

# PRETREATMENT ORDINANCE

2022-01



## CARMEL AREA WASTEWATER DISTRICT

Board Approved: January 27, 2022  
Effective Date: February 18, 2022

# Exhibit A

# Carmel Area Wastewater District Pretreatment Ordinance 2022-01

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(Adopted 01/27/2022)

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## Section 1

### GENERAL PROVISIONS

#### General Provisions Sub-Sections:

- 1. 1 Purpose and Policy
- 1. 2 Acronyms
- 1. 3 Definitions
- 1. 4 Ministerial Permit Issuance
- 1. 5 Severability
- 1. 6 Conflict
- 1. 7 Repeal

#### Section 1.1 Purpose and Policy

This Ordinance sets forth uniform requirements for direct and indirect discharges into the wastewater system for Carmel Area Wastewater District (District) and enables the District to comply with all applicable State and Federal laws required by the Clean Water Act (33 United States Code [U.S.C.] section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the Code of Federal Regulations [CFR] Part 403).

#### The objectives of this Ordinance are:

1. To comply with the laws of the State of California and of the United States relating to the protection of the environment, control of water pollution, disposal of hazardous wastes, and pretreatment of industrial discharges to publicly owned treatment works (POTW);
2. To prevent the introduction of wastes into the District wastewater system, which will interfere with the operation of the system or contaminate the resulting biosolids;
3. To protect the District's Wastewater System and operating personnel, and to prevent the introduction of wastes into the District Wastewater System which will pass through the system inadequately treated and into receiving waters or the atmosphere or otherwise be incompatible with the system and to prevent introduction of toxic substances to the District Wastewater System which could reach the environment in toxic amounts;
4. To improve the opportunity to recycle and reclaim wastewaters and biosolids from the system and prevent the introduction of waste into the system which may affect the District's ability to dispose of its biosolids or other residuals;
5. To provide the equitable distribution of the costs of the operation, maintenance and improvements of the District Wastewater System;

6. To prevent the introduction of wastes that may be inadequately treated by District facilities and may adversely affect the environment or may cause a violation of the District's National Pollutant Discharge Elimination Systems (NPDES) permit or may contribute to the need for modification of the District's NPDES permit;
7. To prevent a public hazard or public nuisance arising from the collection, treatment, and disposal of wastes through the District system;
8. To prevent the introduction of wastes to sewers connected to the District system that could result in the District being classified as a hazardous waste treatment, storage, or disposal facility under the laws of the State of California or the United States;

This Ordinance provides for the regulation of direct and indirect discharges to the wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assures that existing customer's capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This Ordinance shall apply to the Carmel Area Wastewater District and the persons outside the District who are, by contract or agreement with the District, users of the District Publicly Owned Treatment Works (POTW), except as otherwise provided herein, the General Manager shall administer, implement, and enforce the provisions of this Ordinance.

Administration: Except as otherwise provided herein; the General Manager shall administer, implement and enforce the provisions of this Ordinance. Any duties granted to or imposed upon the General Manager, may be delegated by the General Manager to a duly authorized employee of the District Wastewater System.

## Section 1.2 Acronyms

BMP	Best Management Practices
BOD	Biochemical Oxygen Demand
CAWD	Carmel Area Wastewater District
CERCLA	Comprehensive Environmental Response Compensation & Liability Act
CFR	Code of Federal Regulations
CWA	Clean Water Act
EPA	Environmental Protection Agency
ESCA	Enforcement Compliance Schedule Agreement
FWPCA	Federal Water Pollution Control Act
GM	General Manager
LEL	Lower Explosive Limit
NPDES	National Pollutant Discharge Elimination System
POTW	Publicly Owned Treatment Works
RCRA	Resource Conservation and Recovery Act
SDPC	Slug Discharge Prevention and Contingency Plans
SWDA	Solid Waste Disposal Act
TSCA	Toxic Substances Control Act
TSS	Total Suspended Solids
U.S.C.	United States Code



## Section 1.3 Definitions

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated:

**Act or "the Act"**: The Federal Water Pollution Control Act, known as the Clean Water Act, as amended, 33 U.S.C. section 1251, et. seq.

**Administrative Order** : Enforceable order issued by a public authority, including without limitation the District, under conferred powers, to an individual or an organization to take certain corrective action, or to refrain from an activity.

### **Authorized Representative of Industrial User:**

1. If the User is a corporation:
  - a. The president, secretary, treasurer, or a 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
  - b. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that 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 individual wastewater discharge permit or general permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
2. If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
3. If the User is a Federal, State, or Local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
4. The individuals described in paragraphs 1 through 3, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company and the written authorization is submitted to the District.

**Best Management Practices (BMPs):** Schedules of activities, prohibitions of practices, maintenance or operating procedures, and other management practices to implement prohibitions listed in 40 Code of Federal Regulations Section 403.5(a)(1) and to prevent or reduce the pollution of “waters of the United States.” BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, biosolids or waste disposal, or drainage from raw materials storage. BMPs may be proposed by an Individual User and accepted by the District or, as set forth in this Ordinance, mandated and set by the District.

**Biochemical Oxygen Demand (BOD):** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at twenty degrees centigrade (c) usually expressed in terms of weight and concentration (milligrams per liter, mg/l).

**Bypass:** The intentional diversion of waste streams from any portion of a treatment facility.

**Categorical Pretreatment Standards or Categorical Standards:** Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

**Categorical User or Categorical Industrial User:** An Industrial User subject to a categorical Pretreatment Standard or Categorical Standard.

**Categories:** See Appendix A for pretreatment categories.

**CERLA:** Comprehensive Environmental Response, Compensation & Liability Act (Superfund)

**CFR:** Code of Federal Regulations

**Chemical Oxygen Demand (COD):** The measure of chemically decomposable material in domestic or industrial wastewaters as represented by the oxygen utilized as determined by the appropriate procedure described in the most recent edition of Standard Methods.

**Class I - Industrial User:** Any nondomestic user who requires a significantly greater level of administrative services and/or oversight by the District Source Control Program than a Class II User, based on the unusual character of the wastewater due to its volume, strength, composition, or its derivation from a hazardous waste or substance, or the potential variability in the character of the wastewater, or on the potential for increased administrative cost to the District due to the unusual character of the waste.

**Class II - Industrial User:** Any nondomestic user of the District's wastewater disposal system who:

1. has a discharge flow of twenty-five thousand (25,000) gallons or more per average work day,  
or
2. contributes process wastewater which makes up 5% or more of the District treatment plant's

- average dry weather hydraulic or organic capacity; or
3. has in its wastes hazardous pollutants, or
  4. is subject to national pretreatment standards, or
  5. has in its untreated wastewater pollutants which are in excess of any pretreatment standard or requirement, including any standard identified in this ordinance set by resolution of the District Board, or
  6. may, in the opinion of the District, have a reasonable potential for adversely impacting, either singularly or in combination with other contributing industries, the District's treatment plant or the ability of the District to meet the objectives of this Ordinance or for violating any pretreatment standard or requirement.

**Class III - Industrial User:** A nondomestic user who may, in the opinion of the District, have an impact on the District's ability to meet the objectives of this Ordinance. This impact may be of a lesser degree than for a Class II Industrial User due to the volume, characteristics, or the nature of the process producing the waste. Any non-domestic user who generates hazardous waste, whether or not said waste is, in the normal course of the industrial process, discharged into the sanitary sewer system, may be considered a Class III Industrial User. A nondomestic user may be classified as a Class III Industrial User if any of the hazardous waste is being discharged into the sewer, or if, in the opinion of the District, there is a potential for this waste to be discharged into the sewer, even via accident in non-process or process of handling of the waste.

This classification applies to, but is not limited to, those industrial users who are not designated as Class I or Class II Users and who are required to have a County Hazardous Waste Facility License.

This Class III Industrial User category shall also include industrial users who store or use hazardous materials, whether or not a hazardous waste is produced in the industrial or commercial process. This classification also applies to those industrial users not designated as Class I or Class II Industrial Users who are required by statute or county regulations to have a Hazardous Materials Response Plan and Inventory.

A Class III Industrial User shall also include all varieties of non-domestic users for which the General Pretreatment Regulations promulgated by the EPA under a 40 CFR 403.8(f) (2) (iii) may require the District to provide an Industrial User (IU) Notification regarding the applicability of Resource Conservation Recovery Act (RCRA) requirements. Class III Industrial Users may be individually designated by the District based on the criteria set forth above or on categorization of the user as a member of a particular business category. Examples of business categories which may be included in the Class III Industrial User designation are as follows but not limited to: analytical and clinical laboratories, dry cleaners and laundries, vehicle maintenance and repair facilities, printing and allied industries, photo processors, and pesticide formulators and applicators.

**Class IV Industrial User:** Any non-domestic user who is not included within the definitions and parameters of Class I, Class II, or Class III Industrial Users.

**Collection System:** The District pipelines pump stations, manholes, and other similar facilities which accept, collect, and convey sanitary sewage to the POTW.

**Composite Sample:** A combination of individual samples of water or wastewater taken at preselected intervals to minimize the effect of the variability of the individual sample. Individual subsamples may be of equal volume or may be proportional of the flow at the time of sampling.

**Controlling Authority:** Carmel Area Wastewater District, (CAWD), (District).

**Constituent:** A pollutant parameter that may be subject to monitoring or other control measures by a user.

**Cooling Water:** The water discharged from any use such as air conditioning, cooling, or refrigeration, or to which the only pollutant added is heat.

**Daily Maximum Limit:** The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day.

Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

**Dental Waste:** Any waste product generated by a dental office, surgery, clinic or laboratory including amalgams, resins, saliva and rinse water.

**Discharge or Indirect Discharge:** The introduction of pollutants into a Publicly Owned Treatment Works from any non-domestic source regulated under section 307(b), (c) or (d) of the Act.

**Discharge Limit:** A limit on the amount and or concentration of a pollutant which is discharged to the POTW. This limit is specific for a controlled pollutant. The limit may be expressed as time, or as mass per unit volume or mass of material processed.

**Discharge Prohibition:** Regulatory strategy to control pollutant sources by prohibiting the discharge to the sanitary sewer system rather than establishing numeric discharge limits.

**District:** The Carmel Area Wastewater District. (CAWD)

**District Board:** The Board of Directors of the Carmel Area Wastewater District

**District Facilities:** All of the District's system of collecting, conveying and treatment including, but not limited to, the collection system and treatment plant. This includes any publicly owned facility connected to the District's collection system which generates wastewater treated at the District POTW.

**Domestic Wastewater:** Domestic wastewater shall mean the liquid solid and water-carried waste derived from ordinary living processes of humans of such character as to permit satisfactory disposal, without special treatment, into the public sewer by means of a private conveyance system.

The strength shall be considered to have no more than 300 milligrams per liter (mg/l) BOD and suspended solids.

**Duly Authorized Employee:** A person who is given the authority to stand in the place of another (as deputy, substitute, agent, etc.) At CAWD the duly authorized representative is generally understood to mean the Treatment Plant Superintendent.

**Environmental Protection Agency or EPA:** The U.S. Environmental Protection Agency, or where appropriate, the Regional Water Management Division Director, the term may also be used as a designation for the administrator or other duly authorized official of said agency.

**Existing Source:** Any source which is not a "New Source".

**FOG:** Acronym for fats, oil, and grease

**Food Service Facility:** Any facility involved with the preparation and or sale of food. This includes but is not limited to the following: bars, hotels, schools, nursing homes, restaurants, bakeries, grocery stores, cafeterias and delicatessens.

**General Manager:** The person designated by the District to manage the operation of the POTW within the District and who is charged with certain duties and responsibilities by this Article, or their duly authorized representative.

**Grab Sample:** A sample that is taken from a waste stream at a given place and time. It is only representative of the conditions occurring at the time of sampling. The sample is taken over a period of time not to exceed (15) minutes

**Grease:** All fat, grease, oil, wax or other material determined as such by EPA Method 413.1 or other approved method, of animal, vegetable, petroleum or mineral origin. It is also referred to as FOG, or fats, oil, and grease.

**Hazardous Substance:** As listed in 40 CFR Part 300.6 (1988):

Hazardous Substance, as defined by section 101(14) of CERCLA, means:

Any substance designated pursuant to section 311(b) (2) (A) of the CWA; any element, compound, mixture, solution, or substance designated pursuant to section 102 of CERCLA; any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act (but not including any waste the regulation of which under the Solid Waste Disposal Act has been suspended by an Act of Congress); any toxic pollutant listed under section 307(a) of the Clean Water Act (CWA); any hazardous air pollutant listed under section 112 of the Clean Air Act; and any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to section 7 of the Toxic Substances Control Act.

The term does not include petroleum, including designated as a hazardous substance in the first sentence of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).

**Hazardous Waste:** A hazardous waste as defined in 40 CFR Part 403.

**Holding Tank Waste:** Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

**Industrial User:** Any contributor of industrial waste or wastewater.

**Industrial Waste or Wastewater:** All water-carried wastes and wastewater of the community, excluding domestic wastewater derived from any producing, manufacturing, processing, institutional, commercial, agricultural, or other operation.

Industrial wastewater may also include wastes of human origin similar to domestic wastewater which have been mixed with industrial wastes or wastewater prior to discharge to the District Wastewater System.

**Industrial Wastewater Discharge Permit (PERMIT):** A written authorization or contract issued by the District which allows the discharge to the POTW of industrial wastewater containing regulated wastes controlled by this Ordinance.

**Instantaneous 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.

**Interceptor or Grease Interceptor:** A plumbing appurtenance or appliance that is installed in a sanitary drainage system to intercept non-petroleum fats, oil and grease (FOG) from the wastewater discharge.

**Interference:** An act that harms or disrupts the facilities, processes, or operations of the District; or has an adverse effect on the quality of the effluent, sludge, air emissions, or other residuals generated by the District's facilities; or has an adverse effect on the receiving waters; or is likely to endanger life, health, or property or otherwise cause a nuisance; or results in violation of the District's NPDES permit or other permits; or, in the opinion of the District, otherwise adversely affects the District's ability to meet the objectives of Section 1.1 of this Ordinance.

Interference can include, but not be limited to, a discharge that causes or contributes to a violation of any requirement of the District's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of biosolid use or disposal in compliance with the following statutory provisions and regulations or permits issued there under (or more stringent and non-conflicting State or local regulations, including District's):

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, the Marine Protection, Research and Sanctuaries Act and applicable District regulation.

**Medical Waste:** Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis waste.

**Mobile Service Provider:** A person or business that provides mobile or non-stationary services to commercial or industrial activities within the District's service area that generates wastewater needing to be discharged into a sanitary sewer system. The person or business providing the service may or may not have a base of operation in the District's service area.

**National Categorical Pretreatment Standard or Pretreatment Standard:** Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1317), which applies to a specific category of Industrial User and that appear in 40 CFR, Chapter 1, Subchapter N, Parts 405-471.

**National Prohibitive Discharge Standard or Prohibitive Discharge Standard:** Any regulation developed under the authority of 307(b) of the Act and 40 CFR, Section 403.5.

**National Pollution Discharge Elimination System or NPDES Permit:** A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

**New Industrial User:** A person who has not contributed or caused to be contributed industrial waste or wastewater into District facilities from a given building, structure, facility, or installation. A "new source," as defined below, is included within the meaning of "new industrial user."

**New Source:**

1. 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 307(c) of the Act that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:
  - a. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
  - b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or

- c. 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.
2. Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1) (b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
3. Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:
  - a. Begun, or caused to begin, as part of a continuous onsite construction program
    - any placement, assembly, or installation of facilities or equipment; or
    - significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
  - b. Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

**Non-Significant Categorical User:** An Industrial User that is subject to an established Categorical Pretreatment Standard but that never discharges more than 100 gallons per day (gpd) of categorically regulated process wastewater, and complies with the requirements in 40 CFR 403.3(v)(2) and 40 CFR 403.12(q).

**Notice of Violation:** A document informing the user that it has violated the District Pretreatment Ordinance and appropriate corrective action must be taken.

**Ordinance:** Unless otherwise referenced, Ordinance as used herein means Ordinance No. 2021-03 of the Carmel Area Wastewater District.

**Operator:** One who operates a business

**Owner:** The discharger, user, or permittee

**Pass Through or Passes Through:** A discharge which exits the POTW into waters of California in quantities or concentrations which alone or in conjunction with a discharge or discharges from other sources,



is a cause of a violation of any requirement of the POTW's NPDES permit including an increase in the magnitude or duration of a violation.

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

**pH:** A figure expressing the acidity or alkalinity of a solution.

**Pollutant:** Something that causes pollution, including but not limited to any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage biosolids, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into the POTW.

**Pollution:** An alteration of the quality of the waters of the State by waste to a degree which unreasonably affects (1) such waters for beneficial use or (2) facilities which serve such beneficial uses or which create a hazard to the public health.

**Pretreatment or Treatment:** The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to, or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes other means, except as prohibited by 40 CFR Section 403.6(d) by dilution as a substitute for pretreatment.

**Pretreatment Requirement:** Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an Industrial User.

**Pretreatment Standard:** Any regulation of the District, State, or EPA containing pollutant discharge limits or other procedural or substantive requirements of the User.

**Prohibited Discharge:** Absolute prohibitions against the discharge of certain substances, these prohibitions appear in Section 2.4

**Publicly Owned Treatment Works (POTW):** A treatment works as defined by section 212 of the Act, (33 U.S.C. 1292) which is owned by the District. This definition includes any sewers that convey wastewater to the POTW Treatment Plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this ordinance, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the District who are, by contract or agreement with the District, users of the District's POTW.

**Remodel:** To alter, make over, modify, recast, redo, refashion, remake, change, revamp, revise, rework, regardless of size or scope.

**Representative Sample:** Sample of discharges that are obtained using approved sampling methods, that are representative of the quantity and quality of the discharge, and the conditions occurring during the time the discharge was sampled or measured.

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

**Sewers:**

- **Trunk Sewers** –A public sewer which has been or is being constructed to accommodate the flow from one (1) or more main sewers and is not generally used for side sewer connections. Trunk Sewers are generally twelve (12) inches in diameter or larger.
- **Main Sewer** –A public sewer which has been or is being constructed to accommodate the flow from one (1) or more side sewers. Main Sewers are generally eight (8) or (10) inches in diameter.
- **Side Sewer** – A privately owned and maintained sewer line which connects the sanitary or waste plumbing (building drain) of a house or other building with the main sewer or site collector sewer. The Side Sewer begins at its point of connection (including the connection tap or wye) with the Main Sewer and terminates at its point of connection to the building drain, and is a collective term that includes both the lateral sewer and building sewer.
- The point of connection to the building drain shall be at the point where the plumbing first extends outside the foundation. Side sewers are generally four (4) or six (6) inches in diameter
- **Site Collector Sewer** – A privately owned and maintained sewer line constructed to serve (1) or more side sewers. Site Collector Sewers are generally six (6) or eight (8) inches in diameter.
- **Lateral Sewer** – The privately owned and maintained portion of the side sewer from its connection at the Main Sewer including the connection tap or wye and extending to a point five (5) feet beyond the property or easement line.
- **Building Sewer** – That portion of the Side Sewer from the end of the lateral sewer to the point of connection to the building drain.

