

CWS



**AGENDA  
CLEAN WATER SERVICES  
BOARD OF DIRECTORS**

FILED  
JAN 9 2009  
RECORDS DEPARTMENT  
Clean Water Services

**Agenda Category:** Public Hearing All CPO's

**Agenda Title:** CONDUCT A PUBLIC HEARING AND ADOPT A RESOLUTION  
AND ORDER UPDATING THE SEWER USE RULES AND  
REGULATIONS (INCLUDING INDUSTRIAL PRETREATMENT)

**Presented by:** Bill Gaffi, General Manager (cb)

**SUMMARY** (Attach Supporting Documents if Necessary)

Clean Water Services' (District) Board of Directors (Board) last amended the District's Sewer Use Rules and Regulations on June 16, 1998 by adopting Resolution and Order No. 98-26 (R&O 98-26). The Sewer Use Rules and Regulations include rules concerning District's industrial pre-treatment program and allow the District to comply with United States Environmental Protection Agency standards. R&O 98-26 must be updated to comply with recent changes to the federal Industrial Pretreatment Rules contained in 40 CFR Part 403. The District is required to update its rules to comply with these changes.

(CONTINUED)

**FISCAL IMPACT:** No fiscal impact has been identified.

**REQUESTED ACTION:** Conduct a public hearing, and after considering any testimony received, adopt the attached Resolution and Order approving the revised Sewer Use Rules and Regulations (including Industrial Pretreatment).

(Exhibit A to the Resolution and Order is available at the Clerk's desk.)

CWS R009-1

Agenda Item No. 4.a.  
Date: 01/06/09

A summary of the changes made in the attached Resolution and Order follows:

Issue	Section of 40 CFR 403 rules
Sampling for pollutants not present	403.8(f)(2)(v), 403.12(e)
Best Management Practices	403.5, 403.8(f), 403.12(b), (e), (h)
Slug control plans (a slug is an accidental discharge of substances)	403.8(f)(1)(iii)(B)(6), 403.8(f)(2)(vi)
Equivalent concentration limits for flow-based Standards	403.6(c)(6)
Equivalent mass limits for concentration-based Standards	403.6(c)(5)
Use of grab and composite samples	403.12(b), (d), (e), (g), (h)
Significant noncompliance criteria	403.8(f)(2)(viii)
Miscellaneous changes	403.12(g), (j), (l), (m)
Increase Administrative Penalty amount for 2 <sup>nd</sup> and 3 <sup>rd</sup> flow exceedence by \$1/ccf (no change to 4 <sup>th</sup> )	

The revised Sewer Use Rules and Regulations are contained in Exhibit A to the Resolution and Order and are available at the Clerk's desk.

District requests the Board adopt the Resolution and Order adopting the above changes to enable the District to meet state and federal requirements.

1                   **BEFORE THE BOARD OF DIRECTORS OF CLEAN WATER SERVICES**

2  
3   In the Matter of Adopting Amendments to the    )   RESOLUTION AND ORDER  
4   Rules and Regulations Governing Treatment of    )  
5   Wastewater by Industrial and Other Users of    )  
6   the Public Sanitary Sewer System Pursuant to    )   NO.       CWS 09-1      
7   Clean Water Services' Ordinance 27, and        )  
8   Repealing Clean Water Services' Resolution    )  
9   and Order No. 98-26.                            )

7           The above-entitled matter came before the Board of Directors of Clean Water Services  
8 (Board) at its regular meeting of January 6, 2009; and

9           It appearing to the Board that on April 19, 1994 this Board enacted District Ordinance 27,  
10 which governs the use and operation of District's wastewater system; and

11           It appearing to the Board that Sections 3.a.2 and 8 of District Ordinance 27 provide a means  
12 whereby the Board may, by resolution and order, adopt additional rules and regulations pertaining  
13 to the use of the District wastewater system, including industrial pretreatment system; and

14           It appearing to the Board that it did previously adopt certain industrial pretreatment rules  
15 and regulations by Resolution and Order No. 98-26 on June 16, 1998 and that the rules, regulations  
16 and provisions contained in that document are in need of amendment; and

17           It appearing to the Board that Exhibit A attached hereto and by this reference incorporated  
18 herein contains rules and regulations which carry out the standards and objectives of Ordinance 27  
19 as well as applicable state and federal laws; and

20           It appearing to the Board that it has conducted a public hearing regarding adoption of these  
21 rules and regulations on this date and that any person affected by the proposed rules has had an  
22 opportunity to testify, and that public notice of such hearing was given in accordance with  
23 Ordinance 27, Section 8.A.2; the Board being fully advised, it is therefore

24   ///

25   ///

26   ///

1 RESOLVED AND ORDERED that Resolution and Order No. 98-26 is hereby repealed,  
2 provided however, that all permits, enforcement actions, penalties and other actions of the District  
3 undertaken pursuant thereto shall remain in full force and effect, and shall be subject to  
4 enforcement under this Resolution and Order.

5 DATED this 6th day of January, 2009.

CLEAN WATER SERVICES  
By its Board of Directors

	AYE	NAY	ABSENT
8 BRIAN	✓	—	—
9 SCHOUTEN	✓	—	—
10 STRADER	✓	—	—
11 ROGERS	✓	—	—
DUYCK	✓	—	—

Tom Brian  
Chairman

Barbara Hejtmanek  
Recording Secretary

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# EXHIBIT A

## CLEAN WATER SERVICES SEWER USE RULES AND REGULATIONS (including Industrial Pretreatment)

### TABLE OF CONTENTS (Abridged)

SECTION 1	GENERAL PROVISIONS
1.01	Purpose and Policy
1.02	Administration
1.03	Abbreviations
1.04	Definitions
SECTION 2	GENERAL SEWER USE REQUIREMENTS
2.01	General Discharge Prohibitions
2.02	Specific Prohibitions
2.03	Dilution
2.04	More Stringent Limitations
2.05	Categorical Pretreatment Standards
2.06	State Requirements
2.07	Wastewater Discharge Permit Limitations
2.08	Local Limits
2.09	Permit Specific Limits
2.10	Mass Limitations
2.11	Grease Interceptors
2.12	Continuous pH Recording
SECTION 3	WASTEWATER PERMITS
3.01	Wastewater Survey
3.02	Discharge Requirements
3.03	Application for Discharge Permit
3.04	Permit Contents
3.05	Permit Modification
3.06	Permits Duration/No Property Interest Acquired
3.07	Limitations on Permit Transfer
3.08	Waiver of Industrial Connection Fees
3.09	Wastewater Discharge Permit Revocation
3.10	Responsibility of Permit Holder
3.11	Wastewater Permit Renewals

## SECTION 4 REPORTING REQUIREMENTS

- 4.01 General Requirements
- 4.02 Industrial User Discharge Application (and Baseline Monitoring Report)
- 4.03 Report on Compliance with Categorical Deadlines
- 4.04 Periodic Compliance Reports
- 4.05 Reporting of Violation/Resampling Requirement
- 4.06 Accidental Spill Prevention Plans (ASPP)
- 4.07 Slugload Reporting
- 4.08 Notification of Bypass
- 4.09 Notification of Upset
- 4.10 Change in Discharge
- 4.11 Notification of Significant Production Change
- 4.12 IU Hazardous Waste Reporting
- 4.13 Certification of All Reports

## SECTION 5 ADMINISTRATIVE ENFORCEMENT

- 5.01 Industrial User Violation Process
- 5.02 Violation
- 5.03 Administrative Enforcement Process
- 5.04 Administrative Appeals of Enforcement Actions
- 5.05 Emergency Suspensions
- 5.06 Termination of Permit
- 5.07 Judicial Enforcement Remedies

## SECTION 6 MISCELLANEOUS

- 6.01 Net/Gross Calculations
- 6.02 Miscellaneous Information
- 6.03 Inspection Warrants
- 6.04 Confidential Information
- 6.05 Monthly Industrial Billing Information
- 6.06 Reimbursement for District Sampling and Testing
- 6.07 Severability
- 6.08 Conflicts
- 6.09 Hauled Wastewater
- 6.10 Regulation of Waste Received from other Jurisdictions

Appendix A - Industrial Wastewater Discharge Permit Violation Administrative Penalty Schedule

Appendix B - Industrial Sampling Vault (drawing)

## SECTION 1

### GENERAL PROVISIONS

#### 1.01 Purpose and Policy

This Resolution and Order sets forth uniform requirements for discharges from industrial sources into the wastewater collection and treatment system for Clean Water Services (District). Its purpose is to enable the District to comply with all applicable state and federal laws including the Clean Water Act (Act 33 U.S.C. 1251 et seq.), the General Pretreatment Regulations (40 CFR Part 403) and Oregon Administrative Rules (OAR) Chapter 340 pertaining to industrial pretreatment and sludge. Its objectives are:

- (a) To prevent the introduction of pollutants into the District sanitary sewerage system which will interfere with the operation of the system;
- (b) To prevent the introduction of pollutants into the District sanitary sewerage system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise will be incompatible with the system;
- (c) To ensure that the quality of the District's wastewater treatment plant biosolids is maintained at a level which allows its beneficial reuse;
- (d) To protect the District and city personnel who may come into contact with sewage, biosolids and effluent in the course of their employment as well as protecting the general public;
- (e) To preserve the hydraulic capacity of the District wastewater system;
- (f) To provide for equitable distribution of the cost of operation, maintenance and improvements of the District wastewater system; and
- (g) To ensure the District is able to comply with its National Pollutant Discharge Elimination System (NPDES) permit conditions, biosolids use and disposal requirements and any federal or State laws, to which the District wastewater system is subject.

This Resolution and Order provides for the regulation of discharges to the District wastewater system through the issuance of permits to certain industrial users, through establishment of general requirements for other users, authorizes monitoring and enforcement activities, establishes administrative review procedures, and requires User reporting.

This Resolution and Order shall apply to all activities and discharges within the boundaries of the District, including those within incorporated cities, and to activities and persons outside the District who cause or permit a discharge, direct or indirect, to the District sanitary sewerage systems.

## 1.02 Administration

Except as otherwise provided herein, the General Manager shall administer, implement and enforce the provisions of this resolution and order. Any powers granted to or duties otherwise imposed upon the General Manager may be delegated by the General Manager to other District personnel.

## 1.03 Abbreviations

Following is a list of abbreviations that may appear in this document and their usual meaning under the United States Environmental Protection Agency National Pretreatment Program.

CFR	Code of Federal Regulations
LC50	Lethal Concentration of Fifty Percent (50%) of the Test Organisms
l	Liter
MGD	Million gallons per day
mg/l	Milligrams per liter
RCRA	Resource Conservation and Recovery Act
SIC	Standard Industrial Classification Number Issued by the U.S. Office of Management and Budget
SWDA	Solid Waste Disposal Act (42 U.S.C. 6901, et seq.)
TSS	Total Suspended Solids
TTO	Total Toxic Organic
USC	United States Code

## 1.04 Definitions

As used in this Resolution and Order, all terms shall have the following meaning in order of precedence: applicable federal statutes and administrative rules; applicable state statutes and administrative rules; Ordinances and Resolutions of Clean Water Services. If this Resolution expressly provides a different definition, this Resolution shall prevail. The definitions in this section shall have the indicated meaning unless the context requires otherwise. Certain terms are listed with reference to a specific statute or rule, which definitions are incorporated by reference.

