility.

4.21 Notification of Hazardous Waste Discharge

(a) All industrial users discharging any substance which, if otherwise disposed of, would be a hazardous or acutely hazardous waste under 40 CFR 261, must comply with the reporting requirements of 40 CFR 403.12(p)(1) and (3) unless exempted under the provisions of 40 CFR 403.12(p)(2).

(b) In the case of any notification made under section (a) above, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical. The Agency may accept a copy of a hazardous waste reduction or minimization plan as otherwise required by law.

(c) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable Federal or State law.

4.22 Special Agreements

Special agreements and arrangements between the Agency and any persons or agencies may be established when, in the opinion of the Agency, unusual or extraordinary circumstances compel special terms and conditions. Under no circumstances, however, will any special agreement or arrangement be established which contravenes any federal pretreatment regulation, categorical pretreatment standard, or any other provision of state or federal law.

4.23 Immediate Notification of Slug Loadings to the POTW

All SIU's shall notify the Manager immediately of any slug loading, as defined by 40 CFR 403.5(b), or any other discharge that could adversely affect the POTW.

4.24 Industrial User Self-Monitoring Requirements

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

(a) Except as indicated in Sections (b) or (c) below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the District. Where time-proportional composite sampling or grab sampling is authorized by the District, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides, the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by District, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

(b) Samples for oil and grease, temperature, pH, cyanide, phenolics, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

(c) For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 4.25(c) below [40 CFR 403.12(b) and (d)], A minimum of four (4) grab samples must be used for pH, cyanide, phenolics, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the District may

authorize a lower minimum. For the reports required by (40 CFR 403.12(e) and 403.12(h), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

(d) If a user subject to reporting requirement monitors any regulated pollutant at a designated sampling location more frequently than required, the results of this monitoring shall be reported.

(e) The Manager may specify the type of sampling equipment that must be installed and used. pH monitoring and Flow monitoring equipment installed at an industrial user's sampling location shall be calibrated at the frequency specified in the industrial user's wastewater discharge permit or at the frequency recommended by the manufacturer.

(f) If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed using validated analytical methods or any other applicable sampling and analytical procedures suggested by the Manager or other parties approved by the EPA. Samples shall be analyzed at the discharges expense, by a laboratory accredited by the State of California Department of Public Health for such analysis.

(g) The Manager may require self-monitoring for facilities for which a wastewater discharge permit has not been issued.

4.25 Submission of Reports

The Agency has authority to require all Significant Industrial Users and any other designated dischargers to submit reports and schedules within a time-frame directed by the Agency. Required reports and schedules, include, but are not limited to, the following:

(a) Wastewater Discharge Surveys

(b) Chemical Use Reports

(c) Baseline Monitoring Reports (BMR) and 90-Day Monitoring Reports containing information as required under 40 CFR 403.12(b) and (d):

(1) Within (i)180 days after the effective date of a categorical standard in the case of an existing industrial user, or 90 days prior to commencement of discharge for a new source, all industrial users subject to categorical Pretreatment Standards must submit a Baseline Report; and (ii) 90-Days after commencement of discharge for a new source, all industrial users subject to categorical Pretreatment Standards must submit a 90-Day report. All Baseline Reports and 90-Day Report must contain the following information:

(A) The name and address of the facility including the name of the operator and owners;

(B) A list of any environmental control permits held by or for the facility;

(C) A brief description of the nature, average rate of production, and Standard Industrial Classification of the operation(s) carried out by such Industrial User. This description should include a schematic process diagram which indicates points of Discharge to the POTW from the regulated processes.

(D) The measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:

(i) Regulated process streams; and

(ii) Other streams as necessary to allow use of the combined wastestream formula. The Control Authority may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

(E) The Pretreatment Standards applicable to each regulated process, and the results of sampling and analysis identifying the nature and concentration (or mass, where required by the Standard or Control Authority) of regulated pollutants in the Discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations;

(F) A statement, reviewed by an authorized representative of the Industrial User and certified to by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O and M) and/or additional pretreatment is required for the Industrial User to meet the Pretreatment Standards and Requirements; and

(G) If additional pretreatment and/or O and M will be required to meet the Pretreatment Standards; the shortest schedule by which the Industrial User will provide such additional pretreatment and/or O and M. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard.

New sources must give estimates of information requested in paragraphs (D) and (E) and must include information on the method of pretreatment that will be used to meet applicable pretreatment standards.

(d) Compliance Schedule Progress Reports

(e) Periodic Self-Monitoring Reports

(f) Periodic Report of Continued Compliance (PRCC) containing information as required under 40 CFR 403.12(e) and (h)
All Significant Industrial Users must, at a frequency determined by the Manager, submit no less than twice per year (June and December [or on dates specified by Manager]) reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Manager or the Pretreatment Standard necessary to determine the compliance status of the User.

