

EL DORADO IRRIGATION DISTRICT

Administrative Regulation 6021

Industrial Pretreatment and Pollution Prevention Program

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Environmental Division
Of the
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SECTION 1-GENERAL PROVISIONS

1.1 Purpose

(a) The Act, State statutes, District Board Policy BP 6010 and Administrative Regulation 6021, and this Program provide the legal authority to apply and enforce uniform requirements for Users of the Publicly Owned Treatment Works (POTW) for El Dorado Irrigation District, hereby referred to as the “District”, and enable the District to comply with all applicable federal and State laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR 403), as they are now constituted, or as they may hereafter be amended or recodified. The specific legal authorities possessed by the District, and adequate to apply and enforce each procedure under 40 CFR § 403.8(f)(2) are as identified in the statement of the District’s General Counsel dated February 25, 2009.

(b) The objectives of this Program are:

(1) To prevent the introduction of a Pollutant into the POTW that will interfere with its operation;

(2) To prevent the introduction of a Pollutant into the POTW which will pass through the POTW, inadequately treated, into the receiving waters or the atmosphere or otherwise be incompatible with the POTW;

(3) To protect both POTW personnel who may be affected by Wastewater and sludge in the course of their employment and the general public;

(4) To promote reuse and recycling of Wastewater and sludge from the POTW; and

(5) To enable the District to comply with its National Pollutant Discharge Elimination System Discharge Permit conditions, sludge use and disposal requirements, and any other federal or State laws to which the POTW is subject.

(c) This Program provides for the regulation of direct and indirect contributors to the Sewer System through the issuance of Discharge Permits to certain nondomestic Users and through enforcement of general requirements for the other Users, authorizes monitoring and enforcement activities, requires User reporting, and provides for the setting of fees for the equitable distribution of costs resulting from administering the Program.

(d) This Program shall apply to Users in the District and to Users outside the District who discharge to the District’s POTW.

1.2 Administration

Except as otherwise provided, District staff shall administer, implement, and enforce the provisions of this Program. Any powers granted to or duties imposed by the General Manager may be delegated to a duly authorized employee.

1.3 Abbreviations

The following abbreviations shall have the designated meanings:

(a) “CFR” means Code of Federal Regulations.

(b) “gpd” means gallons per day.

(c) “l” means liter.

(d) “mg” means milligrams.

(e) “mg/l” means milligrams per liter.

(f) “NPDES” means National Pollutant Discharge Elimination System.

(g) “POTW” means Publicly Owned Treatment Works.

(h) “SIC” means Standard Industrial Classification.

(i) “U.S.C.” means United States Code.

1.4 Definitions

Unless a provision explicitly states otherwise, the following terms and phrases as used in this Program, shall have the meanings hereinafter designated.

(a) "Act" or "the Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq. [40 CFR 403.3(a)]

(b) "Administrative Order" means an enforcement document which directs Users to implement corrective or remedial measures. Levels of enforcement include: Cease and Desist Orders, Compliance Orders, and show cause orders.

(c) "Approval Authority" means the Central Regional Water Quality Control Board, Central Valley Region. [40 CFR 403.3(c)]

(d) "Authorized Representative of the User" means any duly authorized representative of a User, who may be:

(1) A responsible corporate officer. For the purpose of this requirement, a responsible corporate officer means:

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

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

(2) A general partner or proprietor, if the User is a partnership or proprietorship respectively;

(3) A duly authorized representative of the individual designated in paragraph (d) (1) or (d) (2) of this section if:

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

(ii) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the Industrial Discharge originates;

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

(4) If an authorization under paragraph (d)(3) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of paragraph (d)(3) of this section must be submitted to the District prior to or together with any reports to be signed by an authorized representative. The authorized representative shall be identified on the Discharge Permit.

(e) "Best Management Practices" or "BMPs" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in § 403.5(a)(1) and (b). BMPs also include Treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal or drainage from raw materials storage.

(f) "Biochemical Oxygen Demand" or "BOD" means the quantity of oxygen utilized in the biological oxidation of organic matter under standard laboratory procedures for five (5) days at 20° Celsius, usually expressed as a concentration in mg/L.

- (g) “Categorical Pretreatment Standard” or “Categorical Standard” means any regulation containing Pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1317) which apply to a specific category of Users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
- (h) “Categorical Industrial User” means any industrial User who, on the basis of the industrial activity at the facility in question, must comply with national Categorical standards.
- (i) “Cease and Desist Order” means an Administrative Order issued by the District requiring a discharger to halt discharge to the Sanitary Sewer.
- (j) “Commercial” means all retail stores, restaurants, office buildings, laundries, and other private business and service establishments, including churches and lodges.
- (k) “Compliance Order” means an Administrative Order directing the discharger to achieve or restore compliance by a specified date. A Compliance Order may include a compliance schedule with specific milestones for achieving steps toward compliance, for tracking progress, and for the discharger to report progress.
- (l) “Constituent” means an element, component, or attribute that is part of a Pollutant of concern.
- (m) “Director” means the Engineering Director or the Director’s authorized representative.
- (n) “Discharge Permit” means a Wastewater Discharge Permit issued by the District.
- (o) “District” or “EID” means the El Dorado Irrigation District. The District and any authorized representative shall serve as the Control Authority.
- (p) “Environmental Protection Agency” or “EPA” means the U.S. Environmental Protection Agency.
- (q) “Existing Source” means any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed Categorical Pretreatment Standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.
- (r) “Garbage” means solid waste from the domestic and Commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.
- (s) “Grab Sample” means a sample which is taken from a waste stream without regard to the flow in the waste stream and without consideration of time.
- (t) “Holding Tank Waste” means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
- (u) “Indirect Discharge” or “Discharge” means the introduction of a Pollutant into the POTW from any nondomestic source (including Holding Tank Waste discharge) regulated under Section 307(b), (c), or (d) of the Act. [40 CFR 403.3(i)]
- (v) “Industrial User” or “User” means a source of Indirect Discharge. [40 CFR 403.3(j)]
- (w) “Industrial Waste” means the liquid wastes from industrial processes as distinct from Sewage.
- (x) “Instantaneous Maximum Allowable Discharge Limit” means the maximum concentration of a Pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.
- (y) “Interference” means a discharge, which alone or in conjunction with a discharge or discharges from other sources, both:

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

(2) Therefore, is a cause of a violation of the POTW's NPDES Permit or of the prevention of sludge use or disposal in compliance with any of the following statutory/regulatory provisions or issued there under, or any commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act. [40 CFR 403.3(k)]

(z) "Local Limits" means technically based controls or limits on specific Constituents discharged to the District's Sewer System.

(aa) "Medical Waste" means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

(bb) "National Pretreatment Standard" means any regulation containing Pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act, which applies to any User, including prohibited discharges and local limitations established pursuant to § 403.5. [40 CFR 403.3(l)]

(cc) "New Source" means:

(1) Any building, structure, facility, or installation from which there is (or may be) a discharge of a Pollutant, the construction of which commenced after the publication of proposed National Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

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

(ii) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of a Pollutant at an Existing Source; or

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

(2) Construction on a site at which Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria above but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:

(i) Begun, or caused to begin, as part of a continuous onsite construction program:

(A) Any placement, assembly, or installation of facilities or equipment; or

(B) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of New Source facilities or equipment; or

(ii) Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.. [40 CFR 403.3(m)]

(dd) "National Pollution Discharge Elimination System Discharge Permit" or "NPDES Permit" means a discharge permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342). [40 CFR 403.3(n)]

(ee) “Pass Through” means a 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 Discharge Permit, including an increase in the magnitude or duration of a violation. [40 CFR 403.3(p)]

(ff) “Person” means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, State, and local governmental entities.

(gg) “pH” means a measure of the acidity or alkalinity of a solution, expressed in standard units.

(hh) “Pollution” means the manmade or man induced alteration of the chemical, physical, biological, and radiological integrity of water.

(ii) “Pollutant” means any Constituent or characteristic of Wastewater on which a discharge limit may be imposed by the District or has the ability to cause Pass-through or Interference with the works, contaminate its sludge, cause problems within the POTW, or jeopardize its workers (e.g., pH, temperature, Ammonia, BOD, Bis-2-ethylhexyl phthalate, color, copper, mercury, zinc).

(jj) “Pretreatment” or “Treatment” means the reduction of the amount of Pollutants, the elimination of Pollutants, or the alteration of the nature of Pollutant properties in Wastewater prior to, or in lieu of, introducing such Pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except as prohibited by § 403.6(d). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or Slug Loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with § 403.6 (e). [40 CFR 403.3 (s)]

(kk) “Pretreatment Requirements” means any substantive or procedural requirement related to Pretreatment imposed on a User, other than a Pretreatment Standard. [40 CFR 403.3(t)]

(ll) “Priority Pollutant” means any of the pollutants currently designated in the EPA’s list of priority toxic pollutants.

(mm) “Program” means the District’s Industrial Pretreatment and Pollution Prevention Program.

(nn) “Prohibited Discharge Standards” or “Prohibited Discharges” means absolute prohibitions against the discharge of certain substances; these prohibitions appear in section 2.1 of this Program.

(oo) “Publicly Owned Treatment Works” or “POTW” means any “Treatment Works,” as defined by Section 212 of the Act (33 U.S.C. §1292), which is owned by the District. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of Sewage or Industrial Wastes of a liquid nature and any conveyances which convey Wastewater to a Treatment Plant. [40 CFR 403.3(q)]

(pp) “Sanitary Sewer” and “Sewer System” means a Sewer controlled by the District which carries Sewage and to which storm, surface and groundwater are not intentionally admitted.

(qq) “Septic Tank Waste” means any Sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

(rr) “Sewage” means human excrement and gray water (household showers, dishwashing operations, etc.).

(ss) “Sewer” means a pipe or conduit for carrying Sewage.

(tt) “Shall” means mandatory; “may” is permissive.

(uu) “Significant Industrial User or SIU” (1) Except as provided in paragraphs (uu)(2) and (uu)(3) of this section, the term Significant Industrial User means:

(i) Categorical Industrial Users (CIUs) : All Industrial Users subject to Categorical Pretreatment Standards under § 403.6 and 40 CFR Chapter I, subchapter N; and

(ii) Any other Industrial User that: discharges an average of 25,000 gallons per day or more of process Wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW Treatment plant; or is designated as such by the District on the basis that the Industrial User has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

(2) The District may determine that an Industrial User subject to Categorical Pretreatment Standards under § 403.6 and 40 CFR chapter I, subchapter N is a **Non-Significant Categorical Industrial User** rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical Wastewater (excluding sanitary, non-contact cooling and boiler blowdown Wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

(i) The Industrial User, prior to the District's finding, has consistently complied with all applicable Categorical Pretreatment Standards and Requirements;

(ii) The Industrial User annually submits the certification statement required in § 403.12(q) and section 5.17 of this Program together with any additional information necessary to support the certification statement; and

(iii) The Industrial User never discharges any untreated concentrated Wastewater.

(3) Upon a finding that an Industrial User meeting the criteria in paragraph (uu)(1)(ii) of this section has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standards or requirement, the District may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with § 403.8(f)(6), determine that such Industrial User is not a Significant Industrial User (SIU). [40 CFR 403.3(v)(1-3)]

(vv) “Significant Noncompliance” means any violation that meets one or more of the criteria as defined in § 403.8(f)(2)(viii) and/or any updates and changes incorporated in the applicable Pretreatment regulations.

For the purposes of this provision, a Significant Industrial User (or any Industrial User which violates paragraphs(C), (D), or (H) of this section) 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 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by § 403.3(l);

(B) Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements taken for the same Pollutant parameter during a 6-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by § 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);

(C) Any other violation of a Pretreatment Standard or Requirement as defined by § 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative Standard) that the POTW determines has caused, alone or in combination with other Discharges, Interference or Pass Through (including endangering the health of POTW personnel or the general public);

(D) Any discharge of a Pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under paragraph (f)(1)(vi)(B) of this section to halt or prevent such a discharge;

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

(F) Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(G) Failure to accurately report noncompliance;

(H) Any other violation or group of violations, which may include a violation of Best Management Practices, which the POTW determines will adversely affect the operation or implementation of the local Pretreatment program.

