



SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT

Post Office Box 339 Oceano, California 93475-0339

1600 Aloha Oceano, California 93445-9735

Telephone (805) 489-6666 Fax (805) 489-2765

www.sslocsd.us

May 12, 2021

Addendum No. 1 – Notice Requesting Proposals (RFP) for Consulting Services to support the Pretreatment Program Update

Interested parties are hereby informed that the Request for Proposals issued on May 3, 2021 by the South San Luis Obispo County Sanitation District (District) for the above project has been amended by the following information. A signed copy of this addendum acknowledging the receipt of this addendum shall be included with the Proposal.

The following revisions are made to the Request for Proposal Scope of Services and Project Schedule.

Replace Existing Notice Requesting Proposals with Revised Request for Proposals attached to Addendum No. 1

Revisions to new Request for Proposals include but are not limited to: Scope of Services and Project Schedule.

Any inquiries or comments regarding the RFP should be directed to the District's Plant Superintendent, Mychal Jones, at mychal@sslocsd.us.

Signed,

Acknowledgement of Addendum No. 1

J. Mychal Jones
Plant Superintendent



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South San Luis Obispo County Sanitation District Request for Proposals

Pretreatment Program Update

INSTRUCTIONS TO PROPOSERS

A. Receipt and Opening of Proposals

The South San Luis Obispo County Sanitation District (SSLCOSD/District) invites qualified firms to submit a sealed proposal for consulting services to support the Pretreatment Program Update. Proposals will be received at the District's office by **2:00 PM PST on June 1, 2021**, located at:

South San Luis Obispo County Sanitation District
1600 Aloha Place
Oceano, CA 93445

An envelope containing one (1) portable drive with pdf and two (2) paper copies of the proposal must be sealed and clearly labeled "Pretreatment Program Update". FAX submittals will not be accepted.

Proposals will not be opened publicly. Any proposal received after the established closing date and time will not be accepted and will be returned to the proposer unopened.

Proposals may be withdrawn upon written request at any time prior to the established closing date and time. The proposer or the proposer's authorized agent must sign such request.

B. Examination of Requirements

Each proposer must carefully examine the requirements of the RFP. Each proposer shall meet all of the terms and conditions of the RFP. By submitting a proposal, the proposer acknowledges acceptance of all provisions of the RFP.

C. Communications

All timely requests for information submitted in writing will receive a written response from the District. Any oral communication shall not be binding on the District. All requests for information must be provided in writing and directed to the District's Plant Superintendent: Mychal Jones at mychal@sslcosd.us. To be considered, all requests for information must be received by 2:00 PM PST on May 21, 2021. Responses and addenda will be posted on the District's website by 2:00 PM PST on May 25, 2021.

DESCRIPTION OF WORK

A. Project Background

The South San Luis Obispo County Sanitation District owns and operates a wastewater treatment plant (WWTP) in Oceano, California. The WWTP is permitted under National Pollutant Discharge Elimination System (NPDES) No. CA0048003/Waste Discharge Requirements Order No. R3-2019-0002. The existing plant uses mechanically cleaned bar screens, grit removal, primary clarifiers, a fixed film reactor, a secondary clarifier, and chlorine disinfection and de-chlorination, and treated wastewater is discharged through an ocean outfall. Waste solids are collected and processed in an anaerobic digester and dewatered either by centrifuge or asphalt lined sludge drying beds before hauling to a composter.

The District is undergoing construction of the WWTP Redundancy Project, which will add activated sludge aeration basins and another secondary clarifier to improve redundancy of the existing secondary treatment processes. This Project will improve and change the WWTP process.

The District's existing Pretreatment Program Ordinance was established in 1994. The Program was evaluated in 2019 and following that evaluation it was recommended that the District perform a local limit evaluation, industrial user rate structure update, develop a draft pretreatment ordinance based on proposed changes in the District's Pretreatment Program Update Evaluation and Local Limits Evaluation, and review and update industrial user permit application and permit as needed.

B. Scope of Services

The minimum scope of work for the Project is described below. Proposers are encouraged to review the requirements of the RFP, examine reference documents, and develop a scope of services suited to the Project. Additional services may be considered but should be presented separately as optional tasks. The proposal shall address at minimum the local limits evaluation, industrial user rate structure update, Pretreatment Ordinance and Sanitary Sewer Use Ordinance update below as follows:

Consultant shall establish and provide a firm project scope, schedule, and budget for project.

Local Limits Evaluation

Proposers shall provide a description of services and deliverables to be provided as part of the Local Limits Evaluation. Included within these services shall be a project schedule with estimated timelines for completion of key elements of the project.

Local Limits shall be based on the Maximum Allowable Headworks Loading (MAHL) and Maximum Allowable Industrial Loading (MAIL) calculated for each Pollutant of Concern (POC). Developing and implementing local limits includes the following steps and should be discussed in the response to the RFP:

1. Provide a checklist of information for data and other information that is needed to identify additional sampling needs.
2. Conduct industrial user impact survey, review, and evaluation.
3. Compile all data received from the District to identify data needs and develop an initial Pollutants of Concern list and sampling requirements for additional data collect, if needed.

4. As needed, District collects additional sampling data and provides to Consultant for final evaluation.
5. Develop a final POC list.
6. Calculate a MAHL and MAIL for each POC and provide to the District.
7. Provide briefing (via on-site or video conference) to District staff on the draft local limits development.
8. Provide considerations and recommendations for District-specific decisions for setting final local limits considering the existing major permitted Industrial Users.
9. Develop legal authority language to reflect updates to local limits, including removing conflicting language and assisting in developing and specific prohibitions that are necessary to implement local limits.
10. Provide a briefing to existing permitted Industrial Users.
11. Provide Public Notice and Board of Directors support

The Consultant shall approach the local limits evaluation by utilizing existing data to the greatest extent possible. The development of defensible and technically based local limits must be based on data that is sufficient to withstand critical review by the EPA and industrial dischargers.

The Consultant shall obtain all relevant available data from the District. This task shall include data reduction into a consistent electronic format and auditing against raw lab data. Consultant shall coordinate with District staff to identify necessary data.

The Consultant shall perform an industrial user impact evaluation to evaluate the potential impact local limits have on the current and future industries, and the activated sludge process currently under construction at the WWTP. In addition, Consultant shall use the industrial user impact evaluation to provide recommendations to the District on the type of local limits to be adopted and options for implementing Best Management Practices, where appropriate.

Throughout the project, the Consultant shall work closely with the District and shall provide monthly status reports. Any on-site meetings shall be delineated in the response to this RFP and estimated travel costs provided.

Industrial User Rate Structure Update

The Consultant shall review the applicability and legality of the existing surcharges, as well as any proposed new surcharges, including the impact of the surcharges on the wastewater rates for various customer classifications.

New surcharges may be needed in the future once the activated sludge process is online. Consultant shall develop a summary of future considerations for surcharges for potential constituents of concern once the activated sludge process is online.

The Consultant shall review and update the District's Industrial User permit application and permit, as needed.

Pretreatment Ordinance/Sanitary Sewer Use Ordinance Update

The Consultant shall review the District's existing Pretreatment Ordinance and Sanitary Sewer Use Ordinance (attached) and develop proposed revisions that are derived from technical analysis and findings of the Local Limits Evaluation and Pretreatment Program Update Evaluation.

The Consultant shall develop draft ordinance language (inclusive of the updated local limits) for review by the District and the District's legal counsel.

The Consultant shall support the District in the process of adopting updates to the Local Limits and District Ordinances.

The Consultant shall plan to provide, if requested, an update on the Pretreatment Program at each of the District's member agencies' regular scheduled City Council meeting.

Additional Support Services

The District may request additional support after the completion of the Pretreatment Program Update. This additional support is not included in this RFP, but Consultant shall specify its hourly charges for potential additional support as part of the response to this RFP.

C. Project Schedule

The anticipated project schedule is summarized below. The dates are tentative and subject to change.

Issue RFP	May 3, 2021
Written Questions Due	May 21, 2021
Responses to Questions Posted	May 25, 2021
Proposals Due	2:00 PM June 1, 2021
Consultant Selection / Board Approval	June 16, 2021
Notice to Proceed	June 21, 2021

GENERAL TERMS AND CONDITIONS

A. Proposal Requirements

1. Content: The proposal shall be concise, well organized and demonstrate the proposer's understanding of the Project and their applicable qualifications and experience. The proposal shall be limited to twenty (20) pages, exclusive of resumes, cover letter, graphics, and covers. Proposals should include the minimum Proposal Content as described in Section IV. Any additional materials that will support your proposal may be included. However, if they do not directly address the stated requirements, please include them in a separate appendix. The District will consider all material submitted, but concentrate on that which addresses the District's Project requirements.
2. Subconsultants: Identify all subconsultants to be used during the term of the project and provide a list of responsible staff and their qualifications. The Prime Consultant in the proposal shall be responsible for a minimum of 50% of the Project work.
3. Insurance: The consultant shall obtain at their own cost an insurance policy meeting the District's requirements as described in the Standard Agreement (attached).
4. Consultant's compensation: The Consultant's fee shall include all items described in this scope of work, with optional items (if applicable) shown separately. Include a breakdown of professionals to be assigned to the tasks, the estimated hours for each task per professional, the hourly rates for each professional assigned, subtotals of the man-hour costs for each task, subconsultant costs, other direct costs to be billed, and project total costs.
5. Schedule: Provide a project schedule to complete the work. The anticipated project schedule is included herein. Consultant shall review the anticipated project duration and indicate whether the indicated time is sufficient. Provide adequate detail and assumptions for the completion of the work.