All periodic compliance reports must be signed and certified in accordance with Section 4.16 of this ordinance.

All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.

If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Agency, using the procedures prescribed in 40 CFR 403.12(g)(5), the results of this monitoring shall be included in the report.

(g) Hazardous Materials Management Plans

(h) Best Management Practice Plans

(i) Slug Control Plans containing information as required under 40 CFR 403.8(f)(2) (vi).

(j) Source Reduction Evaluation Review and Plans (SB14) and other pollution prevention plans

(k) SARA III Reports

(l) Written responses to Notices of Violation

(m) Facility Closure Plans

(n) Any data obtained from self-monitoring performed more frequently than required by the Agency

(o) Solvent Management Plan

(p) Any other reports, written documents, and/or analytical results as deemed necessary by the Agency, to determine a user's compliance status with local, state and federal limits or requirements.

Section 5

WASTEWATER CHARGES AND FEES

5.01 Schedule of Charges and Fees

The agency may adopt ordinances for the collection of charges and fees for, but not limited to, the following purposes:

- Capacity Charges
- Sewer Service Charges
- Annexation Fees
- Construction Permit Fees
- Construction Inspection Fees
- Wastewater Discharge Permit Fees

5.02 Environmental Compliance Charges and Fees

The Agency may adopt reasonable fees for reimbursement of costs of setting up and operating its Environmental Compliance Program including, but not limited to, the following:

(a) Fees for wastewater discharge permit applications including the cost of processing such applications;

(b) Fees for monitoring, inspection, and surveillance procedures including the cost of sample collection and analyzing a user's discharge, reviewing monitoring reports submitted by users, and conducting inspections of the user's facilities;

(c) Fees for reviewing and responding to discharge violations, accidental discharges and spills, and related enforcement activities.

(d) Fees for filing appeals; and

(e) Other fees as the Agency may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines, and penalties chargeable by the Agency.

Section 6

ENFORCEMENT

6.01 Notification of Discharge

Users shall notify the Agency immediately upon accidentally discharging wastes in violation of these regulations and/or discharging any slug loading to enable countermeasures to be taken by the Agency to minimize damage to the community sewer, treatment facility, treatment processes, and the receiving waters.

This notification shall be followed, within five days of the date of occurrence, by a detailed written statement describing the causes of the accidental discharge and the measures being taken to prevent future occurrence.

Such notification will not relieve users of liability for any expense, loss, or damage to the sewer system, treatment plant, or treatment process, or for any fines imposed on the Agency on account thereof under section 13350 of the California Water Code, or for violations of section 5650 of the California Fish and Game Code.

6.02 Notification of Violation

When the Manager finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued here under, or any other pretreatment standard or requirement, the Manager may serve upon that user a written Notice of Violation. Within 15 days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Manager. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Manager to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

6.03 Consent Orders

The Manager may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and affect as the administrative orders issued pursuant to Sections 6.05 and 6.06 of this ordinance and shall be judicially enforceable.

6.04 Show Cause Hearing

The Manager may order a user which has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued here under, or any other pretreatment standard or requirement, to appear before the Manager 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). 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.

6.05 Administrative Orders

When the Manager finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued here under, or any other pretreatment standard or requirement, the Manager may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Administrative orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. An administrative order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does an administrative order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

6.06 Issuance of Cease and Desist Orders

When the Agency finds that a discharge of wastewater has taken place in violation of prohibitions or limitations of these regulations, or the provisions of a Wastewater Discharge Permit, the Manager may issue an order to cease and desist, and direct that those not complying with such prohibitions, limits, requirements, or provisions:

(a) comply forthwith;

(b) comply in accordance with a time schedule set forth by the Agency; or

(c) take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

6.07 Legal Authority to Administer Fines

In accordance with Section 54739 of the California Government Code, the agency may require any of the following:

(a) Pretreatment of any industrial waste which the local agency determines is necessary in order to meet standards established by the federal or California state government or other regulatory agencies or which the local agency determines is necessary in order to protect its treatment works or the proper and efficient operation thereof or the health or safety of its employees or the environment.

(b) The prevention of the entry of such industrial waste into the collection system and treatment works.

(c) The payment of excess costs to the system for supplementary treatment plants, facilities, or operations needed as a result of allowing the entry into the collection system and treatment works of such industrial waste.

(d) The provisions of this section shall be in addition to other requirements provided for in this or any other Agency ordinance.

6.08 Administrative Procedures and Penalties

(a) The agency may issue an administrative complaint to any person who violates any requirement adopted or ordered by the agency pursuant to paragraph (a) and (b) of Section 6.07. The administrative complaint shall allege the act or failure to act that constitutes the violation of the agency's requirements, the provisions of law authorizing civil liability to be imposed, and the proposed civil penalty.