### 1.04.1 Accidental Spill Prevention & Slug Control Plan (ASPP)

A plan the purpose of which is to eliminate or prevent slug loads or spills from entering into the sanitary or storm sewer systems.

### 1.04.2 Act; the Act

The Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), as amended.

### 1.04.3 Affirmative Defense

Shall have the meaning and scope of 40 CFR 403.5(a)(2)



1.04.4 District

Clean Water Services

1.04.5 Applicable Pretreatment Standards

For any specified pollutant, District prohibitive discharge standards, District specific limitations on discharge, State of Oregon Pretreatment Standards, or Categorical Pretreatment Standards, whichever standard is most stringent.

1.04.6 Approval Authority

Oregon Department of Environmental Quality - DEQ

1.04.7 As Amended

Shall mean the latest version of a statute, rule, or ordinance in effect on the date this Resolution and Order is adopted. Citation of any statute or rule shall be deemed to be to the amended version.

1.04.8 As Approved by the District

Shall mean the written approval by an authorized employee of Clean Water Services, according to the provisions of this Ordinance and other applicable standards, and based upon a written request by a User or permittee.

1.04.9 Authorized Representative of a User

Shall have the meaning and scope of 40 CFR 403.12(l).

1.04.10 Batch Discharge

A method of disposal, not necessarily a method of treatment, characterized by the collection and controlled discharge of a discrete, contained volume of wastewater.

1.04.11 BAT or BATEA

Shall mean the best available technology economically achievable, subject to economic and engineering feasibility limitations. BAT should incorporate the top-of-the-line current technology, with a capacity up to and including no discharge of pollutants. Considerations include the age of the equipment and facilities involved; the process used; the engineering aspects of applying various types of control techniques; process changes; the cost of achieving the effluent reduction resulting from applying the technology; and non-water quality environmental impacts, such as energy use. BAT requirements may be included in some permits.

1.04.12 Biochemical Oxygen Demand (BOD)

The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at 20 degrees Celsius, expressed in terms of weight and concentration [milligrams per liter (mg/l)].

1.04.13 BMP

Shall mean best management practices, requirements, methods, measures, practices, or design and performance standards imposed on an owner or operator that facilitate compliance with this Ordinance, applicable water quality standards or with dredged fill material requirements. BMPs may cover treatment requirements, operating and maintenance procedures, schedules of activities, prohibitions of activities, and other management practices to control plant site run-off, spillage, leaks, sludge or waste disposal, or drainage from raw material storage.

1.04.14 Bypass

Shall have the meaning and scope of 40 CFR 403.17.

1.04.15 Categorical Industrial User (CIU)

Any industrial user included in a specific category of industrial users identified in 40 CFR Chapter 1, Subchapter N, Parts 405-471.

1.04.16 Categorical Pretreatment Standards or Categorical Standard

Any regulations containing pollutant discharge limits promulgated by the USEPA in accordance with Sections 307 (b) and (c) of the Act (33 U.S.C. 1317) which apply to a specific category of industrial users and which appear in 40 CFR Chapter 1, Subchapter N, Parts 405-471, incorporated herein by reference.

1.04.17 Chemical Oxygen Demand (COD)

A measure of the oxygen-consuming capacity of inorganic and organic matter present in wastewater.

1.04.18 Clarifier

A unit process that allows for the phase separation of wastewater.

1.04.19 Continuous pH Monitoring

A method of continuously monitoring and recording the pH of a wastestream at a point after pH neutralization but prior to discharge into the public system, for the complete duration of any discharge to the public system.

1.04.20 Control Authority

Clean Water Services or District

1.04.21 Cooling Water

The water discharged from any use to which the only pollutant added is heat, such as air conditioning, heat exchangers, noncontact cooling water or refrigeration.

1.04.22 Daily Maximum

Daily maximum sampling results show if the user's discharge was in compliance during a sampling event at a particular moment in time. A daily maximum permit excursion occurs when the IU's sampling results show a constituent level exceeding the IU's permitted daily maximum limit for that constituent, when analyzed using approved methods.

1.04.23 Department of Environmental Quality (DEQ)

The Oregon Department of Environmental Quality. Where appropriate, the term may also be used as a designation for the Director of the Department or other duly authorized official of the Department.

1.04.24 Domestic or Sanitary Waste

The liquid and water borne wastes derived from the ordinary living processes, free from industrial wastes, and of such character as to permit satisfactory disposal, without special treatment, into the District wastewater system or by means of a private sewage disposal system.

1.04.25 Environmental Protection District (USEPA or EPA)

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

1.04.26 Fats, Oils, Grease (FOG)

Fats, Oils and Grease (FOG) is a category of organic substances that are of animal, vegetable or mineral origin, and consist of polar and non-polar subparts.

- a. Polar  
Polar FOG refers to the portion of FOG that is of animal or vegetable origin.
- b. Non-polar  
Non-polar FOG refers to the portion of FOG that is of mineral or petroleum origin.

1.04.27 Indirect Discharge or Discharges

Shall have the meaning and scope of 40 CFR 403.3(i).

1.04.28 Industrial User - IU

Shall have the meaning and scope of 40 CFR 403.3(j).

1.04.29 Interceptor

A device designed and installed so as to adjust, separate, and retain deleterious, hazardous, or undesirable matter from sewage and to permit normal sewage or liquid wastes to discharge from the User's premises into the public sewer system.

1.04.30 Interference

Shall have the meaning and scope of 40 CFR 403.3(k).

1.04.31 Monthly Average

Monthly average is the arithmetic mean of all samples collected in a calendar month for a particular constituent, and analyzed using approved methods. A monthly average permit excursion occurs when the IU's monthly average sampling results show a constituent level exceeding the IU's permitted monthly average limit for that constituent.

1.04.32 National Pretreatment Standard, Pretreatment Standard, or Standard

Shall have the meaning and scope of 40 CFR 403.3(l).

1.04.33 National Prohibitive Standard, Prohibitive Discharge Standard

Any regulation developed under the authority of Section 307 (b) and (c) of the Act, 40 CFR 403.5, DEQ or by the District which prohibits the discharge of certain types or characteristics of wastewater. These prohibitions can be general or specific.

1.04.34 New Source

Shall have the meaning and scope of 40 CFR 403.3(m).

1.04.35 Nondomestic Pollutants (Industrial)

Any substances other than human waste and household gray water (shower, dish washing operations, etc.)

1.04.36 NPDES

National Pollutant Discharge Elimination System permit program of USEPA.

1.04.37 O & M

Operation and Maintenance

1.04.38 Organic Toxic Pollutants

Shall mean those substances listed in 40 CFR Part 122, Appendix D, which is expressly incorporated herein and any other substance(s), which either singly or by interaction, may injure or interfere with any wastewater treatment process; may constitute a hazard to humans or animals; or may exceed any limitation adopted as a Categorical Pretreatment Standard.

1.04.39 Other Wastes

Other wastes include wastes other than human waste, but are not limited to: ashes, cinders, industrial sludges, sand, mud, straw, insoluble shavings, metal, glass, rags, feathers, tar, creosote, waste antifreeze, plastics, wood, animal paunch contents, offal, blood, bones, meat trimmings and wastes, fish or fowl heads, entrails, trimmings and wastes, lard, tallow, baking dough, chemicals, paint residues, cannery waste bulk solids, hair and fleshings, or plastic or paper dishes, cups, or food or beverage containers, whether whole or ground.

1.01.40 Pass Through

The occurrence of an indirect discharge which exits the POTW into waters of the United States 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).

1.04.41 Person

Any individual, partnership, co-partnership, firm, limited liability company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine; the singular shall include the plural where indicated by the context.

1.04.42 pH

The logarithm (base 10) of the reciprocal of the concentration of the hydrogen ions expressed in grams per liter of solution, indicating the acidity or alkalinity of the solution.

1.04.43 Pollutant

Any substance discharged into the system, which if discharged directly, would alter the quality of the water of the state to a degree, which unreasonably affects such water for beneficial use.

1.04.44 POTW (Publicly Owned Treatment Works)

Shall have the meaning and scope of 40 CFR 403.3(q).

1.04.45 Pretreatment

Shall have the meaning and scope of 40 CFR 403.3(s).

1.04.46 Pretreatment Requirement

Shall have the meaning and scope of 40 CFR 403.3(t).

1.04.47 Qualified Professional

Shall mean a Professional Engineer registered to practice in the State of Oregon, or a person who has demonstrated expertise in the field.

1.04.48 Reporting Period

A reporting period is typically a calendar month of 30 days, or a period of six months (tied to permit requirements).

1.04.49 Sampling Event

A sampling event is any sample, whether grab or 24-hour composite, that yields a sample for lab analysis. A grab sample may yield information about a particular moment-in-time for an IU's discharge. A 24-hour composite sample yields information about a representative day's discharge.

1.04.50 Sewage

Water-carried human wastes or a combination of water-carried wastes from residences, commercial buildings, institutions and industrial establishments, together with such ground, surface, storm, or other waters as may be present.

1.04.51 Shall

Is mandatory; "may" is permissive.

1.04.52 Significant Industrial User

Is any industrial user of the District POTW meeting the criteria of 40 CFR 403.3(v).

1.04.53 Significant Noncompliance

An occurrence of one or more discharge violations by an industrial user meeting the criteria of Chapter 5 and federal regulations.

1.04.54 Slugload or Slug Discharge

Any pollutant including BOD and COD, released in a non-routine, episodic, or non-customary batch discharge at a flow rate or concentration which has the potential to cause problems in the District's collection system, create worker health or safety concerns, cause pass through, interference or upset of the District's wastewater treatment system, or in any other way violate the District's regulations, local limits or Permit conditions.

1.04.55 This Ordinance

District Ordinance No 27 and any Resolution and Order or amendment adopted pursuant thereto including this resolution & order.

1.04.56 Unreasonable Delay

Any delay or impediment to access a facility in excess of 15 minutes.

1.04.57 Upset

An exceptional incident in which a discharger unintentionally and temporarily is in a state of noncompliance with the standards set forth in this regulation, or the limitations of its discharge permit, due to factors beyond the reasonable control of the discharger, and excluding noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation thereof.

1.04.58 USEPA

The United States Environmental Protection Agency

1.04.59 User

Any person who contributes, causes, or permits the contribution of wastewater into the District POTW.

1.04.60 Waste

Wastewater and all other waste substances, liquid, solid or gaseous waste resulting from any industrial, manufacturing, trade, or business process or from the development, recovery or processing of natural resources.

1.04.61 Wastewater

Waste and water, whether treated or untreated, discharged into or permitted to enter a public sewer.

1.04.62 Wastewater System - System - District Wastewater System - District System

All District treatment works; all District sewers, pipes, and other conveyances discharging thereto; and all devices and systems used in the storage, treatment, recycling and reclamation of sewage or industrial wastes of a liquid nature. This shall include any portion of the system owned or maintained by a city.



## SECTION 2

### GENERAL SEWER USE REQUIREMENTS

#### 2.01 General Discharge Prohibitions

No industrial user (IU) shall discharge, cause or permit to be discharged, directly or indirectly, any pollutant or wastewater which will cause interference or pass through. These general and specific prohibitions apply to all IUs of the District's wastewater system whether or not the User is subject to categorical pretreatment Standards or any other national, state or local pretreatment standards or requirements.