6. Commitment: The proposal shall be signed by the individual with power to bind the company in its proposal. Parts or the entire proposal will be the basis for the contract for the work.
7. Statement of Contract Disqualifications: Consultant shall include a signed statement of whether it or any of its employees or officers who have a proprietary interest in it has ever been disqualified, removed or otherwise prevented from proposing on or completing a municipal government project for any reason. If so, provide a description and explanation of the circumstances.
8. Exceptions: Consultant shall certify that they take no exceptions to this RFP, including but not limited to the provisions of the District's Standard Agreement (Appendix A). If the Consultant takes any exceptions, identify the specific portion and provide a full explanation.

B. Contract Award and Execution

1. The District reserves the right to reject any or all responses to this RFP, waive any insubstantial irregularities in this RFP or any proposal, to negotiate with all qualified sources, or to cancel in part or in its entirety this RFP.
2. If a contract cannot be negotiated with a selected consultant for any reason, the District reserves the right to select the next most qualified proposer.
3. The District reserves discretion to determine the ability, competency and responsibility of the Consultants. Before award, Consultants may be required to furnish evidence of capability to adequately perform the work in a timely manner as deemed necessary by the District.
4. The District reserves the right to interview proposers as needed.
5. The Consultant shall provide proof of insurance in the coverages and amounts specified in the Standard Agreement (included in the appendix) within 5 calendar days after notice of selection as a precondition to contract execution and issuance of a Notice to Proceed.
6. Even if selected, the District reserves the right to terminate any agreement reached with the selected firm at any time and in an appropriate manner.

PROPOSAL CONTENT AND SELECTION PROCESS

A. Proposal Content

1. Cover letter/Executive Summary
2. Experience and References
3. Project Organization and Key Personnel
4. Project Understanding
5. Proposed Scope of Work
6. Proposed Fee
7. Acknowledgement, Exceptions, Disqualifications, Insurance Cert

B. Proposal Evaluation and Consultant Selection

Upon evaluation of the Proposals, the District will determine the top firm(s) they feel are most qualified for this Project based on the following criteria:

Criteria	Maximum Points
Understanding of the work to be done	25
Experience with similar kinds of work	30
Qualifications of staff and availability of Consultant	25
Demonstrated technical ability	20
Total	100

Attachments:

Pretreatment Program Update Evaluation (2019)

Existing Pretreatment Ordinance (1994)

Existing SSLOCSD Update of Industrial Pretreatment Program (2004)

Existing Sanitary Sewer Use Ordinance (2011)

District Standard Professional Services Agreement

Technical Memorandum

To: Mychal Jones | Plant Superintendent/Chief Plant Operator
Jeremy Ghent | District Administrator
South San Luis Obispo County Sanitation District
1600 Aloha Place
Oceano, CA 93445

From: Eileen Shields, PE | MKN & Associates, Inc.
Stefanos Word, EIT, ENV SP | MKN & Associates, Inc.

Date: October 25th, 2019

Re: South San Luis Obispo County Sanitation District – Pretreatment Program Update Evaluation



1. Background

The South San Luis Obispo County Sanitation District (SSLOCSD/District) owns and operates a Wastewater Treatment Plant (WWTP) that serves the communities of Arroyo Grande, Grover Beach, and Oceano. The existing wastewater treatment process consists of mechanically-cleaned headworks screens, grit removal, primary clarifiers, a fixed film reactor, a secondary clarifier, chlorine disinfection and dechlorination, and treated wastewater is discharge through an ocean outfall. Waste solids are collected and processed in an anaerobic digester and dewatered either by a centrifuge or concrete lined sludge drying beds before hauling to a landfill.

The District is preparing for construction of the WWTP Redundancy Project, which will add activated sludge aeration basins and another secondary clarifier to improve redundancy of the secondary treatment process. The Project will improve and change the WWTP process.

The District is in the process of updating their Pretreatment Program. Ordinance No. 1994-1 (Ordinance) was issued in 1994 to establish pretreatment regulations to prevent the introduction of pollutants into the WWTP that could potentially interfere with operations, pass through the WWTP (inadequately treated) and discharge into the Pacific Ocean, and protect District staff from exposure to hazardous chemicals. The Ordinance appears to have been based on a version the Environmental Protection Agency (EPA) Model Pretreatment Ordinance, now superseded by the most recent 2007 EPA Model Pretreatment Ordinance.

As part of the pretreatment program update, MKN reviewed the following information:

- Existing historical plant data
- Available data on existing permitted industrial users (IUs)
- Existing Pretreatment Ordinance (1994), Sanitary Sewer Ordinance (2011), and Wastewater Discharge Permit Application
- EPA Model Pretreatment Ordinance (2007)
- Pretreatment programs and sewer fee programs from three similar agencies

The review of the pretreatment program is intended to help ensure provisions are current and consist of best practices for the WWTP in consideration of both existing and potential future IUs. The District currently has two permitted IUs, both primarily discharge recreational vehicle (RV) or septage waste, described in more detail in subsequent sections.

2. Existing Data

2.1 Historical WWTP Flows and Concentrations

Average annual SSLOCSD WWTP influent flows and water quality data are presented on Table 1. Overall, average annual influent flow decreased between 2010 and 2015 by 0.43 million gallons per day (MGD). It is possible that water conservation measures due to the extended drought led to reduced water consumption and wastewater flows to the WWTP, which would also explain the increase of influent BOD and TSS concentrations for the same time period. However, from 2015 to 2017, influent flow steadily increased, while influent BOD and TSS concentrations also increased.

Year	Flow, MGD	Influent, mg/L		Effluent, mg/L		Removal Rates, %	
		BOD	TSS	BOD	TSS	BOD	TSS
2000	2.88	296	314	30	33	90%	89%
2001	2.72	295	342	36	33	89%	91%
2002	2.73	316	303	30	20	90%	93%
2003	2.82	313	307	25	17	92%	95%
2004	2.91	305	303	32	18	90%	94%
2005	2.81	300	309	29	22	91%	93%
2006	2.78	304	327	27	21	91%	93%
2007	2.78	325	359	27	19	93%	95%
2008	2.71	350	375	22	20	94%	95%
2009	2.60	347	384	25	30	93%	92%
2010	2.64	332	403	29	33	92%	91%
2011	2.57	310	383	29	27	92%	93%
2012	2.56	333	395	26	30	93%	92%
2013	2.52	332	406	22	28	95%	93%
2014	2.35	392	438	26	31	94%	93%
2015	2.17	415	431	29	36	93%	92%
2016	2.23	448	476	31	35	94%	93%
2017	2.49	456	522	26	31	95%	94%
2018	2.45	480	376	20	27	95%	93%

Average monthly influent flow, BOD, and TSS from January 2015 through December 2018 are presented in Figures 1 through 3. Figure 1 shows average flow increased from December 2015 to January 2017. BOD and TSS concentrations also increased during this same period (Figures 2 and 3). Particularly during summer months in 2016 (May through August, when rainfall is minimal), this could be due to an increase in recreational vehicle visitors and campers in the area, resulting in increased volumes of highly concentrated waste from the IUs. It

should be noted that following January 2017, significant rainfall ensued for several months and could potentially be correlated to increases in average annual flow, BOD, and TSS concentrations for 2017. Influent TSS concentrations decreased to an average of 376 mg/L from January through December 2018, while BOD concentrations remained relatively high on average, at 480 mg/L.