(b) The administrative complaint shall be served by personal delivery or certified mail on the person subject to the agency's discharge requirements and shall inform the person served that a hearing shall be conducted within 60 days after the person has been served. In event no request for hearing is filed within 50 days after the service of the administrative complaint, the right to a hearing will be deemed waived. The hearing shall be before a hearing officer designated by the governing board of the agency. The person who has been issued an administrative complaint may waive the right to a hearing, in which case the agency shall not conduct a hearing. A person dissatisfied with the decision of the hearing officer may appeal to the governing board of the agency within 30 days of notice of the hearing officer's decision.

(c) If after any default in requesting a hearing, the holding of the hearing, or the conclusion of an appeal, it is found that the person has violated reporting or discharge requirements, the hearing officer or board may assess a civil penalty against that person in determining the amount of the civil penalty, the hearing officer or board may take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the economic benefit derived

through any noncompliance, the nature and persistence of the violation, the length of time over which the violation occurs and corrective action, if any, attempted or taken by the discharger.

(d) Civil Penalties. In accordance with Section 54740.5 of the California Government Code, Civil penalties may be imposed by the agency as follows:

(1) In an amount which shall not exceed two thousand dollars ($2,000) for each day for failing or refusing to furnish technical or monitoring reports.

(2) In an amount which shall not exceed three thousand dollars ($3,000) for each day for failing or refusing to timely comply with any compliance schedule established by the local agency.

(3) In an amount which shall not exceed five thousand dollars ($5,000) per violation for each day for discharges in violation of any waste discharge limitation, permit condition, or requirement issued, reissued, or adopted by the local agency.

(4) In an amount which does not exceed ten dollars ($10) per gallon for discharges in violation of any suspension, cease and desist order or other orders, or prohibition issued, reissued, or adopted by the agency.

(5) The amount of any civil penalties imposed under this section which have remained delinquent for a period of 60 days after finality of the decision, can become a lien against the real property of the discharger from which the discharge originated resulting in the imposition of the civil penalty. In accordance with the procedures specified in Health & Safety Code Section 5473 et seq., the Board of Directors can have the lien imposed against the real property to be assessed on the tax roll, to be collected at the same time and in the same manner, together with and not separately from, general taxes, and shall be delinquent at the same time and thereafter be subject to the same delinquency penalties.

(6) In addition, in the event that the penalty is imposed as a court judgment in the same manner as in an arbitration award, the judgment thereon shall be renewable in accordance with the provisions of California Code of Civil Procedures Sections 683.110 through 683.220.

(7) Any legal action, including arbitration, shall allow attorneys' fees and costs to the prevailing party.

(e) Administrative Penalties

Administrative penalties shall be imposed for all violations of Union Sanitary District Pretreatment Ordinance No. 36 for which a Notice of Violation would be issued. The violations are categorized as discharge or non-discharge violations.

(1) Non-discharge Violations

Non-discharge violations shall be considered any violation of a reporting requirement, timeline, schedule or any other violation of Ordinance 36. A warning letter will be issued to the permittee informing them of an impending Notice of Violation and imposition of a six hundred dollar ($600) penalty for any future violations.

(2) Discharge Violation

A Discharge Violation is specifically related to a discharge event or release. The penalty for an actual discharge violation shall be one thousand four hundred dollars ($1400) for every incident or event.

These penalties are not exclusive and failure to comply could result in the District taking additional enforcement actions up to and including civil penalties and abatement.

(f) All moneys collected under this section shall be deposited in a special account of the agency and shall be made available for inspector training, environmental program enhancement, the monitoring, treatment, and control of discharges into the Agency's sanitary sewer system or for other mitigation measures.

(g) Unless appealed, orders setting administrative civil penalties shall become effective and final upon issuance thereof, and payment shall be made within 30 days. Copies of these orders shall be served by personal service or by certified mail upon the party served with the administrative complaint and upon other persons who appeared at the hearing and requested a copy.

(h) The Agency may, at its option, elect to petition the superior court to confirm any order establishing civil penalties and enter judgment in conformity therewith as though it were an arbitration award, in accordance with the provisions of California Code of Civil Procedure, Sections 1285 through 1287.6.

(i) No penalties shall be recoverable under this section for any violation for which civil liability is recovered under Section 7.06 of this ordinance.

(j) Any party aggrieved by a final order issued by the governing board of the agency under this Section, after granting review of the order of a hearing officer, may obtain review of the order of the board in the superior court by filing in the court a petition for writ of mandate within 30 days following the service of a copy of a decision and order issued by the board. Any party aggrieved by a final order of a hearing officer issued under this Section, for which the board denies review, may obtain review of the order of the hearing officer in the superior court by filing in the court a petition for

writ of mandate within 30 days following service of a copy of a decision and order denying review by the board.