#### 2.02 Specific Prohibitions

No User may discharge the following to the system.

- a. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction to cause fire or explosion or be injurious in any other way to the facilities or operations of the District. This prohibition includes wastestreams with a closed cup flash point of less than 140 degrees Fahrenheit (60 degrees Celsius), using the test method specified in 40 CFR 261.21; or any wastestream in which two (2) consecutive readings on an explosive hazard meter, at the point of discharge into the system (or at any point in the system), are more than five percent (5%) nor any single reading over ten percent (10%) of the lower explosive limit (LEL) of the meter.
- b. Such flammable or explosive substances include, but are not limited to, gasoline, kerosene, naphtha, benzene, hexane, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.
- c. Solid (greater than 1/2 inch in any dimension) or viscous substances (including but not limited to petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin), which will or may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater system including, but not limited to: animal and vegetable based fats, wax, grease or oils, emulsified or not, or containing substances which may solidify or become viscous at temperatures between 32 degrees Fahrenheit and 150 degrees Fahrenheit (0 degrees Celsius and 65 degrees Celsius).
- d. Any wastewater having any corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the District system, unless the District approves such waste in variance because of special conditions in the system, but in no case shall the pH be less than 5.0 or equal to or greater than 12.5.
- e. Any wastewater containing pollutants or other wastes in sufficient quantity, flow or concentration including, but not limited to BOD, COD, etc. either singly or by interaction, to cause pass through or interfere with any wastewater treatment or biosolids disposal process, or constitute a hazard to humans or animals, or to exceed any limitations adopted as Categorical Pretreatment Standards. A toxic pollutant shall

include, but not be limited to, any pollutant identified in the Organic Toxic Pollutant List set forth in 40 CFR Part 122, Appendix D. All toxic pollutants shall be deemed to be "prohibited or regulated substances" for purposes of this Ordinance.

- f. Any noxious or malodorous liquids, gases, solids or other wastewater which either singly or by interaction are capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair. No discharges shall result in toxic gases, vapors, or fumes within the collection or treatment system in a quantity that may cause worker health and safety problems.
- g. Any substance which may cause the system's effluent or treatment residues, biosolids, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process or any substance which may cause the system to be in noncompliance 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 standards applicable to the biosolids management methods being used.
- h. Any sludges, screenings, or other residues from the pretreatment of industrial wastes.
- i. Any substance discharged in such strength as to potentially cause the District system to violate its NPDES and/or other Disposal System Permits.
- j. Any trucked or hauled pollutants, except at discharge points designated by the District.
- k. Any substances identified as hazardous waste according to 40 CFR Part 261, except as specifically authorized by the District.
- l. Any substance with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- m. Any wastewater having a temperature which will inhibit biological activity in a District treatment plant resulting in interference; but in no case, wastewater with a temperature at the introduction into the POTW (measured at the nearest downstream manhole) which exceeds 104 degrees Fahrenheit (40 degrees Celsius).
- n. Any slugload.
- o. Any unpolluted water including, but not limited to, noncontact cooling water, rainwater, groundwater, surface drainage, roof drainage, water from yard fountains, ponds or pools, (except filter backwash water from swimming pools and reverse osmosis reject water) unless prior written approval has been obtained from the District.
- p. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as to exceed limits established by the District or any applicable State or federal regulations.

- q. Any wastewater which causes a hazard to human life or creates a public nuisance, such as, but not limited to, other wastes as defined in Section 1.

### 2.03 Dilution

No User shall increase the use of potable or process water in any way, for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this Ordinance or its discharge permit or in lieu of proper disposal of any material as solid waste. The District may impose mass limitations on dischargers which in its judgment appear to be using dilution to meet applicable pretreatment standards or requirements of this section, or in cases where the imposition of mass limitations is otherwise deemed appropriate by the District.

### 2.04 More Stringent Limitations

The District retains the right to amend this Resolution and Order to provide for more stringent limitations or requirements on discharges to the District system where deemed necessary to comply with the objectives set forth in Ordinance No. 27.

### 2.05 Categorical Pretreatment Standards

IUs subject to Categorical Pretreatment Standards are required to comply with applicable standards set out in 40 CFR Chapter 1, Subchapter N, Parts 405-471.

### 2.06 State Requirements

State requirements and limitations on discharges to the District system shall be met by all Users which are subject to such standards in any instance in which they are more stringent than federal requirements and limitations or those in this or any other applicable ordinance.

### 2.07 Wastewater Discharge Permit Limitations

It shall be unlawful for any IU with a valid Wastewater Discharge Permit to discharge wastes to the sewer system in excess of the limitations established in the discharge permit or in violation of the discharge prohibitions described in Sections 2.01 and 2.02 herein.

### 2.08 Local Limits

In addition to categorical pretreatment standards referenced in other portions of this Resolution and Order, no Significant Industrial User ("SIU") shall discharge wastewater containing pollutants into the system in excess of limitations specified in its wastewater discharge permit or other limits established by the District. The District may establish and revise from time to time standards for specific restricted substances. These standards shall be developed in accordance with 40 CFR Section 403.5 and shall implement the objectives of this Ordinance. Standards established in accordance with this section will be deemed Pretreatment Standards for the purposes of Section

307(d) of the Act. Wherever a discharger is subject to both categorical pretreatment standards and a local limit for a given pollutant, the more stringent standard shall apply. The District may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits, to implement Local Limits and the requirements of Sections 2.01 and 2.02.

#### 2.09 Permit Specific Limits

The District may establish discharge limitations for an industrial user on a case-by-case basis for pollutants that, either alone or in combination with other discharges, may cause pass through, interference or create worker health and safety problems within the POTW. Such permit specific limits shall be based on a technical evaluation. Such limits, as applied in individual permits, are herein deemed pretreatment standards as per 40 CFR 403.5(d).

#### 2.10 Mass and Concentration Limit Equivalency

- a. The District may issue mass limitations for dischargers in addition to or in place of concentration based limits as per 40 CFR 403.6(c)(5), (7), (8) and (9).
- b. The District may convert the mass based limits of the Categorical Pretreatment Standards at 40 CFR Parts 414, 419 and 455 to concentration limits as per 40 CFR 403.6(c)(6), (7), (8) and (9).

#### 2.11 Grease Interceptors

Any type of business or establishment where grease or other objectionable materials may be discharged into a public sewer system, shall be required to have a grease interceptor (i.e., trap, or oil/water separator) of a size and design approved by the District.

- a. Each grease interceptor shall be installed and connected so it is at all times easily accessible for inspection, maintenance and removal of intercepted grease. Buildings remodeled for use requiring interceptors shall also be subject to these regulations.
- b. All grease interceptors must be installed in accordance with the appropriate Oregon State Uniform Plumbing Code. Abandoned grease interceptors must be disconnected as required by the District.
- c. The interceptors shall be maintained in efficient operating condition by periodic removal of accumulated grease. The use of chemicals to dissolve grease must be approved by the District prior to their use. No such accumulated grease, oil, or other accumulated contaminants shall be introduced into any drainage piping or public or private sewer discharging to the District system.
- d. In the event the District or cities, during maintenance of public sewer lines, record situations of grease accumulating in lines sufficient to restrict the normal flow of waste, upstream IUs shall be inspected. If the District determines that an IU was responsible for the grease or oil

discharge, the IU will be required to cease discharge of the prohibited waste, install an interceptor, maintain the interceptor, and may be charged for the cost of cleaning the line. When an obstruction of the public line occurs, a violation of 40 CFR 403.5(b)(3) or (6) and District Specific Discharge Prohibitions, Section 2.02 (c) has occurred.

#### 2.12 Continuous pH Recording

At the direction of the District, continuous pH recording may be required. IUs using continuous pH monitoring devices must install devices capable of measuring and recording pH within the range of pH 0 to pH 14. All devices shall be calibrated at a frequency that ensures their accuracy.

## SECTION 3

### WASTEWATER PERMITS

#### 3.01 Wastewater Survey

All persons discharging or proposing to discharge nondomestic waste must submit information on the type of business, and processes generating wastewater by completing a survey prior to commencing the discharge of wastewater. The District is authorized to prepare a form for this purpose and may periodically require nondomestic users to update the survey. Failure to complete and return the survey in the time allowed may be reasonable grounds for terminating existing service to the nondomestic user, or withholding issuance of a permit for a new user, and shall be considered a violation of this Ordinance.

#### 3.02 Discharge Requirements

When requested by the District, an IU discharging or proposing to discharge nondomestic wastewater into any public sewer of the District system shall first apply for an Industrial Wastewater Discharge Permit (hereafter called discharge permit, or permit) from the District. Failure to submit the Industrial User Discharge Application within the time allowed by the District may be considered a violation of this Ordinance. This discharge permit is required in addition to the commercial connection permit required for sanitary/domestic discharge.

It is a violation of this Ordinance for any IU to discharge non-domestic wastewater into the system if an application has been requested and a permit has not be issued, except as otherwise approved by the District. It is a violation of this Ordinance for any Significant Industrial User [as defined in 40 CFR 403.3(v)] to discharge non-domestic wastewater into the system without an Industrial Wastewater Discharge Permit.

#### 3.03 Application for Discharge Permit

Application for a discharge permit shall be made to the District on a District approved form. Unless a specific exemption is granted in writing by the District, no discharge of nondomestic wastewater from the facility shall be allowed nor shall a permit be issued unless all conditions and provisions of this Ordinance are met. A new application shall be required whenever Federal Categorical Standards apply to a discharge, or when an SIU proposes a substantial change in its discharge. A new application may be required when ownership of a facility changes, or for any other reason that District staff deem reasonable. An application shall include a Baseline Monitoring Report described in Section 4.02, where applicable.

##### 3.03.1 Application Time Frame

New IUs shall apply for a District discharge permit at least 90 days prior to the date that discharge is proposed to commence. Additional data, information, and drawings may be requested by the District before a discharge permit is issued. The permit applicant shall promptly provide all such requested information to the District.

### 3.03.2 Hazardous Waste Compliance

Any industrial user who commences discharging after August 23, 1990, shall provide written notification in accordance with 40 CFR 403.12(p) of the discharge of any substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261.

### 3.03.3 Certification

All applications, reports, and information submitted to the District including the certification statement defined in 40 CFR 403.6 (a)(2)(ii), shall be signed and certified in accordance with 40 CFR 403.12(l). Any reports required by this Resolution and Order, and any other documents required to be submitted to the District or maintained by the industrial user shall, be subject to applicable civil and criminal provisions of the District's Rules and Regulations and state law relating to fraud and false statements. In addition, the industrial user shall be subject to: 1) the provisions of 18 U.S.C. Section 1001 relating to the fraud and false statements; 2) the provisions of Sections 309(c)(4) of the Clean Water Act, governing false statements; and 3) the provision of Section 309(c)(6) of the Act regarding responsible corporate officers.

### 3.03.4 Application Review Inspection

After a complete permit application has been received and reviewed, the District shall perform an on-site inspection of the facility.

### 3.03.5 Application/Permit Evaluation Period

The District will evaluate the application and may require additional information. Within 60 days of receipt of a complete permit application, the District will determine whether or not to issue a wastewater permit. If no determination is made within this time period, the application will be deemed denied.