(ww) “Slug Load”, “Slug” or “Slug Discharge” means 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 District’s Administrative Regulations, Local Limits or permit conditions.

(xx) “Standard Industrial Classification (SIC) Code” means a classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

(yy) “State” means the State of California.

(zz) “Storm Drain” or “Storm Sewer” means a Sewer which carries storm and surface waters and drainage, but excludes Sewage and industrial wastes, other than unpolluted cooling water.

(aaa) “Storm Water” means any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

(bbb) “Suspended Solids” means the total suspended matter that floats on the surface of, or is suspended in, water, Wastewater, or other liquid, and which is removable by laboratory filtering.

(ccc) “Wastewater” means liquid and water-carried industrial wastes and Sewage from residential dwellings, Commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

(ddd) “Wastewater Treatment Plant” or “Treatment Plant” means that portion of the POTW which is designed to provide treatment of municipal Sewage and Industrial Waste.

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

(fff) “Wastewater Discharge Permit” or “Discharge Permit” means a Discharge Permit that must be obtained from the District before a User may connect to or contribute to the POTW.

(ggg) “Zero Discharging Categorical User” means an Industrial User that would be subject to any of the Federal Categorical Pretreatment Standards in 40 CFR 407-471 if ANY of the categorically-regulated process discharged to the sewers.

(hhh) “Food Service Establishment (FSE)” means a facility defined in California Uniform Retail Food Service Establishment Law (CURFFL), Health and Safety Code Section 113780 and any Commercial entity within the boundaries of the District, operating in a permanently constructed structure such as a room, building, or place, or portion thereof, maintained, used, or operated for the purpose of storing, preparing, serving, or manufacturing, packaging, or otherwise handling food for sale to other entities, or for consumption by the public, its members, or employees.

(iii) "Automobile Servicing Business (AUTO)" means a facility that services or maintains automobiles or similar equipment handling petroleum based liquids.

(jjj) "Non-significant Industrial User (IUs)" means a facility if ANY of the following applies:

- The facility is not a CIU or SIU, but the facility discharges industrial process waste other than discharges from automobile servicing business.
- The facility stores, utilizes, or generates chemicals or materials that could damage the Sewer System or POTW if discharged.
- The facility generates any material(s) which require rendering service or special pickup service. Examples include petroleum oils, lubricants, solvents, paints, thinners, chemical reagents, photo / x-ray processing wastes and grease

(kkk) "Bypass" means the intentional diversion of wastestreams from any portion of an Industrial User's treatment facility.

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

SECTION 2-GENERAL SEWER USE REQUIREMENTS

2.1 Prohibited Discharge Practices

(a) General Prohibitions:

(1) It is unlawful for any User to contribute or cause to be contributed, directly or indirectly, any Pollutant in quantities which will interfere with operations, the performance of the POTW, or cause Pass Through or Interference. These general prohibitions apply to all such Users of the POTW, whether or not the User is subject to the Categorical Pretreatment Standards or any other national, State or local Pretreatment Standards or requirements. [40 CFR 403.5(a)(1)]

(b) Specific Prohibitions:

(1) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW, including, but not limited to, waste streams with a closed- cup flashpoint of less than 140° F or 60° C. [40 CFR 403.5(b)(1)]

(2) Any Wastewater with a pH less than 5.0 or greater than 9.0, or having any corrosive or detrimental characteristic that may cause injury to the POTW or maintenance personnel, or may cause damage to structures, equipment or other physical facilities of the District's Sewer System. [40 CFR 403.5 (b)(2)]

(3) No User shall discharge or cause to be discharged to the District's Sewer System, any waste that creates a stoppage, plugging, breakage, any significant reduction in Sewer capacity or any other damage to Sewers or sewerage facilities of the District. Any excessive Sewer or sewerage maintenance expenses or any other expenses attributable thereto will be charged to the offending discharger by the District. [40 CFR 403.5(b)(3)]

(4) Any Pollutants, including oxygen-demanding Pollutants (e.g., BOD) released in a discharge at a flow rate and/or Pollutant concentration which will cause Interference to the POTW. [40 CFR 403.5(b)(4)]

(5) Any Wastewater having a temperature of 60 degrees Celsius (140 degrees Fahrenheit) or more at the point of discharge into the Sanitary Sewer, or which contains heat in an amount which will inhibit biological activity in the

POTW resulting in Interference, but in no case at temperatures in such quantities that will cause the temperature at the Treatment Plant influent to exceed 40 degrees Celsius (104 degrees Fahrenheit). [40 CFR 403.5(b)(5)]

(6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through. [40 CFR 403.5(b)(6)]

(7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems. [40 CFR 403.5(b)(7)]

(8) Any trucked or hauled Pollutants, except with the specific case-by-case permission from the District, at discharge points designated by the District. [40 CFR 403.5(b)(8)]

(9) Any Wastewater with objectionable color not removed in the treatment process.

(10) No User shall discharge or cause to be discharged any rainwater, Storm Water, ground water (other than that which is subject to pretreatment as part of remediation), street drainage, subsurface drainage, roof drainage, yard drainage, water from yard fountains, or ponds into the POTW or Sanitary Sewer. Every private or public wash rack and/or floor or slab drain used shall be adequately protected against storm or surface inflow. The District may approve the discharge of such water on a temporary basis only when no alternate method of disposal is reasonably available. Approval may also be given to mitigate an environmental or health hazard with the installation of appropriate rainwater diversion devices or facilities. If a Discharge Permit is granted for the discharge of such water into the Sewer, the User shall pay the applicable charges established herein and shall meet such other conditions as required by the District.

(11) Any Wastewater containing radioactive material in sufficient quantity to interfere with any treatment process or constitute a hazard to humans or animals.

(c) Prohibited Locations:

(1) No User shall discharge any substances directly into a manhole or other opening in the District's Sanitary Sewer or POTW other than through a District approved Sewer connection.

(d) Prohibition on Use of Dilution:

(1) Except where expressly authorized to do so by an applicable Pretreatment Standard or requirement, no User shall increase the use of process water, or any other way attempt to dilute a discharge as a partial or complete substitute for adequate pretreatment to achieve compliance with a Pretreatment Standard, requirement or discharge limitation. The District may impose mass-based limitations on Users which are using dilution to meet applicable National Pretreatment Standards or requirements or in other cases where the imposition of mass-based limitations is appropriate. [40 CFR 403.6(d)]

(e) Prohibition on Accidental or Slug Discharges:

(1) No User shall discharge at a flow rate and/or concentration which could cause a violation of the Prohibited Discharge Standards in section 2.1 of this Program. For the purpose 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 POTW's regulations, Local Limits or Permit conditions.

(f) Bypass Prohibition:

(1) Bypass not violating applicable Pretreatment Standards or Requirements or Permit specific Discharge Limits. A User may allow any Bypass to occur which does not cause Pretreatment Standards or Requirements or Permit specific Discharge Limits to be violated, but only if it is for the essential maintenance to assure efficient operations. These Bypasses are not subject to the provision of paragraphs (2) (3) and (4) of this section.

(2) Notice. If a User knows in advance of the need for a Bypass, it shall submit prior notice to the District, if possible at least ten (10) days before the date of the Bypass.

(3) Users must provide oral notice to the District of an unanticipated Bypass that exceeds applicable Pretreatment or specific User Specific Discharge permit limits within 24 hours from the time the User becomes aware of the Bypass. The User must also submit within five (5) days a written report explaining the description, cause(s), nature, and duration of the Bypass, if the Bypass has not been corrected, the anticipated time it is expected to continue; and the steps being taken to prevent its recurrence. The District may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

(4) A Bypass of the User's required treatment system is prohibited, and the District may take enforcement action against an Industrial User for a Bypass, unless;

(i) The Bypass was unavoidable to prevent loss of life, personal injury, or Severe Property Damage;

(ii) There was no feasible alternative to the Bypass, including the use of auxiliary treatment or retention of the industrial process Wastewater or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a Bypass which occurred during normal periods of equipment downtime or preventative maintenance; and

(iii) The User submitted notices as required under paragraph (2) of this section.

(5) The District may approve an anticipated Bypass, after considering its adverse effects, if the District determines that it will meet the three conditions listed in paragraph (4) of this section. [40 CFR 403.17]

2.2 Categorical Pretreatment Standards

The Categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471, are hereby incorporated into this Program and made part thereof. All Categorical Users are required to comply with the Categorical Pretreatment Standards, which are applicable to them.

(a) Categorical Users that never discharge more than 100 gallons per day (gpd) of total categorical Wastewater (excluding sanitary, non-contact cooling and boiler blowdown Wastewater, unless specifically included in the Pretreatment Standard) may be classified as a upon request by the Categorical User as a Non-Significant Categorical Industrial User (NSCIU) as long as the following conditions are met:

(1) The Industrial User, prior to the District's finding, has consistently complied with all applicable Categorical Pretreatment Standards and Requirements. Therefore, a new facility that has not characterized its waste or demonstrated consistent compliance cannot be classified as an NSCIU from the start of operation. Similarly, new categorical wastestreams at an existing NSCIU (e.g., a completely new categorical wastestream, new lines added to existing processes producing similar waste) cannot be regulated under the NSCIU classification without demonstrating consistent compliance with all applicable pretreatment standards for the new wastestream. Furthermore, the period of "consistent compliance" has a time element spanning the seasons. As such, it would take at least one year to demonstrate compliance through a full cycle of the seasons and whatever variations might take place throughout the year, and another full year to demonstrate continued compliance. Therefore, the Industrial User will be required to have at least two full years of compliance monitoring as a fully permitted CIU to demonstrate continued compliance, as required by the federal pretreatment regulations, before the District can consider approving reduced sampling and reporting requirements. [40 CFR 403.3 (v)(2).

(2) The Industrial User annually submits the certification statement required in § 403.12(q) together with any additional information necessary to support the certification statement.

(3) The Industrial User never discharges any untreated concentrated Wastewater.

(4) Industrial Users that meet the requirements above and 4.18 of this Program may be designated as NSCIU at the discretion of the District.

(b) The Industrial Users that elect to comply with Categorical Pretreatment Standards by not discharging any categorically-regulated Wastewater may be designated as Zero-Discharge Categorical Users at the discretion of the District if the Industrial Users meet the conditions outlined in 1.4(ggg) and 4.16 of this document.

(c) Where a Categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a Pollutant in Wastewater, the District may impose equivalent concentration or mass limits in accordance with sections below.

(d) When the limits in a Categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the District may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.

(e) When a Categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that the District convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the District. The District may establish equivalent mass limits only if the Industrial User meets all the conditions set forth below.

(1) To be eligible for equivalent mass limits, the Industrial User must:

(i) Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual Wastewater Discharge Permit;

(ii) Currently use control and treatment technologies adequate to achieve compliance with the applicable Categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;

(iii) Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;

(iv) Not have daily flow rates, production levels, or Pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and

(v) Have consistently complied with all applicable Categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.

(2) An Industrial User subject to equivalent mass limits must:

(i) Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;

(ii) Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;

(iii) Continue to record the facility's production rates and notify the District whenever production rates are expected to increase by more than 20 percent from its baseline production rates determined in section 2.2(c)(1)(iii) of this Program. Upon notification of a revised production rate, the District will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and

(iv) Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to section 2.2(c)(1)(i) of this Program so long as it discharges under an equivalent mass limit.

(f) When developing equivalent mass limits, the District:

(1) Will calculate the equivalent mass limit by multiplying the actual long-term average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based Daily Maximum and Monthly Average Standard for the applicable Categorical Pretreatment Standard and the appropriate unit conversion factor;

(2) Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and

(3) May retain the same equivalent mass limit in subsequent individual Wastewater Discharge Permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment. The Industrial User must also be in compliance with section 2.1(f) of this Program regarding the prohibition of Bypass.