(k) If no aggrieved party petitions for writ of mandate within the time provided by this section, an order of the board or a hearing officer shall not be subject to review by any court or agency, except that the board may grant review on its own motion of an order issued under this Section after the expiration of the time limits set by that section.

(l) The evidence before the court shall consist of the record before the board, including the hearing officer's record, and any other relevant evidence which, in the judgment of the court, should be considered to effectuate and implement policies of this division. In every such case, the court shall exercise its independent judgment on the evidence.

(m) Except as otherwise provided in this section, subdivisions (e) and (f) of Section 1094.5 of the California Government Code or the Code or Civil Procedure shall govern proceedings pursuant to this section.

6.09 Submission of Compliance Time Schedule

When the Agency finds that a discharge of wastewater has been taking place in violation of prohibitions or limitations prescribed in these regulations, or wastewater source control requirements, effluent limitations or pretreatment standards, or the provisions of a Wastewater Discharge Permit or at any time the Agency determines a time schedule to be necessary to comply with the requirements of Section 4.13, the Agency may require the user to submit for approval, with such modifications as it deems necessary, a detailed time schedule of specific actions which the user shall take in order to prevent or correct a violation of the requirements.

6.10 Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 6.09 of this ordinance:

(a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

(b) No increment referred to above shall exceed nine (9) months;

(c) The user shall submit a progress report to the Manager as specified but no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and

(d) In no event shall more than nine (9) months elapse between such progress reports to the Manager.

6.11 Appeals

Any user, permit applicant, or permit holder affected by any decision, action, or determination, including cease and desist orders made by the Manager or another employee of the Agency in interpreting or implementing the provisions of this ordinance or in any permit issued herein, may file with the Manager a written appeal or request for reconsideration, as applicable, within ten days of such decision, action, or determination, setting forth in detail the facts supporting the appeal or request for reconsideration.

If the ruling made by the Manager is unsatisfactory to the person appealing or requesting reconsideration, he or she may file a written appeal to the Agency's governing body within ten days after notification of Agency action. The written appeal shall be heard by the governing body within 30 days from the date of filing or as soon thereafter as reasonably possible. The Agency's governing body shall make a final ruling on the appeal within 30 days of the meeting. The Manager's decision, action, or determination shall remain in effect during such period of appeal. The determination of an appeal by the governing body of the Agency shall constitute a final determination of the Agency and shall be subject to judicial review.

6.12 Reports of Potential Problems

(a) In the case of any discharges including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the Agency of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user and any other information the Agency deems appropriate.

(b) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph A, above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

(c) All Users are required to notify the Agency of any changes at their facility affecting the potential for a Slug Discharge.

6.13 Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a user indicates a violation, the user must notify the Agency within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Agency within thirty (30) days after becoming aware of the violation.
Within five (5) days following such discharge, the user shall, unless waived by the Agency, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.

6.14 Reports from Unpermitted Users

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Agency as the Manager may require.

6.15 Public Notification of Dischargers Found to be in Significant Non-Compliance

At an interval of not less than once per year, the Agency will publish the identities of any user(s) which is (are) found to be in significant non-compliance of any national pretreatment standard, discharge limitation or prohibition, or any other requirement of these regulations. The definition of significant non-compliance shall be as specified in Section 1.02 (bbb). The publication shall occur in the newspaper of general circulation that provides meaningful public notice within the service area of the Agency.

Section 7

ABATEMENT

7.01 Public Nuisance

Discharge of wastewater in any manner in violation of these regulations or of any order issued by the Manager as authorized by these regulations, is hereby declared a public nuisance and shall be corrected or abated as directed by the Manager. Any person

creating a public nuisance shall be subject to provisions of Agency codes or ordinances governing such nuisance.

7.02 Recovery of Expenses

In the event a discharge of wastewater occurs from a private sewer lateral that creates or threatens to create a public nuisance that the Agency must abate as directed by the Manager, the Agency may seek recovery of the cost of time and materials to abate said discharge from the property owner as well as interest and attorneys' fees as provided by Health & Safety Code § 5473.10.

7.03 Injunctive Relief

When the Agency finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, a general permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Agency may petition the appropriate Court through the District's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of an individual wastewater discharge permit, general permit, order or other requirement imposed by this ordinance on activities of the User. The Agency may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

7.04 Damage to Facilities

When a discharge of wastes causes an obstruction, damage, or any other impairment to Agency facilities, the Agency may assess a charge against the user for the work required to clean or repair the facility and add such charge to the user's charges and fees.