### 3.03.6 Application/Permit Rejection

If any waters or wastes are discharged, or are proposed to be discharged to the District's sewer system, which contain the substances or possess the characteristics enumerated in Chapter 2, and which, in the judgment of the District, may have a deleterious effect upon the system, or which otherwise create a hazard to life, worker safety or constitute a public nuisance, the District may take any of the following actions.

- a. Reject the wastes;
- b. Require pretreatment to an acceptable condition prior to discharging to the system;
- c. Require control over the quantities and rates of discharge.

### 3.04 Permit Contents.

Wastewater Discharge Permits shall contain at a minimum the conditions of 40 CFR 403.8(f)(1)(iii)(B). In addition, permits may contain the following.

- a. Fees and charges to be paid upon initial permit issuance;
- b. Limits on average and maximum rate and time of discharge and requirements for flow regulations and equalization;
- c. Requirements for installation and maintenance of inspection and sampling facilities compatible with facilities of the District;
- d. Compliance schedule (see Section 3.04.1);
- e. Requirements for submission of special technical reports or discharge reports where they differ from those prescribed by this Ordinance;
- f. An effective date and expiration date of the permit; and
- g. Slug control plan requirements.

#### 3.04.1 Compliance Schedules

The District may require compliance schedules in any permit to ensure that the appropriate technology is installed in a time period acceptable to the District. See additional information in Chapter 5 below.

### 3.05 Permit Modification

The District reserves the right to amend any Wastewater Discharge Permit issued hereunder in order to assure compliance by the District with applicable laws and regulations. Upon promulgation, a new federal categorical standard for a particular industrial subcategory, if more stringent than the limits established under the District's current rules and regulations, will supersede the local standard. Permits will be modified as soon as possible subsequent to a change in such federal requirements. The District shall notify the User of any proposed changes in its permit prior to the effective date of the change.

### 3.06 Permit Duration/No Property Interest Acquired

All Wastewater Discharge Permits shall be issued for a period not to exceed five years as determined by the District. All permits are subject to amendment, revocation, suspension, or termination as provided in these rules. No User acquires any property interest by virtue of permit approval. Continued approval is expressly contingent upon compliance with all applicable federal, state, and local requirements.



### 3.07 Limitations on Permit Transfer

Wastewater Discharge Permits are issued to a specific User for a specific operation and are not assignable to another User or transferable to any other person or location without the prior written approval of the District. If a permitted industrial facility is sold, the seller shall provide a copy of the existing discharge permit to the new owner or operator.

### 3.08 Waiver of Industrial Connection Fees

Industrial connection charges may be waived for industrial users moving from one area to another area within the District's jurisdiction if the old facility no longer requires an industrial discharge permit. The old facility will be granted up to 60 days to discharge concurrently with the new facility to allow transfer of operations. If the old facility requires an industrial discharge permit that exceeds the 60 day grace period, the new facility will be required to pay the applicable connection charges.

If a permitted facility is sold, or if production or discharge is suspended, and the new owner wishes to perform the same or similar type of production, new connection fees may be waived if production begins within two years after the previous discharge has ceased. Waiver under this section will be granted only if, in the District's judgment, wastewater characteristics of the old and new discharges are substantially similar.

### 3.09 Wastewater Discharge Permit Revocation.

Wastewater discharge permits may be revoked for any of the following reasons.

- a. Failure to notify the District of significant changes to the wastewater prior to the changed discharge;
- b. Falsifying self-monitoring reports;
- c. Tampering with monitoring equipment;
- d. Refusing to allow the District timely access to the facility premises or records;
- e. Failure to meet effluent limitations;
- f. Failure to pay fines, penalties or sewer service charges;
- g. Failure to meet compliance schedules;
- h. Failure to complete a wastewater survey; or to provide any information requested by the District;
- i. Failure to provide advance notice of the transfer of a permitted facility;
- j. Violation of any pretreatment standard or requirement or any terms of the permit or the Ordinance.

Permits shall be terminated upon nonuse or cessation of operations for a period of two years or longer; transfer of business ownership, or upon issuance of a new wastewater discharge permit replacing a previous permit.

### 3.10 Responsibility of Permit Holder

#### 3.10.1 Plans Review.

All plans for pretreatment facilities, interceptors, sampling structures, metering equipment, etc. required pursuant to these rules shall be approved by the District prior to implementation. Approval of pretreatment facilities, interceptors, etc. by the District, does not relieve the owner of the responsibility to install, operate, and maintain equipment in a manner necessary to perform the required function and to meet all permit requirements. The permit holder shall maintain records of all pretreatment facilities which reflect routine maintenance check dates, calibration, cleaning, waste removal dates, manifests of wastes removed from the site and the means of disposal of accumulated wastes.

- a. Approval of plans under this paragraph means that the District has reviewed the estimates, assumptions and the design presented in the specific project plans for reasonableness, feasibility, and finds such plans to be consistent with process technology and likely, if operated and maintained as proposed, to achieve or maintain the desired result. Plan approval by the District does not warrant that the facility will meet any of the above expectations.
- b. Plan approval does not negate the responsibility of the owner to provide additional or different facilities should the completed work fail to achieve design effluent parameters, unforeseen water quality violations occur, other operational problems develop, or treatment standards or requirements change. Review of non-process related aspects of the plans will be cursory, if reviewed at all, and not meant to assure adequacy of non-process related aspects of the design.

#### 3.10.2 Sampling Facilities

When required by the District, the IU shall provide and operate, at the IUs expense, a monitoring facility to allow inspection, sampling and flow measurement of each industrial sewer discharge to the District. Such monitoring facility shall be approved by the District prior to being installed. Where possible the sampling site shall be located outside the building or structure, on the User's premises and be accessible from a public road, street, parking lot or paved area. The User shall maintain safe access to the sampling site at all times.

- a. There shall be ample room in or near such facility to allow for 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 permit holder, as directed in the District approved permit.

- c. All sampling facilities shall be constructed and maintained in accordance with all applicable local construction standards and specifications. Appendix B contains the Standard Detail for sampling facilities acceptable to the District. The sampling facility may be revised, but these revisions must be approved by the District. All sampling facility plans must be submitted to and approved by the District prior to construction, regardless of whether or not the standard details are used.

Construction shall be completed within 60 days of District approval or within ten days of receipt of permit by the permit holder, except as otherwise approved by the District.

### 3.10.3 Control of Discharge

It shall be the responsibility of the User to control the discharge into the District sewerage system or any private or side sewer which drains into the District's system so as to comply with this Resolution and Order and the requirements of any applicable wastewater discharge permit issued pursuant to the provisions of this Resolution and Order. Notwithstanding any permit conditions, the District may (after notification to the User) order that any discharge which may appear to present an imminent endangerment to the health and welfare of persons be immediately and effectively halted from entering the collection system.

### 3.10.4 IU Facility Inspections

The District may inspect the facilities of any IU to determine compliance with the requirements of District rules and regulations. The User shall allow the District or its representatives to enter upon the premises of the User at all reasonable hours and without prior notification by the District, for the purposes of inspection, sampling, and examination and copying of records. The District shall have the right to set upon the User's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations.

- a. Where a User has security measures in force which require proper identification and clearance before entry into their premises, the industrial user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, personnel from the District, City, State, and USEPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.
- b. The District, State and US EPA shall have the right to set up or require installation of, on the industrial user's property, such devices as are necessary to conduct sampling, and/or metering of the User's operations.
- c. The District may require the industrial user to install monitoring equipment, as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the industrial user at the industrial user's expense. All devices used to measure wastewater flow and quality shall be calibrated periodically to ensure their accuracy. Calibration logs shall be

kept and maintained for a minimum of three years by the industrial user.

- d. Any temporary or permanent obstruction to safe and easy access to the industrial facility to be inspected and/or sampled shall be promptly removed by the industrial user at the written or verbal request of the District and shall not be replaced. The costs of clearing such access shall be borne by the industrial user.
- e. Unreasonable delay in allowing District personnel access to the industrial user's premises shall be a violation of this Ordinance.

### 3.10.5 Sampling and Sample Reporting Requirements

Except as otherwise expressly stated in a permit, sampling shall be performed according to this subsection. If an IU subject to self-monitoring and reporting requirements as set forth in their District discharge permit, monitors any pollutant more frequently than required in the discharge permit, using the procedures prescribed in 40 CFR 403.12(g)(5), the results of this monitoring shall be included in the IU's reports.

- a. Significant Industrial Users shall submit to the District at least once every six months or as otherwise specified by the District a description of the nature, concentration, and flow of the pollutants required to be reported to the District. Samples shall be taken at a point approved by the District. These reports shall be based on sampling and analysis performed in the period covered by the report, and performed in accordance with the techniques described in 40 CFR Part 136.
- b. The IU shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the District) of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations.
- c. All required reports must be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data are representative of conditions occurring during the reporting period. The District shall establish the frequency of monitoring necessary to assess and assure compliance by Industrial Users with applicable Pretreatment Standards and requirements. Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds, and the District shall specify the number of grab samples necessary to assess and assure compliance by Industrial Users with applicable pretreatment standards and requirements. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the District. Where time-proportional composite sampling or grab sampling is authorized, the samples must be representative of the discharge and the decision to allow the alternative sampling must be documented in the Industrial User file for that facility or facilities. Using protocols (including appropriate preservation) specified in 40CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows. For cyanide, total phenols, and

sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the District, as appropriate.

- d. The IU shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph. Samples shall be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewater's are mixed with the regulated wastewater prior to pretreatment the IU shall measure the flows and concentrations necessary to allow use of the combined wastestream formula of 40 CFR 403.6(e) in order to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit and supporting data shall be submitted to the District.
- e. Where 40 CFR Part 136 does not contain sampling analytical techniques for the pollutant in question, or where the USEPA Administrator determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the District or other persons approved by the USEPA Administrator. This sampling and analysis may, upon approval by the District, be performed by the District in lieu of the industrial user. Charges for this service are explained in Section 6.06.
- f. The report required in this section shall indicate the time, date, and place of sampling, name of person conducting the sampling, type of sample (i.e. grab, composite, flow proportional, etc.) and analytical methods used, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.

#### 3.10.6 Records Retention

All Users subject to this Ordinance shall retain and preserve for no less than three years, all records, books, documents, memoranda, reports, correspondence and any and all summaries thereof, relating to monitoring, sampling and chemical analyses made by or on behalf of a User in connection with its discharge, and all documentation associated with Best Management Practices compliance as identified in the users Permit. All such records shall be subject to review by the District.

The retention period may be extended beyond three years at the request of the District, the DEQ Director, or the EPA Regional Administrator. All records which pertain to matters which are the subject of any enforcement or litigation activities brought by the District, the DEQ Director, the EPA Regional Administrator or any third party pursuant hereto shall be retained and preserved by the User until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

### 3.11 Wastewater Permit Renewals.

Significant Industrial Users may be required to apply for permit renewals within 90 days prior to the expiration date in the existing wastewater permit.

## SECTION 4

### REPORTING REQUIREMENTS

#### 4.01 General Requirements

IUs may be required to submit test results from samples of their discharged wastewater or other appropriate information requested by the District on a routine and continuing basis for any or all of the following reasons: (Test methods used for sample analysis must be District-approved).