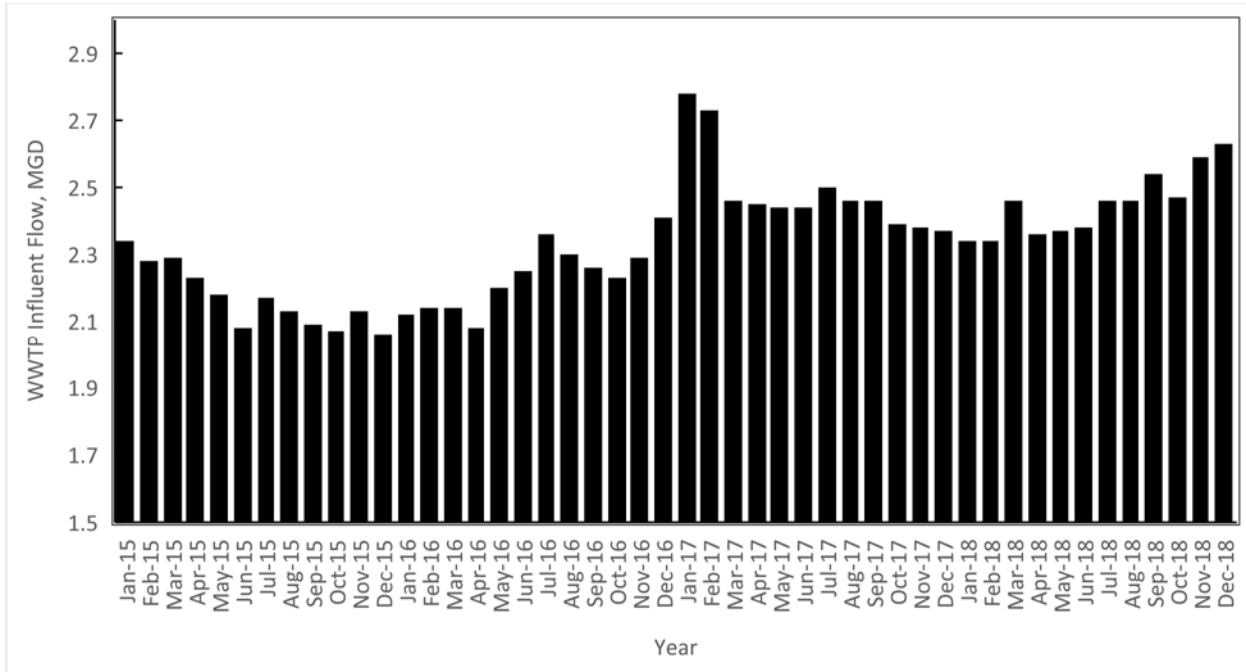


Figure 1. WWTP Influent Flow, January 2015 - December 2018

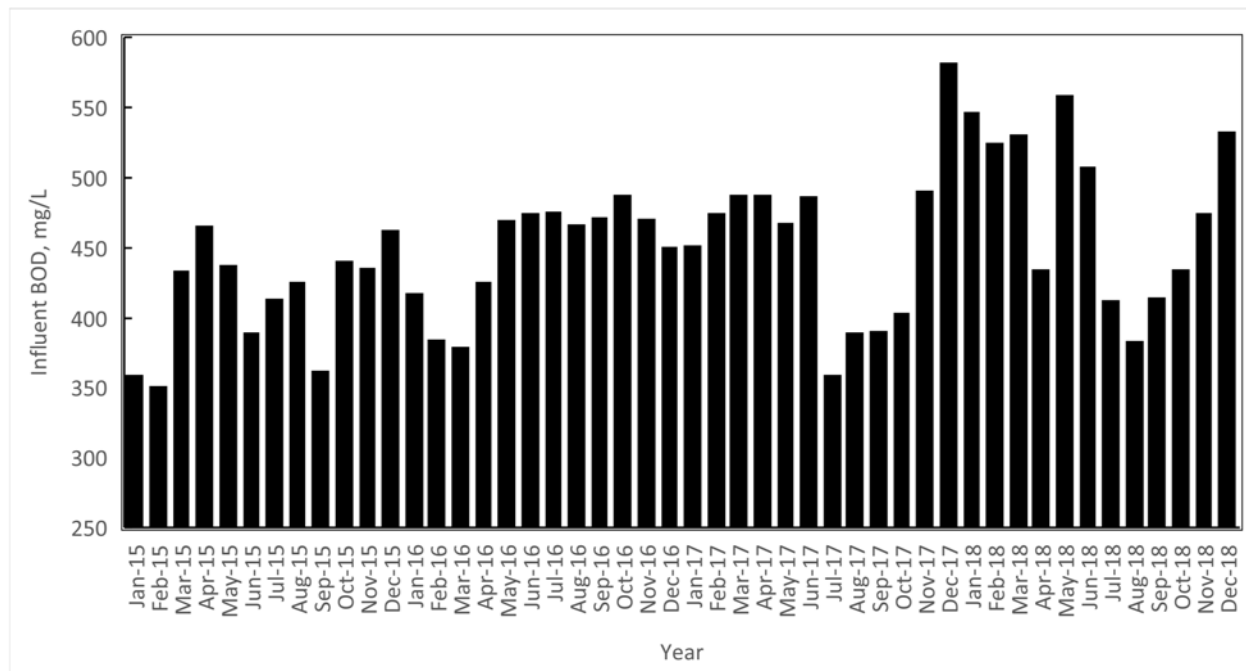


Figure 2. WWTP Influent BOD, January 2015 - December 2018

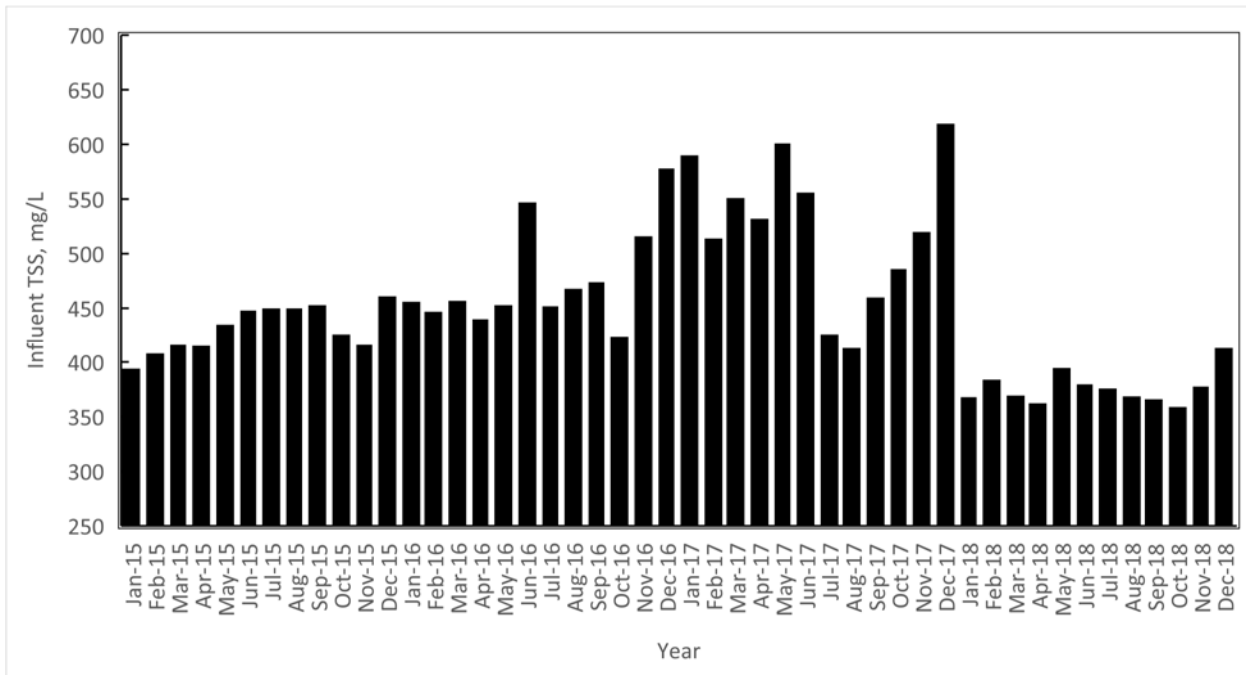


Figure 3. WWTP Influent TSS, January 2015 - December 2018

2.2 Historical Industrial User Wastewater Quality

Available wastewater sampling data from the two current IUs are presented in Table 2. Based on the limited sampling, the wastewater from the two IUs contain BOD concentrations approximately 2.5 to 10 times greater than the average WWTP influent, and TSS concentrations approximately 2.5 to 3.5 times greater. These high concentrations are expected for RV waste and septage receiving stations. Based on the user descriptions from 2018 Industrial Discharge Permits of both IUs, the estimated total annual flow is 90,000 gallons per year from the Le Sage Dump Station and 150,000 gallons per year from Yo Banana Boy.

Table 2. IU Sampling Results, 2017-2018

Table 2. IU Sampling Results, 2017-2018							
User	Sampling Location	Estimated Annual Discharge, gallons	Date	Constituent	Method	Result	Units
State Parks	Le Sage Dump Station	90,000	11/14/2018	pH	SM 4500-HB	7.2	--
			11/19/2018	BOD ₅	SM 5210 B	4108	mg/L
			11/15/2018	TSS	SM 2540 D	960	mg/L
Yo Banana Boy	Tank	150,000	2/14/2017	BOD ₅	SM 5210 B	1730	mg/L
	Oceano		2/13/2017	TSS	SM 2540 D	982	mg/L
			6/21/2017	BOD ₅	SM 5210 B	1892	mg/L
			6/19/2017	TSS	SM 2540 D	1360	mg/L
	Tank		10/1/2017	BOD ₅	SM 5210 B	983	mg/L
			9/28/2017	TSS	SM 2540 D	1270	mg/L

3. Evaluation Process

MKN reviewed the following documents to evaluate various provisions and practices and develop recommendations for updating the District's existing Pretreatment Ordinance:

- 2007 EPA Model Pretreatment Ordinances
- District's existing Pretreatment Ordinance and Sanitary Sewer Use Ordinance
- District's existing Industrial User Permits and Discharge Permit Application
- Pretreatment Ordinances and Rates Programs from other California Public Agencies
 - Goleta West Sanitary District
 - Encina Wastewater Authority
 - City of Ventura
- 2004 SSLOCSD Industrial Pretreatment Program Update

3.1 2007 EPA Model Pretreatment Ordinance

An extensive comparison of the existing 1994 SSLOCSD Pretreatment and the 2007 EPA Model Pretreatment Ordinances was conducted to identify elements from the 2007 EPA Model Ordinance that align with the District's current objectives and provide long-term benefits in safely managing discharges from current and future IUs.

Review details are provided in Appendix A, Table A. Content of both ordinances were first compared to determine which elements of the EPA Model Ordinance were included in the existing Pretreatment Ordinance. Additional elements to consider were collected based on goals for the Pretreatment Program expressed by District staff and potential benefits identified by MKN. Table A categorizes these elements by subject and topic, includes a brief description and reasons why it may be considered for updating the existing Pretreatment Ordinance, and provides references to applicable sections of the existing Pretreatment Ordinance.

The Pretreatment Ordinance establishes local limits for constituents discharged to the collection system. The local limits should be technically-based and are developed to protect the WWTPs operations and ensure that discharges comply with permitted requirements. The process to develop local limits should consider the WWTP's efficiency in treating wastes, history of compliance, condition of the receiving water, the WWTPs sludge handling procedures, and worker health and safety concerns. Local limits should be reviewed periodically and updated as needed. Considering the District's upcoming WWTP Redundancy Project and potential for changes since the last Pretreatment Program update, a local limits study is recommended.

3.2 Existing Sanitary Sewer Use Ordinance

The content of the existing Sanitary Sewer Use Ordinance (SSUO) was reviewed to determine whether potential changes to the existing Pretreatment Ordinance will impact the existing SSUO mandates. The stated purpose of the SSUO is to comply with the all applicable State and Federal Laws (including the General Pretreatment Regulations of Code of Federal Regulations 40 § 403). The SSUO also explicitly states that the rules and regulations of the existing Pretreatment Ordinance are incorporated into the SSUO. Thus, it appears that updates made to the Pretreatment Ordinance will not impact the mandates of SSUO.