(g) The District may convert the mass limits of the Categorical Pretreatment Standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual Industrial Users. The conversion is at the discretion of the District. The Industrial User may initiate this process by submitting an application to the District requesting replacement of their flow based mass limits with the equivalent concentration-based limits. This application should detail the CIU's eligibility for the equivalent concentration-based limits using the following criteria:

(1) Equivalent concentration-based limits are not currently being or will not subsequently be met through the use of dilution or by pass as a substitute for treatment. [40 CFR 403.6(d)]

(2) CIUs that mix their process effluent prior to treatment with Wastewaters other than those generated by the regulated process must provide information regarding the Pollutant concentrations at the sample point that need adjustment using the combined wastestream formula. [40 CFR 403.6(e)] [40 CFR 403.6(c)(6)]

(h) Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this section 2.2 of this Program in lieu of the promulgated categorical Standards from which the equivalent limitations were derived.

(i) Many Categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum Monthly Average, or 4-day average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.

(j) Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the District within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User 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.

(k) Categorical Pretreatment Standards are applied at the end of ALL categorical regulated processes after treatment (also known as end of process). When Wastewater subject to a Categorical Pretreatment Standard is mixed prior to treatment with Wastewater not regulated by the same standard, the District shall impose an alternate limit using the combined wastestream formula in § 403.6(e).

(l) An Industrial User may obtain a variance from a Categorical Pretreatment Standard if the user can prove, pursuant to the procedural and substantive provisions in § 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the Categorical Pretreatment Standard.

(m) An Industrial User may obtain a net gross adjustment to a Categorical Pretreatment Standard in accordance with the following paragraphs of this section per § 403.15.

(1) Categorical Pretreatment Standards may be adjusted to reflect the presence of Pollutants in the Industrial User's intake water in accordance with this section. Any Industrial User wishing to obtain credit for intake Pollutants must make application to the District. Upon request of the Industrial User, the applicable Standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for Pollutants in the intake water) if the requirements of paragraph (2) of this section are met.

(2) Criteria.

(i) Either (A) The applicable Categorical Pretreatment Standards contained in 40 CFR subchapter N specifically provide that they shall be applied on a net basis; or (B) The Industrial User demonstrates that the control system it proposes or uses to meet applicable Categorical Pretreatment Standards would, if properly installed and operated, meet the Standards in the absence of Pollutants in the intake waters.

(ii) Credit for generic Pollutants such as BOD, TSS and oil and grease should not be granted unless the Industrial User demonstrates that the Constituents of the generic measure in the User's effluent are substantially similar to the Constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water Pollutants either at the outfall or elsewhere.

(iii) Credit shall be granted only to the extent necessary to meet the applicable Categorical Pretreatment Standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with Standard(s) adjusted under this section.

(iv) Credit shall be granted only if the User demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The District may waive this requirement if it finds that no environmental degradation will result.

2.3 Constituents Requiring Specific Discharge Limits within a District Issued Wastewater Discharge Permit

(a) Unless otherwise specified by the District, Users discharging more than 25,000 gallons per day and /or discharging Wastewater containing the Constituents listed in Appendix A must obtain a Wastewater Discharge Permit in accordance with this Administrative Regulation.

(b) Industrial User-specific discharge limits for appropriate Constituents shall be developed in accordance with the EPA Local Limits Development Guidance Criteria and any applicable limits shall be included in individual Wastewater Discharge Permits.

(c) The District may develop Best Management Practices (BMPs) in individual Wastewater Discharge Permits to implement Local Limits and the requirements of this Administrative Regulation. Enforceable BMPs may include the following elements:

- (1) Specific notice to IUs of requirements and enforceability;
- (2) Installation of treatment;
- (3) Requirements for or prohibitions on certain practices, activities or discharges;
- (4) Requirements for operation and maintenance of treatment units;
- (5) Timeframes associated with key activities;
- (6) Compliance certification, reporting and records retention;
- (7) Provision for re-opening or revoking the BMPs conditions; and
- (8) Other requirements as determined by the District.

2.4 Application Limits

The limits in section 2.3 of this Program apply to non-domestic Wastewaters at the point where the Wastewaters discharge to the POTW (also called "end of pipe"). All concentrations for metallic substances are for "total" metals unless indicated otherwise.

2.5 Equivalent Mass-Based Limit

The District may impose mass-based limitations in addition to, or in place of, the concentration-based limitations listed in section 2.3 of this Program.

2.6 Contributions Causing Pass Through or Interference

When the District determines that a User is contributing to the POTW any Pollutant in such amounts as to cause Pass Through or Interference, the District shall:

- (a) Advise the User(s) of the impact of the contribution on the POTW, and/or
- (b) Develop effluent limitation(s) or BMPs for such User(s) to correct Pass Through or Interference with the POTW.

2.7 State Requirements

State requirements and limitation on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this Program.

2.8 District's Right of Revision

The District reserves the right to amend this Program in order to establish more stringent limitations or requirements on discharges to the Sewer System if deemed necessary to comply with the objectives of this Program.[40 CFR 403.8(f)(ii)]

SECTION 3-PRETREATMENT OF WASTEWATER

3.1 Pretreatment Facilities

(a) A User shall provide Industrial Waste treatment as necessary to comply with this Program and shall achieve compliance with all National Pretreatment Standards, local discharge limits, and the prohibitions set out in section 2.1 of this Program within time limitations specified by EPA, the State, or the District, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the District for review, and must be approved by the District before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the District under provisions of this Program. The User shall not significantly modify or change an existing approved treatment system prior to receiving a written approval from the District.

(b) All domestic or sanitary Wastewaters from a User's restrooms, showers, drinking fountains, etc., shall be kept separate from all Industrial Waste until the Industrial Waste has passed through any required pretreatment facility or monitoring device.

3.2 Additional Pretreatment Measures

(a) Whenever deemed necessary, the District may require Users to restrict their discharge during peak flow periods, designate that certain Wastewater be discharged only into specific Sewers, relocate and/or consolidate points of discharge, separate waste streams from Industrial Waste, and any other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this Program.

(b) The District may require any User discharging into the POTW to install and maintain, on the User's property and at the User's own expense, a suitable storage and flow-control facility to ensure equalization of flow.

(c) Grease, oil, and sand interceptors/grease traps shall be provided when, in the opinion of the District, they are necessary for the proper handling of Wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential customers. All interceptors/grease traps units shall be of a type and capacity approved by the District and shall be so located to be easily accessible for cleaning and inspection. Such interceptors/grease traps shall be inspected, cleaned (at a frequency deemed satisfactory to the District), and repaired by the User at their expense.

(d) Car washes, vehicle service stations and garages which have facilities for the wash down of vehicles shall install an appropriate sand/oil trap of a size and design approved by the District.

(e) All silver-based image process businesses (diagnostic x-ray and photo processors) shall be required to treat silver-rich solutions prior to discharging to the Sewer. The District requires any installed silver recovery system to be rated to recover at least 90% all silver processed. At no time shall the facility discharge treated process water with silver in excess of 5.0 mg/L. The facility may elect to dispose of all silver-rich solutions to an appropriate off-site location. Off-site disposal must be properly documented with records retained on-site and available for inspections.

(f) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

3.3 Accidental Discharge/Slug Control Plans

(a) Each User shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Program. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or User's own cost and expense.

(b) The District will evaluate on a periodic basis whether each SIU needs an Emergency Slug Control and Response Plan. The District may require any User to develop, submit for approval, and implement such a plan. For New Sources the plans shall be submitted to the District for review, and must be approved by the District before the facility is constructed, if required by the District. The District shall evaluate all existing SIUs within one year of being identified as a SIU. SIUs shall complete such a plan within ninety (90) calendar days upon notification by the District of the requirement. Review and approval of such plans and operating procedures shall not relieve the User from the responsibility to modify the User's facility as necessary to meet the requirements of this Program. [40 CFR 403.8(f) (2) (v) (c)(vi)]

(c) An Emergency Slug Control and Response Plan shall address, at a minimum, the following: [40 CFR 403.8(f) (2) (vi) (A-D)]

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

(2) Detailed plans showing facilities and operating procedures;

(3) Description of stored chemicals;

(4) Procedures for immediately notifying the District of Slug Discharges, including any Slug Discharge that would violate a prohibition under § 403.5(b), with procedures for follow-up written notification within five (5) calendar days; and

(5) Procedures to prevent adverse impact from accidental spills or Slug Discharge, 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.

(d) All Users shall notify the District immediately by telephone upon becoming aware of accidentally discharging any non-Discharge Permitted waste(s), waste in quantities that exceed Discharge Permitted amounts, or any waste in any quantity that could cause disruption of the Sewer System or of the POTW. The notification shall include

location of the discharge, type of waste, concentration and volume, and corrective actions. Such reporting shall be detailed enough to enable countermeasures to be taken by the District to minimize damage to the Sewer System, POTW, and receiving waters.

(1) Written Notice: The verbal notification shall be followed via certified mail within five (5) calendar days of the date of occurrence, by a detailed written statement describing the causes of the accidental discharge, specific names and quantity of Pollutants discharged, volume of discharge, the duration of the discharge, and the measures being taken to prevent future occurrences. Such notification will not relieve Users of liability for any expense, loss, or damage to the Sewer System and or POTW or for any fines imposed on the District on account thereof under Section 13350 of the California Water Code, or for violations of Section 5650 of the California Fish and Game Code, or for violation of any other applicable provisions of federal or State law.

(e) Notice to Employees: A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees whom to call in the event of a potentially dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a potentially dangerous discharge to occur are advised of the emergency notification procedures.

SECTION 4-WASTEWATER DISCHARGE PERMITS

4.1 Wastewater Discharge Permits

(a) All SIUs proposing to connect to or to contribute to the POTW shall obtain a Discharge Permit before connecting to or contributing to the POTW. All existing SIUs connected to or contributing to the POTW shall obtain a Discharge Permit within one hundred eighty (180) calendar days after notification from the District. [40 CFR 403.8(f) (1)(iii)]

(b) The District may require other Users to obtain Discharge Permits as necessary to carry out the purpose of this Program.

(c) The District can require the following Users to obtain Discharge Permits, with each term defined in section 1.4 of this Program, and classified as designated:

- (1) Categorical Industrial Users (CIUs);
- (2) Non-Categorical Significant Industrial Users (SIUs);
- (3) Non-Significant Industrial Users (IUs);
- (4) Automobile Servicing Business (AUTO)
- (5) Zero-Discharge Categorical Users (ZCIUs);
- (6) Non-Significant Categorical User (NSCIUs); and
- (7) Food Service Establishments (FSEs).

4.2 Authorization to Discharge

The Discharge Permit expressly authorizes a User to discharge Wastewater to the POTW and is issued for that purpose. If, for any reason, a Discharge Permit is revoked, suspended, or otherwise held invalid, authorization to discharge is thereby terminated.

4.3 Wastewater Discharge Permit Enforceability

Discharge Permits shall be expressly subject to all provisions of this Program and all other applicable regulations, charges and fees established by the District. Any violation of the terms and conditions of a Discharge Permit shall be deemed a violation of this Program and subject the User to the enforcement actions set out in Section 8 of this Program. Obtaining a Discharge Permit does not relieve a User of its obligation to comply with any other requirements of federal, State, and local laws.

4.4 Authority to Deny New or Increased Contributions

The District shall have the authority to deny or condition new or increased contributions of Pollutants or changes in the nature of Pollutants to the POTW by Discharge Permitted and non-Discharge Permitted Users where such contributions do not meet applicable National Pretreatment Standards or requirements or where such contributions would cause the POTW to violate its Waste Discharge Requirements. [40 CFR 408.3(f) (1)(i)]

4.5 Wastewater Discharge Permit Application

All Users may be required to file with the District a Discharge Permit application in a form prescribed by the District along with all applicable fees. Discharges of only Sewage, as determined by the District, shall not be subject to application fees.