**Sewage:** See Wastewater.

**Shall, Will and May:** Shall and will are mandatory; may is permissive.

**Significant Industrial User (SIU):** Any industrial user classified as a Class I or Class II industrial user shall be a Significant Industrial User under the federal pretreatment standards.

**Significant Noncompliance (SNC):** Any violation of pretreatment standards or requirements that, in the opinion of the District, constitutes significant noncompliance.

This shall include, but not be limited to, instances of chronic violations of wastewater discharge limits, slug discharges, violations of compliance schedule milestones, failure to provide compliance data, failure to accurately report noncompliance, and any other violation or group of violations as more particularly set forth in Section 4.13 of this Ordinance.

**Slug Discharge:** A discharge capable of causing adverse impacts to the District, its workers, or the environment, or any pollutant including an oxygen demanding pollutant released in a discharge at a flow rate and/or pollutant concentration which may cause interference with the operation of the District's sewerage system. The discharge will be considered a slug discharge if the flow rate or concentrations or quantities of pollutants exceed for any time period longer than fifteen (15) minutes or more than five (5) times the average twenty-four (24) hour concentration, quantity, or flow during normal operations. A slug discharge is considered to be discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill or a non-customary batch discharge. Batch discharges are intentional, result controllable discharges that occur periodically within an industrial user's process (typically the result of a non-continuous process). Accidental spills are unintentional, largely uncontrolled discharges that may result from leaks or spills of storage containers or manufacturing processes in an area with access to floor drains.

**Slug Load:** Any Pollutant released in a discharge at a flow rate and/or pollutant concentration which will cause interference or upset of the POTW; or, any discrete sample the concentration of which exceeds five times the discharge limit.

**Solid Waste:** Any garbage, refuse, biosolids from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or containing gaseous materials resulting from industrial, commercial, mining, and agricultural operations, and from community activities.

**Source Control Program:** A program that tracks and manages requirements of the Pre-treatment Ordinance as it pertains to commercial and industrial uses within the District.

**Special Discharge Permit:** A permit that authorizes temporary discharges to the District's POTW from sources that are not able to be discharged to a municipality's storm drain system including but not limited to: groundwater remediation system, groundwater monitoring well purge water, construction dewatering, pool discharges, tank test water, temporary discharges of foundation drains or area drains while permanent solutions for pollutants are developed, and water from reservoirs to enable cleaning. The Special Discharge Permit will specify the conditions for acceptance of the Wastewater.

**Standard Industrial Classification (SIC):** A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget.

**State:** State of California.

**Storm Water:** Any flow occurring during or following any form of natural precipitation and resulting therefrom.

**Superintendent:** The person designated by the District to manage the operation of the POTW within the District and who is charged with certain duties and responsibilities by this Article, or their duly authorized representative.

**SWDA:** Solid Waste Disposal Act.

**Total Suspended Solids (TSS):** The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids.

**Toxic Pollutant:** Any Pollutant or combination of pollutants listed in section 307 (a) of the Act.

**Trap:** A cast iron or stainless steel containment device used for trapping substances and to prevent grease, sand, or flammable liquids from entering the sewerage system.

**Treatment Plant:** Any facility owned by the District that is designed to provide treatment to wastewater.

**Upset:** An incident in which there is unintentional and temporary noncompliance with discharge limits because of factors beyond the reasonable control of the User.

**USC:** United States Code.

**User:** Any person who contributes or causes the contribution of wastewater into the District's POTW.

**Warning Notice:** A document informing a user of a condition that is either a minor violation, or if left unabated would become a violation that identifies corrective actions. Failure to correct the conditions identified in a Warning Notice can result in issuance of a Notice of Violation.

**Waste Hauler:** A transporter of any wastewater to the District's POTW for treatment. Examples of wastewater/wastes that may be discharged to the POTW include septic system wastes, portable toilet wastes, oil/grease wastes removed from grease removal devices from food establishments, and any other wastewater/wastes authorized for disposal under a Special Discharge Permit.

**Wastewater:** The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the District's POTW.

**Wastewater Discharge Permit:** As set forth in Section 3.4 of this ordinance.

**Waters of the State:** All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

**Zero Discharge:** A practice of excluding the discharge from entering the sanitary sewer system. Zero discharge can be applied to all process discharges from a user or for specific process discharges.

### **Section 1.4 Ministerial Permit Issuance**

The District Board determined that the issuance of wastewater discharge permits pursuant to the provisions of the is Ordinance is a ministerial act. For the purposes of this document, a ministerial act is defined as one that is performed according to the statutes, legal authority, and established procedures or instructions as per the standards established and set forth in this Pretreatment Ordinance.

### **Section 1.5 Severability**

Severability If any provision, paragraph, word, section or article of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and chapter shall not be affected and shall continue in full force effect.

### **Section 1.6 Conflict**

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

### **Section 1.7 Repeal**

This wastewater Ordinance, as adopted on September 30, 2021, shall supersede all previous regulations and policies of the District governing items covered in this Ordinance

## Section 2

### REGULATIONS

#### Regulations Sub-Sections

- 2.1 Permissible Discharges
- 2.2 General Discharge Prohibition
- 2.3 Prohibited Effects
- 2.4 Specific Prohibited Substances or Characteristics
- 2.5 Prohibited Discharge Location
- 2.6 Documentation of Proper Disposal
- 2.7 National Pretreatment Standards
- 2.8 Additional Pretreatment Measures
- 2.9 Specific Pollutant Limitations
- 2.10 State and Federal Requirements and Standards
- 2.11 District's Right of Revision
- 2.12 Excessive Discharge or Dilution of Discharge
- 2.13 Slug Discharges
- 2.14 Hazardous Waste Discharges
- 2.15 Dental Facilities that remove or replace Amalgam Fillings
- 2.16 Medical and Infectious Wastes
- 2.17 Best Management Practices (BMPs) to Control Discharges

#### 2.1 Permissible Discharges

Wastewater may be discharged into public sewers for collection, treatment, and disposal by the District provided that such wastewater discharge is in compliance with this ordinance and the conditions of any industrial wastewater permit and/or permit contract; and further provided that the user pays all applicable District sewer fees and charges including any penalties or charges assessed under this ordinance. The District has the authority to deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the District by Industrial Users where such contributions do not meet applicable pretreatment standards and requirements or where such contributions would cause interference for the District, or cause the District to violate its NPDES permit, either individually or in combination with other discharges.

## 2.2 General Discharge Prohibition

No user shall contribute or cause to be contributed, any pollutant or wastewater which will pass through the District's facilities or interfere with the operation or performance of the POTW. This prohibition includes any type of pollutant or wastewater as set forth in the prohibition sections of this Ordinance. These general prohibitions apply to all users of the POTW whether or not the user is subject to National pretreatment standards or any other National, State, or District pretreatment standards or requirements.

A user shall have an affirmative defense in any enforcement action brought against it alleging a violation of the general prohibitions, including a violation of the specifically prohibited effects or characteristics, where the user can demonstrate (1) that the user did not know or have reason to know that its discharge, alone or in conjunction with a discharge or discharges from other sources, would result in a violation of this Ordinance, including a prohibited effect or prohibited characteristic; and (2) the user was in compliance with the existing limits for each pollutant in its discharge that resulted in a violation, or if there were no such existing limits, the user's discharge directly before and during the violation did not change substantially from the user's prior discharges which occurred when the District remained in compliance with its NPDES permit and with applicable requirements for sewage biosolids use or disposal.

## 2.3 Prohibited Effects

A user may not discharge, or cause to be discharged, wastewater into the POTW if it contains substances or has characteristics which, either alone or by interaction with other wastewater, cause or threaten to cause:

- Damage to the POTW
- Interference or impairment of operation or maintenance of the POTW
- Obstruction of flow in the POTW
- Hazard to human life
- Interference with treatment plant or disposal processes, including recycling or any reclamation processes
- The POTW effluent or any other product of the POTW such as residues, biosolids, ash or scum, to be unsuitable for reclamation and reuse. In no case shall substances discharged to the POTW cause the plant to be in noncompliance with biosolids use or disposal criteria, guidelines or regulations.
- The POTW to violate its National Pollution Discharge Elimination System (NPDES) permit or the receiving water quality standards.
- Flammable or explosive conditions.
- A noxious or malodorous condition, a public nuisance, a hazard to life, or conditions sufficient to prevent normal entry into the sewers or POTW for maintenance and repair.
- Objectionable coloration or other condition in the quality of the POTW's influent which interferes with or passes through the POTW.

- Conditions which violate any statute, rule, regulation, or ordinance of any public agency, relating to releases of hazardous wastes, hazardous substances, or other pollutants to the environment when such release is to a POTW.
- Any alteration or change of the District's NPDES permit or any additional regulatory supervision, intervention, or oversight of the POTW's operations.
- Any alteration of the POTW plant processes.
- Any significant alteration of the POTW operations, including but not limited to, affecting the ability of the District to procure adequate insurance and/or subjecting the District operations to significantly increase potential liability.

When the General Manager determines that a User(s) is contributing to the POTW, any of the above enumerated substances in such amounts as to Interfere with the operation of the POTW, the General Manager shall: (1) Advise the User(s) of the impact of the discharge on the POTW: and (2) Develop effluent limitations for such User to correct the Interference with the POTW.

The General Manager shall, from time to time, establish quantitative or other limitations applicable to industrial waste discharges when in their judgment it is necessary to protect the District's wastewater system or to be in compliance with State or local law or Federal Regulations. Such limitations shall apply at the industrial wastewater monitoring facility prior to mixing with domestic wastewaters. Wastewater discharges in excess of the limits established by the General Manager or any State law or applicable Federal Pretreatment Standards shall constitute excessive concentrations or quantities prohibited by this Section.

The General Manager shall establish quantitative limitations for users which, because of their location, quantity or quality of discharge, can degrade the quality of wastewater treatment plant effluent or residue to a level that prevents or inhibits efforts to reuse or dispose of the water or residue or in causes any unusual operation or maintenance problems in the sewerage system.

## **2.4 Specific Prohibited Substances or Characteristics**

No User shall discharge or cause to be discharged to a public sewer, which directly or indirectly connects to the District's sewerage systems, the following wastes or wastes in quantities or concentrations in excess of the following restrictions:

1. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the sewerage system, the POTW, or to the operation of the POTW. This includes but is not limited to waste streams with a closed cup flashpoint of less than 140/F or 60/C using the test methods specified in 40 CFR 261.21. At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system or at any point in the system be more than ten percent (10%) nor any single reading over twenty percent (20%) of the Lower Explosive Limit (LEL) of the meter.



Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, solvent, fuel oil, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the District, the State or EPA has notified the User is a fire hazard or a hazard to the system.

2. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the POTW such as, but not limited to: grease, any garbage or waste, other than domestic wastewater, that is not ground sufficiently to pass through a 3/8 inch screen, dead animals, animal viscera or tissues, paunch manure, bones, hair, hides or fleshing, entrails, whole blood, feathers, offal, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, industrial process shavings, diatomaceous earth, grass clippings, rags , spent grains, spent hops, wood, plastics, tar, asphalt residues, mud, or glass grinding wastes or polishing wastes, paper dishes, paper cups, milk containers or other similar paper products whole or ground, flushable wipes, or materials which tend to solidify in the sewer and obstruct wastewater flow.
3. Any Wastewater having a pH less than 6.0, a pH greater than 8.5, or having any other corrosive or detrimental characteristics capable of causing damage or hazard to the sewerage system or to structures, equipment, and or personnel of the District.
4. Any Wastewater containing toxic or poisonous solids, liquids or gas pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere detrimentally with any wastewater treatment process, constitute a hazard to humans, animals, or the environment, create a toxic effect in the receiving waters of the POTW, cause a public nuisance, cause any hazardous condition to occur in the sewerage system, or to exceed the limitation set forth in a Categorical Pretreatment Standard. A Toxic Pollutant shall include but not be limited to any Pollutant identified pursuant to Section 307(a) of the Act.
5. Any Wastewater containing Toxic Pollutants which result in the presence of toxic gases, vapors or fumes within the POTW and or the Collection System in a quantity that may cause acute worker health and safety problems or injury or interference with any Treatment Plant process.
6. Any waste containing excessive quantities or concentrations as defined by the General Manager, of petroleum or mineral based cutting oils, commonly called soluble oil which form persistent water emulsions.
7. Any waste containing excessive quantities or concentrations which result in the clogging or plugging of the Collection System or as pursuant to federal or state law, of dispersed biodegradable oils, fats, and greases, such as lard, tallow or vegetable oil.
8. The following constituents are subject to a discharge prohibition standard in lieu of setting numeric discharge limits.

The presence of these constituents documented through approved analytical methods shall be a violation of this section and be subject to corrective actions by the user to control the discharge of the constituent present.

Wastewater discharge permits may establish discharge prohibition(s) for constituents not included in this section for specific Industrial Users.

- a. Cyanide for unpermitted users
  - b. Dioxin compounds
  - c. Polychlorinated Biphenyls (PCBs)
  - d. Tributyltin (TBT)
  - e. Dieldrin
  - f. 4,4'-DDE
  - g. Perchloroethylene wastes and wastewaters from dry cleaner operations
9. Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
  10. Any substance which may cause the Treatment Plant's effluent or any other product of the POTW as residues, biosolids, or scum, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in non-compliance with biosolids use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting biosolids use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the biosolids management method being used.
  11. Any substance which will cause the POTW to violate its NPDES and or State Disposal System Permit or the receiving water quality standards.
  12. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the District's NPDES permit.
  13. Any Wastewater having a temperature which will inhibit biological activity in the POTW, or which may cause the temperature of the treatment plant influent to exceed 40/C (104/F).
  14. Any wastes with a concentration of chlorine in excess of 10 mg/L
  15. Any waste containing excessive quantities or concentrates of toxic aromatic hydrocarbons, chlorinated hydrocarbon or organic phosphorous type compounds.
  16. Any waste containing substances that may precipitate, solidify, gel, polymerize or become viscous under conditions normally found in the District Wastewater System. As detailed in the District's current NPDES permit (see appendix C)
  17. Any waste containing detergents, surface active agents, or other substances, which may cause foaming in the wastewater system.

18. Any waste containing excessive quantities or concentrations, as pursuant to federal or state law, of cyanide.
19. Any waste containing excessive quantities or concentrations, as pursuant to federal or state law, of undissolved or dissolved solids, total solids and total suspended solids.
20. Any waste containing excessive quantities or concentrations, as pursuant to federal or state law, of BOD, COD, or other oxygen demanding substances.
21. Any waste containing excessive quantities or concentrations, as pursuant to federal or state law, of mercaptans, sulfides, phenols, or any strongly odorous material or material tending to create odors.
22. Any wastes containing dissolved sulfides above a concentration of 0.1 mg/L or wastes which contribute to excessive sulfide production, as pursuant to federal or state law .
23. Any amount of Hazardous Substance in excess of those defined in Title 40, CFR.
24. Any hazardous waste discharged to any portion of the POTW by truck, or dedicated pipe line.
25. Any Pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and or pollutant concentration which a User knows or has reason to know will cause interference to the POTW. In no case shall a slug load have a flow rate or contain concentration or qualities or pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty four (24) hour concentration, quantities, or flow during normal operation.
26. Any Wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits pursuant to federal or state law except in compliance with applicable State or Federal regulations.
27. Any Wastewater which causes a hazard to human life or creates a public nuisance. Any storm water, ground water, rain water, street drainage, subsurface drainage, yard drainage, swimming pool or spa diatomaceous earth filter backwash, unless a Special Discharge Permit is issued by the District. The District may approve such discharge only when no reasonable alternative is available or such water is determined to constitute a pollution hazard if not discharged to a sewer.
28. Any solid wastes from hospitals, clinics, offices of medical doctors, dentists, mortuaries, morgues, long term health care, medical laboratories or other medical facilities to the POTW including, but not limited to:
  - Equipment, instruments, hypodermic needles, syringes and associated articles.
  - Any article that may harbor or transmit pathogenic organisms and that are used in the rooms of patients having suspected or diagnosed communicable disease which by the nature of the disease is required to be isolated.
  - Recognizable portions of the human anatomy.
  - Any and all other items defined by health agencies as being infectious.
29. Any septic tank biosolids unless a Permit is issued by the District.
30. Any holding tank wastes unless a Permit is issued by the District.

31. No user shall dilute and/or cause excessive POTW hydraulic loading problems including but not limited to:
  - Any water added for the purpose of diluting wastes which would otherwise exceed maximum concentration limitations (see table on number 8 above).
  - Any rain water, storm water runoff, groundwater, street drainage, roof drainage, yard drainage, water from yard fountains, ponds, swimming pools, lawn sprays or uncontaminated water except where prior approval for such discharge is given by the General Manager.
32. Any other water source shall not be discharged through direct or indirect connection to the sanitary sewer system unless a permit is issued by the District. As used in this section all other water sources shall include storm water from roofs, yards, foundation or under-drainage, well water, surface water and ground water run-off, which meets all State and Federal requirements for discharge to surface waters of California and the United States. The General Manager may approve the discharge of such water to the sewer system only when no reasonable alternative method of disposal is available. If a permit is granted for the discharge of such water in to the sewer system, the User shall pay the applicable charges and fees and shall meet such other conditions as required by the General Manager.

## **2.5 Prohibited Discharge Location**

No user shall discharge any wastewater directly into a manhole or other opening in, or connecting to, the District sewage system other than through sewer laterals or other sewer connection approved by the District, unless a permit has been obtained for such discharge. A permit will only be issued for such direct discharge in the event the discharge is otherwise in compliance with provisions of this ordinance and no other alternative is reasonably available in the opinion of the District.

## **2.6 Documentation of Proper Disposal**

All industrial users, waste haulers and mobile service providers shall maintain complete and accurate records documenting proper disposal of wastes, hazardous waste, and wastewater that is generated in the District's service area and transported from the original site of generation for disposal. The minimum documentation required shall include:

- The location where the waste, hazardous waste, or wastewater was generated;
- The transporter's name and phone number; and
- Description and volume of the waste, hazardous waste, or wastewater;
- Name, location, and phone number of the facility where the waste, hazardous waste, or wastewater was disposed.

## 2.7 National Pretreatment Standards

The National Categorical Pretreatment Standards, as set forth in 40 CFR Chapter I, Subchapter N, Parts 405-471, are hereby incorporated by this reference into the Pre-Treatment Ordinance for the Carmel Area Wastewater District. The General Manager shall notify all affected users of the applicable reporting requirements under Section 3.5. of the Ordinance.

However, if the standards otherwise imposed under this Ordinance are more stringent than the National Categorical Pretreatment Standards, the more stringent standards shall apply.