7.05 Civil Penalties

Any person who violates any provision of these regulations or permit conditions, or who discharges wastewater which causes pollution, or who violates any cease and desist order, prohibition, effluent limitation, national standard of performance, pretreatment or toxicity standard, shall be liable civilly to penalties imposed by the Agency against which the violation occurs as provided for in Section 6.07 of this Ordinance.

7.06 Court Imposed Civil and Criminal Penalties

The Agency may refer any violations of these regulations to the office of the Alameda County District Attorney for civil or criminal prosecution under any applicable statute or provision of law.

In accordance with Section 54740 of the California Government Code:

(a) Any person who violates any requirement adopted or ordered by the Agency pursuant to Section 6.07 of this ordinance may be civilly liable in a sum of not to exceed twenty-five thousand dollars ($25,000) a day for each violation.

(b) The Agency may petition the superior court to impose, assess, and recover the sums provided for in paragraph (a). In determining the amount, the court shall take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the economic benefit derived through any noncompliance, the nature and persistence of the violation, the length of time over which the violation occurs, and corrective action, if any, attempted or taken by the discharger.

(c) Notwithstanding any other provision of law, all civil penalties imposed by the court for any violation of this section shall be distributed to the local agency.

(d) Remedies under this section are in addition to and do not supersede or limit any and all other remedies, civil or criminal, but no liability shall be recoverable under this section for any violation for which liability is recovered under Section 6.07.

(e) Any person who violates any provision of these regulations, or of a permit or a cease and desist order issued pursuant to these regulations, is guilty of a public offense. The classification of such public offense and the punishment therefore shall be as provided by local, county, state and/or federal law.

7.07 Falsifying Information

Any person who knowingly makes any false statements, representation, record, report, plan, or other document filed with the Agency, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under these regulations, shall be punished in accordance with the Agency codes or ordinances governing such falsifications. The Agency may petition the Superior Court to impose, assess, and recover such sums as may be applicable or in accordance with Sections 7.05 and 7.06 of this ordinance.

7.08 Termination of Service

In order to effect its powers, the Agency may enter upon private property for the purpose of inspection and maintenance of sanitary and waste disposal facilities and may terminate service to property in which a violation of any rule, regulation, or this Ordinance is found to exist.
Prior to termination of service, however, the Agency Board shall notify, in writing, the owner and tenant, if any, of such property that service is intended to be so terminated and conduct a hearing thereon as herein provided. Such notice shall be mailed to the owner at the address shown on the records of the Assessor of the County, or as known to the Clerk, and a copy shall be delivered to the tenant or posted conspicuously on the property. The notice shall state the date of proposed termination of service and the reasons therefore and the date the Agency Board shall hold a hearing upon such intended termination. Such hearing shall not be held less than ten days subsequent to the giving of notice as herein required.

7.09 Emergency Suspension of Service

The Manager or designated representative may immediately suspend a 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 cause an imminent or substantial endangerment to the health or welfare of persons. The Manager may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

(a) Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Manager may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Manager may allow the User to recommence its discharge only when the User has demonstrated to the satisfaction of the Manager that the period of endangerment has passed, unless the termination proceedings in Section 7.10 of this ordinance are initiated against the User.

(b) A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Manager prior to the date of any show cause or termination hearing under sections 6.04 or 7.08 of this ordinance. Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

7.10 Immediate Termination of Discharge

The manager or designated representative has the authority to immediately and effectively halt or prevent any actual or threatened discharge of pollutants to the Agency's facilities which:

- present, or may present, an imminent or substantial endangerment to the health or welfare of persons, to the environment or to the Agency's facilities;
- cause interferences with the operation of the Agency's facilities or the POTW;
- cause conditions (a) through (n) of Section 2.01.1 of this Ordinance;
- are prohibited by Section 2.01.2 of this Ordinance;
- are violations of individual wastewater discharge permit or general permit conditions;
- are a failure to accurately report the wastewater constituents and characteristics of the User's discharge;
- are a failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- are a result of refusal to reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

7.11 Nonexclusive Remedies

The remedies provided for in this ordinance are not exclusive except as specified in Section 7.06(d). The Manager may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the Agency's Enforcement Response Plan. However, the Manager may take other action against any user when the circumstances warrant. Further, the Manager is empowered to take more than one enforcement action against any noncompliant user.

Section 8

SEVERABILITY

If any provision of these regulations or the application to any person or circumstances is held invalid, the remainder of the regulations or the application of such provisions to other persons or other circumstances shall not be affected.

Section 9

Union Sanitary District Ordinance No. 36 and all its amendments are hereby repealed.