3.3 Existing Industrial User Permits and Discharge Permit Application

The content of the existing IU permits and the current discharge permit application were reviewed and compared to the current Pretreatment Ordinance. Following completion of proposed considerations for updating the Pretreatment Ordinance, the content for both sets of documents was compared to the proposed changes for consideration.

Overall, while many elements of the existing Pretreatment Ordinance are reflected in the current existing industrial user permits and discharge permit application, there are certain elements included on both sets of documents that are not currently mandated by the existing Pretreatment Ordinance. Depending upon which elements for considerations are selected by the District for final incorporation into revised Pretreatment Ordinance, select considerations from the following subjects (see Appendix A, Table A) may need to be incorporated into revised permits and permit application to ensure consistency:

- General Sewer Use Requirements/ Prohibited Discharges
- Wastewater Discharge Permits
- Monitoring and Reporting Requirements

4. Surcharge and Rate Programs

Surcharge and rates programs for industrial discharges from similar public agencies were reviewed to evaluate various ways to fund the Pretreatment Program. Three common approaches to surcharge and rate programs are summarized below.

4.1 Mass-Based Surcharge (Charge per Pound of BOD and TSS)

Common to many WWTPs in the Midwest and East Coast of the United States, the mass-based surcharge approach calculates the mass of BOD and TSS discharged above the local discharge limits and the subsequent surcharge cost for both constituents. The equation presented below presents a method of calculating the total surcharge cost.

$$\text{Surcharge} = \text{Volume Discharged} \times [\$[\text{BOD Surcharge Rate}] \times (\text{BOD}_{\text{Discharge}} - \text{BOD}_{\text{Local Limit}}) + \$[\text{TSS Surcharge Rate}] \times (\text{TSS}_{\text{Discharge}} - \text{TSS}_{\text{Local Limit}})]$$

Spartanburg Sanitary District (SSD) (located in Spartanburg, Michigan) utilizes this approach to determine monthly surcharge costs for all permitted industrial dischargers. Currently, SSD charges \$0.29 and \$0.22 per pound above the local discharge limits for BOD and TSS, respectively. Additionally, a minimum fee of \$72 per month is also applied to ensure that IUs with minimal discharge impacts are still contributing their share of revenue to fund the Pretreatment Program. If the District were to apply this approach, it would require the addition of wastewater flow monitoring for each permitted IU. Additional water quality sampling may also be warranted.

4.2 Volume- and Strength Class-Based Surcharge

Utilizing a strength class approach, the rate structure is based on discharge volume to the collection system and strength of the industrial discharge to be treated. The determination of each IUs wastewater strength class is computed by averaging the BOD and TSS concentrations. Each class is categorized by the following:

- Low – Less than 1,000 mg/L
- Medium – Between 1,000 mg/L and 1,500 mg/L

- High – Greater than 1,500 mg/L
- Septic Haulers – Per Gallon

Dublin San Ramon Services District (DSRSD) (located in Dublin, California) utilizes this approach to determine monthly industrial discharge fees by charging for collection and treatment. The collection rate is based on discharge volume and the treatment rate is based on discharge volume and wastewater strength. Industrial customers are assigned to a strength category based on historic strength and volume data. To ensure the billing for each discharger is being assigned to the appropriate strength class, DSRSD verifies rates for each customer category through annual, periodic, and random sampling. The dual rate structure for collection and treatment clearly delineates the revenue to be used for any additional operation and maintenance activities of the respective facilities. To apply this approach, the flow monitoring for permitted IUs would need to be added and additional water quality sampling performed.

4.3 Charge Based on Water Usage

Utilizing a water usage approach, the rate structure is based on charging IUs an annual flat rate for up to a specified volume of water consumption. If the specified limit for water consumption is exceeded, an additional volumetric charge is applied.

Goleta Sanitary District (GSD) utilizes this approach to determine industrial discharge fees. Currently, GSD charges a flat rate of \$450.54 for up to 74,095 gallons of water used and volumetric charge for any water usage beyond the specified limit. To apply this approach, the water billing records for permitted IUs would need to be provided to the District.

5. Recommendations

5.1 Pretreatment Ordinance Update

The results of the review and recommended considerations for updating the Pretreatment Ordinance are summarized in Appendix A, Table A. Copies of the 2012 Encina Wastewater Authority Pretreatment Ordinance, 2007 EPA Model Pretreatment Ordinance and existing Pretreatment Ordinance are provided in Appendices B through D. The 2007 and 2012 Pretreatment Ordinances include highlighted sections that correspond to the considerations in Table A. Table A is divided by main topic, as summarized below.

- General Sewer Use Requirements/Prohibited Discharges
 - Allows for implementation of Best Management Practices, revision of Categorical Standards and expansion of authority to impose mass/concentration discharge limitations.
 - Allows the District to revise standards or requirements of discharges to the WWTP to more stringent levels, as necessary.
 - Expands authority to implement for additional pretreatment measures (flow equalization, combustible gas protection, etc.), reaffirms the District's practice of preventing accidental slug discharges.
 - Allows for the District to restrict discharge location of hauled septic and industrial waste and require permits and waste-tracking forms to be issued for hauled waste.

- Inspection and Powers of Authority
 - Expands upon the existing Pretreatment Ordinance outlining the Powers and Authority of Inspectors through creating justification for the District to seek a search warrant under difficult or threatening circumstances.
- Wastewater Discharge Permits
 - Memorializes many elements stated in the current wastewater discharge permit application and adds provisions for required elements not in the current permit application or Pretreatment Ordinance.
 - Adds provisions to provide the District maximum flexibility modifying issued permits under specified conditions.
 - Includes additional justifications for permit revocation, expanding the authority and flexibility of enforcing problematic IUs.
 - Guidelines of reapplying for discharge permits are not stated in the existing Ordinance, adds language that outlines the process of reapplying for a wastewater discharge permit within a specified time period before the expiration of a current permit.
- Monitoring and Reporting Requirements
 - Memorializes baseline monitoring report requirements that allow the District to gauge whether IUs are meeting standards and requirements set forth in the Pretreatment Ordinance.
 - Expands upon existing self-monitoring requirements, gives District the authority to perform monitoring analyses and reports for any IUs that fail to do so.
 - Expands upon and enhances the District's authority in enforcing critical compliance timelines by outlining specific progress event increments and deadlines for completion of reports and tasks.
 - Specifies procedures and requirements to notify the District of changed operating or system conditions that may adversely impact wastewater discharged to the WWTP. Lays out options for the District to respond to changes in IU wastewater discharge characteristics.
- Supplemental Enforcement/Miscellaneous Provisions/Charges, Fees, and Rates
 - Adds provisions that allow for the District to impose additional fees for review and responding to accidental discharge procedures and construction, filing appeals, recovery administrative and legal costs of addressing IU noncompliance, and other necessary items to carry out the Pretreatment Program at minimal or no cost to the District (i.e. BOD/TSS Fee and Rate Programs)
 - Add provisions for penalties that could be imposed for late reports, requirements of performance bonds and liability insurance for non-compliant IUs, and payment of outstanding fees/penalties.
- Affirmative Defenses to Discharge Violations
 - Outlines under what circumstances and procedures an IU can initiate an affirmative defense to a discharge violation in the wake of any process upsets, accidental discharges, unforeseen changes in wastewater quality, etc. that may have resulted in temporary noncompliance due to reasons beyond the discharger's control.

- Outlines procedures and guidelines IUs must follow to conduct bypass activities that may benefit the operations of their facilities by allowing for bypass to prevent any damage to or conduct necessary maintenance on IU facilities that either store and/or treat a discharger's wastes.

5.2 Local Limits Study

It is recommended that a Local Limits Study be performed. The local limits, currently stated in Article I, Section 3.B.(9) of the existing Pretreatment Ordinance, establish maximum discharge concentrations of select wastewater constituents. Local limits should be reviewed periodically and revised when necessary to reflect changes in WWTP operations and infrastructure, regulations, and industrial discharges. Furthermore, review and potential revision of local limits also serve to prevent pass-through in the WWTP, protect the function of WWTP processes, ensure the safety of treatment plant staff, and prevent biosolids contamination. A Local Limits Study process generally involves the following steps:

- Identifying and monitoring pollutants of concern
- Developing maximum allowable WWTP loadings and considering the need for local limits
- Developing an allocation method of permitted dischargers

Additional sampling and monitoring may be required as part of the process.

5.3 Rate Structure

The current rate structure should be reviewed in conjunction with the Pretreatment Program Update. An evaluation of District costs associated with the Pretreatment Program will be required to evaluate the adequacy of the existing rate structure. Any rate structure implemented, especially if it involved a surcharge program, will need to be coordinated with the Local Limits Study. If the mass-based surcharge approach is utilized, the discharge limits for BOD/TSS recommended by the Local Limits study can significantly impact surcharge rates.

5.4 Next Steps

Following review of the proposed changes to the pretreatment ordinance, the following next steps are recommended to complete the Pretreatment Program Update:

- Perform a Local Limits Study and IU rate structure update.
- Develop a draft of the updated Pretreatment Ordinance based on proposed changes herein and results of Local Limits Study.
- Review and update industrial user permit application and permit as needed.