## 2.8 Additional Pretreatment Measures

The District may elect additional Pretreatment Measures including but not limited to:

1. Whenever deemed necessary, the General Manager may require Users to restrict their discharge during upset of the POTW, designate that certain wastewater be discharged only into specific sewers, relocate and or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this Ordinance
2. Grease, oil and sand interceptors shall be provided by the User, when in the opinion of the General Manager, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil and or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the General Manager, shall comply with the District's Grease Management Section of this ordinance and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired by the User at their expense.

## 2.9 Specific Pollutant Limitations

No user shall discharge wastewater to a District facility which exhibits any characteristic specifically prohibited by an action of the District Board, or any wastewater containing constituents in excess of any specific constituent level limitations as may be set by the District Board. Specific pollutant limitations regarding waste characteristics and/or constituent limits shall be imposed by the General Manager.

The specific pollutant limitation adopted by resolution shall be daily maximum limits unless otherwise specified.

Any violation of a specific pollutant limitation as may be set forth in a District resolution, shall subject the user to the same administrative actions, penalties, and/or enforcement actions as would be available for any other violation of this Ordinance. The term "Ordinance" as used elsewhere within this Pre-Treatment Ordinance, shall be read to include the specific pollutant limitations as may be set forth by resolution.

## **2.10 State and Federal Requirements and Standards**

In the event that either state or federal requirements and standards for discharges to District facilities are more stringent than the limitations, requirements, and standards set forth in this Ordinance, the most stringent standard or requirement shall apply. Modifications of the federal or state standards and requirements which are more stringent than the limitations, standards, and requirements as set forth in this Ordinance and are promulgated subsequent to the adoption of this Ordinance shall be applied to discharges to the POTW at such time and in such manner as is set forth in Section 3.4 of the Ordinance.

## **2.11 District's Right of Revision**

The District reserves the right to establish by Ordinance or Resolution more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in this Ordinance. No revision of limitations or requirements hereunder shall subject the District to civil liability or penalty for interference with a vested right of any user.

## **2.12 Excessive Discharge or Dilution of Discharge**

No user shall ever increase the use of process water or, in any way; attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the national pretreatment standards, or in any other pollutant-specific limitation developed by the District or State. An increase in the use of process water which is reasonably proportional to increased production and which is required for said increase in production will not be considered an excessive discharge hereunder. No user shall dilute and/or cause excessive POTW hydraulic loading problems; including but not limited to:

- Any water added for the purpose of diluting wastes which would otherwise exceed maximum concentration limits.
- Any rain water, storm water runoff, groundwater, street drainage, roof drainage, yard drainage, water from yard fountains, ponds, swimming pools, lawn sprays or uncontaminated water except where prior approval for such discharge is given by the General Manager.

## 2.13 Slug Discharges

1. All users shall be prohibited from allowing slug discharges, as elsewhere defined herein, from entering the District's sewerage system.
2. Each user shall provide protection from slug discharges of restricted materials or other substances regulated by this Ordinance. No user who commences contribution to the sewerage system after the effective date of this Ordinance shall be permitted to introduce pollutants into the system until the need for slug discharge control plans or procedures has been evaluated by the District. Facilities to prevent slug discharges of restricted materials shall be provided and maintained at the user's own cost and expense.
3. Certain users will be required to prepare Slug Discharge Prevention and Contingency Plans (SDPC) containing at least the following information:
  - A description of the discharge practices including non-routine batch discharges
  - A description of stored chemicals.
  - The procedures for promptly notifying the District of slug discharges, including any discharge that would violate a specific discharge prohibition with procedures for follow-up written notification within five (5) days.
  - If required by the District, procedures to prevent adverse impact from accidental spills including maintenance and inspection of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building or containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures or equipment for emergency response.
  - If required by the District, follow-up practices to limit the damage suffered by the treatment plant or the environment.
4. These plans shall be submitted to the District for review and approval. All users required to have SDPC plans shall submit such a plan within three (3) months and complete implementation within six (6) months of notice regarding the requirements of such plan. Review and approval of such plans and operating procedures shall not relieve the user from the responsibility to modify the user's facility as necessary to meet the requirements of this Ordinance.
5. In the case of a slug discharge, it is the responsibility of the user to immediately notify the District of the incident. The notification shall include location of the discharge, type of waste, concentration and volume, and corrective action. The user shall provide the District with a detailed, written report of this incident in a manner and within the time frame as elsewhere provided in this Ordinance.
6. A notice shall be permanently posted on the user's premises advising the employees who to call in the event of a slug discharge. The user shall ensure that all employees who may cause or allow such slug discharge to occur are advised of the emergency notification procedure.

7. Each user who violates any of the requirements of the slug discharge program, or allows a slug discharge to occur, shall be subject to the enforcement provisions of this Ordinance.

## 2.14 Hazardous Waste Discharges

**A.** Any User who commences the discharge of hazardous waste 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 no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 6.5 of this Ordinance.

The notification requirement in this Section does not apply to pollutants already reported by Users subject to categorical Pretreatment Standards under the self-monitoring requirements of Sections 6.1, 6.3, and 6.4 of this Ordinance.

**B.** In the 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 Superintendent], 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.

**C.** 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.



D. 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. Nothing contained in this section of the Ordinance is intended to modify the prohibitions set forth in Section 2.11.

## 2.15 Dental Facilities that remove or replace Amalgam Fillings

Definitions: For the purpose of this section the following shall be as defined herein.

(a) "ISO 11143" is the International Organization for Standardization's standard for amalgam separators.

1. All owners and operators of dental facilities that remove or place amalgam fillings shall comply with the following waste management practices:
  - a. No person shall rinse chair-side traps, vacuum screens, or amalgam separator equipment in a sink or other connection to the sanitary sewer. Such traps, vacuum screens or amalgam separator equipment must be recycled or disposed of in an appropriate manner according to recycler or equipment manufacturer.
  - b. 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 fixer-containing solutions, and shall maintain training records that will be made available for inspection by the District during normal business hours.
  - c. Amalgam waste shall be collected, packaged, labeled, stored and managed in accordance with state and local regulations and disposed of by a licensed recycler or hauler of such materials.
  - d. Bleach and other chlorine-containing disinfectants shall not be used to disinfect the vacuum line system.
  
2. All owners and operators of dental vacuum suction systems, except as set forth in subsection (d) of this section, shall comply with the following:
  - a. Submit a Self-Certification of Amalgam Management Requirements form issued by the District on or before November 1, 2020.
  - b. Install an ISO 11143 certified amalgam separator device for each dental vacuum suction system on or before March 1, 2022. All dental facilities that are newly constructed on or after the effective date of this Ordinance shall include an installed ISO 11143 certified amalgam separator device capable of removing a minimum of 95 percent of amalgam. The amalgam separator system shall be certified at flow rates comparable to the flow rate of the actual vacuum suction system operation. Neither the separator device nor the related plumbing shall include an automatic flow bypass. For facilities that require an amalgam separator that exceeds the practical capacity of ISO 11143 test methodology, a non-certified separator will be accepted, provided that smaller units of the same technology from the same manufacturer are ISO-

certified. For facilities that have installed amalgam separators on or before the effective date of this Ordinance that are not ISO-certified, they may be grandfathered in if it can be shown that the existing device provides amalgam removal similar to an ISO-certified system. Alternative materials and methods may be proposed to the District for approval.

- c. Self-Certification of Amalgam Separator Installation form issued by the District shall be submitted to the District within 30-days of installation.
- d. Amalgam separators shall be installed, operated and maintained in accordance with manufacturer recommendations. Installation, certification and maintenance records shall be available for immediate inspection upon request by the District during normal business hours.
- e. The following types of dental practices are exempt from this section 2.7.1, provided that the District receives written assurance that removal or placement of amalgam fillings occurs at the facility no more than 3 days per year: Orthodontics, Periodontics, Oral and Maxillofacial surgery, Radiology, Oral Pathology or Oral Medicine, Endodontics, and Prosthodontics.

## 2.16 Medical and Infectious Wastes

No person shall discharge solid wastes from hospitals, clinics, offices of medical doctors, dentists, mortuaries, morgues, long term health care, medical laboratories or other medical facilities to the POTW including, but not limited to hypodermic needles, syringes, instruments, utensils or other paper and plastic items of a disposal nature, or wastes excluded by other provisions of this Ordinance.

No user shall dilute and or cause excessive POTW hydraulic loading problems; including but not limited to:

1. Equipment, instruments, utensils, hypodermic needles, syringes and associated articles.
2. Any article that may harbor or transmit pathogenic organisms and that are used in the rooms of patients having a suspected or diagnosed communicable disease which by the nature of the disease is required to be isolated.
3. Recognizable portions of the human anatomy.

Wastes excluded by other provisions of these regulations. Nothing in this section shall be construed to limit the authority of appropriate health agencies to define wastes as being infectious and to prohibit discharge to the sanitary sewer.

## **2.17 Best Management Practices (BMPs) to Control Discharges**

Industrial Users can employ Best Management Practices (BMPs) to effectively control the discharge of pollutants to the District's facilities. The District may establish BMPs for specific industrial users through condition(s) in the permit or permit contract. The District may establish BMPs for a business activity that would apply to entire groups of businesses such as vehicle service facilities or food service facilities. BMPs for business activities will be communicated to the affected industrial users through informational materials distributed during inspections, direct mailing, or the District's website.

Industrial users shall be responsible for complying with the business activity BMPs after being informed by the District of their applicability to the industrial users operations. Industrial Users subject to BMPs as a means of complying with the standards of this Ordinance shall maintain documentation to demonstrate compliance with the applicable BMP standards.

### **Section 3**

#### **ADMINISTRATION**

##### **Administration Sub-Sections:**

- 3.1 Wastewater Discharges
- 3.2 Responsibility of Users
- 3.3 Classes of Users
- 3.4 Wastewater Discharge Permit for Class I, II and IV Users
- 3.5 Wastewater Discharge Permit for Class III Users
- 3.6 Reporting Requirements for Permittee and Contract Permittee
- 3.7 Monitoring
- 3.8 Signatory Requirements
- 3.9 Rights of Entry
- 3.10 Pretreatment
- 3.11 Publication of Users in Significant Noncompliance
- 3.12 Records Retention
- 3.13 Confidential Information

##### **3.1 Wastewater Discharges**

It shall be unlawful to discharge without a District permit or permit contract to the POTW any wastewater except as is authorized by the provisions of this Ordinance.

### 3.2 Responsibility of Users

It shall be the responsibility of the user and/or discharger to comply with all of the provisions of this Pretreatment Ordinance. The omission to act by the District and/or the failure of the District to take observation of the nature of the operation of the user and/or the properties of the user's wastewater shall not relieve the user of responsibility to comply with the conditions of this Ordinance, including, but not limited to, such requirements regarding permitting, pretreatment, monitoring, and reporting.

It shall be the responsibility of the user to make determinations as to the nature of its operation and wastewater flow and to take such actions as may be required under this Ordinance prior to any discharge of wastewater, whether or not the user has been informed by the District of the requirements which may apply to the user regarding its discharge.

All industrial users who meet the definition of Class I or II and who are currently connected or contribute to the District POTW, or who propose to connect or contribute to the District facilities, shall make application for a wastewater discharge permit. This application shall be made before connecting to or contributing to the District's facilities, or within ninety (90) days after the enactment of this Ordinance in the event the user is currently connected and not currently permitted. All existing industrial users connected to or contributing to the District's facilities and having a current wastewater discharge permit shall be required to obtain a new permit or permit contract upon the expiration of their existing permit.

All Class III Industrial Users may be required to receive a permit in order to connect to the District facilities or to continue to discharge to District facilities. At such time as the District undertakes such a program to permit Class III Users, existing Class III Users will be required to apply for a permit within ninety (90) days of notice to said users by personal service, mail, or publication. Thereafter it shall be the responsibility of all Class III Users prior to connection to obtain a permit.

Industrial User permits may be issued to mobile service providers that operate in the District's service area in order to ensure that the wastewater generated is managed and discharged in compliance with this Ordinance and applicable state and federal requirements. The classification of the mobile service provider will be determined by evaluating the quantity and quality of the wastewater discharged.

### 3.3 Classes of Users

The District will classify all users in accordance with the principal activity conducted on the premises where the discharge occurs. The purpose of the classification is to facilitate regulation of discharges to District facilities on the basis of each user's waste quality, quantity, and flow.

The classification shall further provide a means of imposing an appropriate level of oversight, control and enforcement according to the source of the discharge. The classification system will also allow equitable recovery of District capital and operating costs for the Pretreatment Program. As set forth in the Definition section of this Ordinance, there are two (2) categories of users; to wit, domestic users and industrial users. Industrial users are categorized as Class I, II, III, or IV.

All users are subject to the prohibitions set forth in this Ordinance, with such federal and state statutes and regulations as may apply, and the specific pollutant limitations as may be promulgated by the District Board either by ordinance or resolution.

Domestic users under normal circumstances will not be required to apply for or receive a wastewater discharge permit as defined in this Ordinance, providing that said domestic user discharges only that wastewater which is consistent with the definition of domestic wastewater set forth herein.

Industrial users may be subject to wastewater discharge permit requirements depending on the volume, characteristics, and origin of their wastewater discharge. Industrial users may be required to supply such information and data concerning their processes, including discharge samples and wastes generated, as may be necessary for the District to determine whether such user should be designated as Class I, II, III, or IV. Industrial users must, if requested, provide such other information regarding the nature of the entity, its operations, storage and use of chemicals, and storage and use of hazardous substances, as may be reasonably necessary to make such determination as to the classification of said user and whether a wastewater discharge permit is needed. The District may also require information relating to potential for accidental discharges to a District facility of hazardous or prohibited substances. Such inquiries may include information regarding the current disposal procedures of the user with regard to chemicals and/or substances that are not in the ordinary course of the user's operations discharge to a District facility.

The determination by the District regarding the designation of an industrial user as a Class I User may be based on the unusual character of the wastewater due to its volume, strength, composition, or its derivation from a hazardous waste or substance, or the potential variability in the character of the wastewater, or on the potential for increased administrative cost to the District due to the unusual character of the waste. Any additional administrative costs to be considered may include increased potential for the administrative oversight by federal, state, and local agencies as well as the potential for increased liability exposure and associated legal costs. The District may also take into consideration difficulties in enforcement of the Pretreatment Ordinance under a wastewater discharge permit and the enforcement violation and compliance history of the user with the District, as well as other regulatory agencies.

The determination of the District regarding the designation of an industrial user as a Class II User may be based on whether the discharge of the wastewater is equal to or greater than twenty-five thousand (25,000) gallons per average work day flow, or whether the discharge has in its waste hazardous pollutants, or

whether the discharge is subject to national pretreatment standards, or whether it has in its untreated wastewater, pollutants which are in excess of any pretreatment standard or requirement, including any pretreatment standard or requirement identified in this Ordinance or local limit set by resolution of the District Board, or whether it may, in the opinion of the District, have a significant impact, either singularly or in combination with other contributing industries, on the District's ability to meet the objectives of this Ordinance.

A determination by the District regarding the designation of an industrial user as a Class III User may be based on the standards set forth in the definition of a Class III Industrial User in this Ordinance.

This determination may include, but not be limited to, the issue of whether the user stores and/or uses hazardous substances in such quantities in its industrial or commercial processes as may, in the determination of the District, have the potential to be discharged to District facilities by accident or through a slug discharge, causing a measurable increase in the amount of hazardous substances entering the District's facilities. Non-Significant Categorical Users shall be classified as Class III Industrial Users and shall operate under a Class III Industrial User Permit.

Class IV Industrial User shall include all industrial users who are not determined by the District to be Class I, II, or III Industrial Users. Class IV Industrial Users shall be subject to the requirements of this Ordinance.

### **3.4 Wastewater Discharge Permit for Class I, II and IV Users**

#### **A. PERMIT APPLICATION**

Users required, or who may be required, to obtain a wastewater discharge permit shall complete and file with the District an application in the form prescribed by the District. A new industrial permit fee may be assessed at the time of the application. Existing Class I and Class II Users (except those with current permits) shall apply for a wastewater discharge permit within ninety (90) days following the effective date of this Ordinance, and new users shall apply at least thirty (30) days prior to connecting to or contributing to the POTW. In support of the application, the user may be required to submit, in units and terms appropriate for evaluation, some or all of the following information, but will in all cases be required to submit items 16 and 17.

- 1) Name and address are required of the operator or owner and location of the facility for which the permit application is being made.
- 2) Give SIC number(s) according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended, for all operations conducted at the facility.

- 3) Supply a list of all environmental control permits and hazardous substance release response (spill) plans that are held by or for the facility.
- 4) Supply the time(s) and duration of all process discharges.
- 5) Disclose the average daily and fifteen-(15) minute peak wastewater flow rates, including daily, monthly, and seasonal variations if any. Flow rates shall be provided for each regulated process stream.
- 6) Supply the site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, sewer connections, and appurtenances by the size, location, and elevation.
- 7) Give a detailed description of activities, facilities, and plant processes on the premises including all materials that are, or could be discharged, provided such chemicals are present in quantities sufficient to cause harm to the operations of the District or to the environment if released. A description of any and all existing or proposed wastewater pretreatment facilities.

Construction drawings and design criteria shall also be submitted.

- 8) Submit the nature and concentration of any pollutants in the discharge which are limited by a District or State pretreatment standard or requirement or by a national pretreatment standard, or which are otherwise requested by the District. Pollutant data shall be provided for each regulated process stream. In the case of an existing user, a statement regarding whether or not the pretreatment standards and requirements are being met on a consistent basis and if not, whether additional operation and maintenance and/or additional pretreatment is required for the user to meet applicable pretreatment standards and requirements. If sample data submitted with a permit application document a discharge limit violation, the condition will be subject to citation with a Notice of Violation.
- 9) Disclose the nature and concentration of any pollutants in the discharge which are limited by state or federal standards concerning the release or discharge of any hazardous substance or waste.
- 10) If additional pretreatment housekeeping, process changes, and/or operations will be required to meet the pretreatment standards and requirements; the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established by EPA, the State, or the District for the applicable standard. The following conditions shall apply to this schedule:
  - a) The schedule shall contain increments of progress 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 standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
  - b) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the General Manager including, as a minimum, whether or not the user complied with the increment of progress to be met on such date and, if not, the date on which the user expects to comply with the increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established.