- a. To comply with the terms and provisions of 40 CFR 403.12; or
- b. If requested by any applicable state or local public agencies; or
- c. If required to determine monthly sewer service charges in accordance with applicable District ordinance or rules, or
- d. If deemed necessary by the District for the proper treatment, analysis or control of wastewater discharges; or
- e. If required by the discharge permit.

The IU shall bear the costs of any such tests and reports. The District shall have the right to enforce the requirements of 40 CFR 403.12. When deemed necessary by the District, an IU may be required to obtain, install, operate and maintain automatic samplers and/or analyzers, (i.e. pH, flow, Oxidation Reduction Potential meters etc.), to monitor its industrial waste discharges.

It is the IU's responsibility to keep informed of all state and federal wastewater analysis and reporting requirements. Any failure to do so shall not excuse the permit holder from compliance with said requirements, and may result in a permit violation.

Discharge reports shall contain all results of sampling and analysis of the discharge, including the flow, the nature and concentration of pollutants, and production and mass where required by the District. The user shall keep sampling chain-of-custody information on file for a minimum of three years, and make such information available upon request by the District, the DEQ Director, or the EPA Regional Administrator.

#### 4.02 Industrial User Discharge Application (and Baseline Monitoring Report)

##### 4.02.1 Baseline Monitoring Report - Categorical Industrial Users (CIU) only

Within 180 days after the effective date of a categorical pretreatment standard, or 180 days after the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing Users currently discharging to or proposing to discharge to the District shall submit to the District a report containing the information listed in Paragraph a, below. At least 90 days prior to commencement of their discharge, new sources, including existing Users which have changed their operation or processes so as to become new sources, shall be required to submit to the District a report which

contains the information listed in Paragraph a below. A new source shall also report the method it intends to use to meet applicable pretreatment standards, and give estimates of its anticipated flow and quantity of pollutants discharged.

The District's Industrial User Discharge Application form requires the same information as a Baseline Monitoring Report.

- a. The information required by this report includes:
1. Identifying Information. The User shall submit the name and address of the facility including the name of the operator and owner;
  2. Permits. The User shall submit a list of any environmental control permits held by or for the facility;
  3. Description of Operation. The User shall submit a brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such industrial user. This description should include pretreatment system plans, and a schematic process diagram which indicates points of discharge to the system from the regulated processes;
  4. Flow Measurement. The User shall, if requested by the District, submit information showing the measured average daily and maximum daily flow, in gallons per day, to the system from regulated process streams and other streams as necessary to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).
  5. Measurement of Pollutants.
    - (a) The industrial user shall identify the categorical pretreatment standards applicable to each process.
    - (b) In addition, the industrial user shall submit the results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the standards or the District) of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and long term average concentrations (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall be performed in accordance with procedures set out in 40 CFR Part 136, or an EPA approved equal.
    - (c) The reports required in this section must be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data are representative of conditions occurring during the reporting period. The District shall establish the frequency of monitoring necessary to assess and assure compliance by Industrial Users with applicable Pretreatment Standards and requirements. Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic



compounds. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the District. Where time-proportional composite sampling or grab sampling is authorized, the samples must be representative of the discharge and the decision to allow the alternative sampling must be documented in the Industrial User file for that facility or facilities. Using protocols (including appropriate preservation) specified in 40CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows. For cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil & grease the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the District, as appropriate.

For sampling required in support of baseline monitoring reports, a minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the District may authorize a lower minimum.

- (d) The report shall indicate the time, date, and place of sampling, name of person conducting the sampling, type of sample (i.e. grab, composite, flow proportional, etc.) and analytical methods used, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.
6. Certification that the IU is meeting Pretreatment Standards. A statement, reviewed by an authorized representative of the IU [as defined in 40 CFR 403.12(l)] and certified to by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance and/or additional pretreatment is required for the IU to meet the Pretreatment Standards and Requirements.
7. Compliance Schedule. If additional pretreatment and/or operation and maintenance will be required to meet the Pretreatment Standards; the shortest schedule by which the IU will provide such additional pretreatment and/or operation and maintenance. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard.
8. Certification of data integrity. A signed statement, as identified in Section 3.03.3 of this Ordinance, reviewed by an authorized representative of the IU, attesting to the integrity of the analytical data submitted.

#### 4.02.2 Industrial User Discharge Application - Non-Categorical Industrial Users Only

At least 90 days prior to commencement of their discharge, industrial facilities proposing to discharge non-domestic process wastewater shall be required to submit to the District a report that contains the information listed in Paragraph a. below. A new source shall also report the method it intends to use to pretreat its wastewater, and give estimates of its anticipated flow and quantity of pollutants discharged.

- a. The information required by this report includes:
  1. Identifying Information. The User shall submit the name and address of the facility including the name of the operator and owner;
  2. Permits. The User shall submit a list of any environmental control permits held by or for the facility;
  3. Description of Operation. The User shall submit a brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such industrial user. This description should include plans for the pretreatment system, and a schematic process diagram which indicates points of discharge to the system from the regulated processes;
  4. Flow Measurement. The User shall, if requested by the District, submit information showing the measured average daily and maximum daily flow from the non-domestic process, in gallons per day, to the public system.
  5. Measurement of Pollutants.
    - (a) The industrial user shall identify the pretreatment standards applicable to the non-domestic process.
    - (b) The industrial user shall submit the results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the District) of pollutants in the discharge from the non-domestic process. Instantaneous, daily maximum and long term average concentrations (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall be performed in accordance with procedures set out in 40 CFR Part 136, or an EPA approved equal.
    - (c) The reports required in this section must be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data are representative of conditions occurring during the reporting period. The District shall establish the frequency of monitoring necessary to assess and assure compliance by Industrial Users with applicable Pretreatment Standards and requirements. Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic

compounds. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the District. Where time-proportional composite sampling or grab sampling is authorized, the samples must be representative of the discharge and the decision to allow the alternative sampling must be documented in the Industrial User file for that facility or facilities. Using protocols (including appropriate preservation) specified in 40CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows. For cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil & grease the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the District, as appropriate.

For sampling required in support of baseline monitoring reports, a minimum of four grab samples must be used for pH, cyanide, total phenols, oil & grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the District may authorize a lower minimum.

- (d) The report shall indicate the time, date, and place of sampling, name of person conducting the sampling, type of sample (i.e. grab, composite, flow proportional, etc.) and analytical methods used, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.
6. Certification of data integrity. A signed statement, as identified in Section 3.03.3 of this Ordinance, reviewed by an authorized representative of the IU, attesting to the integrity of the analytical data submitted.

#### 4.03 Report on Compliance with Categorical Deadlines - CIU Only

Within 90 days following the date for final compliance with applicable Categorical Pretreatment Standards, or in the case of a new source, following commencement of the introduction of wastewater into the sewer system, any industrial user subject to Pretreatment Standards and Requirements shall submit to the District a report indicating the nature and concentration of all pollutants in the wastestream (as required by Section 4.02).

- a. For IUs subject to equivalent mass or concentration limits established by the District in accordance with 40 CFR 403.6(c), this report shall contain a reasonable measure of the User's long term production rate. For all other IUs subject to categorical Pretreatment Standards expressed in terms of allowable pollutants discharge per unit of production (or other measure of operation), this report shall include the IU's actual production during the appropriate sampling period.

- b. This report shall also contain the average and maximum daily flows for the process wastestreams, and whether the applicable Pretreatment Standards are being met on a consistent basis. If they are not being met on a consistent basis, the report shall identify what additional pretreatment or O&M is necessary to bring the industrial user into compliance. This report shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional.
- c. The reports required in this section must be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data are representative of conditions occurring during the reporting period. The District shall establish the frequency of monitoring necessary to assess and assure compliance by Industrial Users with applicable Pretreatment Standards and requirements. Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the District. Where time-proportional composite sampling or grab sampling is authorized, the samples must be representative of the discharge and the decision to allow the alternative sampling must be documented in the Industrial User file for that facility or facilities. Using protocols (including appropriate preservation) specified in 40CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows. For cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil & grease the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the District, as appropriate.

For sampling required in support of report on compliance monitoring reports, a minimum of four grab samples must be used for pH, cyanide, total phenols, oil & grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, Clean Water Services may authorize a lower minimum.

#### 4.03.1 Schedule of Compliance

If the industrial user is required to install additional pretreatment or provide additional O&M, it will be required to submit a proposed compliance schedule.

- a. The schedule shall contain increments of progress in the form of milestone dates for commencement and completion of major events leading to the construction and operation of additional O&M or Pretreatment (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.). No increment of progress shall exceed nine months.
- b. The industrial user shall submit a progress report to the District including, at a minimum, whether or not it complied with the increment of progress to be met on

such a date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the industrial user to return the construction to the established schedule. This progress report shall be submitted no later than fourteen days following each date in the schedule and the final date of compliance. In no event shall more than nine months elapse between such progress reports to the District.

- c. If compliance milestone dates are not met, or reports not submitted when due, the District may take appropriate enforcement action for lack of satisfactory progress toward compliance (see Section 5). Schedules of compliance may be inserted into an IU's discharge permit, as provided in Chapter 3 above, as proposed by the IU, or as modified and approved by the District.

#### 4.04 Periodic Compliance Reports

Any IU subject to sampling, testing and reporting schedules set out in the User's permit, or subject to Categorical Pretreatment Standards, shall submit to the District all reports required indicating the nature of the effluent discharged since the last reporting period.

- a. The report shall include, but is not limited to, a record of the concentrations (and mass if limited in the permit) of the limited pollutants that were measured and a record of all pH and flow measurements that were taken.
- b. If an Industrial user subject to the reporting requirements listed above monitors any pollutant more frequently than required by the District, the results of this monitoring shall be included in the report.
- c. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the Industrial user must submit documentation required by the District or the Pretreatment Standard necessary to determine the compliance status of the User.

#### 4.05 Reporting of Violation/Resampling Requirement

If sampling performed by an Industrial user indicates a violation, the User shall notify the District within the time period indicated in the User's permit upon becoming aware of the violation. In no case shall more than 24-hours elapse from the time the User becomes aware of a violation until notification to the District is made. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the District within 30 days after becoming aware of the violation.

#### 4.06 Accidental Spill Prevention Plans (ASPP)

An evaluation for the need of an Accidental Spill Prevention Plan shall be performed on each Significant Industrial User (SIU). For purposes of this section, a Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the Clean Water Services regulations, local limits or permit

conditions. The results of such activities shall be available to the Approval Authority upon request. Significant Industrial Users are required to notify the District immediately of any changes at its facility affecting potential for a Slug Discharge. Review and approval of such plans and operating procedures by the District shall not relieve the User from the responsibility to modify its facility as necessary to meet the requirements of this Ordinance. If the District decides that an Accidental Spill Prevention Plan is needed, the plan shall contain, at a minimum, the following elements.

- a. Description of discharge practices, including non-routine batch Discharges;
- b. Description of stored chemicals;
- c. Procedures for immediately notifying the District of Slug Discharges, including any Discharge that would violate a prohibition under 40CFR 403.5(b), including procedures for follow-up written notification within five business days;
- d. Any special conditions including management practices and if necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

The Accidental Spill Prevention Plan shall be submitted per the requirements and timeframe identified in the permit.