4.6 Wastewater Analysis

When requested by the District, any and all Users must submit information on the nature and characteristics of their Wastewater within sixty (60) calendar days of the request. The District is authorized to prepare a form for this purpose and may periodically require Users to update this information.

4.7 Wastewater Discharge Permitting: Existing Connections

(a) All Users currently discharging into the Sewer System of the District, for which a Discharge Permit has not yet been issued, must apply for a Discharge Permit within sixty (60) calendar days of notification by the District.

(b) All Users discharging into the Sewer System of the District, for which a Discharge Permit has been issued, must apply for a new Discharge Permit under any of the following conditions:

(1) They intend to change the volume and / or character of discharge or change its location.

(2) At any time the operation or process for which a Discharge Permit has been issued is sold to another party. The new owner(s) or operators shall apply for a Discharge Permit within thirty (30) calendar days of taking possession of the facility. The conditions of the existing Discharge Permit shall prevail until a new Discharge Permit is issued.

(3) They intend to continue to discharge and their existing Discharge Permit will expire in no less than ninety (90) calendar days. The conditions of the existing Discharge Permit shall prevail until a new Discharge Permit is issued, but not more than 5 years.

4.8 Wastewater Discharge Permitting: New Connections

Any User required to obtain a Discharge Permit who proposes to begin or recommence discharging into the POTW must obtain such Discharge Permit prior to the beginning or recommencing of such discharge. An application for this Discharge Permit, in accordance with section 4.5 of this Program, may be required upon request for a building permit.

4.9 Wastewater Discharge Permit Application Contents

(a) Users required to obtain an individual Wastewater Discharge Permit or General Discharge Permit shall complete and file with the District an application in the form prescribed by the District. The District may require Users to submit all or some of the following information as part of a permit application.

(1) Identifying Information.

(i) The name and address of the facility, including the name of the operator and owner.

(ii) Contact information, description of activities, facilities, and plant production processes on the premises.

(2) Environmental Permits. A list of any environmental control permits held by or for the facility.

(3) Description of Operations.

(i) A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and Standard Industrial Classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.

(ii) Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW.

(iii) Number and type of employees, hours of operation, and proposed or actual hours of operation.

(iv) Type and amount of raw materials processed (average and maximum per day).

(v) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.

(4) Time and duration of discharges.

(5) The location for monitoring all wastes covered by the permit.

(6) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in section 2.2(e)(1)(iii) of this Program and §403.6(e).

(7) Measurement of Pollutants.

(i) The Categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.

(ii) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the District of regulated Pollutants in the discharge from each regulated process.

(iii) Instantaneous, Daily Maximum, and long-term average concentrations, or

(iv) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in section 5.13 of this document. Where the Standard requires compliance with a BMP or Pollution prevention alternative, the User shall submit documentation as required by the District or the applicable Standards to determine compliance with the Standard.

(v) Sampling must be performed in accordance with procedures set out in section 5.14 of this document.

(8) Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a Pollutant neither present nor expected to be present in the discharge based on section 5.4 (e) [40 CFR 403.12(e)(2)].

(9) Any request to be covered by a general permit based on section 4.17 of this Program.

(10) Any other information as may be deemed necessary by the District to evaluate the permit application.

(b) The application must be signed by an Authorized Representative along with the applicable statement in section 5.17 of this Program.

4.10 Wastewater Discharge Permit Application Refusal

(a) If the District is not satisfied that the Discharge Permit application has sufficient information to determine whether the Discharge Permit should be issued, the District shall refuse said Discharge Permit, and the application shall be returned to the applicant with an explanation of the deficiency. The District may refuse to issue a Discharge Permit if any one or more of the following conditions exist:

(1) The application is not accompanied by the appropriate fee(s), Authorized Representative Signature and/or applicable statement in section 5.17 of this Program;

(2) The application for a Discharge Permit contains false, misleading or incomplete information;

(3) The issuance of the Discharge Permit would interfere with the proper operation of the Sewer System or the POTW;

(4) The issuance of the Discharge Permit would interfere with opportunities to recycle and reclaim treated effluent and sludge;

(5) The issuance of the Discharge Permit would result in the discharge of Industrial Wastes of such volume or character that the public health or safety, or public or private property is endangered;

(6) The issuance of the Discharge Permit would cause the POTW to violate any permit conditions, laws, or regulations of the State and/or federal government;

(7) The issuance of the Discharge Permit would interfere with the ability of the POTW to dispose of the sludge or biosolids in a landfill at the disposal cost that would otherwise be available to the POTW;

(8) The applicant has not provided plans for sufficient protection from accidental discharges to the land or Sewer System; and/or

(9) The applicant has violated its industrial discharge requirements, as defined in its Discharge Permit, more than twice during the past three (3) years.

(b) If a Discharge Permit application is denied, the applicant may appeal the decision to the Director.

4.11 Wastewater Discharge Permit Duration

Discharge Permits shall be issued for a period of three (3) years. The User shall apply for Discharge Permit re-issuance at a minimum of ninety (90) calendar days prior to the expiration of the User's existing Discharge Permit. When an application is submitted within 90 calendar days, the existing permit is to continue in effect until a new permit is issued by the District, but in no case longer than 5 years. [40 CFR 403.8(f)(1)((iii)(B)(1)]

4.12 Wastewater Discharge Permit Conditions

The conditions of the Discharge Permit shall be enforced by the District and shall be consistent with all applicable District, State, and federal regulations. In addition to standard provisions of this Program, Discharge Permits may contain the following requirements: [40 CFR 403.8(f)(1)(iii)]

- (a) A statement that indicates the Discharge Permit's issuance date, expiration date and effective date. (See section 4.11)
- (b) A statement the Discharge Permit is nontransferable without prior notification to the District in accordance with section 4.14 of this Program.
- (c) A unit charge or schedule of User charges and fees for the Wastewater to be discharged to the POTW;
- (d) Limits on the average and maximum Wastewater Constituents and characteristics; [40 CFR 403.8(f)(1)(B)(3)]
- (e) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
- (f) Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the Pollutants to be monitored (including the process for seeking a waiver for a Pollutant neither present nor expected to be present in the Discharge in accordance with § 403.12(e)(2), or a specific waived Pollutant in the case of an individual control mechanism), sampling location, sampling frequency, and sample type, based on the applicable general Pretreatment Standards, Categorical Pretreatment Standards, BMPs based on Pretreatment Standards, Local Limits, and State and local law. [40 CFR 403.8(f)(1)(B)(4)]
- (g) Requirement for the installation of pretreatment technology, Pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of Pollutants into the treatment works [40 CFR 403.8(f)(1)(iv);
- (h) Installation and maintenance of flow monitoring, inspection, and sampling facilities;
- (i) Specifications and Pretreatment Requirements for monitoring programs which may include sampling locations, frequency of sampling, number of samples to be collected and analyzed, types and standards for tests, and reporting schedules; [40 CFR 403.8(f)(1)(B)(4)]
- (j) Compliance schedules;
- (k) Submission of technical reports, discharge reports or waste transport manifests or removal invoices;
- (l) Requirements for maintaining plant records relating to Wastewater discharge and/or waste removal, as specified by the District and affording the District access thereto; [40 CFR 403.8(f)(1)(B)(4)]
- (m) A statement about the Discharge Permit's application/reapplication and permit modification process. (See sections 4.7, 4.13 and 4.15 of this Program);
- (n) Notification to the District of any new introduction of Wastewater Constituents, or any substantial change in the volume or character of the Wastewater Constituents being introduced, either intentionally or accidentally, into the Wastewater stream; [40 CFR 403.8(f)(1)(B)(4)]
- (o) Plans for protection against accidental discharges, including, but not limited to, berming of areas where chemicals or liquid wastes are stored. The review and approval of such plans and operating procedures shall not relieve the User from the responsibility of modifying the facility as necessary to provide protection necessary to meet requirements of federal, State, and District regulations;

(p) Requirements to control Slug Discharges, Notifications of Slug Discharges and submittal of Slug Discharge control plan. At a minimum the Slug Discharge control plan will contain the requirements stated in 40 CFR 403.8(f)(2)(vi)(A-D); and/or [40 CFR 403.8(f)(1)(iii)(B)(6)]

(q) Other conditions as deemed appropriate by the District to ensure compliance with this Program.

(r) Effluent limits, including Best Management Practices, based on applicable general Pretreatment Standards in § 403, Categorical Pretreatment Standards, Local Limits, and State and local law; [40 CFR 403.8(f)(1)(ii), 403.8(f)(1)(iii)(B)(3)]

(s) Statement of applicable civil and criminal penalties for violation of Pretreatment Standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable federal deadlines. [40 CFR 403.8(f)(1)(B)(5)]

4.13 Wastewater Discharge Permit Modifications

(a) The District may modify a Discharge Permit for good cause, including, but not limited to, the following reasons:

(1) To incorporate any new or revised federal, State, or local Pretreatment Standards or requirements;

(2) To incorporate any pertinent changes to the District's existing NPDES Permits when they are renewed or modified. The Central Valley Regional Water Quality Control Board typically renews NPDES Permits every five years.

(3) To address significant alterations or additions to the User's operation, processes, or Wastewater volume or character since the time of Discharge Permit issuance;

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

(5) Information indicating that the Discharge Permitted discharge poses a threat to the POTW or District personnel;

(6) Violation of any terms or conditions of the Discharge Permit;

(7) Misrepresentations or failure to fully disclose all relevant facts in the Discharge Permit application or in any required reporting; or

(8) To correct typographical or other errors in the Discharge Permit.

(b) A Discharge Permit holder shall be informed of any proposed changes in its Discharge Permit at least thirty (30) calendar days prior to the effective date of change whenever feasible. Any changes or new conditions in the Discharge Permit shall include a reasonable time schedule for compliance, determined by the District. Such compliance date, or schedule to achieve compliance, shall be provided in writing to the Discharge Permit holder.

4.14 Wastewater Discharge Permit Transfer

Discharge Permits are issued to a specific User for a specific operation. A Discharge Permit shall not be reassigned or transferred or sold to a new owner, new User, different premises, or a new or changed operation without the approval of the District. Any succeeding owner or User shall also comply with the terms and conditions of the existing Discharge Permit while applying for a new Discharge Permit. [40 CFR 403.8(f)(1)(B)(2)]

4.15 Revocation of Wastewater Discharge Permit

(a) The District may revoke a Discharge Permit for good cause, including, but not limited to, the following reasons:

(1) Failure of a User to factually report the Wastewater Constituents and characteristics of its discharge;

- (2) Failure of a User to report and get approval of significant changes in operations, site plans, floor plans, mechanical and plumbing plans or Wastewater Constituents and characteristics prior to the commencement of any change;
- (3) Misrepresentation or failure to fully disclose all relevant facts in the Discharge Permit application;
- (4) Falsifying self-monitoring reports;
- (5) Tampering with monitoring equipment;
- (6) Refusal of reasonable access to a User's premises and/or records;
- (7) Failure to meet effluent limitation;
- (8) Failure to pay fines or penalties;
- (9) Failure to pay District rates, fees, or charges;
- (10) Failure to meet compliance schedules;
- (11) Failure of a User to report an accidental or Slug Discharge as required in section 3.3 of this Program;
- (12) Violation of any Pretreatment Standard or requirement, or any terms of the Discharge Permit, or this Program.