- 11) Describe each product produced by type, amount, process or processes, and rate of production.
- 12) If applicable, disclose the type and amount of raw materials processed (average and minimum per day), provided such raw materials are present in quantities sufficient to cause harm to operations of the District or to the environment.
- 13) Disclose the number, type, and volume/amount of hazardous substances stored on the premises and a description of the variety of the method of storage and/or the containment device for such substances, provided such substances are present in quantities sufficient to cause harm to the operations of the District or to the environment if released.
- 14) A description of the spill protection and emergency response procedures used or proposed to be used at the facility shall be supplied.
- 15) Submit the number and classification of employees, hours of operation of plant, and proposed or actual hours of operation of pretreatment system.
- 16) A signed statement of the authorized representative of the industrial user applicant that the information presented in the permit application is true and accurate to the best of the authorized representative's knowledge, and that the applicant is or upon connection will be in compliance with applicable pretreatment standards and requirements on a consistent basis and if not, whether additional operation and maintenance (O & M) and/or additional pretreatment is required for the applicant to meet such standards and requirements.
- 17) A signed certification of a qualified professional that the applicant is or upon connection will be in compliance with applicable pretreatment standards and requirements on a consistent basis and if not, whether additional O & M and/or pretreatment is required for the applicant to meet such standards and/or requirements.
- 18) Any other information as may be deemed by the District to be necessary to evaluate the permit application.

## **B. PERMIT APPLICATION EVALUATION FOR CLASS I, II AND IV USERS**

All new industrial users shall arrange for a District representative to conduct a walk-through site inspection of the user's facilities during the ninety (90) day period prior to connecting or contributing waste or wastewater to the POTW. New industrial users shall submit to the District, within ninety (90) days after commencement of discharge to the District's facilities, an analysis of said discharge delineating wastewater constituents and characteristics including, but not limited to, those mentioned in Section 2.11 of this Ordinance.

The District will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the District may determine that no wastewater discharge permit is required, or the District may determine that the user is a Class I, Class II or Class III Industrial User. If the District determines that the user is a Class II or Class III Industrial User, the District shall issue a wastewater discharge permit subject to the terms and conditions provided in this Ordinance.



If the District determines that the user is a Class I User, the District will promulgate a wastewater discharge permit contract subject to the terms and conditions provided in this Ordinance.

### C. PERMIT CONDITIONS

Permits may contain provisions, requirements and standards appropriate to carry out the objectives of this Ordinance, including but not limited to, the following:

1. The unit charge or schedule of user charges and fees for the wastewater to be discharged to the District's facilities.
2. Limits on the average and maximum wastewater constituents and characteristics. These limits may be based on pollutant concentration and/or mass and may include prohibitions on discharge of said pollutants.
3. Limits on average and maximum rate and time of discharge or requirements for flow regulation and/or equalization.
4. Requirements for installation and maintenance of sampling and flow metering facilities.
5. Requirements for monitoring programs which may include flow metering, sampling locations, methods of sampling, frequency of sampling, number, types, and standards for tests and reporting schedule.
6. Compliance schedules.
7. Requirements for submission of technical reports or periodic compliance reports.
8. Requirements for maintaining and retaining plant records relating to wastewater discharge, hazardous waste manifests, and as specified by the District and chemical inventories.
9. Requirements for notification of the District of any new introduction of pollutants or any change in plant processes or in the volume or character of the wastewater constituents being introduced into District facilities.
10. Requirements for notification of slug or accidental discharges, including discharge limit violations, or upset of the pretreatment facility.
11. Requirements for providing the District with design and construction plans and specifications of the wastewater pretreatment facility whether proposed or in existence.
12. Requirements for providing the District with plans and specifications of the discharger's industrial or commercial operation and/or processes, including such other information as the District may reasonably request that pertains to the industrial user's operation.
13. Requirements for notification of any planned alteration of the proposed or existing wastewater pretreatment system.
14. Requirements for the notification of the District of planned alterations of the operations processes of the industrial user, which could result in an alteration of the user's process discharge or the potential for an accidental spill or slug discharge.

15. Requirements prohibiting bypass of the wastewater pretreatment facility, unless bypass is unavoidable to prevent loss of life, injury, or severe property damage.
16. Requirement that the discharger notify the District prior to any proposed bypass other than due to accident or emergency.
17. Requirements to have emergency spill plans on file with the District.
18. Requirements to certify that the industrial user has not discharged through a POTW hazardous substances without a permit, which substances have been stored or used in the user's process and which the user contends will not, in the ordinary course of the user's operation, enter the POTW.
19. Requirements for re-sampling following a discharge violation and the submittal of reports explaining the cause of the violation and the steps that has been or will be taken to prevent a reoccurrence of the violation.
20. Requirements for providing access to District personnel at all reasonable times to conduct sampling and/or inspection of any and all processes which can contribute to the waste stream, including the actual wastewater discharge.
21. Requirements for providing the District with operation and maintenance records including periodic updates, as appropriate.
22. The prohibition of dilution as partial or complete substitute for adequate treatment to achieve compliance with permit conditions.
23. Signatory requirements specifying the responsible corporate officer for the industrial user.
24. Other conditions as deemed appropriate by the District to ensure compliance with this Ordinance.
25. Technical provisions or requirements related to the wastewater pretreatment facility which, in the opinion of the District, may be necessary to ensure the adequacy and reliability of the wastewater pretreatment system. These technical conditions may include conditions requiring continuous monitoring, training personnel, alarm systems, automated shutoff, flow through monitoring, and/or provisions for discharges in batch amounts only subsequent to sample testing.
26. Identification of applicable Best Management Practices (BMPs) to be employed to control discharge quality from the processes used at the facility.
27. Identification of the wastes and wastewater that are subject to a discharge prohibition standard.

#### **D. PERMITS DURATION**

Permits shall be issued for a specified time period, not to exceed (1) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall be responsible to apply for permit reissuance a minimum of ninety (90) days prior to the expiration of the user's existing permit. The District may initiate permit reissuance prior to receiving an application from the user based on communications between the user and the District.

The terms and conditions of the permit may be subject to modification by the District during the term of the permit as limitations or requirements as identified in the Regulations Section are modified or other just cause exists.

The user shall be informed of any proposed changes in his permit at least thirty (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.

## **E. WASTEWATER DISCHARGE PERMIT CONTRACT**

The District shall require Class I Industrial Users to enter into a wastewater discharge permit contract for connecting to or contributing wastewater to District facilities.

The wastewater discharge permit contract shall incorporate the provisions of this Ordinance by reference including all requirements and standards as may be set forth herein or promulgated by the District Board by resolution. The wastewater discharge permit contract may contain all of the permit provisions set forth in Section 3.4.C. In addition, the permit contract may contain additional provisions, including but not limited to, the following:

1. Provisions for liquidated damages for discharges in violation of the discharge prohibitions and limitations of this Ordinance and/or of such special prohibitions or limitations as may be set forth in the permit contract.  
These liquidated damages provisions may be proposed without regard to proof of pass-through, damage to the environment, or interference with POTW or operations and may be assessed on a strict liability basis for violation of the noted provisions.
2. Requirements for providing proof of insurance, indemnification of the District, and bonding in order to adequately protect the District, in its judgment, from the potential of the increased exposure to liability due to the user's discharge.
3. Provisions for termination of the permit contract and wastewater sewer service for violation of this Ordinance or other wastewater permit contract conditions.
4. Any and all other conditions as may be deemed appropriate by the District to ensure compliance with all provisions of this Ordinance and the objectives set forth herein.

## **F. PERMIT MODIFICATIONS**

When a new National Categorical Pretreatment Standard is promulgated, the wastewater discharge permit or permit contract of users subject to such standard shall be revised to require compliance with such standard within the time for compliance prescribed by such standard or within ninety (90) days, whichever is shorter. However, when the time for compliance prescribed by such standard is longer than ninety (90) days, the users subject to such standard may apply to the General Manager or his / her designee for an extended time for compliance in a wastewater discharge permit or permit contract. The General Manager or his / her designee may grant such an extension up to the time for compliance set forth in the National Categorical Pretreatment Standards.

Where a user, subject to a national pretreatment standard, has not previously submitted an application for a wastewater discharge permit as required by Section 3.5,B. of this Ordinance, the user shall apply for a wastewater discharge permit within one hundred eighty (180) days after the promulgation of the applicable national pretreatment standard.

In addition, the user with an existing wastewater discharge permit or permit contract shall submit to the General Manager within one hundred eighty (180) days after the promulgation of an applicable federal pretreatment standard the information required by Section 3.4,A.

In the event the District determines that it is necessary in order to comply with the objectives of the Ordinance to impose more stringent limitations or requirements on discharges to the POTW than are set forth in an existing permit (for reasons other than issuance of a new national pretreatment standard), the District shall have the right to require such reasonable modifications of an existing permit to incorporate such more stringent limitations or requirements. In the event such permit modification is required, the user shall be provided with reasonable time to make such modifications to its processes or procedures as may be required to meet the more stringent limitations and requirements. After consultations with the user, a Compliance Schedule Agreement shall be issued which would set forth a reasonable schedule for the user to comply with the more stringent standards. If the permit modification will require construction or acquisition of equipment related to pretreatment, the Compliance Schedule Agreement will provide for up to one hundred eighty (180) days to comply; however, this period may be extended for a period not to exceed an additional one hundred eighty (180) days upon determination by the General Manager and/or the District Engineer that good cause exists for an additional period.

To the extent that the user remains in compliance with the permit conditions in effect prior to amendment during the compliance period, the user shall not be liable pursuant to the terms of this Ordinance for noncompliance with the more stringent standards or requirements during the period of the Compliance Schedule Agreement; provided that the user is also complying with the terms of said Compliance Schedule Agreement.

## **G. PERMIT AND CONTRACT TRANSFER**

Wastewater discharge permits and wastewater discharge permit contracts are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the prior approval of the District. However, nothing in this section shall be construed to prevent the application of the terms and conditions of this Ordinance, including enforcement penalties, from applying to a succeeding owner, successor in interest, or other assigns of an existing contract of permit holder.

## 3.5 Wastewater Discharge Permit for Class III Users

### A. PERMIT APPLICATION

Users required, or who may be required, to obtain a wastewater discharge permit shall complete and file with the District an application in the form prescribed by the District . A new industrial permit fee may be assessed at the time of the application.

All Class III dischargers shall apply for a wastewater discharge permit within ninety (90) days following the effective date of this Ordinance, and new users shall apply at least thirty (30) days prior to connecting to or contributing to the POTW. In support of the application, the user may be required to submit, in units and terms appropriate for evaluation, some or all of the following information.

1. Name and address are required of the operator or owner and location of the facility for which the permit application is being made.
2. Give SIC number(s) according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended, for all operations conducted at the facility.
3. Supply the site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, sewer connections, and appurtenances by the size, location, and elevation.
4. Give a detailed description of activities, including a description of any and all existing or proposed wastewater pretreatment mechanisms. Construction drawings and design criteria may also be required.
5. Submit the nature and concentration of any pollutants in the discharge which are limited by a District or State pretreatment standard or requirement or by a national pretreatment standard, or which are otherwise requested by the District. Pollutant data shall be provided for each regulated process stream. In the case of an existing user, a statement regarding whether or not the pretreatment standards and requirements are being met on a consistent basis and if not, whether additional operation and maintenance and/or additional pretreatment is required for the user to meet applicable pretreatment standards and requirements.
6. Disclose the number, type, and volume/amount of hazardous substances stored on the premises and a description of the variety of the method of storage and/or the containment device for such substances, provided such substances are present in quantities sufficient to cause harm to the operations of the District or to the environment if released.
7. A description of the spill protection and emergency response procedures used or proposed to be used at the facility shall be supplied.
8. Submit the number and classification of employees, hours of operation of the business, and proposed or actual hours of operation. Disclose any barriers which would inhibit CAWD employees from inspecting the business premises.

9. A signed statement of the authorized representative of the industrial user applicant that the information presented in the permit application is true and accurate to the best of the authorized representative's knowledge, and that the applicant is or upon connection will be in compliance with applicable pretreatment standards and requirements on a consistent basis and if not, whether additional operation and maintenance (O & M) and/or additional pretreatment is required for the applicant to meet such standards and requirements.
10. A signed certification of a qualified professional that the applicant is or upon connection will be in compliance with applicable pretreatment standards and requirements on a consistent basis and if not, whether additional O & M and/or pretreatment is required for the applicant to meet such standards and/or requirements
11. Any other information as may be deemed by the District to be necessary to evaluate the permit application.

## **B. PERMIT APPLICATION EVALUATION FOR CLASS III USERS**

All new industrial Class III users shall arrange for a District representative to conduct a walk-through site inspection of the user's facilities during the ninety (90) day period prior to connecting or contributing waste or wastewater to the POTW.

The District will evaluate the data furnished by the user on the permit and may require additional information. After evaluation and acceptance of the data furnished, the District may determine that no wastewater discharge permit is required. If the District determines that the user is a Class III Industrial User, the District shall issue a wastewater discharge permit subject to the terms and conditions provided in this Ordinance.

## **C. PERMIT CONDITIONS FOR CLASS III USERS**

Permits may contain provisions, requirements and standards appropriate to carry out the objectives of this Ordinance, including but not limited to, the following:

1. The unit charge or schedule of user charges and fees for the wastewater to be discharged to the District's facilities.
2. Limits on the average and maximum wastewater constituents and characteristics. These limits may be based on pollutant concentration and/or mass and may include prohibitions on discharge of said pollutants.
3. Limits on average and maximum rate and time of discharge or requirements for flow regulation and/or equalization.

4. Requirements for monitoring programs which may include flow metering, sampling locations, methods of sampling, frequency of sampling, number, types, and standards for tests and reporting schedule.
5. Requirements for submission of technical reports or periodic compliance reports.
6. Requirements for maintaining and retaining business records relating to wastewater discharge.
7. Requirements for notification of the District of any new introduction of pollutants or any change in the business processes or in the volume or character of the wastewater constituents being introduced into District facilities.
8. Requirements for notification of slug or accidental discharges, including discharge limit violations, or upset of the pretreatment facility.
9. Requirements for providing the District with design and construction plans and specifications of the wastewater pretreatment facility whether proposed or in existence.
10. Requirements for providing the District with plans and specifications of the discharger's industrial or business operation and/or processes, including such other information as the District may reasonably request that pertains to the industrial user's operation.
11. Requirements for notification of any planned alteration of the proposed or existing wastewater pretreatment system.
12. Requirements for the notification of the District of planned alterations of the business processes of the Class III user, which could result in an alteration of the user's process discharge or the potential for an accidental spill or slug discharge.
13. Requirements prohibiting bypass of the wastewater pretreatment facility, unless bypass is unavoidable to prevent loss of life, injury, or severe property damage.
14. Requirement that the discharger notify the District prior to any proposed bypass other than due to accident or emergency.
15. Requirements to have emergency spill plans on file with the District.
16. Requirements to certify that the Class III user has not discharged through a POTW hazardous substances without a permit, which substances have been stored or used in the user's business and which the user contends will not, in the ordinary course of the user's operation, enter the POTW.
17. Requirements for re-sampling following a discharge violation and the submittal of reports explaining the cause of the violation and the steps that has been or will be taken to prevent a reoccurrence of the violation.
18. Requirements for providing access to District personnel at all reasonable times to conduct sampling and/or inspection of any and all processes which can contribute to the waste stream, including the actual wastewater discharge.
19. Requirements for providing the District with operation and maintenance records including periodic updates, as appropriate.
20. The prohibition of dilution as partial or complete substitute for adequate treatment to achieve compliance with permit conditions.
21. Signatory requirements specifying the responsible business owner for the industrial Class III user.

22. Other conditions as deemed appropriate by the District to ensure compliance with this Ordinance.
23. Technical provisions or requirements related to the wastewater pretreatment facility which, in the opinion of the District, may be necessary to ensure the adequacy and reliability of the wastewater pretreatment system. These technical conditions may include conditions requiring continuous monitoring, training personnel, alarm systems, automated shutoff, flow through monitoring, and/or provisions for discharges in batch amounts only subsequent to sample testing.
24. Identification of applicable Best Management Practices (BMPs) to be employed by the business to control discharge quality.
25. Identification of the wastes and wastewater that are subject to a discharge prohibition standard.

#### **D. PERMITS DURATION**

Permits shall be issued for a specified time period, not to exceed (1) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall be responsible to apply for permit reissuance a minimum of ninety (90) days prior to the expiration of the user's existing permit. The District may initiate permit reissuance prior to receiving an application from the user based on communications between the user and the District. The terms and conditions of the permit may be subject to modification by the District during the term of the permit as limitations or requirements as identified in the Regulations Section are modified or other just cause exists. The user shall be informed of any proposed changes in their permit at least thirty (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.

#### **E. WASTEWATER DISCHARGE PERMIT**

The District shall require Class III Industrial Users to enter into a wastewater discharge permit for connecting to or contributing wastewater to District facilities. The wastewater discharge permit shall incorporate the provisions of this Ordinance by reference including all requirements and standards as may be set forth herein or promulgated by the District Board by resolution.

#### **F. PERMIT AND CONTRACT TRANSFER**

Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the prior approval of the District.



However, nothing in this section shall be construed to prevent the application of the terms and conditions of this Ordinance, including enforcement penalties, from applying to a succeeding owner, successor in interest, or other assigns of an existing contract of permit holder.

### **3.6 Reporting Requirements for Permittees and Contract Permittees**

#### **A. Notification of Slug Load or Accidental Discharge or Accidental Spill**

It is the responsibility of all industrial users to immediately telephone and to notify the District of any slug load or accidental discharge as defined in Section 3.4,F. of this Ordinance. Notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

**1. Written Notice**

Within five (5) days following the accidental discharge or slug load, the user shall submit to the General Manager a detailed written report describing the cause of the incident 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 District facilities, fish kills, or any other damage to person or property; nor shall notification relieve the user of any fines, penalties, or other liability which may be imposed by this Ordinance or other applicable law.

**2. Notice to Employees**

Users who are employers shall permanently post a notice on their bulletin board or other prominent place advising employees of the user whom to call in the event of such a discharge. The user shall ensure that all employees who may cause or suffer such discharge to occur are advised of the emergency notification procedure.

#### **B. Prior Notification of Change in Volume or Character of Wastewater**

All users shall promptly notify the District in writing (except in emergencies where telephone notification is acceptable) prior to: (1) any new or increased discharge or any change in nature of their discharge which discharge does not meet pretreatment standards or requirements or has the reasonable potential to cause the District to violate its NPDES permit or to cause problems to the District wastewater system; and (2) any substantial change in volume or character of pollutants in their discharge, including listed or characteristic hazardous wastes.

## C. Baseline Report

All Class I and II Industrial Users, subject to National Categorical Pretreatment Standards, shall submit to the District a baseline report within one hundred and eighty (180) days of the effective date of a National Categorical Pretreatment Standard or one hundred and eighty (180) days after final decision on a category determination by EPA or the State, whichever is earlier. The baseline report shall contain the information specified in 40 CFR 403.12(b).

The information required for application for a permit under Section 3.4,A. and/or for modification of a permit under Section 3.4,F. of this Ordinance may fulfill the requirements of the baseline report. If in submitting information to apply for or modify a permit, the user also intends to fulfill the requirements for the Baseline Report, the user shall so state.