#### 4.07 Slugload Reporting

Dischargers shall notify the District immediately upon occurrence of a "slug" or "accidental discharge" of substances prohibited by this Resolution and Order. The notification shall include the location of discharge, date and time thereof, type of waste, concentration and volume, corrective action, and steps being taken to reduce any adverse impact. Any discharger who discharges a "slug" (or slugs) of prohibited materials shall be liable for any expense, loss, or damage to the POTW, in addition to the amount of any fines imposed on the District under state or federal law, and may also incur monetary penalties by the District.

#### 4.08 Notification of Bypass

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

#### 4.09 Notification of Upset

An IU shall submit the following information to the POTW and Control Authority within 24 hours of becoming aware of the Upset (if this information is provided orally, a written submission must be provided within five days): A description of the Indirect Discharge and cause of noncompliance; the period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.

#### 4.10 Change in Discharge

The IU shall report to the District any changes (permanent or temporary) to the permittee's premises or operations that may result in change of the quality or volume of the wastewater discharge.

- a. Changes in the discharge involving the introduction of a waste stream(s) not included in or covered by the Industrial User Discharge Application shall be considered a new discharge, requiring completion of an application as described under Section 3.02. Any such reporting shall not be deemed to exonerate the permittee from liability for violations of this Ordinance.
- b. All industrial users shall promptly notify the District in advance of any change at its facility affecting the potential for a Slug Discharge, and of any proposed or anticipated change in the volume or character of pollutants in its discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under 40 CFR 403.12(p).

#### 4.11 Notification of Significant Production Change.

In accordance with 40 CFR 403.6(c)(7), any IU operating under a District permit incorporating equivalent mass or concentration limits calculated from a production based standard shall notify the District within two business days after the IU has a reasonable basis to know that the production level will significantly change within the next calendar month.

Any IU not notifying the District of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate.

#### 4.12 Industrial User Hazardous Waste Reporting

Industrial users shall notify the District (POTW), the EPA Regional Waste Management Division Director, and the 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 numbers, and the type of discharge (continuous, batch, or other).

#### 4.13 Certification of All Reports

All reports submitted by Significant Industrial Users shall include the certification statement defined in 40 CFR 403.6(a)(2)(ii), and shall be signed by the appropriate official as designated in 40 CFR 403.12(l).



## SECTION 5

### ENFORCEMENT

#### 5.01 Industrial User Violation Process

Whenever the District determines that a violation of this Resolution and Order, any permit issued hereunder, or any order issued by the District pursuant to this Resolution and Order, has occurred or is occurring, it may initiate enforcement action as provided in this Section and in the District's approved Enforcement Response Plan. In addition, any enforcement action or remedy provided in District Ordinance 27 or in state or federal law may be employed. If the District reasonably suspects a violation has occurred or is occurring, a representative of the District shall notify the User of the violation. All suspected violators shall receive a written Notice of Violation, and may also incur a monetary penalty.

#### 5.02 Violation

- a. A violation of limitations established under Section 2 of this Resolution and Order, any applicable federal, state or District pretreatment standards, or specific requirements of a discharge permit shall constitute a violation of this Resolution and Order and shall be subject to enforcement action by the District, including but not limited to levying of administrative penalties as described in Section 5 regardless of the intent of the User. Each day of a continuing violation shall constitute a separate offense for purposes of computing the applicable penalty.
- b. Whenever the District reasonably suspects that an IU has violated or is violating this Ordinance, a wastewater permit or order issued hereunder, or any other pretreatment requirement, the District shall cause to be served upon said IU a written Notice of Violation. The Notice of Violation shall be personally delivered to the User's premises or be sent by certified mail, return receipt, restricted delivery and/or regular first class mail to the address of the permit holder on record with the District.

#### 5.02.1 Violations of pH Limitations

##### a. Daily pH Violation

The level of penalty assessed for a daily pH violation will be the same for both the non-continuous and continuous monitoring category.

NOTE: Under no circumstances may samples for pH be composited, nor may any results of pH analyses be averaged.

##### 1. Non-Continuous pH Monitoring

Any pH measurement obtained by a non-continuous method that exceeds the allowable limit in the permit is a violation, regardless of intent of the IU or time period.

Demonstrating return to compliance. If a pH grab sample indicates a pH that exceeds the allowable limit in the permit, the IU shall obtain another pH grab sample within 15 minutes. If four consecutive pH grab samples taken at 15-minute intervals indicate a pH within permit range, a return to compliance is indicated. If the second grab sample indicates the pH is outside of the permitted pH parameters, the IU shall continue to obtain pH grab samples at 15-minute intervals until the pH returns to the permitted range and remains within range for four consecutive 15-minute samples.

The IU shall document each sampling event in a log which will include the date, time, pH, and name of person sampling. The log shall be maintained on the User's site for a minimum of three years, and shall be available for District review.

2. Continuous pH Monitoring

A Daily Violation will have occurred if during a calendar day (12:00 midnight to 12:00 midnight) a pH measurement exceeds the permit limit by continuous monitoring, is within the pH range of 5.0 and less than 12.5 and the accumulated time outside the permit limit is greater than one hour.

b. Gross Violation

Any time the pH (evaluated by either grab or continuous monitoring) of the effluent is less than a pH level of 5.0, or is equal to or greater than a pH of 12.5, a gross pH violation has occurred.

5.02.2 Violations of Other Permit Parameters

- a. A violation will have occurred if the concentration of any single sample (whether grab or a sample within a series) exceeds the permitted maximum daily allowable concentration limit for the specific constituent.
- b. A violation will have occurred if the average of all samples collected in a calendar month (grab or composite) exceeds the permitted monthly average allowable concentration limit. One sample collected during a calendar month may constitute a monthly average sample.
- c. A single sample that exceeds both daily maximum and monthly average permit limits may receive both a daily maximum and a monthly average violation.

### 5.02.3 Additional Violation Parameters

A violation of this Resolution and Order shall be deemed to occur:

- a. For noncompliance with any special reporting requirements established by permit, written request of the District, including any Order, or as specified by general federal pretreatment standards (40 CFR 403.12);
- b. Pollutants prohibited in Chapter 2 are discharged into the system;
- c. Failure to apply for and obtain a permit prior to discharge of industrial wastewater into the system;
- d. Tampering with samples or sampling equipment;
- e. Falsification of sampling data, maintenance records, or other documents.

A penalty matrix identified in the District's Pretreatment Enforcement Response Plan may be used to establish penalties in these cases.

### 5.02.4 IU Notifying District of Violation

If sampling performed by an industrial user indicates a violation, the industrial user shall notify the District within the time period indicated in the User's permit upon becoming aware of the violation. At a minimum, failure to notify the District within 24 hours of becoming aware of a violation is considered a violation of this Ordinance. The User shall also resample and report the results within 30 days of becoming aware of a violation pursuant to 40 CFR 403.12(g)(2). Sampling must continue until it is evident that the discharge is within compliance.

### 5.02.5 Significant Noncompliance ("SNC")

For the purposes of this provision, a Significant Industrial User (or any Industrial User which violates Section 5.02.5 c., d., or h. below) is in significant noncompliance if its violation meets one or more of the following criteria.

- a. Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a six month period exceed (by any magnitude) a numeric Pretreatment Standard or requirement, including instantaneous limits, as defined by 40CFR 403.3(l).

1. Non-Continuous pH Monitoring

During any six-month period, as evaluated on a quarterly basis, in which daily violations occurred on 66 percent or more of the days on which pH was monitored.

2. Continuous pH Monitoring

During any six month period, as evaluated on a quarterly basis, in which daily violations occurred during 66 percent or more of the days during the evaluation period (i.e., 120 daily violations during a six month period).

3. Other SNC pH Violations

Any single pH excursion that results in pass-through or interference at the POTW, that causes the POTW to exercise its emergency powers to halt or terminate a discharge, or otherwise involves a perceived threat to human health or to the environment.

- b. Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a six month period equal or exceed the product of the numeric Pretreatment Standard or requirement including instantaneous limits, as defined by 40CFR 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, described below).

pH TRC = during any six-month period, as evaluated on a quarterly basis, in which daily gross pH violations occurred during 33 percent or more of the days during the evaluation period.

- c. Any other violation of a Pretreatment Standard or requirement as defined by 40CFR 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 or pass-through (including endangering the health of POTW personnel or the general public);
- d. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the District's exercise of its emergency authority, as defined in 40 CFR 403.8 (f)(1)(vi)(B), to halt or prevent such a discharge;
- e. Failure to meet, within 90 days after the scheduled date, a compliance schedule contained in a permit or enforcement order, for starting construction, completing construction, or attaining final compliance;
- f. Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports (BMR), 90 day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- g. Failure to accurately report noncompliance;
- h. Any other violation or group of violations, which may include a violation of Best Management Practices which the District determines will adversely affect the operation or implementation of the local Pretreatment Program.

#### 5.02.6 Publication of Users in Significant Noncompliance

The District will publish annually, in a newspaper with general circulation, the industrial users which, at any time within the previous 12 months, were in significant noncompliance with applicable Pretreatment requirements.

#### 5.02.7 Grease Interceptors

The District may inspect grease interceptors (i.e., traps, oil/water separators) to ensure proper installation and maintenance. Users may be required to reimburse the District or appropriate jurisdiction for cleaning and additional maintenance of public sewer mains due to discharge of grease caused by noncompliance with these rules and regulations, as stated in Section 2.11 of this Ordinance.

### 5.03 Administrative Enforcement Processes

#### 5.03.1 Notice of Violation (NOV)

Notices of Violations shall describe the alleged violation and identify any potential penalty (monetary, increased sampling or additional pretreatment). The written notice may further require that a response to the NOV be submitted to the District within a ten day time period.

If a written Notice of Violation requires submittal of a response, the response shall include an explanation of the cause of the violation, a plan for the satisfactory correction and prevention of future such violations, and specific corrective or preventive actions. Submission of a response in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the District to initiate emergency action under Ordinance 27.

#### 5.03.2 Administrative Penalty

Notwithstanding any other section of this Ordinance, any User which is found to have violated any provision of this Ordinance, permits and Orders issued hereunder, or any other pretreatment requirement shall be assessed a penalty in an amount designated in Appendix A, or if not specified therein, a penalty matrix identified in the District's Pretreatment Enforcement Response Plan may be used to establish the appropriate penalty amount. Such a penalty shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limit violations, penalties may be assessed for each calendar day during the period of violation.

- a. Penalty assessments may be added to the User's next scheduled sewer service charge bill. The District shall have any collection remedies as may be available for service charge fees, together with other remedies provided by law.
- b. Unpaid charges, fines, and penalties together with interest therefrom may constitute cause for revocation of the IUs Discharge Permit. If an IU fails to file a timely and complete Request to Review Enforcement Action, it shall be deemed to

have consented to pay the fine assessed and to comply with all other terms of the enforcement action.

### 5.03.3 Administrative Orders

Administrative Orders are written enforcement documents that direct IUs to implement corrective or remedial measures to ensure permit compliance. The Administrative Order format is similar to a Notice of Violation, but includes specific corrective actions and may also include milestones for each corrective action. An Administrative Order shall be the District's minimum response to significant noncompliance (SNC). Administrative Orders shall be subject to appeal in the manner provided in Section 5.04 herein.