4.16 Zero-Discharging Categorical User Permits

(a) A Zero-Discharge Categorical Industrial User (ZCIU) is a facility that would be subject to any of the Federal Categorical Pretreatment Standards in 40 CFR 407-471 if the categorically-regulated process discharged to the sewers. To be classified as a ZCIU the User must:

- (1) Apply for a Permit upon request of the District;
- (2) The User shall submit a list of any hazardous waste storage and/or disposal permits held by or for the facility;
- (3) The User shall submit a brief description of the nature, average rate of production, and Standard Industrial Classification of the operation(s) carried out by such User. The description should include a schematic process diagram which indicates point of discharge to the POTW from regulated processes, non-regulated processes and sanitary discharges;
- (4) A comprehensive listing of ALL discharges to the sewer, whether they are regulated (i.e. categorical) process Wastewaters, non-regulated process Wastewaters or sanitary Wastewaters;
- (5) The User shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:
 - (i) Regulated process streams;
 - (ii) Unregulated process streams; and
 - (iii) Sanitary streams.
- (6) Description and tracking mechanism of how liquid regulated streams will be diverted from the Sewer System and disposed in an approved manner with all State, local and federal regulations; and

(7) A statement signed by an Authorized Representative of the User, as defined in § 403.12(1), certifying the facility is not discharging ANY categorical-regulated processes to the sewer and that conditions provided in the application and review process have not change that could potentially void the District's determination of the ZCIU classification.

(b) Upon District approval of User request for ZCIU classification a ZCIU Discharge Permit shall be issued. ZCIUs will not be required to monitor for Categorical Pretreatment Standards. The conditions of the Discharge Permit shall be enforced by the District and shall be consistent with all applicable District, State, and federal regulations. ZCIU Discharge Permits may contain any of the requirements listed in section 4.12 of this Program.

4.17 General Control Permits

(a) At the discretion of the District, Industrial User permits may include use of general control mechanisms if the following conditions are met. All of the facilities to be covered must:

(1) Involve the same or substantially similar types of operations;

(2) Discharge the same types of wastes;

(3) Require the same effluent limitations;

(4) Require the same or similar monitoring; and

(5) In the opinion of the District, are more appropriately controlled under a general control mechanism than under individual control mechanisms. [40 CFR 403.8(f)(1)(iii)(A)(1)]

(b) To be covered by the general control mechanism, the Industrial User must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general control mechanism, any requests in accordance with § 403.12(e)(2) for a monitoring waiver for a Pollutant neither present nor expected to be present in the Discharge, and any other information the District deems appropriate. A monitoring waiver for a Pollutant neither present nor expected to be present in the Discharge is not effective in the general control mechanism until after the District has provided written notice to the Industrial User that such a waiver request has been granted in accordance with § 403.12(e)(2). The District must retain a copy of the general control mechanism, documentation to support the District's determination that a specific Industrial User meets the criteria in paragraphs 4.17(a) (1) through (5) of this section, and a copy of the User's written request for coverage for 3 years after the expiration of the general control mechanism. The District may not control an Industrial User through a general control mechanism where the facility is subject to production-based Categorical Pretreatment Standards or Categorical Pretreatment Standards expressed as mass of Pollutant discharged per day or for Industrial Users whose limits are based on the Combined Wastestream Formula or Net/Gross calculations (§ 403.6(e) and 403.15). [40 CFR 403.8(f)(2)]

(c) The General Control Mechanism may have any of the permit conditions listed in 4.12 of this Program.

4.18 Non-Significant Categorical Industrial User Permits

(a) A facility is a may be considered a Non-Significant Categorical Industrial User (NSCIU) if:

(1)The District determines an Industrial User subject to Categorical Pretreatment Standards under § 403.6 and 40 CFR chapter I, subchapter N is a **Non-Significant Categorical Industrial User** rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical Wastewater (excluding sanitary, non-contact cooling and boiler blowdown Wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

(i) The Industrial User, prior to the District's finding, has consistently complied with all applicable Categorical Pretreatment Standards and Requirements per section 2.2(a) of this Program;

(ii) The Industrial User annually submits the certification statement required in § 403.12(q) and section 5.17 of this Program together with any additional information necessary to support the certification statement; and

(iii) The Industrial User never discharges any untreated concentrated Wastewater.

(b) Upon District approval of User request for NSCIU classification a NSCIU Discharge Permit shall be issued. NSCIUs will not be required to monitor for Categorical Pretreatment Standards or District Local Limits. The conditions of the Discharge Permit shall be enforced by the District and shall be consistent with all applicable District, State, and federal regulations. NSCIU Discharge Permits may contain any of the requirements listed in section 4.12 of this Program.

4.19 Non-Significant Industrial User and Automotive Permits

(a) If a business is determined to meet any of the conditions below an individual Discharge Permit may be issued by the District.

(1) The facility is not a CIU or SIU, but the facility discharges industrial process waste.

(2) The facility stores, utilizes, or generates chemicals or materials that could damage the Sewer System or POTW if discharged.

(3) The facility generates any material(s) which require rendering service or special pickup service. Examples include petroleum oils, lubricants, solvents, paints, thinners, chemical reagents, photo / x-ray processing wastes, dental amalgam and grease.

(4) The facility services or maintains automobiles or similar equipment handling petroleum based liquids. Facilities with floor drains, carwashes and automotive detailing facilities that are discharging to the Sewer are subject to proper sizing, installation and maintenance of oil/water/sand interceptors.

(b) The above business shall apply for a Permit upon request of the District, in a format prescribed by the District.

(c) The individual Discharge Permit may have any of the permit conditions listed in 4.12 of this Program but will focus on appropriate Best Management Practices to reduce potential discharges of Pollutants to the Sewer System.

SECTION 5-REPORTING REQUIREMENTS

5.1 Operations Plan

(a) When required by the District or following any significant changes to the User's operation, the User shall provide an Operations Plan within ninety (90) days from the date of the request of the District or change made by the User. The Operation Plan shall be submitted to the District reflecting current operations and practices of the User's facility for review and approval by the District. The plan shall contain the following elements:

(1) A general description of all production processes;

(2) A comprehensive description of the waste stream(s);

(3) Description of operations: The User shall submit a brief description of the nature, average rate of production, and its Standard Industrial Classification (SIC) code. The description should include a schematic that shows any process holding tanks, process flow, sampling location, and piping to the point of discharge of into the District's Sewer System from regulated sources;

(4) Sampling Plan. A description of how the effluent sampling will reflect a homogenous aliquot of the industrial process wastestream(s) in and accordance with section 5.14 of this Program;

(5) Measures in place to handle situations wherein the testing of the final effluent would reveal that it does not qualify for a lawful discharge to the sewer;

(6) A description of reporting to the regulatory agencies when a violation is about to occur, or has occurred already;

(7) Pretreatment Standard Operating Procedures: A description of the wastewater treatment operations, operating procedures, personnel, and the Person in charge; and

(8) Certification statement. All reports required shall be signed by an Authorized Representative as described in § 403.12(1) and shall contain the certification statement.

5.2 Baseline Monitoring Report

(a) Within 180 days after the effective date of a Categorical Pretreatment Standard, or 180 days after the final administrative decision made upon a category determination submission under § 403.6(a)(4), whichever is later, existing Users subject to such Categorical Pretreatment Standards and currently discharging into or scheduled to discharge into a POTW shall be required to submit to the District a report which contains the information listed in (1) through (10) of this subsection. At least ninety (90) calendar days prior to commencement of discharge, New Sources, and sources that become Users subsequent to the promulgation of an applicable Categorical Pretreatment Standard, shall be required to submit to the District a report which contains the information listed in Subdivisions (1) through (10) of this subsection. New Sources shall also be required to include in this report information on the method of pretreatment the source intends to use to meet applicable Categorical Pretreatment Standards. New Sources shall give estimates of the information requested in subsection (6) and (7): [40 CFR 403.12(b)]

(1) The name and address of the facility including the name of the operator and owners. [40 CFR 403.12(b)(1)]

(2) A general description of all production processes.

(3) A comprehensive description of the wastestreams and if they are considered a regulated process stream as listed in the applicable Categorical Pretreatment Standard.

(4) The User shall submit a list of any hazardous waste storage and/or disposal permits held by or for the facility.

(5) The User shall submit a brief description of the nature, average rate of production, and Standard Industrial Classification of the operation(s) carried out by such User. The description should include a schematic process diagram which indicates point of discharge to the POTW from the regulated processes. [40 CFR 403.12(b)(3)]

(6) The User shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:

(i) Regulated process streams; and

(ii) Other streams as necessary to allow use of the combined wastestream formula of § 403.6(e). The District may allow for verifiable estimates of these flows where considerations justified by cost or feasibility; [40 CFR 403.12(b)(6)]

(7) Measurement of Pollutants.

(i) The User shall identify the Categorical Pretreatment Standards applicable to each regulated process. In addition, the User shall submit the results of sampling and analysis identifying the nature and concentration of the regulated Pollutants in the Discharge from each regulated process. Both daily maximum and average concentration shall be reported. The sample shall be representative of daily operations and in accordance with § 403.12.(b)(5)(i-vii). Where the Standard requires compliance with a BMP or Pollution prevention alternative, the User shall submit documentation as required by the District, or the applicable Standards to determine compliance with the Standard.

(ii) The IU is required to perform three sample events in a two week period to fulfill the baseline monitoring requirement for those Pollutants listed in the applicable Categorical Pretreatment Standards. All samples must be

representative of daily operations and results reported must include values for daily maximum and average concentrations (or mass, where required). Monitoring to demonstrate compliance with categorical pretreatment shall be taken immediately downstream from the regulated categorical process or processes also known as “end of process”. If samples cannot be taken immediately downstream from the regulated process and other wastewaters are mixed with the regulated process, the IU should measure flows and concentrations of the other wastestreams sufficient to allow use of the combined wastestream formula. The sampling techniques must follow protocols (including appropriate preservation) specified in 40 CFR part 136 and appropriate EPA guidance.

(iii) The District also sets specific discharge limits (aka Local Limits) for a limited set of pollutants for IUs classified as either Categorical Industrial Users or Non-Categorical Significant Industrial Users that are based on capacity at the District’s Wastewater Treatment Plant (WWTP). The District requires the IU to sample in addition to the Pollutants listed in the applicable Categorical Pretreatment Standards parameters listed in Appendix A – Local Limits to determine the concentration and potential loading to the WWTP before it can determine the specific discharge limit. Sampling for the establishment of Local Limits shall be taken “end-of-pipe”: a point or points representative of the entire discharge of all non-domestic wastewaters emanating from an IU. Sampling for these pollutants shall follow the same frequency, sampling methods, and protocols as listed in Section 5.2 (a)(7)(ii) above.

(iv) For facilities where historical sampling data are available, the District may authorize a lower minimum sampling frequency schedule. When flow proportional composite sampling is infeasible or cost prohibited, the District may authorize time proportional compositing or grab sampling. To allow alternative sampling, the samples must be representative of the discharge using a method approved by the District prior to sampling.

(8) Certification. A statement, signed by an Authorized Representative of the User, and certified by a qualified professional, indicating whether Categorical 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 User to meet the Categorical Pretreatment Standards and requirements as set forth in § 403.6(a)(2)(ii) and 403.12(l).

(9) Compliance Schedule. If additional pretreatment, installation of technology, and/or operation and maintenance will be required to meet the Pretreatment Standard, the shortest schedule by which the User will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Categorical Pretreatment Standards. [40 CFR 403.12(c)]

(10) A list of any environmental control permits held by or for the facility. Environmental control permits include, but are not limited to, Hazardous Material Business Plan, Storm Water Permit, and Air Quality Permits. [40 CFR 403.12(b)(2)]

5.3 Ninety-day Compliance Report

Within ninety (90) calendar days following the date of compliance with applicable Categorical Pretreatment Standards or in the case of a New Source following commencement of the introduction of Wastewater into the POTW, any User subject to Pretreatment Standards and requirements shall submit to the District a report indicating:

(a) The nature and concentration of all Pollutants in the discharge from the regulated process which are limited by such Pretreatment Standards or requirements:

(1) The measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams as necessary to allow the use of the combined wastestream formula of § 403.6(e);

(2) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the District, of regulated Pollutants in the discharge from each regulated process;

(3) Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported;

(4) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in section 5.3(1) of this Program. Where the Standard requires compliance with a BMP or Pollution prevention

alternative, the User shall submit documentation as required by the District or the applicable Standards to determine compliance with the Standard;

(5) The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph. A minimum of four (4) Grab Samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other Pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible;

(6) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other Wastewaters are mixed with the regulated Wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in § 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with § 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority; and

(7) The District may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures. The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected Pollutant Discharges to the POTW.