## D. Compliance Report

Within ninety (90) days following the date for final compliance with applicable pretreatment standards or requirements or, in the case of a new user, following commencement of the introduction of wastewater into the POTW, any Class I, II or IV user subject to pretreatment standards or requirements shall submit to the District a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards or requirements, the average and these process units. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operational and maintenance changes and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user and a certified qualified professional. Filing of this compliance report cannot relieve the user of any fines, civil penalties, or other liability which may be imposed by this Ordinance or other applicable law or failure to meet the applicable pretreatment standards or requirements subsequent to the date for final compliance with such applicable standard. Class III users may be required to complete a pretreatment survey of Best Management Practices.

## E. Periodic Compliance Reports

1. Class I and II Industrial Users shall submit a report to the District twice a year or more frequently as specified in the permit or permit contract. Class III Industrial Users may be required to submit periodic compliance reports depending on the nature of their discharge. Periodic compliance reports shall be submitted within forty-five (45) days of collection of the wastewater samples or by the due date specified in the permit.

The compliance report shall contain such information as may be deemed by the District to be necessary to ensure compliance with the provisions of this Ordinance.

Compliance reports shall, at a minimum, contain the following:

- a. The nature and concentration of pollutants which are limited by pretreatment standards or requirements or which are specified in the permit or permit contract for each regulated waste stream.
  - b. A record of average daily flow for the reporting period for each regulated waste stream.
  - c. Such other wastewater effluent data as the user has obtained since the last compliance report, whether or not that data is specifically required by the user's permit or permit contract.
  - d. Methods utilized by the user in collecting the wastewater sample for analysis, including but not limited to the sampling device(s) used, the sampling period, the amount of each sample collected, sample handling and preservation techniques used, and date of sample delivery to the laboratory for analysis.
  - e. In the event a sample from a periodic compliance report indicates that a constituent is in violation of the allowable concentration levels as set forth in the user's permit or permit contract, the user shall inform the District within the next business day, repeat the sampling and pollutant analysis for the parameter in violation, and submit in writing the results of this second analysis within thirty (30) days of the discovery of the first violation. The initial sampling and analysis report shall be submitted within forty-five (45) days of the initial sampling date with a cover report setting forth the causes of the violation, the remedial actions taken to date in regard to the violation, and the scheduled additional actions which will be implemented to prevent a reoccurrence.
2. The District may also at any time require a signed statement by the user setting forth management practices and/or material usage practices which have been an effect on the nature, volume, and quality of the wastewater discharge and/or which potentially will affect the ability to comply with pretreatment standards requirements.
  3. The District may impose mass limitations on users where the imposition of mass limitations is appropriate. In such cases, the report required under subparagraph (a) above shall indicate the mass of pollutants regulated by pretreatment standards or requirements in the effluent of the user. These reports shall contain the results of all sampling and analysis of the discharge, including the flow, concentration, and mass of pollutant regulate by the applicable pretreatment standard or requirement. The user shall provide the actual average production rate of the regulated processes during the reporting period.

## 3.7 Monitoring

### A. MONITORING REQUIREMENTS

Any user may be required to provide wastewater sampling and/or monitoring results or to submit to monitoring by the District to assist the District in establishing the appropriate class of the user and/or to evaluate compliance with the standards and requirements of this Ordinance. Any wastewater sampling and/or monitoring results shall be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report.

Such data shall be representative of conditions occurring during the reporting period. Sampling will be paid by the Industrial User.

1. Classification Sampling. All industrial users may be required to sample and analyze their waste stream(s) to determine the appropriate class of the user. Classification sampling shall be at the District's request. The number and type of samples and pollutants analyzed shall be as specified by the District in order to adequately characterize the users' wastewater discharge(s).
2. Baseline Sampling. All Class I and II industrial users shall sample and analyze their regulated waste stream(s) as part of a permit application or modification of a permit as specified in Sections 3.4,A. and 3.4,F. of this Ordinance. In addition, all Class I and II Industrial Users required to submit baseline reports, as specified in Section 3.5,B. of this Ordinance, shall sample and analyze their regulated waste stream(s) in accordance with the requirements of 40 CFR 403.12(b). Samples shall be analyzed for constituents or characteristics including, but not limited to, those mentioned in Section 2 of this Ordinance and/or in applicable state pretreatment standards or requirements or national pretreatment standards or as otherwise required by the District.
3. Initial Compliance Sampling. All Class I and II Industrial Users shall sample and analyze their regulated waste stream(s) for the compliance report as specified in Section 3.5,C. of this Ordinance. Samples shall be analyzed for those pollutants regulated in the applicable pretreatment standard or requirement or as otherwise required by the District.
4. Periodic Compliance Sampling. All Class I and II Industrial Users shall sample and analyze their regulated waste stream(s) to evaluate compliance with the user's permit or permit contract. Periodic compliance monitoring shall be conducted at least twice each year unless specified more frequently in the user's permit or permit contract or in the applicable National Categorical Pretreatment Standard. Less frequent self-monitoring can be established in the user's permit or permit contract as allowed in 40CFR403.12(e).
5. If required, Class III Industrial Users shall sample and analyze their regulated waste stream(s) to evaluate compliance with the user's permit.

6. Samples shall be analyzed for those pollutants regulated in the applicable pretreatment standard or requirement or as otherwise required by the District. Categorical Industrial Users may request to forgo monitoring for constituents with a Categorical Pretreatment Standard provided that the requirements of 40 CFR
7. 403.12(e)(2) are met. For Industrial Users not subject to Categorical Pretreatment Standards, the District shall specify the constituents to be monitored in the user's permit or permit contract which may exclude parameters that are not expected to be present in the process discharge at levels of concern.  

The District may allow Industrial Users to use an approved Total Toxic Organic (TTO) Management Plan to establish operational procedures to control discharges of TTO constituents so that monitoring for TTO compounds is not required in a user's self-monitoring program.
8. Confirmation Sampling. Whenever sampling results indicate that the user's regulated waste stream(s) is in violation of any pretreatment standard or requirement, the user shall collect a second sample to assess the degree of violation. For the second sample, the user need only analyze for the pollutant(s) found to be in violation. The user shall provide the District with the results from the confirmation sampling within thirty (30) days of the date the violation was discovered.
9. Sampling and Evaluation Program. If confirmation sampling indicates a second violation, then the District may initiate a Sampling and Evaluation Program (SEP). The SEP will be conducted by the District and may include collection of from three (3) to five (5) samples. The SEP will establish whether there is continued noncompliance by the user. Samples collected during the SEP may be analyzed for other pollutants in addition to the pollutant(s) in violation.
10. Other Compliance Sampling. All Class I, II, and III Industrial Users may be required by the District to conduct compliance sampling in addition to those described above.  

This could include, but is not limited to, sampling required by the District in an Enforcement Compliance Schedule Agreement.
11. District Sampling. The District may collect and analyze samples on its own or request the user to split samples to evaluate compliance with this Ordinance or the user's permit or permit contract. The District also reserves the right to conduct all sampling and analysis for the user with all costs to be paid by the user. In the event that data obtained by the District differs from data provided by the user, the District's data shall be presumed accurate unless and until the user provides substantial evidence otherwise. In the event that the District performs the sampling, whether announced or unannounced, the user may request that the District split its samples and provide one of the split samples for the user's independent analysis.

## **B. SAMPLING PROCEDURES**

All sampling and testing undertaken for the purpose of compliance with the sampling and reporting requirements of this Ordinance shall be undertaken in the manner set forth herein. Except as otherwise provided in this section or as otherwise agreed in writing by the District, samples for pH, cyanide, sulfide, phenols, oil and grease, and volatile organics shall consist of grab samples. A minimum of four (4) grab samples shall be taken for the referenced constituents throughout the entire process discharge period. The grab samples for each of the referenced constituents shall be individually preserved and kept separate, and shall be subsequently composited by the testing laboratory prior to analysis.

For all other pollutants, composite samples shall be taken through flow proportional composite sampling techniques or time proportional composite sampling as specified in the permit or permit contract, unless the permit or permit contract specifically authorizes alternative grab or composite grab techniques. Time-proportional composite sampling shall occur with a sampling frequency of at least one sample each half-hour throughout the entire process discharge period, or a twenty- four (24) hour period as required by the District. Each regulated waste stream shall be sampled and analyzed separately unless the user's permit or permit contract allows for sampling and analyzing the combined waste streams.

The methods of obtaining the sample shall be specified by the District in the user's permit or permit contract. As an alternative, a sampling program proposed by the user shall be submitted to the District for review prior to initiating said program. The District may state special sampling requirements as needed to ensure compliance with this Ordinance.

## **C. ANALYTICAL PROCEDURES**

All samples shall be preserved and analyzed in accordance with the procedures for the analysis of water/wastewater presented in the Code of Federal Regulations, Title 40, Part 136 (Guidelines Establishing Test Procedures for the Analysis of Pollutants). Unless approved otherwise by the District in writing, all analyses shall be performed by a laboratory(s) certified by the State for the specific pollutants and matrix to be analyzed.

## **D. SAMPLING RECORDS**

For each sampling event, the user shall record and maintain the following information:

1. The date, exact place, method, and time of sampling and the names of the person or persons taking the samples
2. Sample preservation used
3. The dates analyses were performed
4. Chain of custody of sample
5. Who performed the analyses?
6. The analytical techniques/ methods used
7. The results of such analyses

## **E. MONITORING FACILITIES**

The District may require to be provided and to be operated at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of regulated discharge.

The monitoring facility shall be accessible to District staff at all times and should normally be situated on the user's premises, but the District 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 and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user. The District may require the sampling equipment be secured to prevent tampering with and/or removal.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the District requirements and all applicable local construction standards and specifications.

### 3.8 Signatory Requirements

All applications and reports from all Industrial Users, and other information submitted to the District from Significant Industrial Users to document compliance with the permit, permit contract or this Ordinance must contain the following certification statement:

"I certify under penalty of perjury that this document and all attachments were prepared under my direction or supervision and in accordance with the system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person(s) who manages the system or those 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 knowingly submitting false information, including the possibility of fine and/or imprisonment for knowing violations."

This statement shall be signed by an authorized representative of the industrial user as defined in 40 CFR 403.12(1)(1-4).

### 3.9 Rights of Entry

The District has the right of inspection of the facilities of any user to determine whether the objectives of this Ordinance are being met and all standards and requirements are being complied with by the user.

Persons or occupants of premises where wastewater is generated or discharged, or where hazardous substances or hazardous wastes are present, shall allow the District or its representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, taking photographs to document conditions, analysis, records examination and copying, or the performance of any of their duties. The District, or its authorized representative, accompanied by such other representatives of other public agencies as may be appropriate, shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring, and/or metering operations.

Where a user has security measures in force which would require proper identification and clearance before entry onto their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the District, along with other authorized representatives, will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.



Such inspection(s) shall be made with the consent of the owner or possessor of such facilities or, if such consent is refused, with a warrant duly issued pursuant to the procedures set forth in Title 13 (commencing with Section 1822.5) of part 3 of the Code of Civil Procedure; provided, however, that in the event of an emergency affecting public health or safety, such inspection may be made without consent or the issuance of a warrant. To the extent that the owner or possessor of the premises requires that a warrant be obtained, the District may, in its discretion, suspend the permit and/or any other right to discharge to sanitary facilities immediately, and such suspension may continue until such time as a warrant has been obtained and the inspection has been completed. If no violations of this Ordinance, the District Plumbing Code or the permit, if applicable, are found, the suspension shall be lifted. In the event that violations of this Ordinance, District Code, or the permit, if applicable, is found, then the suspension may, in the discretion of the District, be continued or terminated, or other enforcement remedies may be sought.

The District may choose to inspect the facility to determine compliance with all standards set forth in this Ordinance, the District Plumbing Code, and permit, if applicable, and additionally, such inspections may be undertaken to verify the wastewater flows and strengths reported by the discharger.

### **3.10 Pretreatment**

Users shall provide necessary wastewater treatment as required to comply with this Ordinance and shall achieve compliance with all national categorical pretreatment standards, and prohibitions stated in Section 2.4 within the time limitations as specified by the federal regulations, or this Ordinance or the permit or permit contract, whichever is earliest. Any facilities required to pretreat wastewater to a level acceptable to the District shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the District for review, and shall be acceptable to the District 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 produce an effluent acceptable to the District under the provisions of this Ordinance.

Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the District prior to the user's initiation of the changes.

### **3.11 Publication of Users in Significant Noncompliance**

Pursuant to federal requirements, the District may annually publish in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the District a list of the users which were in significant noncompliance with any pretreatment requirements or standards during the twelve (12) previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same twelve (12) months.

### **3.12 Records Retention**

All records relating to compliance with pretreatment requirements or standards shall be made available to officials of the EPA, State, and District, or their authorized representatives. These records shall be retained for a minimum of three (3) years from the date of the compliance report to which these records are applicable or three (3) years from the date any investigation or enforcement action undertaken by the District, State, or EPA has been concluded, except when there is unresolved litigation regarding the user or the District to which such records are relevant, or a request of the General Manager of the District for a longer retention, in which cases the records shall be retained until the litigation is concluded (including the expiration of all periods of limitation and of all appeals) or as requested by the General Manager.

### **3.13 Confidential Information**

Information and data on a user obtained from reports, questionnaires, permit applications, permits, monitoring programs, and inspections shall be available to the public or other governmental agency without notification unless the user specifically requests confidentiality and is able to demonstrate to the satisfaction of the District that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the user.

The portions of such information which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon request to other governmental agencies for uses related to this Ordinance, the National Pollutant Discharge Elimination System (NPDES), and/or the pretreatment program.

Those portions of the information shall also be available for use by the State or any state agency in judicial review or enforcement proceedings involving the user furnishing the information. Wastewater constituents and characteristics will not be recognized as confidential information.

Information and data requested from a user which the user believes to be proprietary and the release of which to the public would substantially impair the operations of the user, may alternatively be provided to the District for its review at the facility of the user rather than provided to the District for its keeping, at the discretion of the District.

The burden will be on the user to demonstrate to the satisfaction of the District that such information is proprietary and that this alternative procedure is necessary or appropriate and will not prevent the District from properly carrying out the objectives of this Ordinance.

In any event, information accepted by the District as confidential, shall not be transmitted to anyone, except the Environmental Protection Agency, the State Water Quality Control Board, and/or the Regional Water Quality Control Board, until and unless a ten (10) day notification is given to the user.

## Section 4

### ENFORCEMENT

#### Enforcement Sub-Sections:

- 4.1 Enforcement Mechanisms
- 4.2 Informal Administrative Actions
- 4.3 Administrative Orders and Compliance Schedules
- 4.4 Sampling and Evaluation Programs
- 4.5 Assessment of Charges for Obstruction or Damage to District Facilities or Operations
- 4.6 Suspension or Termination of Service
- 4.7 Administrative Civil Penalties
- 4.8 Civil Action
- 4.9 Criminal Action
- 4.10 Notification Procedures
- 4.11 Enforcement Costs
- 4.12 Responding to Significant Noncompliance

#### 4.1 Enforcement Mechanisms

The enforcement mechanisms available to the District for violations of the provisions of this Ordinance, applicable District resolutions, and permit or permit contract provisions include the following:

1. Informal administrative action (including Notice of Violations and Warning Notices)
2. Administrative orders
3. Institution of Sampling and Evaluation programs, Enforcement Compliance Schedule Agreements, and related administrative orders
4. Assessment of charges for obstruction or damage to District facilities or operations
5. Suspension or termination of services
6. Administrative complaints for administrative civil penalties
7. Civil action
8. Criminal action

## **4.2 Informal Administrative Actions**

District staff may, on an informal basis, take action against a discharger for minor violations or technical or clerical shortcomings of a user or a user's compliance submittals. These informal administrative actions may include:

1. A Verbal Warning informal notices (i.e., telephone calls or on-site verbal communication to the user's representative) and informal meetings.
2. A Letter of Warning (informal warning letters). These informal administrative actions may establish a compliance schedule for the discharger to follow in order to document compliance. Such action will not prevent a subsequent or concurrent imposition of other enforcement mechanisms.
3. A Written Notice of Violation (NOV).
4. A Written Notice of Violation (NOV) with fines and or assessed costs.

## **4.3 Administrative Orders and Compliance Schedules**

When the District finds that a user has violated the prohibitions or requirements of this Ordinance or the provisions of a wastewater discharge permit or wastewater discharge permit contract, the District may issue an administrative order directed at those users not complying with such prohibitions, limitations, requirements, or provisions to (1) cease to discharge immediately (suspension of service); (2) comply with requirements immediately; or (3) make such changes to their pretreatment facility and procedures immediately as to insure full compliance.

At its discretion, the District may later issue, after the issuance of the administrative order set forth above, an additional administrative order containing a compliance schedule or a time schedule setting forth dates by which specific corrective actions must be completed.

## **4.4 Sampling and Evaluation Programs**

### **A. Grounds for Instituting Sampling and Evaluation Programs**

In addition to those grounds set forth in Section 3.6, item A, 6 grounds for instituting a Sampling and Evaluation Program include compliance sampling or District sampling indicating a significant non-compliance (SNC). The Sampling and Evaluation Program may consist of District sampling of the discharger's wastewater at the first opportunity convenient to the District, upon which daily samples may be taken for up to five (5) days.

The District or an outside laboratory will analyze these samples for the violating constituents and provide notice to the discharger in regard to the results of said sampling. Violations which may occur during the Sampling and Evaluation Program shall constitute subsequent violations under this Ordinance or under any applicable law.

## **B. Sampling and Evaluation Program Revealing Noncompliance**

If the Sampling and Evaluation Program reveals non-compliance by the user with the prohibitions or specific pollutant limitations specified in this Ordinance or in the users permit or permit contract:

1. The user shall be assessed all costs incurred during the Sampling and Evaluation Program for sampling and analysis, including labor, equipment, materials, outside services, and related overhead.
2. The District may place the user on a compliance schedule or undertake another Sampling and Evaluation Program. The compliance schedule shall provide for minimum required actions to be undertaken by the discharger to alleviate the violation and a schedule for completion of said actions. The compliance schedule may include interim constituent level maximums. All violations of constituent maximums or other requirements set forth in the compliance schedule, including failure to meet schedule dates shall constitute violations of this Ordinance and other applicable laws, and each day a discharger fails to meet a schedule date shall constitute a separate violation. Any constituent limit violation during the compliance schedule period shall provide grounds for the institution of an additional Sampling and Evaluation Program.
3. The District may amend an existing permit through an Enforcement Compliance Schedule Agreement (ESCA). This may be done after consultation with the user when the user has shown good faith in trying to comply but requires additional time for construction and/or acquisition of equipment related to pretreatment. The permit may be amended with the ESCA for a period of up to one hundred eighty (180) days; however, this period may be extended for a period not to exceed an additional one hundred and eighty (180) days upon determination by the General Manager and / or District Engineer that good cause exists for an additional period. No further extensions shall be granted except upon approval of the Board of Directors.
4. Any other enforcement mechanism set forth in this Ordinance or other applicable law may be commenced.