Section 10

PUBLICATION AND MINUTE ENTRY

This Ordinance shall take effect and be in force as of September 12, 2019, and a summary of the Ordinance has been published in The Argus and Tri-City Voice, newspapers of general circulation published in the UNION SANITARY DISTRICT service area. This Ordinance shall be entered in the minutes of the District.

Passed and adopted by the Board of Directors of UNION SANITARY DISTRICT on this 12th day of August 2019, by the following vote:

AYES: Fernandez, Handley, Kite, Lathi, Toy

NOES: None

ABSENT: None

ABSTAIN: None

JENNIFER TOY
President, Board of Directors
UNION SANITARY DISTRICT

ATTEST:

PAT KITE
Secretary, Board of Directors
UNION SANITARY DISTRICT

SUPPLEMENT

This Wastewater Discharge Regulations Supplement includes selected Code of Federal Regulations parts (listed as 40 CFR) referred to in the main section of this ordinance for convenience only. Other 40 CFR parts, which are too lengthy to include in their entirety, are summarized. More information relating to these Federal Regulation references is available in the Union Sanitary District's Environmental Compliance Division Office and the text of the regulations is available online at https://www.epa.gov/laws-regulations/regulations.

Federal Regulations are updated from time to time. This document contains current regulations as of April 2019. However, it is the responsibility of the user to ensure compliance with federal regulations, including any future amendments.

40 CFR Part 2.302(2): Definition of Effluent Data

"(i) Effluent data means, with reference to any source of discharge of any pollutant (as that term is defined in section 502(6) of the Act, 33 U.S.C. 1362 (6)):

(A) Information necessary to determine the identity, amount, frequency, concentration, temperature or other characteristics (to the extent related to water quality) of any pollutant which has been discharged by the source (or of any pollutant resulting from any discharge from the source), or any combination of the foregoing;

(B) Information necessary to determine the identity, amount, frequency, concentration, temperature or other characteristics (to the extent related to water quality) of the pollutants which, under an applicable standard or limitation, the source was authorized to discharge (including, to the extent necessary for such purpose, a description of the manner or rate of operation of the source); and

(C) A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation or operation constituting the source).

(ii) Notwithstanding paragraph (a)(2)(i) of this section, the following information shall be considered to be effluent data only to the extent necessary to allow EPA to disclose publicly that a source is (or is not) in compliance with an applicable standard or limitation, or to allow EPA to demonstrate the feasibility, practicability, or attainability (or lack thereof) of an existing or proposed standard or limitation:

(A) Information concerning research, or the results of research, on any product, method, device, or installation (or any component thereof) which was produced, developed, installed, and used only for research purposes; and

(B) Information concerning any product, method, device, or installation (or any component thereof) designed and intended to be marketed or used commercially but not yet so marketed or used."

40 CFR Part 136:Guidelines Establishing Test Procedures for the Analysis of Pollutants

(Summary) This part describes test procedures for performing analyses of wastewater constituents. Part 136 identifies test procedures and specifies application of and approval of alternate test procedures.

40 CFR Part 261: Environmental Protection Agency Regulations for Identification and Listing of Hazardous Waste

(Summary) This part includes criteria for identifying the characteristics of hazardous waste, as well as characteristics of hazardous waste and lists of hazardous wastes.

40 CFR Part 403.5: National Pretreatment Standards: Prohibited Discharges

(Summary) This part is commonly referred to as the General Pretreatment Regulations and includes discharge prohibitions and the requirement for development of local limits by the POTW.

403.5 National Pretreatment Standards: Prohibited Discharges

(a) (1) *General prohibitions.* A User may not introduce into a POTW any pollutant(s) which cause Pass Through or Interference. These general prohibitions and the specific prohibitions in paragraph (b) of this section apply to each User introducing pollutants into a POTW whether or not the User is subject to other National Pretreatment Standards or any national, State or local Pretreatment Requirements.

(2) *Affirmative Defenses:* A User shall have an affirmative defense in any action brought against it alleging a violation of the general prohibitions established in paragraph (a)(1) of this section and the specific prohibitions in paragraphs (b)(3), (b)(4), (b)(5), (b)(6) and (b)(7) of this section where the Users can demonstrate that:

(i) It did not know or have reason to know that its Discharge, alone or in conjunction with a discharge or discharges from other sources, would cause Pass Through or Interference; and

(ii) (A) A local limit designed to prevent Pass Through and/or Interference, as the case may be, was developed in accordance with paragraph (c) of this section for each pollutant in the User's Discharge that caused Pass Through or Interference, and the User was in compliance with each such local limit directly prior to and during the Pass Through or Interference; or

(B) If a local limit designed to prevent Pass Through and/or Interference, as the case may be, has not been developed in accordance with paragraph (c) of this section for the pollutant(s) that caused the Pass Through or Interference, the User's Discharge directly prior to and during the Pass Through or Interference did not change substantially in nature or constituents from the User's prior discharge activity when the POTW was regularly in compliance with the POTW's NPDES permit requirements and, in the case of Interference, applicable requirements-for sewage sludge use or disposal.