#### a. Consent Order

The District may enter into Consent Orders, assurance of voluntary compliance, or other similar written documents establishing a negotiated settlement agreed upon by the District and an IU not in compliance with any permit parameter or provision of this Resolution and Order. Such orders will include findings of fact regarding the violation, specific action to be taken by the IU to correct the noncompliance within a time period specified by the Order, and may include stipulated fines and/or remedial actions.

#### b. Compliance Order

When the District finds that an IU has violated or continues to violate the Ordinance, permits or orders issued hereunder, or any other pretreatment requirement, an order may be issued to the IU directing that, following a specific time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance Orders shall contain findings of fact regarding the violation, compliance schedules, and may include fines and/or remedial actions. Compliance orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer.

In addition to such Compliance Orders, the District may require additional self-monitoring for at least 90 days after consistent compliance has been achieved, after which time the self-monitoring conditions in the discharge permit shall control.

#### c. Show Cause Order

In accordance with Ordinance 27, Section 10.G.2, the District may order any User which causes or contributes to violation(s) of this Ordinance, wastewater permits or orders issued hereunder or any other pretreatment requirement, to appear before the District and show cause why a proposed enforcement action should not be taken. Written notice shall be served on the IU specifying the time and place for

the hearing, the proposed enforcement action, the reasons for such action, and an order that the IU show cause why this proposed enforcement action should not be taken.

The notice of the hearing shall be served by any method and authorized by the most current edition of the Oregon Rules of Civil Procedures including certified or registered mail, return receipt requested, restricted delivery, at least ten days prior to the hearing. Failure of the IU or its authorized agent or representative to appear at the hearing, shall constitute waiver of the right to a hearing and the District may pursue enforcement action in accordance with the order enter after the show of cause hearing.

d. Cease and Desist Order

When the District finds that an industrial user has violated or continues to violate this Ordinance, any permit or order issued hereunder, or any other pretreatment requirement, the District may issue an order to the industrial user directing it to cease and desist all such violations and directing the User to:

1. Immediately comply with all requirements.
2. Take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Cease and desist orders are subject to appeal in the manner provided in Section 5.04 herein.

5.03.4 Supplemental Enforcement

a. Publication of Significant Violators

A list of all industrial users which were in significant noncompliance (as defined in Section 5.02.5) during the twelve previous months, shall be annually published by the District in the daily newspaper having the largest distribution within the municipality in which the District is located, summarizing the enforcement actions taken against such Users during the previous twelve months.

b. Recovery of Cost Incurred by the District

In addition to any other District enforcement action, any User violating the provisions of this Ordinance may be liable to the District for any expenses, losses, or damages caused by such violation or discharge. The District may bill the User for the cost incurred by the District for cleaning, repair, or replacement work resulting from the violation or discharge and/or for costs incurred by the District in investigating the violation and enforcing the Ordinance against the User, including

reasonable administrative costs, fees for testing, attorney fees, court cost, and all expenses of litigation, including appeals. The District may proceed to collect these costs in any manner provided by law.

5.04 Administrative Appeals of Enforcement Actions

- a. An industrial user desiring to dispute any penalty or other administrative enforcement action under this Chapter must, within 10 days of receipt of notice of any such action, file a written Request for Review with the District Source Control Manager.
- b. Such Request for Review shall state any facts and mitigating circumstances which the IU wishes to be considered. Upon receipt of a Request for Review, the Source Control Manager shall review the Requests and any other information available to him. He shall render a written decision within 15 working days of receipt. The Source Control Manager may sustain, reduce, or eliminate any fine, and may modify any enforcement action upon a finding that:
  1. The original action of the District in imposing a fine or other enforcement action was based upon a mistake of fact, which shall be stated; or
  2. The original action of the District was based upon improper application or interpretation of District ordinance or regulations to the facts, in which case the correct application or interpretation shall be stated; or
  3. The User has presented mitigating facts or circumstances to the District, which would justify modification of the original order; or
  4. The District exceeded its authority; or
  5. The District's action was not supported by substantial evidence in the record.

If the Source Control Manager finds that the facts, interpretation, and application of this Ordinance were correctly determined by the District, and mitigating circumstances do not justify modifying the original action, he shall sustain that action.

- c. If the industrial user is not satisfied with the decision of the Source Control Manager, it shall within ten days of receipt of notice of his decision, appeal that decision to the District General Manager. An appeal to the General Manager shall be *de novo*, and shall contain the information required of a request for review to the Source Control Manager. The General Manager shall have the authority to sustain, reduce, or eliminate any penalty and to modify any enforcement action, in the same manner provided in Ordinance 27, Section 8.B and Section 5.04.b.1-3 above.
- d. If the industrial user is not satisfied with the decision of the General Manager, it shall within ten days of receipt of notice of his decision, appeal that decision to the District review authority as provided in Ordinance 27, Section 10.G.2.d.



## 5.05 Emergency Suspensions

The District may suspend the wastewater permit of an industrial user, whenever such suspension is necessary in order to stop an actual or threatened discharge which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons, interferes with the operation of the municipal wastewater system, or which present or may present an endangerment to the environment.

- a. Any industrial user notified of a suspension of its wastewater permit shall immediately stop or eliminate its discharge. In the event of an industrial user's failure to immediately comply voluntarily with the suspension order, the District may take such steps as it deems necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the system, its receiving stream, or to any person. The District shall allow the industrial user to recommence its discharge when the User has demonstrated to the satisfaction of the District that the period of endangerment has passed, and no repetition is likely, unless termination proceedings set forth in Section 5.06 are initiated against the User.
- b. An industrial user which causes or permits any discharge presenting imminent endangerment to the public or the environment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the District prior to the date of any show cause or termination hearing discussed in Sections 5.03.3.c. and 5.06.

## 5.06 Termination of Permit

In addition to all other penalties and remedies in this Ordinance, the District may terminate the permit of any industrial user. Violations of the conditions of this Ordinance, wastewater permits, or orders issued hereunder are subject to permit termination. Justification for permit termination include, but are not limited to the following.

- a. Violation of permit conditions;
- b. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- c. Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge;
- d. Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring or sampling.

Prior to terminating a permit, the District shall notify the permittee of its proposed termination. A Show Cause opportunity under Section 5.03.3.c. of this Ordinance will be offered.

## 5.07 Judicial Enforcement Remedies

### 5.07.1 Injunctive Relief

Whenever an industrial user has violated, threatens to violate, or continues to violate the provisions of this Ordinance, permits or orders issued hereunder, or any other pretreatment requirements, the District may petition the courts for the issuance of a temporary or permanent injunction, as may be appropriate, which restrains or compels the specific performance of the wastewater permit, Order, or other requirement imposed by this Ordinance on activities of the industrial user. Such other action as may be appropriate for legal and/or equitable relief may also be sought by the District. The court may grant an injunction without requiring a showing of a lack of an adequate remedy at law.

### 5.07.2 Civil Penalties

If a violation is not corrected within a reasonable period of time as determined by the District, or as specified in an Administrative Order, or if there appear to be indications of repetition of the violation, a Notice of Civil Penalties may be issued as described in Ordinance 27 Section 10.G The District may seek or assess the maximum civil penalties allowed under the laws of the State of Oregon, but not less than \$1,000 per day per violation of pretreatment standards, and any applicable compliance schedule. In the case of monthly or other long-term average discharge limit violations, penalties shall accrue for each calendar day during the period of the violation. Compliance schedules may not extend the compliance date beyond any applicable federal deadlines.

- a. The Court may award reasonable attorney's fees, court costs, and other expenses associated with enforcement activities including sampling and monitoring expenses and the cost of any actual damages incurred by the District.
- b. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, corrective actions by the industrial user, economic benefit of noncompliance to the User, the compliance history of the User, and any other factors as justice requires.
- c. Where appropriate, the District may accept mitigation projects in lieu of the payment of civil penalties where the project provides a valuable service to the District and the industrial user's expense in undertaking the project is at least one hundred and fifty percent (150%) of the civil penalty.

Notwithstanding any other provision of this Chapter, the District may, in its discretion and at any time, impose Administrative Penalties pursuant to Section 5.03.2 or seek Criminal Penalties through the Court.

### 5.07.3 Criminal Prosecution

Any industrial user who willfully or negligently violates any provisions of the Ordinance, any orders or permits issued hereunder, or any other pretreatment requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$1,000 per violation per day or imprisonment for not more than one year or both.

- a. Any industrial user who knowingly makes any false statement, representations, or certification in any application, record, report, plan, or other documentation filed or required to be maintained pursuant to this Ordinance or wastewater permit, 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 \$1,000 per violation per day or imprisonment for not more than one year or both.
- b. A second conviction shall be punishable by a fine not to exceed \$3,000 per violation per day or imprisonment for not more than three years or both.

Notwithstanding any other provision of this Chapter, the District may, in its discretion and at any time, impose Administrative Penalties pursuant to Section 5.03.2 or seek Civil Penalties pursuant to Ordinance 27.

## SECTION 6

### MISCELLANEOUS

#### 6.01 Net/Gross Calculations

The District may elect to adjust Categorical Pretreatment Standards to reflect the presence of pollutants in the User's intake water, in accordance with 40 CFR 403.15.

#### 6.02 Miscellaneous Information

The District may request at any time reports, data, or information from any User to ensure compliance with all applicable laws by the District and the User. The User shall promptly provide the District with any reports, data, or information requested.

#### 6.03 Inspection Warrants

Judges and magistrates authorized to issue search warrants may, upon application of the District, issue an inspection warrant pursuant to this section. Such warrants shall be allowed whenever the District has requested of the property owner or his/her agent access to any premises to ascertain information necessary to carry out the provisions of this Resolution and Order and such request has been denied. Information necessary to carry out these provisions shall include, but not be limited to, verification of owner-supplied data.

#### 6.04 Confidential Information

Information and data on an industrial user obtained from reports, questionnaires, permit application, permits, and monitoring programs, and from District inspection and sampling activities shall be available to the public without restriction unless the industrial user specifically requests 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 exempt from public disclosure under applicable State laws.

- a. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.
- b. When, pursuant to this subsection, the District treats information as exempt from disclosure, that information shall be made available upon request to governmental agencies for uses related to this Ordinance, the National Pollutant Discharge Elimination System (NPDES) program, and in enforcement proceedings involving the person furnishing the report.

#### 6.05 Monthly Industrial Billing Information

Industrial users are billed monthly based upon a composite sample of their wastestream collected by either the District's lab or information supplied by the industrial user. Upon approval of the District's Board of Directors, additional loading constituents may be added for cost recovery

purposes. If the industrial user prefers to use their sampling information for billing purposes, instead of the District's sampling analysis, they must perform a series of 24-hour composite samples as designated by the District.

- a. If the sample has a Chemical Oxygen Demand (COD) in excess of 800 milligrams per liter (mg/L) or a Suspended Solids (SS) concentration in excess of 400 mg/L, a surcharge will be levied on the total number of pounds discharged to the sewer system during the month.
- b. The volume used in computing the industrial charge shall be the total metered water (either influent or effluent). If unusual effluent conditions make calculations by composite method impossible, unrealistic or if the User has not supplied the necessary information requested, another method of sampling and/or computation may be implemented.