## **C. Continued Noncompliance after Sampling and Evaluation Program or ESCA**

If a discharger remains in non-compliance because corrective action is not taken within a reasonable time after completion of a Sampling and Evaluation Program or the expiration of an ESCA, an Administrative Order may be issued. Any of the other enforcement mechanisms set forth in this Ordinance or applicable laws may also be commenced.

## **4.5 Assessment of Charges for Obstruction or Damage to District Facilities or Operations**

When a user's discharge, whether due to negligence, accident, spill, or otherwise, causes an obstruction, damage, or any other impairment to the District's operation or facilities, the District may impose a charge on the user for the cost to clean or repair the facility, or costs incurred to resume normal operations.

An administrative service fee of twenty-five percent (25%) of the District's costs may be added to these charges. The total amount shall be paid within forty-five (45) days of invoicing by the District.

If it can be shown that the user's discharge caused or significantly contributed to the District violating its discharge requirements or incurring additional expenses or suffering loss or damage to the operation or facilities, then the user shall be responsible for any costs or expenses, or a prorated portion of such expenses, including assessments or penalties imposed by other agencies or the court on the District.

## **4.6 Suspension or Termination of Service**

### **A. Suspension of Service**

The District may suspend the wastewater treatment service and/or a wastewater discharge permit or permit contract by issuance of a cease and desist order when the District makes the determination that such suspension is necessary. A suspension shall be justified in order to prevent an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of individuals or the environment, causes or may cause interference to the treatment plant or other District operations, or causes or may cause the District to violate any condition of its NPDES permit. Additionally, a permit may be suspended for any of the conditions set forth justifying revocation of permit or termination of permit contract as set forth in Section 4.6.B. Nothing in this paragraph will limit the rights of the District to suspend or terminate service pursuant to specific permit or permit contract conditions which may be more stringent.

Any industrial user notified of a suspension of service and/or the wastewater discharge permit or permit contract shall immediately stop or eliminate the discharge.

In the event of a failure of the user to comply voluntarily with the administrative order, the District shall take such steps as deemed necessary to prevent or minimize damage to the POTW or endangerment to persons or the environment.

The District may reinstate the wastewater discharge permit, permit contract, and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge.

## **B. Revocation of Permit/Termination of Permit Contract**

Any user who violates the following conditions is subject to having its permit revoked or permit contract terminated:

1. Any user who knowingly gives or provides a false statement, representation, record, report, plan, or other document to the District or falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance;
2. Failure of a user to factually and completely report the wastewater constituents and characteristics of its discharge;
3. Failure of the user to report significant changes in operations or wastewater constituents and characteristics;
4. Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring;
5. Failure of a user to notify the District immediately of an accidental discharge and/or take appropriate corrective action to prevent a reoccurrence;
6. Failure of a user to file a periodic compliance report or periodic compliance report in such time and in such manner as is required by this Ordinance;
7. Significant violation(s) of the permit or permit contract requirements or conditions and/or violation of this Ordinance. Any violation of the discharge standards where a constituent concentration is determined to be five (5) times the concentration standard set forth in Exhibit "A" or any series of three (3) or more violations of the same constituent within a one- (1) year period, shall constitute a significant violation;
8. Failure to pay fees and charges or penalties established pursuant to this Ordinance.

## **C. Immediate Termination of Discharge**

In the case of an actual or threatened discharge which reasonably appears to present an imminent danger to the health or welfare of persons, the environment, or the District or its employees or contractors, the District may, after reasonably attempting to informally notify the user, take all necessary steps to halt or prevent such discharge including, but not limited to plugging or physically disconnecting the user's access to the District wastewater system.

## **4.7 Administrative Civil Penalties**

Pursuant to the authority of California Government Code Sections 54739 to 54740.6, the District or District staff may issue administrative complaints, conduct administrative hearings, and/or impose civil penalties in accordance with the procedures set forth in these sections for violation of the District's requirements relating to pretreatment of industrial waste or the prevention of the entry of industrial waste into the District's collection system or treatment works.

These penalties shall be as follows (See Appendix B):

1. In an amount which shall not exceed seventy-five dollars (\$75.00) for an initial failure to adhere to a schedule to attain compliance set forth in a Notice of Violation (NOV)
2. In an amount which shall not exceed one hundred-fifty dollars (\$150.00) for a Second failure within a 12 sequential month period to adhere to a schedule to attain compliance set forth in the NOV and failing or refusing to timely comply with any compliance schedule established by the District.
3. In an amount which shall not exceed five hundred dollars (\$500.00) for a Third failure within a 12 sequential month period to adhere to a schedule to attain compliance set forth in the same NOV
4. In an amount which shall not exceed five hundred dollars (\$500.00) per violation for Receipt of a subsequent NOV for a repeat violation of the same provision of Ordinance 2021-03 within 12 months of the issuance of an administrative citation for failure to adhere to the compliance schedule in the prior NOV.

A penalty for delinquent accounts shall be charged. If the violation fee has not been paid by the 31st day after the NOV, a penalty of 1.5% of the base invoice amount will be applied, not to exceed a maximum of \$1,000.00. If the violation fee has not been paid by the 60th day after the NOV, an additional penalty of 10% of the base invoice amount shall be applied, not to exceed \$4,000.00.

Any Invoice outstanding and unpaid for 90 days after the NOV shall be cause for immediate initiation for permit revocation.

As to court actions authorized by the above-referenced sections, District Counsel, or other special counsel designated by the District Board, shall institute appropriate actions to affect statutorily authorized remedies, upon order of the District Board.

#### **4.8 Civil Action – Class I and II Users**

The District Board may direct District counsel or other special counsel to bring such civil actions as may be available at law or in equity in any court of competent jurisdiction to enforce the provisions of this Ordinance and to recover such charges, fees, penalties, and/or damages as may be assessed or may be incurred under the provisions of this Ordinance.



1. **Injunction:** Whenever a discharge of wastewater is in violation of the provisions of this Ordinance, the District may petition the Superior Court for issuance of a preliminary of permanent injunction, or both, as may be appropriate in restraining the continuance of such discharge.
2. **Civil Actions for Penalties:** Any user who violates any provision of this Ordinance, permit condition or permit contract condition, or who violates any cease and desist order, prohibition, or effluent limitation, shall be liable civilly for a penalty not to exceed ten dollars (\$10) for each day in which such violation occurs pursuant to California Government Code Section 54740. Pursuant to the authority of the Clean Water Act, 33 U.S.C.A. Section 1251, et seq. any user committing a violation of any provision of this Ordinance, which is also a violation of a pretreatment standard, effluent standard, or limitation or other applicable provision of the Clean Water Act shall be liable civilly for a sum not to exceed ten dollars (\$10) per violation for each day in which such violation occurs.  
District counsel, or other special counsel designated by the Board, upon order of the District Board, shall institute such actions as may be appropriate in the appropriate court to impose, assess, and recover such sums.
3. **Other Civil Actions:** The District may require compliance with permit conditions or limitations by issuing administrative orders, including cease and desist orders and compliance schedules. Said orders are enforceable in a California court of general jurisdiction. The District, however, may directly undertake any court action available at law or equity, including but not limited to a civil action for penalties without first seeking an administrative order or making use of a compliance schedule, and it may concurrently undertake such administrative and court actions as deemed appropriate.

## 4.9 Criminal Action

1. **General Criminal Penalties:** Any person who violates any provision of this Ordinance, permit, or permit contract, or who violates any Administrative Order, prohibition, or effluent limitation, is guilty of a misdemeanor, and upon conviction is punishable by a fine not to exceed one thousand dollars (\$1,000) or imprisonment for not more than thirty (30) days in the county jail, or both.  
Each day a violation occurs may constitute a new and separate offense and may subject the violator to an additional full measure of penalties as set forth herein.
2. **Falsifying Information:** Any person who knowingly makes any false statements, representations, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this Ordinance, or wastewater discharge permit,

wastewater discharge permit contract, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance, shall upon conviction be punished by a fine of not more than one thousand dollars (\$1,000) or imprisonment for not more than thirty (30) days, or both. Each separate act of falsification, tampering, or knowingly rendering inaccurate any device or method, shall constitute a new and separate offense and shall be subject to the penalties contained herein.

Nothing in this section is intended to exclude the potential for prosecution under the applicable perjury statutes of the State of California to the extent such falsification was incorporated in a document signed under the penalty of perjury.

#### 4.10 Notification Procedures

1. **Notification to User:** Whenever the District finds that any user has violated or is violating the provisions of this Ordinance, a wastewater discharge permit, wastewater discharge permit contract, or any prohibition, limitation, or requirements contained herein, the District may serve upon such person a written notice stating the nature of the violation.  
Within thirty (90) days of the date of this notice, a plan for the satisfactory correction of the violation shall be submitted to the District by the user. Whenever the District assesses a penalty or other form of enforcement action under the provisions of this Ordinance, the District shall serve upon such user a written notice stating the nature of the enforcement action being taken.
2. **Notification to District:** When a user discovers that it has violated or is violating a provision of the Ordinance, its wastewater discharge permit, its wastewater discharge permit contract, or any prohibition, limitation, or requirement contained therein, including a violation as may be caused by accidental discharge or spill, the user shall immediately notify the District upon discovery of such violation. Thereafter, within five (5) days following the accidental discharge or discovery of a violation, the user shall submit to the District a detailed, written report, describing the accidental discharge or violation, and the measures taken by the user to prevent similar future occurrences. This written report regarding the violation may be included as a part of a periodic compliance report, or other report as may be required under this Ordinance, as long as the written report is provided within the five (5) days of discovery, which notification shall not relieve the user of any expense, penalty, fee, or other liability which may be incurred as a result of the violation.

#### 4.11 Enforcement Costs

All costs associated with the District's undertaking of enforcement actions pursuant to this Ordinance, including attorney's fees for civil actions undertaken, shall be paid by the user.

These costs may include but not be limited to the costs for termination of service, reinstatement of service, compliance sampling and analysis, and administrative activities undertaken by the District.

However, if the user prevails in an appeal to the Board of Directors or a civil action taken to nullify an enforcement action pursued by the District under this Ordinance, the user shall not be responsible for the costs incurred by the District in pursuing said enforcement action.

## 4.12 Responding to Significant Noncompliance

Any violation of pretreatment standards or requirements (limits, sampling, analysis, reporting and meeting compliance schedules, and regulatory deadlines) is an instance of noncompliance for which the industrial user is liable for enforcement including penalties. However, the District is required to identify violations or patterns of violations by industrial users that are deemed to be instances of significant noncompliance (SNC). To the extent that a violation or pattern of violations is determined to be significant noncompliance, the District shall give additional priority to enforcement actions with regard to that industrial user. Additionally, the determination of significant noncompliance shall be used as the basis for reporting the same to the regulatory authorities and publishing of the list of significant non-compliers as may be required of the District by law.

For purposes of this provision, a Significant Industrial User (or any Industrial User that violates the Enforcement sections of this Ordinance is in significant noncompliance if its violation meets one or more of the following criteria:

### A. Violations of Wastewater Discharge Limits

1. **Chronic Violations:** Violations 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 Violations:** Violations in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, 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. **Other Effluent Limit Violations:** 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 District determines has caused, alone or in combination with other discharges, interference (e.g., slug loads) or pass-through (including adverse effect on any toxicity testing); or endangered the health of the sewage treatment personnel or the public.

4. **Danger to Human Health or Welfare:** This criterion includes any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment and has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.

## **B. Violation of Compliance Milestones**

A failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a District permit or administrative order for starting construction, completing construction, or attaining final compliance;

## **C. Failure to Provide Proper Data**

A 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;

## **D. Failure to Accurately Report Noncompliance**

A failure of a user to accurately and promptly report any noncompliance. Any attempt to circumvent the reporting requirements or otherwise withhold noncompliance data from the District shall be subject to SNC status.

## **E. Other Violations**

Any other violation or group of violations, which may include a violation of Best Management Practices, that the District determines may adversely affect its operations or the accomplishment of the objectives of this Ordinance.

## Section 5

### HEARINGS AND APPEALS

#### Hearings and Appeals Sub-Sections:

- 5.1. Availability of Administrative Appeal.
- 5.2 Show Cause Hearings.

#### 5.1 Availability of Administrative Appeal

Any user, permit applicant, permit or permit contract holder affected by any decision, enforcement action, or determination made by the District, interpreting or implementing the provisions of this Ordinance or in any permit or permit contract issued herein, may file with the General Manager a written request for reconsideration of a staff decision, action, or determination within fifteen (15) days of notification of said staff decision, action, or determination. The written request for reconsideration shall detail facts supporting the user's request and such facts shall include a statement listing all relevant facts which shall be considered including such facts as may not have been known or available to the District at the date of such action.

The General Manager shall render a decision on the request for reconsideration within fifteen (15) days of receipt of the request unless the General Manager requests additional information from District staff or the user. The General Manager shall concur, modify, or rescind the action, decision, or determination previously made or may grant a show cause hearing regarding such decision, action, or determination. If the ruling on the request for reconsideration made by the General Manager is unacceptable, the user may, within ten (10) days after the date of notification of the General Manager's determination, file with the District Secretary a request for appeal to the District Board. A user shall not have a right to an appeal to the District Board unless the user has complied with the procedures concerning the request for reconsideration by the General Manager as set forth above.

When a written request for appeal to the District Board has been properly filed with the District Secretary, the District Secretary shall schedule the matter to be heard by the District Board within forty-five (45) days from the date of the filing of the written request. The District Board shall make a ruling on the appeal within fifteen (15) days from the date of the hearing unless the Board requests additional information from District staff or the user.

Notwithstanding the foregoing, the statutory appeal procedures set forth in California Government Code Section 54739, et seq., applicable to administrative civil penalties imposed or sought pursuant to Section 4.7 of this Ordinance, shall exclusively apply to such penalties.

## 5.2 Show Cause Hearings

The District may order any user who violates any of the provisions of this Ordinance, permit conditions, or permit contract conditions to appear before a designated hearing officer to show cause as to why a proposed enforcement action should not be taken. Notice shall be provided to the user specifying the time and place of the hearing. A notice for a show cause hearing shall set forth the violation, the reasons why an action is to be taken, the proposed enforcement action, and such other information as will notify the user of the nature of the hearing.

The user has the burden of proof to demonstrate that the proposed action should not be taken or that the decision, action, or determination previously made should be rescinded or modified. A notice of hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service of the notice may be made on an agent of the user or officer of the user's business entity.

A District employee or officer may conduct the hearing and take evidence, or the District may designate another independent person to do so. The District shall not, as a matter of course, provide for a digital recording of the hearing. However, the user may provide for such digital recordation at its expense.

After the hearing officer has reviewed the evidence, administrative orders may be issued which specifically relate to the issues set forth in the notice of show cause hearing. If the user is dissatisfied with the determination of, or the administrative order issued by the hearing officer, the user may file a written request for appeal to the District Board. The request for appeal shall be filed with the District Secretary within ten (10) days of the issuance of the determination order of the hearing officer. The District's Secretary shall calendar the matter before the District Board within forty-five (45) days of the date of filing of the written request for appeal to the District Board.

## SECTION 6

### FEES

#### Fees Sub-Sections:

- 6.1 Purpose
- 6.2 Sewer Service Charges
- 6.3 Scope of Charges and Fees for Pretreatment Program
- 6.4 Payment of Fees, Charges, and Delinquencies
- 6.5 Reinstatement Deposit

#### 6.1. Purpose

It is the purpose of this Section to provide for both the recovery of costs from users of the District's facilities for the implementation of the Pretreatment and related programs established herein and to provide for a sewer service fee to be imposed on all nonresidential dischargers to the District sewage system with regard to the Pretreatment and related programs. It is also the purpose of this Chapter to provide for the recovery of costs from the users of those programs. The applicable charges or fees shall be set forth in the District's Schedule of Operation and Maintenance Charges and Fees.

#### 6.2 Sewer Service Charges

All users shall pay a user charge for the District wastewater disposal services. This sewer service charge shall be in addition to the fee imposed on certain users for the administration of the Pretreatment Program as set forth elsewhere in this Chapter. The sewer service charge shall reflect the quantity, quality, and flow of the wastewater of the user and will be based on the District's operating costs to intercept, treat, and dispose of the wastewater.

The sewer service charge shall be set annually by the District Board.

#### 6.3 Scope of Charges and Fees for Pretreatment Program

The District may adopt charges and fees to compensate the District for its activities under the Pretreatment Program which may include:

- Setting up and operating the District's pretreatment program, grease receiving program, septage program, industrial user notification program, and slug discharge program.
- Monitoring, sampling, inspection, and surveillance procedures.
- Reviewing accidental discharge procedures and construction.

- Processing permit applications.
- Implementation of administrative and legal enforcement measures.
- Other fees as the District may deem necessary to carry out the requirements of the programs contained herein.

These fees relate solely to the matters covered by this Ordinance and are separate from all other fees chargeable by the District. These fees and charges may include staff costs as well as legal, consulting, and laboratory costs, associated with the District activities in implementation of these programs.

#### **6.4 Payment of Fees, Charges, and Delinquencies**

Except as otherwise provided, all fees, charges, and penalties made pursuant to the provisions of this Ordinance are due and payable upon receipt of notice thereof. All such amounts shall become delinquent forty-five (45) days after the date of invoice.

A penalty for delinquent accounts shall be charged in accordance with the following:

- Thirty-one (31) days after the date of invoice, a penalty of one and a half percent (1.5%) of the base invoice amount, not to exceed a maximum of one thousand dollars (\$1,000).
- Sixty (60) days after the date of the invoice, an additional penalty of ten percent (10%) of the base invoice amount shall be imposed, the cumulative total of the penalties will not exceed a maximum of Four Thousand Dollars (\$4,000).
- Any invoice outstanding and unpaid after ninety (90) days shall be cause for immediate initiation for permit revocation proceedings.
- Penalties charged under this section shall not accrue to those invoices successfully appealed, provided the District receives written notification of said appeal prior to the payment due date.

#### **6.5 Reinstatement Deposit**

Permit or permit contract users that have been subject to enforcement proceedings may be required to deposit with the District an amount determined by the General Manager or District Engineer prior to permission being granted for further discharges to District facilities. The deposit shall be provided as a security to ensure that the requirements of this title are complied with, and all fees and charges associated with the user's permit or permit contract are paid. The security may be returned after one (1) year, provided that the user has not been subject to any enforcement actions or enforcement fees within that one (1) year period. The deposit shall be cash or other security acceptable to the District.