(b) *Specific prohibitions.* In addition, the following pollutants shall not be introduced into a POTW:

(1) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a close cup flashpoint of less than 140°F or 60°C using the test methods specified in 40 CFR 261.21.

(2) Pollutants which will cause corrosive structural damage to the POTW, but in no case Discharges with pH lower than 5.0, unless the works is specifically designed to accommodate such Discharges;

(3) Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in Interference;

(4) Any pollutant, including oxygen demanding pollutants (BOD, COD) released in a Discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW.

(5) Heat in amounts which will inhibit biological activity in the POTW resulting in Interference, but in no case heat in such quantities that the temperature at the POTW Treatment Plant exceeds 40°C (104°F) unless the Approval Authority, upon request of the POTW, approves alternate temperature limits.

(6) Petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin in amounts that will cause Interference or Pass Through;

(7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

(8) Any trucked or hauled pollutants, except at discharge points designated by the POTW.

(c) *When specific limits must be developed by POTW. (1)* Each POTW developing a POTW Pretreatment Program pursuant to section 403.8 shall develop and enforce specific limits to implement the prohibitions listed in paragraphs (a)(1) and (b) of this section.

(1) Each POTW with an approved pretreatment program shall continue to develop these limits as necessary and effectively enforce such limits.

(2) All other POTW's shall, in cases where pollutants contributed by User(s) result in Interference or Pass Through, and such violation is likely to recur, develop and enforce specific effluent limits for Industrial User(s), and all other users, as appropriate, which, together with appropriate changes in the POTW Treatment Plant's facilities or operation, are necessary to ensure renewed and continued compliance with the POTW's NPDES permit or sludge use or disposal practices.

(3) Specific effluent limits shall not be developed and enforced without individual notice to persons or groups who have requested such notice and an opportunity to respond.

(4) POTWs may develop Best Management Practices (BMPs) to implement paragraphs (c)(1) and (c)(2) of this section. Such BMPs shall be considered local limits and Pretreatment Standards for the purposes of this part and section 307(d) of the Act.

(d) *Local limits.* Where specific prohibitions or limits on pollutants or pollutant parameters are developed by a POTW in accordance with paragraph (c) above, such limits shall be deemed Pretreatment Standards for the purposes of section 307(d) of the Act.

(e) *EPA enforcement actions under section 309(f) of the Clean Water Act.* If, within 30 days after notice of an Interference or Pass Through violation has been sent by EPA to the POTW, and to persons or groups who have requested such notice, the POTW fails to commence appropriate enforcement action to correct the violation, EPA may take appropriate enforcement action under the authority provided in section 309(f) of the Clean Water Act.

40 CFR Part 403.8(f)(2)(vi): Slug Control Plans

The District has the authority to evaluate whether each Significant Industrial User needs a plan to control slug discharges. For purposes of these regulations, a slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge.

"If the POTW decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

(A) Description of discharge practices, including non-routine batch discharges;

(B) Description of stored chemicals;

(C) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under 40 CFR 403.5(b), with procedures for follow-up written notification within five days;

(D) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response;"

40 CFR Part 403.12: Reporting Requirements for POTWs and Industrial Users

(Summary) This part contains the monitoring and reporting requirements for baseline monitoring reports and other required reports such as the periodic report of continued compliance. 40 CFR Part 403.12 is crucial to the implementation of and compliance with self-monitoring and reporting requirements. Portions of the regulations are summarized or cited below.

40 CFR Part 403.12(h): Reporting Requirements for Industrial Users Not Subject to Categorical Pretreatment Standards

At least once every 6 months, industrial users not subject to categorical Pretreatment Standards must submit a description of the nature, concentration and flow of the pollutants discharged to the POTW. These reports shall be based on sampling and analysis performed during the reporting period.

40 CFR Part 403.12 (p): Hazardous Waste Discharge Notification

(a) The user shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months. All notifications must take place within one hundred and eighty (180) days of the effective date of this rule. Users who commence discharging after the effective date of this rule shall provide the notification no later than 180 days after the discharge of the listed or characteristic hazardous waste. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under 40 CFR 403.12 (j) (Section 4.20 of this ordinance). The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of 40 CFR 403.12 (b), (d) and (e).