Table A. Considerations for SSLOCSD Pretreatment Ordinance Update

Subject	Topic	Source	Section	Description	Comments	Section(s) Referenced in 1994 Ordinance
General Sewer Use Requirements/ Prohibited Discharges	Local Limits	EPA Model Pretreatment Ordinance	2.4	Places daily maximum limits on dischargers to prevent Pass Through and Interference within the POTW.	While the existing Ordinance has established local limits for pollutants, it is recommended that the District review and update the existing local limits with consideration of the WWTP Redundancy project.	<ul style="list-style-type: none"> •P. 6-7, Article 1, Section 3 (B9) •P. 7, Article 1, Section 3 (B10)
General Sewer Use Requirements/ Prohibited Discharges	Mass Limitations	Encina Wastewater Authority Pretreatment Ordinance	2.16	If necessary, the District would be able to impose mass limitations for any constituent they deem appropriate. Average user discharge flow and a representative constituent concentration would be required to determine a mass discharge specific to individual users.	<ul style="list-style-type: none"> • Would include more specific language that updates the existing mention of mass limitations. • Takes flow into consideration. If an industrial user (IU) is discharging a particular constituent at a low concentration in conjunction with a higher flow rate that adversely impacts the POTW, mass limitations could be imposed. 	<ul style="list-style-type: none"> •P. 6-7, Article 1, Section 3 (B9) •P. 7, Article 1, Section 3 (B10)
General Sewer Use Requirements/ Prohibited Discharges	Best Management Practices	Encina Wastewater Authority Pretreatment Ordinance	2.13	Allows District to specify best management practices (BMPs) by ordinance or in individual Wastewater Discharge Permits.	<ul style="list-style-type: none"> • Would add specific language about where BMPs are developed. • Tailor BMPs to specific IUs for better adherence to discharge and local limits. 	--
General Sewer Use Requirements/ Prohibited Discharges	Categorical Standards	Encina Wastewater Authority Pretreatment Ordinance	2.14	Allows the District to impose effluent concentrations, mass of pollutant discharged per day, or similar mass limits equivalent to those imposed by Categorical Standards (where Categorical Standards apply), in adherence the 40 CFR Section 403.6 (b).	<ul style="list-style-type: none"> • Would expand on existing language concerning applicability of Categorical Standards. • Allows for revision of Categorical Standards on the basis of equivalency. 	P.8, Article 1, Section 4
General Sewer Use Requirements/ Prohibited Discharges	Pretreatment Facilities	Encina Wastewater Authority Pretreatment Ordinance	4.1	Allows the District to require waste minimization plans, contingency plans and other necessary documentation to ensure proper operation of any pretreatment facilities. Additionally, adds provision that installed pretreatment facilities must meet Pretreatment Standards.	<ul style="list-style-type: none"> • Adds language that would allow the District to implement waste minimization and contingency plans to mitigate any IU discharge issues. • Adds language that allows the District to require the installation of pretreatment facilities to meet discharge limits or standards specified in the ordinance. 	<ul style="list-style-type: none"> •P.8, Article 1, Section 3, D(4) •P.9, Article 1, Section 6

Table A. Considerations for SSLOCSD Pretreatment Ordinance Update

Subject	Topic	Source	Section	Description	Comments	Section(s) Referenced in 1994 Ordinance
General Sewer Use Requirements/ Prohibited Discharges	Best Management Practices	Encina Wastewater Authority Pretreatment Ordinance	4.5	Clearly defines a BMP as an action that reduces the net impact of constituents discharged to a POTW. Examples include (but are not limited to) actions and documentation of process inputs changes, operational improvements, production process changes, and product reformulations.	<ul style="list-style-type: none"> • In an effort to minimize pollutant and wastewater discharge, section adds language that forces IUs to implement BMPs where deemed feasible. • Forces IUs to make active, long-term effort to minimize impacts to the POTW. 	--
General Sewer Use Requirements/ Prohibited Discharges	Time and Location Monitoring	Encina Wastewater Authority Pretreatment Ordinance	4.6A	Outlines potential time and location-based restrictions for limiting discharges to the POTW.	<ul style="list-style-type: none"> • In the event of peak flow events, maintenance, and/or discharge location issues, this provision would allow the District to restrict IU discharges for certain periods of time or locations. • Adds specific language that expands upon existing additional pretreatment measures. 	P.8, Article 1, Section 3, D(3)
General Sewer Use Requirements/ Prohibited Discharges	Toxic Organics Management	Encina Wastewater Authority Pretreatment Ordinance	5.8	Adds provisions that prevent the discharge of any toxic organics into the POTW through a Toxic Organics Management Plan (TOMP). The TOMP may be develop and used in lieu of self-monitoring for discharged toxic organics.	Although no documented users that utilize toxic organics currently discharge into the District's POTW, addition of this provision could apply to future IUs that have the potential to discharge toxic organics.	--
General Sewer Use Requirements/ Prohibited Discharges	Categorical Standards	Encina Wastewater Authority Pretreatment Ordinance	5.4	Adds provisions for existing or new IUs subject to Pretreatment Standards or Requirements to submit information regarding compliance with 40 CFR 403.12(b) (4)-(6), within 90 days following the final compliance date with an applicable Categorical Standard or commencement of a new, applicable IUs discharge.	• Adds language that coordinates with the considered addition of Categorical Pretreatment standards into the Ordinance, reinforcing compliance with federal pretreatment laws within a specified time frame.	P.8, Article 1, Section 4
General Sewer Use Requirements/ Prohibited Discharges	Additional Pretreatment Measures	EPA Model Pretreatment Ordinance	3.2B	Adds provisions for suitable storage and flow-control facilities and delineates responsibility to ensure equalization of flow at the discretion of the District.	<ul style="list-style-type: none"> • Expands upon existing language in the Ordinance requires users to install and maintain flow-equalization and storage, if required by the District. • During peak flow periods or complete restriction of discharge to POTW, additional language allows for a discharge permit to be issued solely for flow equalization. 	P.8, Article 1, Section 3, D(3)

Table A. Considerations for SSLOCSD Pretreatment Ordinance Update

Subject	Topic	Source	Section	Description	Comments	Section(s) Referenced in 1994 Ordinance
General Sewer Use Requirements/ Prohibited Discharges	Additional Pretreatment Measures	EPA Model Pretreatment Ordinance	3.2D	Adds provision of requiring users with the potential to discharge flammable substances to install and maintain an approved combustible gas detection meter.	<ul style="list-style-type: none"> Although no users that discharge flammable substances currently discharge to the POTW, additional language allows the District to require users with flammable discharges to install and maintain a gas detection meter, resulting in an additional layer of protection for POTW and District Staff. 	--
General Sewer Use Requirements/ Prohibited Discharges	Accidental Discharge/Slug Discharge Control Plans	EPA Model Pretreatment Ordinance	3.3	<p>Adds section specifically outlining what accidental discharge/slug discharge control plans should contain, if deemed necessary by the District. Items shall include (at the minimum):</p> <ul style="list-style-type: none"> Description of discharge practices Description of stored chemicals Procedures required for notifying the District of accidental or slug discharge. Potential procedures for preventing accident or slug discharges 	<ul style="list-style-type: none"> Gives the District the authority to require that proactive, preventative measures be taken to ensure that the POTW and District Staff are not harmed by any excessively adverse accidental or slug discharges through a comprehensive plan. Although current Wastewater Discharge Application already requires list of stored chemicals/fuels stored at facility to be disclosed, additional language in the Ordinance would reaffirm and expand upon this practice. 	--
General Sewer Use Requirements/ Prohibited Discharges	Hauled Wastewater	EPA Model Pretreatment Ordinance	3.4	Adds language that limits discharge locations of waste haulers (primarily septic tank dischargers) to discretion of the District, prohibits or requires a permit for dischargers hauling industrial waste, allows the District to designate locations for accepted dischargers hauling industrial waste, and requires waste-tracking forms to be provided for every discharged load.	<ul style="list-style-type: none"> Expands upon existing language in Ordinance regulated septic tank dumping to include hauled industrial waste. Although no hauled industrial waste has been identified as being discharged to the POTW, would add provisions for any future discharges of this classification. Add specific language that gives the District authority to restrict discharge locations of both septic and industrial waste dischargers. 	P.15, Article 3
General Sewer Use Requirements/ Prohibited Discharges	Right to Revision	EPA Model Pretreatment Ordinance	2.5	Adds statement justifying the District's Right to Revision in establishing more stringent Standards or Requirements on discharges to the POTW, as long as they are consistent with the purpose of the Ordinance.	Would allow the District to establish more stringent regulations to protect the operations of the POTW and any District staff exposed to excess quantities of harmful pollutants.	--
Inspection and Powers of Authority	Search Warrants	EPA Model Pretreatment Ordinance	7.2	<p>Adds section that justifies the District to seek a search warrant from the appropriate local authorities under one or more of the following conditions:</p> <ul style="list-style-type: none"> The District has been refused access to any part of user's facility. Able to demonstrate probable cause to believe that the Ordinance has been violated. Inspect and/or conduct routine sampling. Protect public health, safety, and/or welfare of the community. 	Expands upon the existing section of the Ordinance outlining the Powers and Authority of Inspectors through creating justification for the District to seek a search warrant under difficult or threatening circumstances.	P.11, Article 1, Section 10