(b) The Categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.

(1) For Users subject to equivalent mass or concentration limits established by the District in accordance with the procedures in § 403.6(c), this report shall contain a reasonable measure of the User's long term production rate.

(2) For all other Users subject to Categorical Pretreatment Standards expressed in terms of allowable Pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period.

(c) Sampling and analysis must be performed in accordance with procedures set out in sections 5.13 and 5.14 of this Program;

(1) All Pollutant analyses, including sampling techniques, to be submitted as part of a Wastewater Discharge Permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable Categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the Pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the Pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the District or other parties approved by EPA.

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

(d) The report shall state whether the applicable Pretreatment Standards or requirements are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the User into compliance with the applicable Pretreatment Standards or requirements. This statement shall be signed by an Authorized Representative of the User, and certified by a qualified professional. [40 CFR 403.12(d)]

5.4 Periodic Compliance Report

(a) Any User subject to Categorical Pretreatment Standards, after the compliance date of such Pretreatment Standard, or, in the case of a New Source, after commencement of the discharge into the POTW, shall submit to the District during the months of June and December, unless required more frequently in the Pretreatment Standard or

the District's Discharge Permit, a report indicating the nature and concentration of Pollutants in the effluent which are limited by such Pretreatment Standards.

(b) This report must include all monitoring results obtained in accordance with the requirements of sections 5.13 and 5.14 of this Program, for the period covered by the report, including those from monitoring conducted more frequently than required. [40 CFR 403.12(g)(6)]

(c) In cases where a Categorical Pretreatment Standard requires compliance with a Best Management Practice or Pollution prevention alternative, the User must submit documentation required by the District to determine the compliance status of the User. [40 CFR 403.12(e)]

(d) This report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the discharge reported, except that the District may require more detailed reporting of flows. A certification of calibration for effluent meter(s) shall be submitted annually in the month of December. Certification is to be done by a qualified civil engineer, instrumentation specialist or other trained professional. [40 CFR 403.12(e)]

(e) The District may authorize an Industrial User subject to a Categorical Pretreatment Standard to forego sampling of a Pollutant regulated by a Categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the Pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the Pollutant due to activities of the Industrial User. [40 CFR 403.12(e)(2)] The Industrial User must request a sampling waiver and the authorization is subject to the following conditions:

(1) The waiver may be authorized where a Pollutant is determined to be present solely due to sanitary Wastewater discharged from the facility provided that the sanitary Wastewater is not regulated by an applicable categorical Standard and otherwise includes no process Wastewater.

(2) The monitoring waiver is valid only for the duration of the effective period of the individual Wastewater Discharge Permit, but in no case longer than 5 years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent individual Wastewater Discharge Permit. See section 4.9 (8) of this Program.

(3) In making a demonstration that a Pollutant is not present, the Industrial User must provide sampling data from and a technical evaluation demonstrating the Pollutant is not present in the discharge and data from at least one sampling of the facility's process Wastewater prior to any treatment present at the facility that is representative of all Wastewater from all processes. The Industrial User may also provide historical effluent data as further proof the Pollutant is not present. Effluent data will be considered secondary to the sample(s) taken prior to treatment.

(4) The request for a monitoring waiver must be signed in accordance with section 1.4(d), and include the certification statement in sections 5.17 of this Program. [40 CFR 403.6(a)(2)(ii)].

(5) Non-detectable sample results may be used only as a demonstration that a Pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that Pollutant was used in the analysis.

(6) Where the Industrial User has demonstrated a specific Pollutant is not present, the District has the discretion to not grant the waiver and require monitoring.

(7) Any grant of the monitoring waiver by the District must be included as a condition in the User's permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the District for 3 years after expiration of the waiver. The revised permit will have the requirement to immediately resume monitoring, at least semiannually, and notify the District if the Pollutant waived from sampling is subsequently found to be present or is expected to be present.

(8) Upon approval of the monitoring waiver and revision of the User's permit by the District the Industrial User must certify on each report where the Industrial User would have ordinarily submitted sampling data for the

Pollutant(s) if not for the waiver, with the statement in section 5.17 of this Program, that there has been no increase in the Pollutant in its wastestream due to activities of the Industrial User.

(9) Even if the District decides to grant the waiver request for a given Pollutant, the District can still require the Industrial User to conduct some continued monitoring despite having demonstrated that a particular Pollutant is not present. Where the District elects to require such monitoring, it may determine the appropriate frequency of monitoring, including frequencies that are less than twice per year. In addition, if the Industrial User elects to monitor on its own, even though the requirement to do so has been waived, the Industrial User must submit the results of the samples to the District in accordance with § 403.12(g).

(10) In the event that a waived Pollutant is found to be present or is expected to be present because of changes that occur in the User's operations, the User must immediately comply with the monitoring requirements of section 5.4 (a) of this Program, or other more frequent monitoring requirements imposed by the District, and notify the District.

(11) The District will monitoring at least one time during the term of the permit to confirm no changes have occurred and the sampling waiver is still appropriate.

(12) The waiver is not available for monitoring required for the Baseline Monitoring Report of the 90 day Compliance Report required under § 403.12(d).

(13) This provision does not supersede certification processes and requirements established in categorical retreatment Standards, except as otherwise specified in the Categorical Pretreatment Standard.

(f) All periodic compliance reports must be signed and certified in accordance with section 5.17 A of this Program.

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

5.5 Monitoring Report for Non-Categorical Significant Industrial User

(a) SIUs that are not subject to Categorical Pretreatment Standards but are subject to District effluent limitations shall submit to the District during the months of June and December a description of the nature, concentration, and flow of the Pollutants required to be reported by the District. These reports shall be based on sampling and analysis performed in the period covered by the report.

(b) This report must include all monitoring results obtained in accordance with the requirements of sections 5.13 and 5.14, for the period covered by the report, including those from monitoring conducted more frequently than required. [40 CFR 403.12(g)]

(c) In cases where a local limit requires compliance with a Best Management Practice or Pollution prevention alternative, the User must submit documentation required by the District to determine the compliance status of the User. [40 CFR 403.12(b), (e), (h)]

(d) A certification of calibration for effluent meter(s) shall be submitted annually in the month of December. Certification is to be done by a qualified civil engineer, instrumentation specialist or other trained professional. [40 CFR 403.12(h)]

5.6 Self-Monitoring Report

When required by the District, a User shall submit a report indicating the concentration of specific Pollutants discharged in the effluent. The determination of said Pollutants by the District shall be based on what is reasonably expected to be found at the site and the frequency of monitoring shall be based on the compliance status of the User. These reports must include all monitoring results obtained in accordance with the requirements of sections 5.13 and

5.14 of this Program, for the period covered by the report, including those from monitoring conducted more frequently than required.

5.7 Self-Monitoring Violation Reporting and Repeat Sampling

If sampling performed by a User indicates a violation, the User must notify the District within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the District within thirty (30) calendar days after becoming aware of the violation. The User is not required to resample if the District monitors at the User's facility at least once a month, or if the District samples between the User's initial sampling and when the User receives the results of this sampling. [40 CFR 403.12(g)(2)]

5.8 Compliance Schedule Report

(a) The following conditions shall apply to the schedule required by section 5.2(9) and elsewhere as a result of a violation of this Program: [40 CFR 403.12(c)]

(1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events including the construction and operation of additional pretreatment required for the User to meet the applicable National Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.) or the District effluent limitations.

(2) No increment referred to in Subdivision (a)(1) shall exceed nine (9) months.

(3) Not later than fourteen (14) calendar days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the District including, as a minimum, whether or not it complied with the increment of progress to be met on such 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 User to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the District.

5.9 Reporting Mass-Based Limits

The District may impose mass-based limitations on Users which are authorized to use dilution to meet applicable Pretreatment Standards or District effluent limitations or requirements or in other cases where the imposition of mass-based limitations is appropriate. In such cases, the reports required in this section shall indicate the mass of Pollutants regulated by Pretreatment Standards or POTW effluent limitations in the effluent of the User. [40 CFR 403.6(d)]

5.10 Notification of the Discharge of Hazardous Waste

Any User discharging into the POTW a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR., Part 261 shall notify, in writing, the District, the EPA Regional Waste Management Division Director, and El Dorado County Environmental Management Department authorities. Such notification shall follow the precepts found in § 403.12(p).

5.11 Report of Changed Conditions

(a) Each User must notify the District of any planned significant changes to the User's operations or pretreatment system which might alter the nature, character, or volume of its Wastewater at least thirty (30) calendar days before the change. [40 CFR 403.12(j)]

(1) The District may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a Discharge Permit application.

(2) The District may issue a new Discharge Permit or modify an existing Discharge Permit in response to changed conditions or anticipated changed conditions.

(3) For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty percent (20%) or greater, and/or the discharge of any previously unreported Pollutants.

5.12 Report of Potential Problems

Significant Industrial Users are required to notify the District immediately of any changes at its facility affecting the potential for a Slug Discharge, thereby allowing the District to reevaluate the need for an Emergency Slug Control and Response Plan (if one does not already exist) or other actions to prevent such discharges. In the case of any discharge, including, but not limited to, accidental discharges, Slug Loads, or discharges that are otherwise determined to be non-routine or unusual in nature, that may cause potential problems for the POTW, the User shall immediately notify the District of the incident. Additionally, a written report must be provided within five (5) calendar days via certified mail. This report shall include the information required in section 3.3(d) and 3.3(e). [40 CFR 403.8(f)(2)(vi)] and 40 CFR 403.12(f)]

5.13 Analytical Requirements

All Pollutant analyses, including sampling techniques, required pursuant to this Program shall be performed in accordance with the procedures established by EPA pursuant to Section 304(h) of the Act (33 U.S.C. §1314(h)) and contained in 40 CFR, Part 136, and amendments thereto, or with any other test procedures approved by EPA. For those parameters for which there are no analytical test procedures listed 40 CFR, Part 136 or approved by EPA, validated analytical test procedures may be specifically required or allowed by the District. [40 CFR 403.12(g)(5)]

5.14 Sample Collection

(a) Except as indicated in section 5.14(b) below, the User must collect Wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the District.

(1) All sampling, including time-proportional composite sampling or grab sampling if authorized by the District, the samples of the discharge must be representative of daily operations, of the conditions occurring during the reporting period, and of the discharge.

(2) Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple Grab Samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the District, as appropriate.

(3) Grab Samples may be required to show compliance with Instantaneous Limits.

(b) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques. For sampling required in support of baseline monitoring and 90-day compliance reports a minimum of four (4) Grab Samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities where historical sampling data does not exist; for facilities for which historical sampling data are available, the Control Authority may authorize a lower minimum. [40 CFR 403.12(g)(3,4)]

(c) Reports shall contain 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. Sampling shall be representative of daily operations.

(d) Samples for Categorical Pretreatment Standards shall be taken end-of-process-after-treatment: immediately downstream from pretreatment facilities if such exist, or immediately downstream from the regulated process if no pretreatment exists.

(1) If other Wastewaters are mixed with the regulated Wastewater prior to pretreatment, the User shall measure the flows and concentrations necessary to allow use of the combined waste stream formula of § 403.6(e) in order to evaluate compliance with the National Pretreatment Standards.

(2) Where an alternate concentration-based or mass-based limit has been calculated in accordance with § 403.6(e), this adjusted limit, along with supporting data, shall be submitted to the District.