(b) Dischargers are exempt from the requirements of paragraph 1, above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

(c) In case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the Agency, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

(d) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

40 CFR Part 405-471: Categorical Standards and Requirements

(Summary) These parts describe the regulations applicable to categorical discharges. The following types of industries are currently subject to categorical standards:

Aluminum Forming
Asbestos Manufacturing
Battery Manufacturing
Builder's Paper
Carbon Black
Cement Manufacturing
Centralized Waste Treatment
Chemicals-Inorganic
Chemicals-Organic
Chemicals-Gum & Wood
Concentrated Animal Feeding Ops.
Coil Coating
Copper Forming
Dairy Products Processing
Electrical and Electronic Components
Electroplating
Explosives Mfg
Ferroalloy Manufacturing
Fertilizer Manufacturing
Fruit & Vegetable Processing
Glass Manufacturing
Grain Mills Manufacturing
Hospitals
Ink Formulating
Iron and Steel Manufacturing
Landfills
Leather Tanning and Finishing
Meat & Poultry Processing
Metal Finishing
Metal Molding and Casting
Metal products & Machinery
Mining – Coal
Mining – Mineral
Mining – Ore
Nonferrous Metals Forming
Nonferrous Metals Mfg
Oil & Gas Extraction
Paint Formulating
Paving and Roofing (Tars & Asphalt)
Pesticides
Petroleum Refining
Pharmaceuticals
Phosphate Manufacturing
Photographic
Plastics Molding and Forming
Porcelain Enameling
Pulp and Paper
Rubber Processing
Seafood Processing
Soaps and Detergents Mfg
Steam Electric
Sugar Processing
Timber Products Mfg
Transportation
Textile Mills
Waste Combustors

Locally Regulated Toxic Organic Pollutants

Volatiles

- [ ] Acrolein
- [ ] Acrylonitrile
- [ ] Benzene
- [ ] Bromoform
- [ ] Carbon tetrachloride
- [ ] Chlorobenzene
- [ ] Chloroethane
- [ ] 2-chloroethylvinyl ether
- [ ] Chloroform
- [ ] Dibromochloromethane
- [ ] Dichlorobromomethane
- [ ] 1,1-dichloroethane
- [ ] 1,2-dichloroethane
- [ ] 1,1-dichloroethylene
- [ ] 1,2-dichloropropane
- [ ] 1,3-dichloropropylene
- [ ] Ethylbenzene
- [ ] Methyl bromide
- [ ] Methyl chloride
- [ ] Methylene chloride
- [ ] Tetrachloroethylene (PCE)
- [ ] 1,1,2,2-tetrachloroethane
- [ ] 1,1,1-trichloroethane (TCA)
- [ ] 1,1,2-trichloroethane
- [ ] Toluene
- [ ] 1,2-trans-dichloroethylene
- [ ] Trichloroethylene (TCE)
- [ ] Vinyl chloride
- [ ]

Semi-Volatiles

- [ ] Acenaphthene
- [ ] Acenaphthylene
- [ ] Anthracene
- [ ] Benzidine
- [ ] Benzo(a)anthracene
- [ ] Benzo(a)pyrene

Semi-Volatiles (cont'd)

- [ ] Benzo(ghi)perylene
- [ ] Benzo(k)fluoranthene
- [ ] 3,4-benzofluoranthene
- [ ] Bis (2-chloroisopropyl) ether
- [ ] Bis (2-chloroethoxy) methane
- [ ] Bis (2-chloroethyl) ether
- [ ] Bis (2-ethylhexyl) phthalate
- [ ] 4-bromophenyl phenyl ether
- [ ] Butyl benzyl phthalate
- [ ] 2-chloronaphthalene
- [ ] 4-chlorophenyl phenyl ether
- [ ] Chrysene
- [ ] Dibenzo(a,h)anthracene
- [ ] 1,2-dichlorobenzene
- [ ] 1,3-dichlorobenzene
- [ ] 1,4-dichlorobenzene
- [ ] 3,3-dichlorobenzidine
- [ ] Diethyl phthalate
- [ ] Dimethyl phthalate
- [ ] Di-n-butyl phthalate
- [ ] Di-n-octyl phthalate
- [ ] 2,4-dinitrotoluene
- [ ] 2,6-dinitrotoluene
- [ ] 1,2-diphenylhydrazine
- [ ] Fluoranthene
- [ ] Fluorene
- [ ] Hexachlorobenzene
- [ ] Hexachlorobutadiene
- [ ] Hexachlorocyclopentadiene
- [ ] Hexachloroethane
- [ ] Indeno (1,2,3-cd) pyrene
- [ ] Isophorone
- [ ] N-nitrosodi-n-propylamine
- [ ] N-nitrosodimethylamine
- [ ] N-nitrosodiphenylamine
- [ ] Naphthalene

Semi-Volatiles (cont'd)

- [ ] Nitrobenzene
- [ ] Phenanthrene
- [ ] Pyrene
- [ ] 1,2,4-trichlorobenzene