Table A. Considerations for SSLOCSD Pretreatment Ordinance Update

Subject	Topic	Source	Section	Description	Comments	Section(s) Referenced in 1994 Ordinance
Wastewater Discharge Permits	Wastewater Analysis for Permitted and Unpermitted Users	EPA Model Pretreatment Ordinance	4.1	Adds statement justifying District requests for wastewater analysis to determine it's nature and characteristics (and any periodic updates) from IUs (including both permit or non-permit holders).	While language in the existing Ordinance specifies that permit holders are required to submit wastewater analyses at the District's request, addition of an entire section that outlines the process and requirements of obtaining a wastewater discharge permit would also justify any District requests for non-permitted IUs to submit a wastewater analysis.	P.13, Article 1, Section 12
Wastewater Discharge Permits	Permit Requirements	EPA Model Pretreatment Ordinance	4.2	Justifies requirements for IUs to obtain wastewater discharge permits before discharging wastewater into the POTW. Additionally, outlines violation conditions and obligations of the permittee to comply with Federal and State Pretreatment Standards or Requirements, as well as any applicable laws.	<ul style="list-style-type: none">•Justifies the need for and conditions of an IU applying for and maintaining a wastewater discharge permit.•While it is already stated in the existing Ordinance that discharges of non-domestic wastewater are prohibited without a permit, addition of language outlining specific requirements, violation conditions, and permittee obligations expands upon and justifies the requirements and process of obtaining wastewater discharge permits.	P.11, Article 1, Section 11 (B)
Wastewater Discharge Permits	Permit Application Contents	EPA Model Pretreatment Ordinance	4.5	States the minimum information to be included in an individual wastewater discharge permit. This includes the following: <ul style="list-style-type: none">•Identifying information•Description of operations•Time and duration of discharges•The location for monitoring all wastes covered by the permit•Flow measurement (measured average daily discharges and maximum daily flow from waste streams)•Measurement of pollutants•Requests for monitoring waivers•Any other applicable information	The majority of the information stated in Section 4.5 of the EPA Model is already contained in the District's current Wastewater Discharge Permit Application. Addition of an entire section that outlines the process and requirements of obtaining a wastewater discharge permit would allow the Ordinance to justify what is currently required in Wastewater Discharge Permit Application.	--
Wastewater Discharge Permits	Required Permit Contents	EPA Model Pretreatment Ordinance	5.2A	States the minimum requirements that must included in an individual wastewater discharge permit. In addition to the requirements in the existing Ordinance, the following are to be considered: <ul style="list-style-type: none">•A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule.•Requirements to control slug discharge, if deemed applicable by the District.•Any grant of the monitoring waiver by the District must be included as as condition in the issued permit.	The majority of the information stated in Section 5.2A of the EPA Model is already contained in the existing Ordinance and Wastewater Discharge Permits. Addition of the listed provisions in the item description would more clearly delineate penalties, specify any slug discharge control requirements, and include any monitoring waivers granted by the District.	P.12, Article 1, Section 11(A)

Table A. Considerations for SSLOCSD Pretreatment Ordinance Update						
Subject	Topic	Source	Section	Description	Comments	Section(s) Referenced in 1994 Ordinance
Wastewater Discharge Permits	Optional Permit Contents	EPA Model Pretreatment Ordinance	5.2B	<p>States the minimum requirements that may be included in an individual wastewater discharge permit. In addition to the requirements in the existing Ordinance, the following are to be considered:</p> <ul style="list-style-type: none">•Limits on the average and/or maximum rate of discharge, time of discharge and/or requirements for flow regulation.•Requirements 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.•Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges.•Development and implementation of waste minimization plans to reduce the amount of pollutants discharged.•The unit charge or schedule of charges and fees for the management of the wastewater discharged.•Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices.•A statement that compliance with the individual wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the individual wastewater discharge permit.	<p>Some of the information stated in Section 5.2B of the EPA Model is already contained in the existing Ordinance and Wastewater Discharge Permits. In some instances, the discharge requirements of particular IUs are unique, requiring special provisions to be made in their discharge permits. Addition of the provisions listed in the item description would provide the District maximum flexibility in selecting which requirements may be implemented in a particular wastewater discharge permit.</p>	P.12, Article 1, Section 11(A)

Table A. Considerations for SSLOCSD Pretreatment Ordinance Update

Subject	Topic	Source	Section	Description	Comments	Section(s) Referenced in 1994 Ordinance
Wastewater Discharge Permits	Permit Modification	EPA Model Pretreatment Ordinance	5.4	<p>Justifies any modifications that the District may deem necessary to an issued wastewater discharge permit. This includes the following:</p> <ul style="list-style-type: none">• To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements.•To address significant alterations or additions to the User’s operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance.•A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.•Information indicating that the permitted discharge poses a threat to District's POTW and/or personnel, or the receiving waters.•Violation of any terms or conditions of the individual wastewater discharge permit.•Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting.•Revision of or a grant of variance from categorical Pretreatment Standards pursuant to 40 CFR 403.13.•To correct typographical or other errors in the individual wastewater discharge permit.•To reflect a transfer of the facility ownership or operation to a new owner or operator where requested	In the existing Ordinance, open-ended language allows the District to modify issued permits with a prior, minimum thirty-day notification to the IU. Addition of the provisions listed in the item description would provide the District maximum flexibility in being able to modify issued permits under the stated provisions.	P.12, Article 1, Section 11(B)
Wastewater Discharge Permits	Permit Revocation	EPA Model Pretreatment Ordinance	5.6	<p>States several conditions that could justify the revocation of wastewater discharge permit. The following conditions are to be considered:</p> <ul style="list-style-type: none">•Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application.•Falsifying self-monitoring reports and certification statements.•Tampering with monitoring equipment.•Failure to meet effluent limitations, pay fines, and/or sewer charges.	Some of the conditions for permit revocation stated in Section 5.6 of the EPA Model are already contained in the existing Ordinance. Inclusion of additional justifications for permit revocation would expand the authority and flexibility of the District's enforcement of problematic IUs.	P.13, Article 1, Section 11(D)
Wastewater Discharge Permits	Permit Reissuance	EPA Model Pretreatment Ordinance	5.7	<p>Outlines the process of reapplying for a wastewater discharge permit within a specified time period before an IUs current permit expires.</p>	<ul style="list-style-type: none">•No provision outlining the process of reapplying for a wastewater discharge permit is stated in the existing Ordinance.•Provides a minimum time frame that IUs with expiring permits must comply with. In effect, this gives the District time to process the reapplication package.•Any reapplying IUs would hopefully be issued a new discharge permit before the expiration date of their prior permit, potentially eliminating "downtime" they would experience by not being able to discharge after the expiration date.	--

Table A. Considerations for SSLOCSD Pretreatment Ordinance Update

Subject	Topic	Source	Section	Description	Comments	Section(s) Referenced in 1994 Ordinance
Monitoring and Reporting Requirements	Self Monitoring	Encina Wastewater Authority Pretreatment Ordinance	5.1	Documents general self-monitoring procedures, specific timeframes and penalties associated with failure to comply with self-monitoring schedules. Furthermore, would give the District authority to perform monitoring assessments and reporting of any IU that has failed to perform self-monitoring or submit a self-monitoring report, at the IUs expense.	<ul style="list-style-type: none"> • Adds specific language that expands the existing self-monitoring requirements. • Gives District the authority to perform monitoring analyses and reports for IU that fail to do so, at no cost to the District. 	P.13, Article 1, Section 12
Monitoring and Reporting Requirements	Baseline Monitoring Reports	EPA Model Pretreatment Ordinance	6.1	<p>Outlines the requirements of baseline monitoring reports. This includes the following:</p> <ul style="list-style-type: none"> • Information required in the wastewater discharge permit application • Measurements of pollutants • Compliance Certification and Schedule • Signature and Report Certification 	<ul style="list-style-type: none"> • Although the District has historically conducted baseline monitoring of IUs, the requirements for conducting such monitoring is not specified in the existing Ordinance. • Baseline Report Monitoring would allow the District gauge whether each IU is meeting pretreatment standards set forth in the Ordinance and justify any modifications that need to be made an IUs pretreatment facilities or wastewater discharge permit. 	P.13, Article 1, Section 12
Monitoring and Reporting Requirements	Compliance Schedule Progress Reports	EPA Model Pretreatment Ordinance	6.2	<p>Outlines the requirements of compliance schedule progress reports. This includes the following:</p> <ul style="list-style-type: none"> • Progress increments in the form of dates for the commencement and completion of required pretreatment facilities. • No increment of dates between compliance progress deadlines shall exceed nine months. • Progress reports shall be submitted no later than fourteen days following each date in the schedule and the final compliance dates. 	Although language outlining the submission of compliance time schedule is already contained in the existing Ordinance, addition of specific time increments between compliance progress deadlines and submission of progress reports enhances the District's authority in enforcing critical compliance timelines.	P.16, Article 4, Section 21
Monitoring and Reporting Requirements	Reports of Changed Conditions	EPA Model Pretreatment Ordinance	6.5	<p>Specifies procedures and the requirements of submitting a report notifying the District of changed operating or system conditions that may adversely impact wastewater discharged to the POTW. This includes the following:</p> <ul style="list-style-type: none"> • Submission of any information deemed necessary by the District to gauge the characteristics of the altered waste stream(s), including resubmission of a wastewater discharge permit application. • The District may reissue a new permit or modify an existing permit in response to changed or anticipated changed wastewater discharge conditions. 	No provision outlining the process and requirements of notifying the District of any operation changes is included in the existing Ordinance. By specifying potential courses of action the District could take to gauge the characteristics of changed waste streams, the District has a "blueprint" responding to changes in IU wastewater discharge characteristics.	P.13, Article 1, Section 12
Monitoring and Reporting Requirements	Reports from Unpermitted Users	EPA Model Pretreatment Ordinance	6.7	Justifies the requirement for any non-permitted to submit the appropriate reports at the District's request.	This statement would coordinate with Section 4.1 of the EPA Model Pretreatment Ordinance (see prior item identified for consideration), if considered by the District. Addition of this statement would reinforce the expanded authority of the District to request wastewater analyses and monitoring report from non-permitted IUs.	P.13, Article 1, Section 12