## Section 7

### WASTE HAULER PROGRAM

#### Waste Hauler Program Sub-Sections:

7.1	Permissible Waste Hauler Discharges
7.2	Waste Hauler Discharge Permit
7.3	Manifest Procedures
7.4	Fees for Discharge
7.5	Regulation of Procedures
7.6	Acceptance of Grease

#### 7.1 Permissible Waste Hauler Discharges

The Board finds that it is in the best interest of the citizens of the City of Carmel and the County of Monterey within the District's Boundaries, generally and in the best interest of the health and sanitation of the constituents of the Carmel Area Wastewater District, that the District receives certain trucked-in wastes at the POTW for disposal. It is the intent of the Board that the POTW shall only be used for the disposal of wastes which are compatible with the POTW process and the continued operation of the treatment plant as a non-RCRA or nonhazardous POTW. Therefore, it is the intent of this Ordinance to prohibit the discharge from waste haulers of any hazardous waste as may be defined by either federal or state statute and regulation, whichever is more stringent; and, further, to prohibit all such wastes as are prohibited within Section 2 (Regulations) of this Ordinance, when such wastes are trucked to the District and discharged pursuant to the District's waste hauler program.

#### 7.2 Waste Hauler Discharge

The District Board finds that in order to properly administer the discharge of wastes to the District, a waste hauler is prohibited from discharging trucked-in waste at the POTW unless and until such person(s) has complied with all of the requirements of this Section of the Ordinance, and has provided the following:

- Proof of a Monterey County Environment Health Services Liquid Waste Hauler License and/or registration as a transporter of inedible kitchen grease waste under California Food and Agricultural Code Section 19310;
- Certification that the hauler has not been subject to any substantial enforcement actions relating to public health waste hauling and/or hazardous waste handling. Waste Hauler vehicles are inspected by Monterey County Environmental Health Department annually in July and August;

- Provision of a list with license numbers of each vehicle which hauler proposes to use for discharge of waste at District facilities;
- Certification that waste hauler has in place, and will maintain, vehicle insurance coverage which insures the hauler and the District against claims of personal injury and property damage (said minimum limits and coverage requirements may from time to time be set forth by the District); and

**Denial, revocation, or suspension of Privileges to discharge:** The conditions under which a waste hauler may be denied, revoked, or suspended ability to discharge by the District include, but are not limited to, the following:

- Substantial enforcement action taken by the District or another agency related to public health, waste hauling, and/or hazardous waste handling.
- Failure of the waste hauler to comply with Federal, State, or District regulations and laws or permit conditions.
- Termination of the waste hauler's vehicle insurance or reduction in coverage to a level below that required by the District.
- Disposal of waste in an unlawful manner, whether within or outside the District
- Failure of the waste hauler to comply with the permit, waste handling and disposal, and reporting requirements of the Monterey County Environmental Health Services.
- Knowingly or negligently providing false information on any application, permit, or manifest form.
- Failure of the waste hauler to pay any fees, charges, or penalties assessed by the District.
- Expiration, revocation, or suspension of Monterey County Health Department Waste Hauler Registration or Public Health License
- Department Waste Hauler Registration or Public Health License.

### 7.3 Manifest Procedures

Any waste hauler who is discharging at a District facility shall be required to comply with the manifesting requirements set forth by District staff.

Each discharger shall be required to provide a manifest document which shall indicate the source of all wastes contained within the waste load to be discharged. The District may promulgate such other requirements with regard to manifesting as are in the determination of the District necessary to properly carry out the objectives of this Ordinance and the intent of the waste hauler program.

## **7.4 Fees for Discharge**

The Board may from time to time set fees for the services provided to the waste hauler with regard to discharge of trucked-in waste. The fees shall include, but not be limited to, fees to reimburse the District for the disposal and treatment costs of the discharge, and such other fees as may be required to reimburse the District for the administrative costs of processing the permits, administering the waste hauler program, operating septage discharge facilities, conducting laboratory analysis, and enforcing the provisions of this program.

## **7.5 Regulation of Procedures**

The District shall adopt such procedures as may be appropriate for the implementation of the waste hauler program. These procedures may include, but not be limited to, regulation of the times for discharge, the amounts of discharge, and manner of discharge.

The procedures may also include requirements such as laboratory testing of samples of the waste prior to discharge, and procedures for reporting of the ultimate disposal location for wastes which are not accepted at a District facility due to being rejected on the basis of a sampling analysis of its constituents.

## **7.6 Acceptance of Grease**

The District does not accept trucked-in grease pursuant to the requirements and procedures of the waste hauler program in order to foster the adherence to the requirements of the District's grease interceptor program.

## Section 8

### GREASE, OIL, AND SAND INTERCEPTOR PROGRAM

#### Grease, Oil and Sand Interceptor Program Sub Sections:

- 8.1 Interceptors Required
- 8.2 Administrator of the Interceptor Program
- 8.3 Grease Interceptors and Gravity Separating Devices by Category
- 8.4 Use of Chemical Additives
- 8.5 Interceptor Maintenance Procedures and Program.
- 8.6 Interceptor Maintenance Standards
- 8.7 Enforcement

#### 8.1 Interceptors Required

All nondomestic users shall be required to install and maintain a grease, oil, and sand interceptor when the General Manager and/or, District Engineer or their designee finds that it is necessary for the proper handling of:

- Liquid waste containing grease;
- Flammable wastes;
- Sand

Any other harmful constituents that may be properly eliminated from the sewerage system by use of an interceptor or trap. An interceptor is not required for a building used solely for residential purposes so long as there is no common food preparation facility. An interceptor shall be required when the wastewater flow from the building is anticipated to contain grease, flammable substances, sand, or other harmful ingredients in amounts or concentrations which would be in violation of a pretreatment standard or, in the discretion of the District, present the possibility of causing or contributing to the fouling of or the blockage of or other damage to the District sewerage system.

#### 8.2 Administration of Interceptor Program

The District shall administer an interceptor program, which is intended to prevent grease, sand, flammable liquids, and other substances that are likely to block or create a hazard within the sewerage system from entering the system.

The District may require any nondomestic user to install an interceptor or trap according to the guidelines set forth in the District's Standard Specifications or other program prior to connection to the District or at any time after connection to the District if the District discovers or determines subsequent to the connection that

the building, facility, or operation of that user produces a waste with characteristics that would require installation of a trap or interceptor pursuant to this Ordinance. The installation of a proper interceptor or trap device shall be the responsibility of the parcel owner and the entity which applies for the connection or industrial user permit, and the owner/proprietor of the business or entity whose operations cause or contribute to the necessity for an interceptor or trap. The District shall determine whether a grease trap, grease interceptor, or other interceptor is required on a case-by-case basis based on an evaluation of objective criteria including but not limited to factors such as those listed below:

- The type of facility (food service facility (see definition in Section 1.3), gas station, lube facility, etc.).
- The volume of the user's business or operation (such as number of meals served, number of seats, hours of operation).
- Size and nature of facilities (including kitchen facilities) based on size, type, number of fixtures, and type of processing or cooking equipment used.
- The type of service provided or operation undertaken (such as dine-in meal service versus carry-out meal service).
- The type of foods or other materials used in the cooking, processing, or manufacturing operations carried on within the user's facility.
- The overall potential for grease-laden, flammable, or sand-laden discharges.
- The existence of devices, procedures, or processes which are designed to minimize the amount of grease, sand, oil, or other flammable liquids from entering the sewer system.
- The design, location, and procedures for operation of a required interceptor or trap shall be approved by the District. In the event of new construction or remodel, such approval shall be obtained prior to the user's connection of the facility to the District's sewerage system. In instances where a user has already connected and the District determines that an interceptor or trap must be installed, the user shall promptly provide for the installation of the interceptor or trap within a reasonable time frame (as may be set by the District), including providing such design plans and operational plans as may be required. The installation of an interceptor or trap as required by this Ordinance on an existing user facility shall occur within reasonable time not to exceed one hundred (100) days after the user has been provided notice of the requirement that an interceptor or trap be installed. This one-hundred-day limit may only be extended by written agreement of the District.

### **8.3 Grease Interceptors and Gravity Separating Devices by Category**

The General Manager may exempt certain classes of dischargers of industrial wastes from requirement to obtain a Permit if the quantity and quality of the wastewater are determined to be unlikely to create significant effects on the POTW or produce violation of State or Federal Regulations.

## Grease Interceptors and Gravity Separating Devices

### 1. Restaurants

All restaurants or food service facilities, except those identified as exempt, shall install an approved Grease Interceptor of sufficient size to prevent excessive discharges of grease into the District's Wastewater System. The interceptor size shall be based on the most recent version of CAWD'S Uniform Plumbing Code. The Grease Interceptor shall be easily accessible for inspection by CAWD's authorized representative. Toilets, urinals, wash basins and other fixtures containing fecal material shall not flow through the Interceptor. The District reserves the right to make determinations of grease Interceptor size, adequacy, location and need based on review of relevant information, including, but not limited to Grease Interceptor performance, waste stream characteristics, facility location, maintenance needs, and or inspection needs.

Exceptions to the installation of a Grease Interceptor shall be determined on a case by case basis by the CAWD's District Engineer. The CAWD District Engineer shall take into account the following items when determining exceptions:

- Size of restaurant;
- Meals served per day;
- Daily water usage based upon water bills;
- Seating capacity;
- Dishwasher and garbage disposal facilities on hand; and
- Other criteria the District deems applicable.

After determination that a Grease Interceptor or trap is required, the following procedures shall be adhered to:

1. When waste treatment is required pursuant to this Ordinance, an approved grease trap or grease interceptor complying with the provisions of this Ordinance shall be installed in the waste line leading from sinks, drains, and other fixtures or equipment.
2. A plumbing permit shall be obtained from the District prior to the installation of a grease trap or grease interceptor.
3. Each trap, interceptor, or comparable device required by this Ordinance shall have an approved volume not less than that required by this Ordinance or by current standards adopted by CAWD's Plumbing Code.
4. Toilets, lavatories, and other sanitary fixtures shall not be connected to any grease trap, grease interceptor, or comparable device.
5. Location of Grease Traps, and Grease Interceptors shall be documented and on file with the District Office.
6. Grease Interceptors shall be located outside buildings, unless a finding is made by the District Engineer or authorized representative that the location of the building on the site or some other

- aspect of the use prevents an outside location and that placement within a building is not hazardous to public health and safety.
7. Grease Interceptors shall be located and maintained at all times to prevent the entrance of foreign materials, and shall be easily accessible for cleaning, inspection, and removal of intercepted grease, and shall pose no hazard to public health or safety.
  8. Grease interceptors may be located on either private or public property provided approval and permitting have been obtained from the appropriate regulatory entity.
  9. All encroachment permits for grease interceptors located within the public right-of-way shall be recorded with Monterey County Recorder's Office prior to installation.
  10. Grease interceptors are to be designed in accordance with the CAWD Plumbing Code, must be consistent with the standards of this chapter, and must be approved by the District's District Engineer.
  11. Related Equipment Grease Interceptors shall be fitted with a minimum of two standard service access covers or manholes. Manholes shall be brought to grade and finished with a standard manhole cover and ring with H-20 traffic load bearing capacity.
  12. All discharging fixtures shall be individually trapped and vented in accordance with the CAWD Plumbing Code.
  13. Grease pretreatment equipment shall not be installed until the type and/or model have been subjected to and fully complied with tests acceptable to CAWD's District Engineer.
  14. Where an existing grease trap or grease interceptor is found to be compliant with this Ordinance, such equipment will be allowed to remain in use.  
Whenever a grease trap or grease interceptor does not comply with the provisions of this Ordinance or an adopted grease control program, CAWD's District Engineer shall require corrective measures.
  15. Prohibited and/or Restricted Equipment.
  16. The installation and use of garbage grinders (food waste disposals) in commercial food establishments is prohibited except where a grease interceptor is in use. If pre-existing, the grinder will be allowed until a change of ownership or a violation occurs.
  17. The connection of dishwashers to a grease trap is prohibited.
  18. The use of enzymes or bacterial cultures designed to disperse grease is prohibited unless specifically approved in writing by CAWD's District Engineer.
  19. Preventative and repair Maintenance shall be accomplished.
  20. Traps and interceptors shall be kept in efficient operating condition by periodic removal of the accumulated grease.
  21. No collected grease shall be introduced into any public or private drainage or sewerage piping.
  22. Any grease trap or grease interceptor required by this Ordinance shall be readily accessible for inspection and properly maintained to assure that accumulations of grease or oil do not impair its efficiency or transport grease or oil into the sewer system.
  23. All food service establishments or businesses required under this Ordinance to install and keep

a grease trap or grease interceptor shall maintain a maintenance record for the grease trap or grease interceptor. This record shall include:

- The date;
  - The name of the person who performed cleaning;
  - The disposal site of the waste.
24. The record shall be posted in a conspicuous location and be available for review by the District's inspector or authorized representative at each routine inspection and at such other time as necessary for the District to determine whether a particular establishment may be performing maintenance contrary to the provisions of this chapter.
  25. Suspension or Termination of Health Permit. The District shall have the discretion to request the Monterey County Health Department to terminate or cause to be terminated the health permit of any user if a violation of any provision of this chapter is found to cause a condition of contamination, pollution, nuisance, or other threat to public health or safety.
  26. Request for Ruling. If an applicant for a permit or the owner of a grease trap or grease interceptor disputes the interpretation or application of this Ordinance, he/she may request a written ruling by the General Manager of CAWD. The decision of the General Manager can also be ruled upon by the District Board of Directors. An appointment for ruling may be made with the CAWD Board Secretary. The determination of the Board of Directors shall be final for all purposes.

## **2. Vehicles**

Vehicle Service Stations, Garages, Public Works Yards and School Transportation Yards, shall be required to install a gravity separating device designed to prevent the discharge of sand, silt, oil and grease to the District's sewerage system.

## **3. Laundries and Dry Cleaners**

After the effective date of this Ordinance, all new and existing laundries and dry cleaners or similar establishments shall install a gravity separating device of a size and design approved by the General Manager.

They shall also install any other pretreatment facility required by the General Manager to ensure their compliance with all requirements and specifications of this Ordinance.

Establishments in existence prior to this date shall install an appropriate pretreatment system if in the opinion of the District Engineer the system is warranted.

## **4. Existing Gravity Separating Device and Grease Interceptors**

If the District Engineer finds that a grease interceptor or gravity separating device installed prior to the effective date of this Ordinance is incapable of retaining adequately the grease or sand and oil in the wastewater flow from a service station, restaurant or similar establishment, the District Engineer shall give



the proprietor a written notice requiring that an adequate interceptor or gravity separating device be installed within a reasonable time period.

## **5. Maintenance of Grease Interceptors and Gravity Separating Devices**

Any Grease Interceptor or gravity separating device required by this Ordinance shall be readily accessible for inspection and properly maintained to assure that the accumulations of grease or sand and oil do not impair its efficiency or pass out with the effluent.

All Users required to use and maintain a grease interceptor or gravity separating device and shall maintain a maintenance record, including waste hauling manifests in accordance with Section 7 of this Ordinance. This record shall include the date, the name of the person who cleaned it and the disposal site of the waste. The report shall be reviewed by the District Engineer at each routine inspection. Persons hauling wastes and wastewater removed from these Interceptors or gravity separating devices shall be registered to do so by the proper permitting agency. An Interceptor or gravity separating devices shall not be considered properly maintained if material accumulations total more than 25 percent of the operating fluid capacity.

No User shall introduce any additives, including but not limited to enzymes or surfactants acting as grease emulsifiers or degradation agents, into any Grease Interceptor or grease removal device, unless prior written approval is obtained from the District. The District will endeavor to inspect all grease interceptors and gravity separating device at least yearly. If it is found that it is improperly maintained or adequate records have not been kept, a warning will be issued to the Owner and/or User of the property. If on subsequent inspections it is found that one of the above conditions continues to exist, a fine shall be levied against the owner and/or User of the property. (See Section 6)

## **8.4 Use of Chemical Additives**

The use of chemical, biological, or enzymatic additives to emulsify or digest accumulated grease by-products is prohibited without the consent of the District Engineer.

All additives will be considered on a case-by-case basis. Approval criteria include an approved on-site test program to be provided by and at the expense of the User.

## **8.5 Interceptor Maintenance Procedures and Program**

Any user who is required by the District and/or this Ordinance to install and/or operate an interceptor or trap device, shall be required to adequately maintain the interceptor or trap device so that such device is in proper working order at all times. Grease and oil interceptors shall be cleaned by a licensed and permitted waste hauler on a periodic basis so as to assure that the interceptor will operate as designed at all times.

Any users who are required to install or have in operation an interceptor or traps pursuant to this Ordinance, shall be required to have a plan of operation or program for their facility which is intended to ensure that the interceptor or trap operates as designed to prevent grease, oil, sand, or other harmful constituents from entering the sewerage system. These procedures may include adoption of kitchen practices to minimize the grease-laden garbage which ultimately enters the facility's drains and floor traps and/or other such procedures as may be required for the proper operation of the interceptors.

## **8.6 Interceptor Maintenance Standards**

Maintenance standards shall be conducted by users in order to ensure the proper operation of interceptors and traps. If the operations of a specific user modify the need to follow the specified standards, the user can request a variance from the District in writing on the form provided by the District. Unless the District issues a written variance to a user, the user is responsible for meeting the specified minimum maintenance standards of this section:

1. Access to interceptors and traps shall be maintained to allow inspection and maintenance to be performed. Inspections shall be performed at appropriate frequency to ensure adequate operation of the interceptor or trap and to evaluate effectiveness of Best Management Practices to control sources of pollutants.
2. Interceptors shall be operated so that the accumulated grease and solid waste does not meet or exceed twenty-five (25) percent of the unit's capacity. Determinations shall normally be made by measuring the depth of the layers within a unit.
3. Interceptors shall be cleaned at least once every 90 days. Interceptor cleaning shall be conducted to pump all the liquid and solid contents of the unit, and the sides will be cleaned of any substantial build-up of grease and solid wastes.
4. Traps shall be cleaned according to the District's District Engineer (e.g. daily, weekly) when conducted by user's employees, and shall be pumped of all the liquid and solid contents using a licensed and permitted waste hauler at least once every 30 days.
5. The user may clean smaller traps in lieu of using a licensed and permitted waste hauler at least once every 30 days provided that all the standards for cleaning traps are met, including, but not limited to, removal of all liquids and solids and not decanting wastes.
6. The user shall document the proper disposal of the wastes removed from the trap as required in this section.
7. Decanting of wastes removed from an interceptor or trap is prohibited when a licensed and permitted waste hauler is used to clean a unit. Wastes removed from the interceptor or trap shall not be reintroduced into the unit cleaned or any other connection to the District's sewer collection system unless the location is specifically authorized in a current waste hauler permit.

8. The user shall maintain records documenting proper maintenance of the interceptor or trap. The disposal location (name, address, phone number for off-site facilities) for wastes removed from an interceptor or trap shall be recorded and made available for inspection upon request.

## **8.7 Enforcement**

Failure of any user, who is required to maintain an interceptor or trap pursuant to this Ordinance and/or pursuant to lawful District direction, shall be subject to each of the enforcement provisions set forth in Section 4 of this Ordinance. The enforcement provisions of this Ordinance shall apply to the failure to instruct personnel, or to maintain, pump, and/or institute a proper grease or flammable substance reduction program.