(e) Samples for the Local Limits established in section 2.3 shall be taken end-of-pipe: at a point or points, representative of the entire discharge of all non-domestic wastewaters emanating from a User, and where the wastewaters discharge to the POTW as established in section 2.4

(f) If any User monitors a regulated Pollutant at the appropriate sampling location more frequently than the required by the District, the results of this monitoring shall be included in the report. [40 CFR 403.12(g)(6)]

(g) The District shall conduct random sampling and analyze the effluent from Users and conduct surveillance activities in order to identify, independent of information supplied by Users, occasional and continuing noncompliance with Pretreatment Standards. Inspect and sample the effluent from each Significant Industrial User at least once a year except as otherwise specified below:

(1) Where the District has authorized the User subject to a Categorical Pretreatment Standard to forego sampling of a Pollutant regulated by a Categorical Pretreatment Standard in accordance with § 403.12(e)(3), the District must sample for the waived Pollutant(s) at least once during the term of the Permit. In the event that the District subsequently determines that a waived Pollutant is present or is expected to be present in the User's wastewater based on changes that occur in the User's operations, the District must immediately begin at least annual effluent monitoring of the User's Discharge and inspection.

(2) Where the District has determined that a User meets the criteria for classification as a Zero-Discharge Categorical Industrial User, the District must evaluate, at least once per year, whether the User continues to meet the criteria in § 403.3(v)(2).

(3) In the case of Users subject to reduced reporting requirements under § 403.12(e)(3), the District must randomly sample and analyze the effluent from Users and conduct inspections at least once every two years. If the User no longer meets the conditions for reduced reporting in § 403.12(e)(3), the District must immediately begin sampling and inspecting the User at least once a year. [40 CFR 403.8(f)(2)(v), 12(e)]

5.15 Sample Information Reports

Written reports are to be signed and certified by an Authorized Representative of the User as set forth in § 403.6(a)(2)(ii) and 403.12(l) and shall certify that such sampling and analysis are representative of normal work cycles and expected Pollutant discharges to the POTW and shall contain the following information:

(1) The date, exact place, method, and the time of sampling and the names of the Person or Persons taking the samples;

(2) The dates analyses were performed;

(3) Who performed the analyses;

(4) The analytical techniques/methods used;

(5) The results of such analyses; and

(6) Copy of Chain of Custody.

Written reports include, but are not limited to, the baseline monitoring reports, 90 day compliance reports, periodic compliance reports and other monitoring reports required under sections 5.2 through 5.7 of this Program.

5.16 Certification of Calibration of Effluent Meters

When required by the District, a certification of calibration for effluent meter(s) shall be submitted annually in the month of December. Certification is to be done by a qualified civil engineer, instrumentation specialist or other trained professional and per the manufacturer’s recommendations.

5.17 Certification Statements

(a) All certification of permit applications, user reports, and initial monitoring waivers required by this Program as well as any other report that may be required by a Discharge Permit shall be signed and certified by an Authorized Representative of the User as defined in 1.4 (d) of this document and contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations." [40 CFR 403.6(a)(2)(ii) & 403.12(l)]

(b) If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of the section must be submitted to the District prior to any reports to be signed by an Authorized Representative.

(c) Non-Significant Categorical Industrial Users - A facility determined to be a Non-Significant Categorical Industrial User by the District pursuant to 1.4(uu)(2)(3) must annually submit the following certification statement signed in accordance with the signatory requirements in 1.4(d). This certification may be required to be accompanied by an alternative report required by the District [40 CFR 403.12(q)]:

Based on my inquiry of the person or persons directly responsible for managing compliance with the Categorical Pretreatment Standards under 40 CFR ____, I certify that, to the best of my knowledge and belief that during the period from _____, _____ to _____, _____ [months, days, year]:

(1) The facility described as _____ [facility name] met the definition of a Non-Significant Categorical Industrial User as described in 1.4(uu)(2)(3); [40 CFR 403.3(v)(2)]

(2) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and (c) the facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information (*See section 2.2 of this Program for further clarification*)

(d) Certification of Pollutants Not Present -Users that have an approved monitoring waiver based on section 5.4(e) of this Program must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the User. [40 CFR 403.12(e)(2)(v)]:

Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR _____ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under section 5.4.

5.18 Record Keeping

Any User subject to self-monitoring, reporting, or documentation requirements established in this Program or a Discharge Permit shall be required to retain for a minimum of three (3) years all records, documents, memoranda and reports relating to the maintenance of pretreatment devices, monitoring, sampling and chemical analysis of process Wastewater and off-site disposal manifest/receipts for spent process water and/or hazardous waste, and documentation associated with Best Management Practices established under 2.3 and 4.12(o) of this document. Said records, documents, memoranda and reports shall be available for inspection and copying by the District. This period of retention shall be extended during the course of any unresolved litigation regarding the User. [40 CFR 403.12(o)(2)]

SECTION 6-COMPLIANCE MONITORING

6.1 Monitoring Facilities

The District shall require to be provided and operated at the User's own expense monitoring facilities to allow inspection, sampling, and flow measurement of the building Sewer and/or internal drainage systems. The monitoring facility should normally be situated on the User's premises but the District may, when such a location would be impractical or cause undue hardship on the User, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the User. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the District's requirements and all applicable local construction standards specifications. Construction shall be completed within ninety (90) calendar days following written notification by the District. [40 CFR 403.8(f)(1)(iv)]

6.2 Inspection and Sampling

(a) The District may inspect the facilities of any User to ascertain whether the purpose of this Program is being met and all requirements are being complied with. Persons or occupants of premises where Wastewater is created or discharged shall allow the District's representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and copying, or in the performance of any of their duties. The District, Approval Authority and EPA shall have the right to set up on the User's property such devices as are necessary to conduct independent sampling inspection, compliance monitoring and/or metering. Where a User has security measures in force which would require proper identification and clearance before entry into their premises, the User shall make necessary arrangements with their security guards so that upon presentation of suitable identification personnel from the District, Approval Authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. [40 CFR 403.8(f)(1)(v), 403.8(f)(2)(v) & 403.8(f)(2)(vii)]

(b) Facilities for which a Discharge Permit has been issued are subject to an initial detailed site inspection and subsequent periodic follow-up inspections thereafter. A site inspection and view of records is performed to verify that no substantial change in operating conditions has occurred. If the District finds that a substantial increase in quantity or strength of Wastewater discharge has occurred, the Discharge Permit holder may be required to apply for a new Discharge Permit. Re-application for a new Discharge Permit shall include payment of the appropriate Discharge Permit fee. Failure to apply for a new Discharge Permit upon notification to do so shall constitute a violation of this provision.

SECTION 7-CONFIDENTIAL INFORMATION

(a) Information and data on a User obtained from reports, questionnaires, Discharge Permit applications, Discharge Permits and monitoring programs and from inspections shall be available to the public, the District or other governmental agencies without restriction, unless the 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 entitled to protection as trade secrets of the User. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions, or, in the case of other submissions, by stamping the words “confidential business information” on each page containing such information. The District shall treat such information and data as confidential to the extent provided by the law. If no claim is made at the time of submission, the District may make the information available to the public without further notice. The User shall be responsible for all costs borne by the District to protect such information as requested by the User. [40 CFR 403.8(f)(1)(vii) and 403.14]

(b) Effluent data. Information and data provided to the District pursuant to this part which is effluent data shall be available to the public without restriction. [40 CFR 403.14 (b)]

SECTION 8-ENFORCEMENT

8.1 Responsibility of the District

The District is hereby charged with the duty of enforcing this Program. This section presents the enforcement mechanisms and penalties available to the District to respond to instances of non-compliance. The remedies for noncompliance, enforcement mechanisms, and penalties are cumulative. The intent of the following subsections is to provide adequate mechanisms to achieve a maximum degree of compliance from all Wastewater dischargers. The following enforcement provisions apply to all Users of the District’s Sewer System, either directly or indirectly, to the extent that a User violates any provisions of this Program, an issued Discharge Permit, or an Administrative Order issued by the District.

8.2 Remedies Nonexclusive

The remedies provided for in this Program are not exclusive. The District may take any, all, or any combination of these following actions, alone or together with any other enforcement action authorized by law, against a noncompliant User. Enforcement of violations will be in accordance with the District’s Industrial Pretreatment Enforcement Response Plan. However, the District may, if warranted, escalate enforcement and not follow explicitly the sequential order of enforcement as outlined in the District’s Enforcement Response Plan. Further, the District is authorized to take more than one enforcement action against any noncompliant User including, but not limited to, administrative fines, civil liability, and/or termination of domestic water service. In such circumstances where the water service cannot be terminated (such as for public health and safety reasons or the termination would impact other water customers/tenants that are in good standing) the property owner on record, regardless if this is the User in violation, may be assessed administrative fines and/or penalties (See District AR 9051) until the violation(s) is (are) corrected. Fines and/or penalties shall be set forth in the current District’s Master Fee Schedule (See District AR 11010). Any appeal of fines and/or penalties shall be addressed by the District’s Office of General Counsel following those procedures outlined in District AR 1041.6. [40 CFR 403.8(f)(1)(vi)]

8.3 Notice of Non Compliance (NONC)

A NONC is always presented to the User in writing. An NONC may be issued by the District in response to minor violations of this Program or an issued Discharge Permit. In an emergency, the District may issue a verbal NOV which will be followed by a written notice. An NONC shall contain specific actions for the User to complete such as conducting additional sampling, monitoring, reporting, or applying for a Discharge Permit or Discharge Permit renewal.

8.4 Consent Orders (CO) and Compliance Schedules (CS)

The District is hereby authorized to enter into Consent Orders (CO), assurances of voluntary compliance, or other similar documents establishing an agreement with the User responsible for the noncompliance. Such CO or CS will include specific action to be taken by the User to correct the noncompliance within a time period also specified by the CO or CS. COs and CS shall have the same force and effect as Administrative Compliance Orders. [40 CFR 403.8 (f)(1)(iv)]

8.5 Administrative Compliance Orders (ACO)

When the District finds that a User has violated or continues to violate regulations or a Discharge Permit or an Order issued, the District may issue an Administrative Compliance Order (ACO) to the User responsible for the discharge directing that, following a specified time period, District services shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated. ACOs may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and Best Management Practices. [40 CFR 403.8 (f)(1)(iv)]

8.6 Cease and Desist Orders (CDO)

When the District finds that a User has violated or continues to violate this Program or any Discharge Permit or Order issued, the District may issue an Order to Cease and Desist all such violations and direct those Users in noncompliance to:

- (1) Comply forthwith;
- (2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

8.7 Imposing Civil Penalties

The District may impose civil penalties including, but not limited to: administrative civil penalties (found in the current Master Fee Schedule-see District Administrative Regulation 11010-Attachment A), modification or revocation of Discharge Permits, and/or cessation of services when any User:

- (1) Fails to factually report the Wastewater Constituents and characteristics of its discharge;
- (2) Fails to report significant changes in (included but not limited to those in the Discharge Permit condition) Wastewater Constituents or characteristics;
- (3) Refuses reasonable access to the User's premises by the District for the purpose of inspection monitoring;
- (4) Discharges Slugs of Wastewater to the collection system;
- (5) Fails to operate and maintain pretreatment system in the manner needed to meet discharge limits;
- (6) Disrupts the proper functioning of monitoring equipment;
- (7) Illegally discharges to the POTW;
- (8) Fails to submit or submits required reports, applications and/or fees past the due date;
- (9) Causes a blockage in the collection system; or
- (10) Violates any condition or provision of its Discharge Permit, this Program, any rule adopted hereto or any final Order entered with respect thereto.

8.8 Pursuing Civil Penalties

Whenever the District finds that any User has engaged in conduct which justifies imposition of civil penalties, and has elected to pursue such, the District shall serve or cause to be served upon said User a written notice either personally, or by certified or registered mail, return receipt requested, stating the nature of the violation and the civil penalty assessed. (40 CFR 40.3.8(f)(1)(vi)]

8.9 Schedule of Administrative Civil Penalties

The schedule of administrative civil penalties shall be found in the current Master Fee Schedule (See District Administrative Regulation 11010-Attachment A). Any appeal of fines and/or penalties shall be addressed by the District's Office of General Counsel following those procedures outlined in District AR 1041.6.

8.10 Show Cause/Order to Appear Hearing/Suspension or Revocation Hearing

(a) The District may order any User which causes or contributes to violations of this Program or Discharge Permit or Order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action and the reason for such action, and a request that the User show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered mail (return receipt requested) at least ten (10) calendar days prior to the hearing. Such notice may be served on any principal executive, general partner or corporate officer. Whether or not a duly notified User appears as noticed, immediate enforcement action may be pursued.