#### 6.06 Reimbursement for District Sampling and Testing

The User may be required to reimburse the District for sampling and testing a User's waste stream when such sampling or testing is requested by the User or performed after the User's failure to do so by permit or District order. Sampling and testing shall be performed by the District's Laboratory at the District's discretion, subject to available resources. The District may require payment prior to performing work, or invoice the User after the work is complete.

#### 6.07 Severability

If any provision of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

#### 6.08 Conflicts

In the event that other District ordinances and/or parts of other District ordinances are inconsistent or in conflict with any part of this Ordinance, this ordinance shall prevail as it relates to the District's Industrial Pretreatment Program.

#### 6.09 Hauled Wastewater

Only hauled septic tank wastewater may be discharged into the public sewer system. Liquid waste haulers must apply for and receive a discharge permit prior to discharging at any of the District's plants.

- a. Septic tank waste may be introduced into the POTW only at locations designated by the District, and at such times as are established by the District. Such waste shall not violate Section 2 of this ordinance or any other requirements established by the District. All septic tank waste haulers (liquid waste haulers) shall apply for and obtain a permit prior to disposing of wastes at a designated disposal site.
- b. No person may dispose of hauled industrial waste into the District system, except upon prior approval of Oregon DEQ and prior application to Clean Water Services showing

evidence of DEQ approval.

- c. Disposal of unauthorized hauled industrial waste will be cause for permit revocation. Revocation of the permit does not preclude the District from taking additional enforcement action including criminal prosecution.
- d. A liquid waste hauler may have its permit suspended, or request for permit denied, if there is an enforcement action or pending enforcement action being taken by either DEQ or another jurisdiction. In the event an enforcement action is taken, the permit suspension may last a minimum of six months. To reinstate a permit at the end of the suspension period, the hauler must apply for a new permit.
- e. Liquid waste haulers may discharge loads only at locations designated by the District. No load may be discharged without prior approval of the District. The District may collect samples of each hauled load to ensure compliance with applicable standards. In addition, the District may require the hauler to provide waste analysis of any load prior to disposal.
- f. A load ticket completed by the hauler must be submitted to the District prior to disposal. The load ticket must contain the hauler's name, permit number, truck identification, the name, and address from the originator of the hauled waste, the volume and general characteristics of the waste. The form shall also be signed and certified that only domestic waste is being disposed, and that the load does not contain any commercial or industrial process waste.

#### 6.10 Regulation of Waste Received from other Jurisdictions

This section shall apply to all new or revised intergovernmental agreements entered into by the District after the effective date of this Resolution and Order.

- a. If another municipality, or IU located within another municipality, directly contributes or proposes to contribute wastewater to the District system, the District shall enter into an intergovernmental agreement with the contributing municipality. This section does not pertain to IUs which have waste hauled to a central waste processing service within the District's jurisdiction, if the processing service already has an industrial waste discharge permit, and the IU does not discharge nondomestic waste into the District system.
- b. Prior to entering into an agreement required by paragraph a, above, the District shall request the following information from the contributing municipality:
  - 1. A description of the quality and volume of wastewater discharged to the District system by the contributing municipality;
  - 2. An inventory of all non-residential Users located within the contributing municipality that are discharging to the POTW;
  - 3. Such other information as the District may deem necessary.

- c. An intergovernmental agreement, as required in Paragraph a. above, shall contain the following conditions:
1. A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this Ordinance and local limits which are at least as stringent as those set out in Section 2, of this Ordinance. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the District's Ordinance or local limits.
  2. A requirement for the contributing municipality to submit a revised User inventory on at least an annual basis.
  3. A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the District; and which of these duties shall be conducted jointly by the contributing municipality and the District.
  4. A requirement for the contributing municipality to provide the District with access to all information that the contributing municipality obtains as part of its pretreatment activities.
  5. Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the District's system.
  6. Requirements for monitoring the contributing municipality's discharge.
  7. A provision ensuring the District access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the District.
  8. A provision specifying remedies available for breach of the terms of the intergovernmental agreement.
  9. Nothing contained in the intergovernmental agreement shall preclude the District from taking legal action to enforce the terms of the contributing municipality's ordinance or to impose and enforce pretreatment standards and requirements directly against noncompliant dischargers in the event the contributing jurisdiction is unable or unwilling to take such action.

#### 6.11 Effluent Data

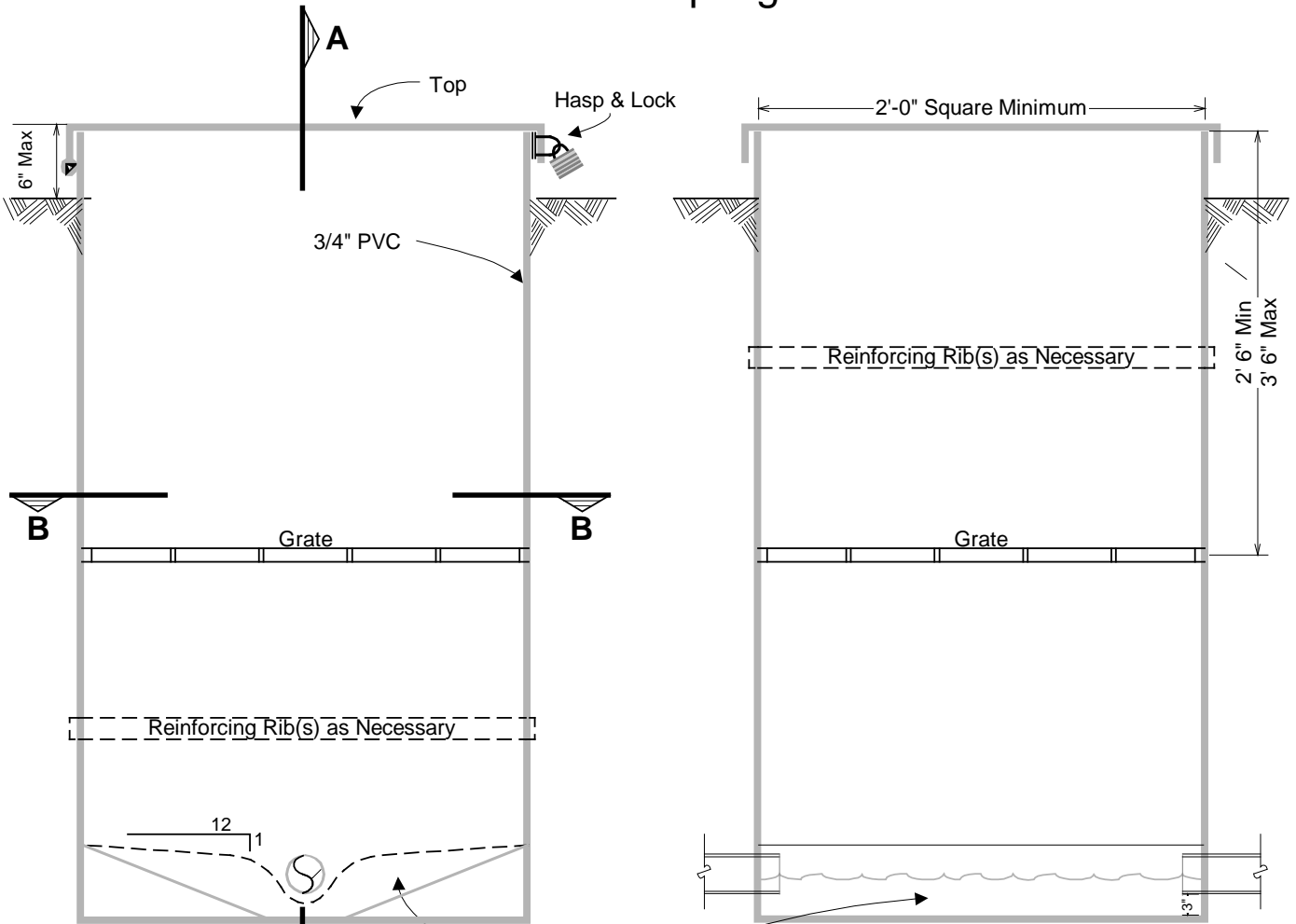
Information and data provided to the District pursuant to 40 CFR Part 403 which is effluent data shall be available to the public without restriction.

**INDUSTRIAL WASTEWATER DISCHARGE PERMIT VIOLATION  
ADMINISTRATIVE PENALTY SCHEDULE**

<u><b>Type of Penalty</b></u>	<u><b>Amount: The following penalties apply to Daily Maximum and Monthly Average Violations.</b></u>
<b>First Offense</b>	Written Notice
pH -	Daily: No monetary penalty amount Gross: \$100.00
<b>Second Offense</b>	<b>Total of the following amounts, as applicable:</b>
Volume -	3.27 per 100 cu. ft. over the allowed permit limit
pH -	Daily: \$25.00 Gross: \$300.00
Conventional Pollutants -	\$100.00 per constituent per day that exceeds the permit limit (COD, SS, etc.)
All other Pollutants -	\$150.00 per constituent per day that exceeds the discharge permit limit
Late Report -	\$50.00
<b>Third Offense</b>	<b>Total of the following amounts, as applicable:</b>
Volume -	\$5.56 per 100 cu. ft. over the allowed permit limit;
pH -	Daily: \$50.00 Gross: \$500.00
Conventional Pollutants -	\$200 per constituent per day that exceeds the permit limit (COD, SS, etc.)
All other pollutants -	\$350.00 per constituent per day that exceeds the permit limit
Late Report -	\$100.00
<b>Fourth Offense</b>	<b>Stoppage of sewer service and/or water service if additional capacity is not purchased or if appropriate pretreatment facilities are not scheduled and, thereafter, constructed in a timely fashion as determined by the District. Penalty fees continue until permit limits are met.</b>
Volume -	\$11.16 per 100 cu. ft. over the allowed permit limit
pH -	Daily Maximum: \$100.00 Gross: \$1,000.00
Conventional Pollutants -	\$600.00 per constituent per day that pollutants exceed the permit limit (COD, SS, etc.)
All other Pollutants -	\$800.00 per constituent per day that exceeds the discharge permit limit;
Late Report -	\$150.00

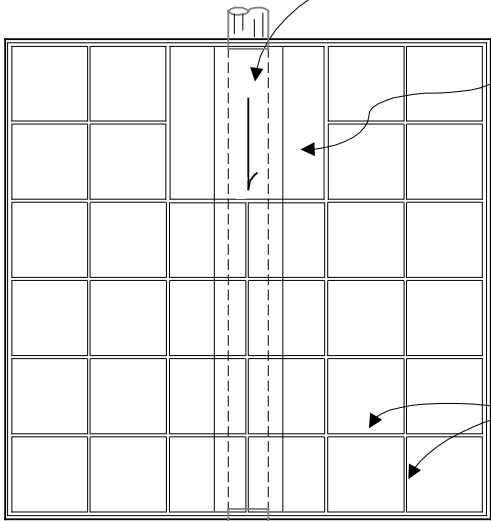


# Industrial Sampling Vault



**Elevation View**

**Section - A**



**Section - B**

Alternate Configuration  
(See Note 2)

8" X 8" Opening  
for Samples

Grate (See Note 1)

## NOTES

1. 4" X 4" fiberglass or approved equal grate with 8" square opening over inlet for grab samples.
2. Alternate configuration: may be allowed upon request.
3. May be placed above ground with Agency approved access modifications.