# Appendix A

## PRETREATMENT CATEGORIES

ANIMAL CARE FACILITIES: (Class III)	ANIMAL KENNELS EQUESTRIAN CENTERS PET GROOMING (DROP OFF, MOBILE UNITS AND DO IT YOURSELF WASH CENTERS) VETERINARY OFFICES AND HOSPITALS
AUTOMOBILE RELATED SERVICES:AUTO BODY SHOPS (Class III)	AUTO DETAILING SERVICES AUTO SALES (NEW AND/OR USED) CAR WASH GAS STATIONS (NO REPAIR SERVICES) RADIATOR AND MUFFLER REPAIR SERVICE STATIONS (MAY INCLUDE ALSO GAS SALES)
DENTAL CARE FACILITIES: (Class III)	DENTAL LABS DENTAL SURGERIES DENTAL OFFICES
ENTERTAINMENT SITES: (Class III)	BARS NIGHTCLUBS THEATERS (BOTH INDOOR AND OUTDOOR)
FOOD SERVICES (Class IV):	BAKERY (INCLUDES BREADS, BAGELS, COOKIES, CAKES AND DONUTS) BANQUET FACILITIES BUTCHER SHOPS CATERERS COFFEE SHOPS AND STORES CONCESSION STANDS CONVENIENCE STORES COOKING SCHOOLS DELICATESSEN AND SANDWICH PREPARATION SHOPS FAST FOOD RESTAURANTS FOOD PROCESSORS (INCLUDES PASTA SHOPS) HOT DOG STANDS AND SHOPS ICE CREAM AND YOGURT SHOPS LARGE GROUP FOOD PREP KITCHENS (INCLUDES, HOSPITALS, SCHOOL CAFETERIAS, NURSING HOME CAFETERIAS, ADULT AND CHILD CARE KITCHENS, CHURCH KITCHENS, COMMUNITY KITCHENS OR CLUBHOUSE KITCHENS) PIZZA SHOPS RESTAURANTS

## Appendix A

### PRETREATMENT CATEGORIES

FOOD SERVICES (Class IV) CONT.	SEAFOOD SHOPS SUPERMARKETS WINERY KITCHENS
GROUP RESIDENCES: (Class III)	HOTELS JAILS SHELTERS YOUTH CENTERS
MANUFACTURERS AND PROCESSORS: (Class III)	COATING OPERATIONS ELECTROPLATERS (INCLUDES JEWELRY MANUFACTURING) ENAMELING OPERATIONS INK FORMULATORS LEATHER TANNING AND FINISHING OPERATIONS MACHINE SHOPS MANUFACTURERS (ALL TYPES) METAL FINISHERS MINING OPERATIONS PAINT FORMULATORS PETROLEUM REFINERS PHOTO PROCESSORS PLASTIC MOLDING AND FORMING OPERATIONS POWER GENERATING PLANTS PRINTED CIRCUIT BOARD MANUFACTURERS TEXTILE MILLS TIMBER PROCESSING
MEDICAL CARE FACILITIES: (Class III)	LABORATORIES (MEDICAL OR RESEARCH) HOSPITALS DOCTOR OFFICES MORTUARIES NURSING HOMES
OTHER: (Class III)	SWIMMING POOLS (COMMUNITY, PUBLIC OR SCHOOL) GROUNDWATER REMEDIATION PROJECTS
SERVICE BASED FACILITIES: (Class III)	BEAUTY SALONS AND HAIR SALONS DRY CLEANERS FORGES LAUNDROMATS FURNITURE STRIPPERS AND REFINISHERS NAIL SALONS PESTICIDE OPERATORS (ALL)

## Appendix B

### CARMEL AREA WASTEWATER DISTRICT INDUSTRIAL PRETREATMENT PERMIT, ANNUAL INSPECTION AND VIOLATION FEES

USER CATEGORY PERMIT	FEE \$	Notes
CLASS I PERMIT	TBD	no users
CLASS II PERMIT	\$0.00	one user- PBCSD
CLASS III PERMIT	\$150.00	
CLASS IV PERMIT	\$150.00	
<b>INSPECTION FEES</b>		
CLASS I INSPECTION	TBD	
CLASS II INSPECTION	TBD	
CLASS III INSPECTION (FIRST YEAR ONLY)	\$105.00	
CLASS IV INITIAL INSPECTION	\$105.00	
<b>VIOLATION FEES</b>		
Initial failure to adhere to a schedule to attain compliance set forth in a Notice of Violation (NOV)	\$75.00	
Second failure within a 12 sequential month period to adhere to a schedule to attain compliance set forth in the NOV	\$150.00	
Third failure within a 12 sequential month period to adhere to a schedule to attain compliance set forth in the same NOV	\$500.00	
Receipt of a subsequent NOV for a repeat violation of the same provision of Ordinance 2021-03 within 12-months of the issuance of an administrative citation for failure to adhere to the compliance schedule in the prior NOV	\$500.00	
A penalty for delinquent accounts shall be charged. If the violation fee has not been paid by the 31st day after the NOV, a penalty of 1.5% of the base invoice amount will be applied, not to exceed a maximum of \$1,000.00. If the violation fee has not been paid by the 60th day after the NOV, an additional penalty of 10% of the base invoice amount shall be applied, not to exceed \$4,000.00. Any Invoice outstanding and unpaid for 90 days after the NOV, shall be cause for immediate initiation for permit revocation.		

## Appendix C

### II. DISCHARGE PROHIBITIONS- ORDER NO. R3-2014-0012NPDES NO. CA0047996

- A. Discharge of treated wastewater to the Pacific Ocean at a location other than those listed below is prohibited.
  - 1. Carmel Area Wastewater Treatment Plant Ocean Outfall (36° 32' 00" N. Latitude, 121° 55' 43"W. Longitude), and
  - 2. Approved recycled water reuse sites authorized by Order Nos. 93-72 and 94-04 or other sites subsequently permitted.
- B. The overflow or bypass of wastewater from the Discharger's collection, treatment, or disposal facilities and the subsequent discharge of untreated or partially treated wastewater, except as provided for in Attachment D, Standard Provision 1.A.7 (Bypass), is prohibited.
- C. Discharge of any waste in any manner other than as described by this Order, excluding storm water regulated by General Permit No. CAS000001 (Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities), and excluding the reuse of treated wastewater in accordance with California Water Code sections 13500 - 13577 (Water Reclamation) and California Code of Regulations title 22, sections 60301 - 60357 (Water Recycling Criteria), is prohibited.
- D. The discharge of any radiological, chemical, or biological warfare agent or high-level radioactive waste into the ocean is prohibited.
- E. Discrete point source discharges of sewage in a manner that alters conditions from those occurring naturally in the area of the discharge to Carmel Bay, an Area of Special Biological Significance (ASBS), are prohibited.
- F. Federal law prohibits the discharge of sludge by pipeline to the Ocean. The discharge of municipal or industrial waste sludge directly to the Ocean or into a waste stream that discharges to the Ocean is prohibited. The discharge of sludge digester supernatant, without further treatment, directly to the Ocean or to a waste stream that discharges to the Ocean, is prohibited.

### III. EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

#### A. Effluent Limitations - Discharge Point 001

**1. Final Effluent Limitations - Discharge Point 001**

- a. The Discharger shall maintain compliance with the following effluent limitations at Discharge Point 001, with compliance measured at Monitoring Location EFF-001 as described in the attached MRP.

**Table 4. Effluent Limitations**

Parameter	Units	Effluent Limitations			
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
BOD5	mg/L	30	45	90	--
	lbs/day <sup>111</sup>	750	1,130	2,250	--
TSS	mg/L	30	45	90	--
	lbs/day <sup>111</sup>	750	1,130	2,250	--
Oil & Grease	mg/L	25	40	75	--
	lbs/day <sup>111</sup>	630	1,000	1,880	--
Settleable Solids	ml/L/hr	1.0	1.5	--	3.0
Turbidity	NTUs	75	100	--	225
pH <sup>121</sup>	pH units	6.0 - 9.0 at all times			
Total Coliform Bacteria <sup>131</sup>	MPN/100 ml	230	--	--	10,000
Fecal Coliform Bacteria <sup>131, 141</sup>	MPN/100 ml	24,000	--	--	49,000
Enterococcus Bacteria <sup>131, 141</sup>	MPN/100 ml	4,300	--	--	13,000

<sup>1</sup> Mass limitations are based on 3.0 MGD maximum effluent flow.

<sup>2</sup> Excursions from the effluent limit range are permitted subject to the following limitations (40 C.F.R. 401.17):

- a. The total time during which the pH values are outside the required range of pH values shall not exceed 7 hours and 26 minutes in any calendar month; and
- b. No individual excursion from the range of pH values shall exceed 60 minutes.

Note: 40 C.F.R. 401.17(2)(c) notes that, for the purposes of 40 C.F.R. 401.17, "excursion" is defined as "an unintentional and temporary incident in which the pH value of discharge wastewater exceeds the range set forth in the applicable effluent limitations guidelines." The State Board may adjust the requirements set forth in paragraph 40 C.F.R. 401.17 (a) with respect to the length of individual excursions from the range of pH values, if a different period of time is appropriate based upon the treatment system, plant configuration, or other technical factors.

<sup>3</sup> Bacterial effluent limits apply if the Executive Officer concludes from receiving water monitoring that the discharge consistently exceeds the bacteriological single sample maximum (SSM) standards contained within section IV.A.1 of the Order. See Table E-3 for associated monitoring requirements.

<sup>4</sup> Fecal coliform and Enterococcus bacteria values are based on existing dilution ratio of 121:1 and apply after the last treatment process and at a measurable location before disposal to the ocean outfall.

- b. **Toxic Pollutants.** The Discharger shall maintain compliance with the following effluent limitations for toxic pollutants at Discharge Point 001, with compliance measured at Monitoring Location EFF-001, as described in the attached MRP.



**Table 5. Effluent Limitations for the Protection of Marine Aquatic Life**

Pollutant	Unit	6-Month Median	Daily Maximum	Instantaneous Maximum
Cadmium	µg/L	120	490	1,200
	lbs/day11 <sup>1</sup>	3.1	12	31
Chromium (Hexavalent) <sup>121</sup>	µg/L	240	980	2,400
	lbs/day11 <sup>1</sup>	6.1	24	61
Lead	µg/L	240	980	2,400
	lbs/day11 <sup>1</sup>	6.1	24	61
Mercury	µg/L	4.8	19	49
	lbs/day111	0.12	0.49	1.2

Pollutant	Unit	6-Month Median	Daily Maximum	InstantaneousMaximum
Silver	µg/L	66	320	830
	lbs/day11 <sup>1</sup>	1.7	8.1	21
Total Residual Chlorine <sup>31</sup>	µg/L	240	980	7,300
	lbs/day111	6.1	24	<b>180</b>
Ammonia (as N)	µg/L	73,000	290,000	730,000
	lbs/day <sup>1</sup>	1,800	7,300	18,000
Acute Toxicity <sup>41</sup>	TUa	---	3.9	---
Chronic Toxicity <sup>41</sup>	TUc	---	120	---
Phenolic Compounds(non-chlorinated)	µg/L	3,700	15,000	37,000
	lbs/day111	92	370	920
Chlorinated Phenolics	µg/L	120	490	1,200
	lbs/day111	<b>3.1</b>	12	31
Endosulfan	µg/L	1.1	2.2	3.3
	lbs/day111	0.027	0.055	0.082

Pollutant	Unit	6-Month Median	Daily Maximum	Instantaneous Maximum
Endrin	µg/L	0.24	0.49	0.73
	lbs/day <sup>1</sup>	0.0061	0.012	0.018
HCH	µg/L	0.49	0.98	1.5
	lbs/day <sup>1</sup>	0.012	0.024	0.037
Radioactivity	--	Not to exceed limits specified in California Code of Regulations, Title 22, Division 4, Chapter 15, Article 5, Section 64443		

<sup>1</sup> Mass limitations are based on 3.0 MGD maximum effluent flow.

<sup>2</sup> The Discharger may at its option meet this objective as a total chromium objective.

<sup>3</sup> Water quality objectives for total chlorine residual applying to intermittent discharges not exceeding two hours shall be determined using the following equation:

$\log y = -0.43(\log x) + 1.8$  where: y = the water quality objective (in µg/L) to apply when chlorine is being discharged; and

x = the duration of uninterrupted chlorine discharge in minutes.

The applicable effluent limitation must then be determined using Equation No. 1 from the Ocean Plan.

<sup>4</sup> See Attachment A for applicable definitions.

**Table 6. Effluent Limitations for the Protection of Human Health (Non-Carcinogens)**

Pollutant	Unit	30-day Average
Acrolein	µg/L	27,000
	lbs/day <sup>[1]</sup>	670
Bis(2-Chloroethoxy)Methane	µg/L	540
	lbs/day <sup>1</sup>	13
Bis(2-Chloroisopropyl)Ether	µg/L	150,000
	lbs/day <sup>[1]</sup>	3,700
Chlorobenzene	µg/L	70,000

Pollutant	Unit	30-day Average
	lbs/day <sup>11</sup>	1700
Di-n-Butyl Phthalate	µg/L	430,000
	lbs/day <sup>11</sup>	11,000
Dichlorobenzenes	µg/L	620,000
	lbs/day <sup>11</sup>	16,000
Diethyl Phthalate	µg/L	4,000,000
	lbs/day <sup>11</sup>	100,000
Dimethyl Phthalate	µg/L	100,000,000
	lbs/day <sup>11</sup>	2,500,000
2-Methyl-4,6-Dinitrophenol	µg/L	27,000
	lbs/day <sup>11</sup>	670
2,4-Dinitrophenol	µg/L	490
	lbs/day <sup>11</sup>	12
Ethylbenzene	µg/L	500,000
	lbs/day <sup>11</sup>	13,000
Fluoranthene	µg/L	<b>1,800</b>
	lbs/day <sup>11</sup>	46
Hexachlorocyclopentadiene	µg/L	7,100
	lbs/day <sup>11</sup>	180
Nitrobenzene	µg/L	500
	lbs/day <sup>11</sup>	15
Thallium	µg/L	240
	lbs/day <sup>11</sup>	6.1
Tributyltin	µg/L	0.17
	lbs/day <sup>11</sup>	0.0043
1,1,1-Trichloroethane	µg/L	66,000,000
	lbs/day <sup>11</sup>	1,600,000

<sup>1</sup> Mass limitations are based on 3.0 MGD maximum effluent flow.

**Table 7. Effluent Limitations for the Protection of Human Health (Carcinogens)**

Pollutant	Unit	30-day Average
Acrylonitrile	µg/L	12
	lbs/day1 <sup>1</sup>	0.31
Aldrin	µg/L	0.0027
	lbs/day1 <sup>1</sup>	0.000067
Benzene	µg/L	720
	lbs/day1 <sup>1</sup>	<b>18</b>
Benzidine	µg/L	0.0084
	lbs/day1 <sup>1</sup>	0.00021
Beryllium	µg/L	4.0

Pollutant	Unit	30-day Average
	lbs/day11	0.10
Bis(2-Chloroethyl)Ether	µg/L	5.5
	lbs/day11	0.14
Bis(2-Ethylhexyl)Phthalate	µg/L	430
	lbs/day[ <sup>1</sup>	11
Carbon Tetrachloride	µg/L	110
	lbs/day11	2.7
Chlordane	µg/L	0.0028
	lbs/day1 <sup>1</sup>	0.000070
DDT (total)	µg/L	0.021
	lbs/day1 <sup>1</sup>	0.00052
1,4 Dichlorobenzene	µg/L	2,200
	lbs/day1 <sup>1</sup>	55
3,3'-Dichlorobenzidine	µg/L	0.99
	lbs/day1 <sup>1</sup>	0.025
1,2-Dichloroethane	µg/L	3,400
	lbs/day[ <sup>1</sup>	<b>85</b>
1,1-Dichloroethylene	µg/L	110
	lbs/day1 <sup>1</sup>	2.7
Dichloromethane (Methylene Chloride)	µg/L	55,000
	lbs/day11	1,400
1,3-Dichloropropene	µg/L	1,100
	lbs/da/ <sup>1</sup>	27

Pollutant	Unit	30-day Average
Dieldrin	µg/L	0.0049
	lbs/da/1	0.00012
2,4-Dinitrotoluene	µg/L	320
	lbs/da/1	7.9
1,2-Diphenylhydrazine	µg/L	20
	lbs/day1 <sup>1</sup>	0.49
Halomethanes	µg/L	16,000
	lbs/day11	400
Heptachlor	µg/L	0.0061
	lbs/da/ <sup>1</sup>	0.00015
Heptachlor Epoxide	µg/L	0.0024
	lbs/day[ <sup>2</sup> ]	0.000061
Hexachlorobenzene	µg/L	0.026
	lbs/day1 <sup>1</sup>	0.00064
Hexachlorobutadiene	µg/L	1,700
	lbs/day1 <sup>1</sup>	43
Hexachloroethane	µg/L	310

  

Pollutant	Unit	30-day Average
	lbs/day1 <sup>1</sup>	7.6
Isophorone	µg/L	89,000
	lbs/day1 <sup>1</sup>	2,200
N-Nitrosodimethylamine	µg/L	890
	lbs/day1 <sup>1</sup>	22
N-Nitrosodi-n-Propylamine	µg/L	46
	lbs/day1 <sup>1</sup>	1.2
N-Nitrosodiphenylamine	µg/L	310
	lbs/day1 <sup>1</sup>	7.6
PAHs (total)	µg/L	1.1
	lbs/day1 <sup>1</sup>	0.027
PCBs	µg/L	0.0023
	lbs/day1 <sup>1</sup>	0.000058
TCDD Equivalents	µg/L	4.8E-07
	lbs/day1 <sup>1</sup>	1.2E-08
1,1,2,2-Tetrachloroethane	µg/L	280
	lbs/day1 <sup>1</sup>	7.00
Tetrachloroethylene	µg/L	240
	lbs/day1 <sup>1</sup>	6.1
Toxaphene	µg/L	0.026
	lbs/day1 <sup>1</sup>	0.00064

Pollutant	Unit	30-day Average
Trichloroethylene	µg/L	3,300
	lbs/day <sup>1</sup>	82
1,1,2-Trichloroethane	µg/L	1,100
	lbs/day <sup>1</sup>	29
2,4,6-Trichlorophenol	µg/L	35
	lbs/day <sup>1</sup>	0.89
Vinyl Chloride	µg/L	4,400
	lbs/day <sup>1</sup>	110

<sup>1</sup> Mass limitations are based on 3.0 MGD maximum effluent flow.

- c. **Percent Removal:** **The average monthly percent removal of BOD<sub>5</sub> and TSS shall not be less than 85 percent.**
- d. **Initial Dilution:** The minimum initial dilution of treated effluent at the point of discharge to Carmel Bay shall not be less than 121 to 1 (seawater to effluent) at any time.
- e. **Dry Weather Flow:** Effluent daily dry weather flow shall not exceed a monthly average of 3.0 MGD.