Table A. Considerations for SSLOCSD Pretreatment Ordinance Update						
Subject	Topic	Source	Section	Description	Comments	Section(s) Referenced in 1994 Ordinance
Supplemental Enforcement/ Miscellaneous Provisions/ Charges, Fees, and Rates	Pretreatment Charges and Fees	EPA Model Pretreatment Ordinance	15.1	<p>Adds sections that allow for the District to impose additional charges, rates, and fees for the following:</p> <ul style="list-style-type: none"> •Fees for review and responding to accidental discharge procedures and construction •Fees for filing appeals •Fees to recover administrative and legal costs of addressing IU non-compliance •Other fees that the District deems necessary to fulfill the requirements of the Ordinance (such as BOD/TSS Fee and Rate Structures) 	<ul style="list-style-type: none"> •As referenced elements (appeals, issuance of non-compliance orders, review and response of accidental/slugs discharge, etc.) are considered, justification of charges and fees would allow for the Pretreatment Program to pay for itself (theoretically). •The District's objective of creating a fee and rate structure for BOD/TSS surcharges could potentially be justified by "other fees necessary to fulfill the requirements of the Ordinance". 	P.14, Article 2, Section 14(B)
Supplemental Enforcement/ Miscellaneous Provisions/ Charges, Fees, and Rates	Additional Enforcement and Penalties	EPA Model Pretreatment Ordinance	12.1-12.4	<p>Details additional actions and fees that the District could impose on dischargers:</p> <ul style="list-style-type: none"> •Penalties for late reports •Performance bonds and Liability Insurance for non-compliant IUs •Payment of outstanding fees and penalties 	<ul style="list-style-type: none"> •Would allow the District to resort to additional enforcement actions for any problematic IUs that have an adverse impact to the POTW. •Addition of multiple provisions would give the District the flexibility in assessing which enforcement actions could be most appropriate to impose for particular IUs. 	P.17, Article 5
Affirmative Defenses to Discharge Violations	Upset	EPA Model Pretreatment Ordinance	13.1	<p>Adds section that outlines the conditions and procedures for IUs affirmative defense to an unintentional discharge that may have been in temporary non-compliance due to reasons beyond the discharger's control.</p>	<ul style="list-style-type: none"> •Allows for IUs to contest any unwarranted non-compliance actions brought against them by the District. While accidents do happen, the addition of this section would outline under what set of conditions and procedures an affirmative defense could occur. •Expands upon existing language in Ordinance that allows for IUs to appeal non-compliance actions. 	P.17 Article 4, Section 22
Affirmative Defenses to Discharge Violations	Prohibited Discharge Standards	EPA Model Pretreatment Ordinance	13.2	<p>Adds section that outlines the under what conditions a discharger may contest non-compliance actions brought against them if they did not know that a discharge could cause pass through or interference in the POTW and either:</p> <ul style="list-style-type: none"> •A local limit existing for each discharged pollutant and the IU was in compliance with each limit prior to any pass through and/or interference events in the POTW. •No local limit exists, but the IU was in compliance prior to the pass through and/or interference event in the POTW. 	<ul style="list-style-type: none"> •Allows for IUs to contest any unwarranted non-compliance actions brought against them by the District. While accidents do happen, the addition of this section would outline under what set of conditions an affirmative defense could occur. •Expands upon existing language in Ordinance that allows for IUs to appeal non-compliance actions. 	P.17 Article 4, Section 22
Affirmative Defenses to Discharge Violations	Bypass	EPA Model Pretreatment Ordinance	13.3	<p>Adds section that details bypass of waste streams from any part of the IUs treatment and/or storage facilities. Outlines conditions and procedures IUs must follow if bypass were to occur, such as:</p> <ul style="list-style-type: none"> •Necessary maintenance of a discharger's facilities •Avoidance of personal and physical harm •No other feasible alternatives to bypass <p>Notifications to the District would be required to obtain permission to conduct bypass activities.</p>	<p>Allows for IUs to conduct bypass activities that may benefit the operations of their facilities. Primarily, addition of language that allows for bypass would prevent any damage to the facilities that either store and/or treat a discharger's wastes.</p>	--

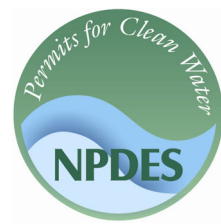
Appendix B. Reference Ordinance (Highlighted)

2007 EPA Model Pretreatment Ordinance

EPA MODEL PRETREATMENT ORDINANCE



Office of Wastewater Management/
Permits Division



January 2007

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

EPA 833-B-06-002

Ordinance Key

Required Pretreatment Streamlining Rule changes are designated as a ***Required Streamlining Rule Change*** in 10 point font bold italics.

[Informational notes are in brackets in 10 point bold font]

Optional requirements (not-required by 40 CFR Part 403) are labeled: “**{optional}**” in 10 point bold font.

EPA MODEL PRETREATMENT ORDINANCE

INTRODUCTION

The United States Environmental Protection Agency (EPA), Office of Wastewater Management, Water Permits Division has prepared this Model Pretreatment Ordinance. It is for use by municipalities operating Publicly Owned Treatment Works (POTWs) that are required to develop pretreatment programs to regulate industrial discharges to their systems. The model ordinance should also be useful for communities with POTWs that are not *required* to implement a pretreatment program in drafting local ordinances to control nondomestic dischargers within their jurisdictions.

A municipality should not adopt the model ordinance verbatim. Instead, the model ordinance should be used as a guide for adopting new or revised provisions of local law to implement and enforce a pretreatment program that fulfills requirements set out in the *Code of Federal Regulations* (CFR). The municipality must consider conditions at its POTW and consult State law to determine what adjustments might need to be made to the model ordinance and what provisions are authorized under State law. Many provisions in the model ordinance contain blanks or brackets; these indicate that the provision must be adapted to the POTW's circumstances. Also, bracketed notes in bold, 10 point print are provided for certain provisions, explaining issues the municipality must consider when crafting local provisions.

Some provisions in the model ordinance are not strictly required by the General Pretreatment Regulations (40 CFR Part 403); however, they have been included because they may be useful in ensuring that the municipality has adequate legal authority to effectively implement its local pretreatment program. In addition, the model ordinance includes additional, other provisions that, while included in the "Pretreatment Streamlining Rule (October 14, 2005, 70 FR 60134) are not required elements of a local pretreatment program. These provisions are designated as optional, and are indicated as such in the ordinance by "{**optional**}". Furthermore, POTWs considering adopting the non-required provisions of the *Pretreatment Streamlining Rule* should verify with their Approval Authority to determine whether these optional items are available for implementation. Where a municipality either must adopt a provision similar to the one in the model ordinance or develop its own means of accomplishing that section's objective, the section is preceded by a bracketed note explaining the municipality's options. Other provisions, such as the model ordinance's statement of purpose and effective date, are necessary only to the extent that they are typical of any local ordinance.

POTWs should be aware that any change to their pretreatment ordinance is considered a modification to their approved pretreatment program. All modifications to a POTW's approved pretreatment program must be submitted to the Approval Authority in accordance with 40 CFR 403.18. It is EPA's expectation that States will review POTW ordinances to ensure that the ordinances are consistent with State law. POTWs should request this review from their States.

EPA Regions and representatives of various States and municipalities provided valuable comments in helping to prepare this document.

This EPA Model Pretreatment Ordinance also is available on EPA's Web site at <http://www.epa.gov/npdes/pretreatment> in Microsoft WORD7® format.

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EPA MODEL PRETREATMENT ORDINANCE

ORDINANCE NO. []

SECTION 1—GENERAL PROVISIONS

1.1 Purpose and Policy

This ordinance sets forth uniform requirements for Users of the Publicly Owned Treatment Works for the [City of] and enables [the City] to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code [U.S.C.] section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the *Code of Federal Regulations* [CFR] Part 403). The objectives of this ordinance are:

- A. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;
- B. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;
- C. To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- D. To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;
- E. **{Optional}** To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and
- F. To enable [the City] to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

This ordinance shall apply to all Users of the Publicly Owned Treatment Works. The ordinance authorizes the issuance of individual wastewater discharge permits [or general permit **{optional}**]; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires User reporting; [and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein. **{Optional}** **[Note: Not all programs distribute the cost of the program through fees (some come out of the general budget) so Section 15 may not be applicable to your municipality and indicates that it is optional to have pretreatment charges and fees.]**

1.2 Administration

Except as otherwise provided herein, [the Superintendent] shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon [the Superintendent] may be delegated by [the Superintendent] to a duly authorized [City] employee.

1.3 Abbreviations

The following abbreviations, when used in this ordinance, shall have the designated meanings:

BOD – Biochemical Oxygen Demand
BMP – Best Management Practice
BMR – Baseline Monitoring Report
CFR – *Code of Federal Regulations*
CIU – Categorical Industrial User
COD – Chemical Oxygen Demand
EPA – U.S. Environmental Protection Agency
gpd – gallons per day
IU – Industrial User
mg/l – milligrams per liter
NPDES – National Pollutant Discharge Elimination System
NSCIU – Non-Significant Categorical Industrial User
POTW – Publicly Owned Treatment Works
RCRA – Resource Conservation and Recovery Act
SIU – Significant Industrial User
SNC – Significant Noncompliance
TSS – Total Suspended Solids
U.S.C. – United States Code

1.4 Definitions

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

[Note: Each of the terms and phrases defined below are used at least once in the ordinance. When the municipality adopts its final version of the ordinance, it should delete from this Section all terms not used.]

A. Act or “the Act.” The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. section 1251 et seq.

B. Approval Authority. **[Note: Designate the State as the Approval Authority if the State has an EPA-approved pretreatment program. Alternatively, designate the appropriate Regional Administrator of EPA as the Approval Authority in a nonapproved State.]**

C. Authorized or Duly Authorized Representative of the User.

(1) If the User is a corporation:

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

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

(2) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(3) If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(4) The individuals described in paragraphs 1 through 3, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to [the City].

D. Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).

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 Section 2.1 A and B [40 CFR 403.5(a)(1) and (b)]. BMPs 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. **[Note: BMPs also include alternative means (i.e., management plans) of complying with, or in place of certain established categorical Pretreatment Standards and effluent limits.]**

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

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

H. [City]. [The City of] or [the City Council of].

I. Chemical Oxygen Demand or COD. A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

J. Control Authority. The [City]

K. Daily Maximum. The arithmetic average of all effluent samples for a pollutant collected during a calendar day.

L. Daily Maximum Limit. The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

M. Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.

K. Existing Source. Any source of discharge that is not a “New Source.”

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

M. Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any nondomestic source.