(b) Any discharger suspended or served with an Order of Suspension may file with the District a request for a hearing with respect thereto. Filing of such request shall not stay a suspension. In the event of a suspension of a Discharge Permit due to imminent hazard related to continued discharge, the discharger may request a hearing, and the District shall conduct a hearing within seven (7) calendar days of receipt of the request.

(c) In the event of hearing requests, for other than an imminent hazard suspension, the District shall hold a hearing on the suspension within twenty five (25) calendar days of receipt of the request. Except in the case of a hearing within seven (7) calendar days being required as above provided, reasonable notice of the hearing shall be given to the suspended discharger no less than ten (10) calendar days prior to the hearing.

(d) After consideration of the evidence presented as such a hearing, the District shall issue its Order. If the Order is to revoke the discharger's Discharge Permit, the Order may be effective forthwith, or at any other date specified therein. The discharger shall be notified in writing of the District action.

8.11 Process for Disconnection from Water or Sewer

Any User of the District's POTW who violates any provision of this Program may have their Discharge Permit suspended or revoked and be disconnected from the domestic water system.

(a) The procedure for water service termination shall be in accordance with the provisions of District Board Policy 9060 and Administrative Regulation 9061.

(b) If a User violates the discharge prohibitions of this Program and does not comply with a Notice of Violation pursuant to section 8.3 of this Program, or an Order pursuant to sections 8.4, 8.5, and/or 8.6, then a notice of termination shall be forwarded by registered mail, return receipt requested, certified mail, or personal service to an Authorized Representative of the User, or the occupant(s) and/or owner(s) of record of the property.

(c) The District shall reinstate water service and approve reconnection to the Sewer System upon proof of the elimination of the non-complying discharge. Reinstatement of water service shall be in accordance with District Administrative Regulation 9063.

8.12 Appeals/Request for Reconsideration

(a) Any User, Discharge Permit applicant or Discharge Permit holder affected by any decision, action or determination made by the District, interpreting or implementing the provision of this Program or any Discharge Permit issued thereunder, may file with the District a written request for reconsideration within fifteen (15) calendar days setting forth in detail the facts supporting the User's request for reconsideration. The District shall render a decision on the request for reconsideration to the User, Discharge Permit applicant, or Discharge Permit holder in writing.

(b) If the ruling on the request for reconsideration made by the District is unacceptable to the party filling the request, the Person requesting reconsideration may file a written appeal to the Director within ten (10) calendar days after the date of notification of the District's action. Notice of the hearing shall be given at least ten (10) calendar days prior to the date of hearing. Within thirty (30) calendar days after the hearing is concluded, said Director shall issue a final ruling on the appeal.

8.13 Judicial Remedies

If any User discharges Sewage, Industrial Wastes, or other Wastewater contrary to the provisions of this Program, Order, or Discharge Permit issued thereunder, the District, through the District's Office of General Counsel, may commence an action for appropriate legal and or equitable relief through the judicial court system. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User. [40 CFR 403.8(f)(1)(vi)]

8.13.1 Pursuit of Civil Action

Where deemed appropriate by the Director and/or District's Office of General Counsel, the District will pursue civil action. Actions taken may include, but are not limited to: civil suits for damage to the Sewer System or POTW, injunctive relief, and/or civil penalties. Civil actions may be pursued on a strict liability basis, regardless of intent, and shall include reimbursement for all costs incurred by the District, including costs for repair, administrative costs, attorneys' fees and costs, and a civil penalty for each violation pursuant to California Government Code 54740 in a sum not to exceed \$25,000 per day. [40 CFR 403.8(f)(1)(vi)]

8.13.2 Criminal Prosecution

Where the Director and/or the District's Office of General Counsel determines that a criminal violation of this Program has occurred, the District may refer the matter to the District Attorney for criminal prosecution, pursuant to provisions of the Act and California Penal Code Section 374.2. (40 CFR 403.8(f)(1)(vi)]

8.13.3 Fraud and False Statements

Pursuant to § 403.6(a)(2)(ii) and § 403.12(l), any Person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained for this Program or a Discharge Permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this Program, shall, upon conviction, be punished by a fine of not more than ten thousand dollars (\$10,000) or by imprisonment for not more than six (6) months, or by both.

8.14 Cost Reimbursement

All costs, including overhead incurred for labor, sampling, laboratory analysis, and equipment, as a result of a User failing to comply with any provision of this Program shall be reimbursed to the District by that User.

8.15 Emergency Suspensions

The District may immediately suspend a User's discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The District may also immediately

suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the Sewer System or POTW, or which presents, or may present, an endangerment to the environment.[40 CFR 403.8(f)(1)(vi)(B)]

(a) Immediate Cessation upon Notification. Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution to the Sewer System. In the event of a User's failure to immediately comply voluntarily with the Suspension Order, the District may take such steps as deemed necessary to prevent or minimize damage to the Sewer System, the POTW, its receiving stream, or endangerment to any individuals. The District may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the District that the period of endangerment has passed, unless termination proceedings are initiated against the User.

(b) Statement of Cause and Preventative Measures. A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the District prior to the date of any Show Cause or Termination Hearing.

(c) Prior Hearing Not Required. Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

8.16 Termination of Services and Revocation of Discharge Permit

(a) Any User who violates the following conditions of this Program or applicable State and federal regulations is subject to having the Wastewater service, domestic water service and/or the Discharge Permit revoked:

(1) Failure of a User to factually and accurately report the Wastewater Constituents and characteristics of its discharge;

(2) Failure of the User to report significant changes in operations, or Wastewater Constituents and characteristics;

(3) Refusal of reasonable access to the User's premises for the purpose of inspection or monitoring; or

(4) Violation of conditions of the Discharge Permit.

(b) Noncompliant Users will be notified of the proposed termination of their Discharge Permit and be offered an opportunity to Show Cause under section 8.10 of this Program why the proposed action should not be taken.

(c) After revocation of a discharger's Discharge Permit, there shall be no further discharge of Wastewater by that discharger into the District's Sewer System, unless there has been a new application filed, all fees and charges that would be required upon an initial application and all delinquent fees, charges, penalties and other sums owed by the discharger and/or the applicant to the District have been paid to the District, and a new Discharge Permit has been issued. Any costs incurred by the District, including administrative costs and investigative fees, in revoking the Discharge Permit and disconnecting the connection if necessary, shall also be paid for by the discharger before issuance of a new Discharge Permit.

SECTION 9-PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

The District shall publish annually, in a newspaper of general circulation in El Dorado County area, a list of all Users which, at any time during the previous twelve months were in Significant Noncompliance with all applicable pretreatment requirements, as defined in § 403.8(f)(2)(viii) and section 1.4(vv) of this Program. The notification shall include the parameter violated, the enforcement actions taken by the District, and the corrective actions taken by the User(s).

SECTION 10-FEES

The purpose of this section is to provide for the recovery of costs from Users of the District's Sewer System for the implementation of this Program. The schedule of administrative fees shall be found in the Master Fee Schedule (See District Administrative Regulation 11010-Attachment A)

10.1 Charges and Fees

(a) The District may adopt charges and fees which may include:

(1) Fees for reimbursement of costs of setting up and operating the District's Program;
2) Fees for consistent removal by the District of Pollutants otherwise subject to National Pretreatment Standards; and/or

(3) Other fees as the District may deem necessary to carry out the requirements contained in this Program.

(b) Costs incurred by the District as a result of required on-site sampling and analysis shall be reimbursed to the District by the User.

(c) Discharge Permit Classifications and Fees:

(1) If a business is determined to fall within one of the first seven Discharge Permit classifications below, a Discharge Permit shall be issued and a fee shall be assessed on each bimonthly sewer bill for the account number provided by the Permittee while the Permit is effective or in the process of being renewed. It is the responsibility of the Permit holder or the Account Holder of record to notify the District if the facility goes out of business or conditions change that would require a re-evaluation of the facility's Permit classification and/or fees.

(2) Facilities are exempt from discharge permitting if not classified in categories A through F. All Discharge Permitted facilities are subject to periodic inspections and audits to confirm discharge activities. If at any time of inspection, the original classification is deemed to be no longer applicable, the Discharge Permit will be updated along with applicable fees in the next sewer bill.

(i) The following Discharge Permit classifications shall be in effect for Discharge Permits:

(A) A facility is a Categorical Industrial User (CIU) if:

- The Industrial User is subject to Categorical Pretreatment Standards under § 403.6 and 40 CFR Chapter I, subchapter N.

(B) A facility is a Non-Categorical Significant Industrial User (SIU) if ANY of the following applies:

- The Industrial User discharges an average of 25,000 gallons per day or more of process Wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blow down Wastewater); or
- Contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
- Is designated as such by the District on the basis that the industrial User has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or requirement (in accordance with § 403.8 (f) (6).

(C) A facility is a Non-significant Industrial User (IUs) discharger if ANY of the following applies:

- The facility is not a CIU or SIU, but the facility discharges industrial process waste other than discharges from automobile servicing business.
- The facility stores, utilizes, or generates chemicals or materials that could damage the Sewer System or POTW if discharged.
- The facility generates any material(s) which require rendering service or special pickup service. Examples include petroleum oils, lubricants, solvents, paints, thinners, chemical reagents, photo / x-ray processing wastes, dental amalgam and grease.

- (D) A facility is a Zero-discharge Categorical Industrial User (ZCIU) discharger if;
- The facility would be considered a CIU but does not discharge ANY categorical wastes to the Sewer System.
- (E) A facility is a may be considered a Non-Significant Categorical Industrial User (NSCIU) if:
- The District determines an Industrial User subject to Categorical Pretreatment Standards under § 403.6 and 40 CFR chapter I, subchapter N is meets all the requirements in section 2.2(a) of the Program.
- (F) A facility is an Automobile Servicing Business (AUTO) if:
- The facility services or maintains automobiles or similar equipment handling petroleum based liquids. Facilities with floor drains, carwashes and automotive detailing facilities that are discharging to the Sewer are subject to proper sizing, installation and maintenance of oil/water/sand interceptors.
- (G) A facility is a Food Service Establishment (FSE) discharger if:
- The facility is an establishment wherein food is prepared and grease is generated. All food preparation establishments (restaurants, cafeterias, fast food, cafes, etc.) are subject to proper sizing, installation and maintenance of grease traps or interceptors.
- (H) A facility is a Limited Food Preparation Establishment (LFPE) if:
- The facility is only engaged in reheating, hot holding or assembly of ready- to- eat food products, provided there is no wastewater discharging containing a significant amount of fats, oil, or grease.
 - This type of facility classification is exempt from permitting requirements and fees. Classification is determined by the District after review of WDP Application and/or inspections of facility.

SECTION 11-Severability

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

SECTION 12-Effective Date

This Program supersedes any previous versions of thereof and is effective **November 30, 2016**

Appendix A – Local Limits

Constituents Requiring Specific Discharge Limits within a District Issued Wastewater Discharge Permit

Unless otherwise specified by the District, Users classified as either a Categorical Industrial User (CIU) or Non-Categorical Significant User (SIU) must obtain a Wastewater Discharge Permit (WDP) in accordance with this Administrative Regulation. The WDP shall list user specific daily discharge limits for each Constituent listed below based on available capacity at the applicable WWTP. For more information regarding these discharge limits contact the District's Industrial Pretreatment and Pollution Prevention Program.

A. Discharging to the Deer Creek WWTP:

- Lead
- Zinc
- MTBE
- Bis (2-ethylhexyl) phthalate
- 4,4 DDT
- Heptachlor
- Total Dissolved Solids
- Ammonia
- BOD
- TSS

B. Discharging to the El Dorado Hills WWTP:

- Copper
- Mercury
- Zinc
- Formaldehyde
- MTBE
- Bis (2-ethylhexyl) phthalate
- Ammonia
- BOD
- TSS