N. Instantaneous Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event. **[Note: If the POTW would like the flexibility to measure compliance with either a single grab sample or sample representative of the discharge day, the POTW should establish both Daily Maximum and Instantaneous Limits.]**

O. Interference. A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of [the

City's] NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: section 405 of the Act; the Solid Waste Disposal Act, including Title II 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.

P. Local Limit. Specific discharge limits developed and enforced by [the City] upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

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

R. Monthly Average. The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

S. Monthly Average Limit. The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

T. New Source.

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

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

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

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

(2) Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new

building, structure, facility, or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

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

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

- (i) any placement, assembly, or installation of facilities or equipment; or
- (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are 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.

U. Noncontact Cooling Water. Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

V. Pass Through. 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 City's] NPDES permit, including an increase in the magnitude or duration of a violation.

W. Person. Any individual, partnership, copartnership, 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.

X. pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.

Y. Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

Z. Pretreatment. 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 by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard.

AA. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.

BB. Pretreatment Standards or Standards. Pretreatment Standards shall mean prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.

CC. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2.1 of this ordinance.

DD. Publicly Owned Treatment Works or POTW. A treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), which is owned by [the City]. 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.

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

FF. Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).

GG. Significant Industrial User (SIU).

Except as provided in paragraphs (3) and (4) of this Section, a Significant Industrial User is:

- (1) An Industrial User subject to categorical Pretreatment Standards; or
- (2) An Industrial User that:
 - (a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
 - (b) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - (c) Is designated as such by [the City] on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.

{Optional} [Note: The following provision may be included in the local ordinances only if authorized under State law. Criteria for reduced reporting must also include any criteria defined in applicable State requirements.]

(3) The [City] may determine that an Industrial User subject to categorical Pretreatment Standards 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:

- (a) The Industrial User, prior to [City's] finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
- (b) The Industrial User annually submits the certification statement required in Section 6.14 B [see 40 CR 403.12(q)], together with any additional information necessary to support the certification statement; and
- (c) The Industrial User never discharges any untreated concentrated wastewater.

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

HH. Slug Load or Slug Discharge. Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 2.1 of this ordinance. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, 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.

II. Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

JJ. [Superintendent]. The person designated by [the City] to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this ordinance. The term also means a Duly Authorized Representative of the [Superintendent].

KK. Total Suspended Solids or Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.

LL. User or Industrial User. A source of indirect discharge.

MM. Wastewater. 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.

NN. Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

SECTION 2—GENERAL SEWER USE REQUIREMENTS

2.1 Prohibited Discharge Standards

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

B. Specific Prohibitions. No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

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

(2) Wastewater having a pH less than 5.0 [or more than ____], or otherwise causing corrosive structural damage to the POTW or equipment;

[Note: The municipality should be aware that the General Pretreatment Regulations at 40 CFR 403.5(b) do not set an upper pH limit, although many municipalities find such a limit necessary or useful. If the municipality wishes to set an upper pH limit, it should insert one in this Section. 40 CFR 261.22 established that wastes discharged with a pH over 12.5 are considered corrosive hazardous wastes and therefore, the POTW would need to comply with applicable requirements under the Resource Conservation and Recovery Act and implementing regulations for Treatment, Storage, and Disposal facilities if such wastes are delivered to the POTW by truck, rail, or dedicated pipe. Accordingly, if the POTW chooses to prohibit discharge of characteristic hazardous wastes, the upper pH limit must be no greater than 12.5.]

(3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in Interference [but in no case solids greater than ____ inch(es) (____”) or ____ centimeter(s) (____ cm) in any dimension];

(4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the POTW;

(5) Wastewater having a temperature greater than [____ degrees F (____ degrees C)], or which will inhibit biological activity in the treatment plant resulting in Interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 degrees C);

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

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

(8) Trucked or hauled pollutants, except at discharge points designated by [the Superintendent] in accordance with Section 3.4 of this ordinance;

{Note: Discharge prohibitions B.(1) through B.(8) are mandatory National Pretreatment Standards and must be included in the ordinance; discharge prohibitions B.(9) through B.(18) below are optional.}

(9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair; **{optional}**

(10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating [the City's] NPDES permit; **{optional}**

(11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations; **{optional}**

(12) Storm Water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, Noncontact Cooling Water, and unpolluted wastewater, unless specifically authorized by [the Superintendent]; **{optional}**

(13) Sludges, screenings, or other residues from the pretreatment of industrial wastes; **{optional}**

(14) Medical Wastes, except as specifically authorized by [the Superintendent] in an individual wastewater discharge permit [or a general permit **{optional}**]; **{optional}**

(15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test; **{optional}**

(16) Detergents, surface-active agents, or other substances which that might cause excessive foaming in the POTW; **{optional}**

(17) Fats, oils, or greases of animal or vegetable origin in concentrations greater than [() mg/l]; **{Note: Numeric limits for these pollutants may be placed in Section 2.4}** **{optional}**

(18) Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than [_____] percent (____%) or any single reading over [_____] percent (____%) of the Lower Explosive Limit of the meter. {optional}

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

2.2 National Categorical Pretreatment Standards

Users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405–471.

[Note: State procedures for incorporation by reference must be followed. EPA regulations at 40 CFR 403.13 authorize a CIU to obtain a variance from a categorical Pretreatment Standard if the CIU can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical Pretreatment Standard. The POTW might need to include a provision authorizing it to incorporate or recognize revised Standards if the User has obtained an FDF variance from EPA on the basis of 40 CFR 403.13. That CIU's Standards would be replaced by the revised FDF variance Standard.]

A. Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, [the Superintendent] may impose equivalent concentration or mass limits in accordance with Section 2.2E and 2.2F. {Optional} [Note: See 40 CFR 403.6(c)]

B. When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the [Superintendent] 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. {Optional} [Note: See 40 CFR 403.6(c)(2)]

C. When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, [the Superintendent] shall impose an alternate limit in accordance with 40 CFR 403.6(e).

{Optional}[Note: The following provision may be included in the local ordinance at the municipality's discretion.]

D. A CIU may obtain a net/gross adjustment to a categorical Pretreatment Standard in accordance with the following paragraphs of this Section. [Note: See 40 CFR 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 [City]. 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.

- a. Either (i) The applicable categorical Pretreatment Standards contained in 40 CFR subchapter N specifically provide that they shall be applied on a net basis; or (ii) 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.
- b. Credit for generic pollutants such as biochemical oxygen demand (BOD), total suspended solids (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.
- c. 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.
- d. 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 [City] may waive this requirement if it finds that no environmental degradation will result.

{Optional} [Note: The following optional provision may be included in the local ordinances only if authorized under State law.]

E. When a categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that [the City] convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the [Superintendent]. [The City] may establish equivalent mass limits only if the Industrial User meets all the conditions set forth in Sections 2.2E(1)(a) through 2.2E(1)(e) below.

- (1) To be eligible for equivalent mass limits, the Industrial User must:
 - a. 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;
 - b. 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;
 - c. 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;

- d. 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
 - e. 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:
- a. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
 - b. Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
 - c. Continue to record the facility's production rates and notify the [Superintendent] whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph 2.2F(1)(c) of this Section. Upon notification of a revised production rate, the [Superintendent] will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
 - d. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraphs 2.2E(1)(a) of this Section so long as it discharges under an equivalent mass limit.
- (3) When developing equivalent mass limits, the [Superintendent]:
- a. Will calculate the equivalent mass limit by multiplying the actual 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;
 - b. 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
 - c. May retain the same equivalent mass limit in subsequent individual wastewater discharger 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 pursuant to Section 2.6. The Industrial User must also be in compliance with Section 13.3 regarding the prohibition of bypass.]

{Optional} [Note: The following optional provisions (F–I) may be included in the local ordinances only if authorized under State law.]

F. [The Superintendent] 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 [Superintendent].

[Note: When converting such limits to concentration limits, the [Superintendent] will use the concentrations listed in the applicable subparts of 40 CFR Parts 414, 419, and 455 and document that dilution is not being substituted for treatment as prohibited by Section 2.6 of this ordinance (see 40 CFR 403.6(d)). In addition, the [Superintendent] will document how the equivalent limits were derived for any changes from concentration to mass limits, or vice versa, and make this information publicly available (see 40 CFR 403.6(c)(7)).]

G. Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this Section (2.2) in lieu of the promulgated categorical Standards from which the equivalent limitations were derived. **[Note: See 40 CFR 403.6(c)(7)]**

H. 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. **[Note: See 40 CFR 403.6(c)(8)]**

I. Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the [Superintendent] 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 [Superintendent] 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. **[Note: See 40 CFR 403.6(c)(9)]**

2.3 State Pretreatment Standards

Users must comply with [State Pretreatment Standards] codified at [insert appropriate cite to State statute or law].

2.4 Local Limits

[Note: Municipalities need to establish limits for some or all of the pollutants listed below, and might need to set limits for pollutants not listed below. The municipality may also establish Best Management Practices (BMPs) to control certain pollutants. The municipality will provide public notice and an opportunity to respond to interested parties (40 CFR 403.5(c)(3)). This requirement applies whether Local Limits are set by ordinance or on a case-by-case basis.]

A. The [Superintendent] is authorized to establish Local Limits pursuant to 40 CFR 403.5(c).

[Note: The municipality may set limits as instantaneous maximums or for other durations (e.g., Daily Maximum or Monthly Average Limits). The municipality should define these durations in the definition Section.]

B. The following pollutant limits are established to protect against Pass Through and Interference. No person shall discharge wastewater containing in excess of the following [insert the duration, for example Daily Maximum Limit].

[Note: The approach of charging only for the “excess” loading presumes the standard sewer charges already provide appropriate payment for concentrations up to domestic strength. Many POTWs establish surcharges for conventional pollutants amenable to treatment, such as BOD₅ and TSS. Ordinances should clearly distinguish between surcharges and Local Limits. Surcharges are additional charges to recover the cost to treat wastewater that are typically assessed when discharge concentrations are above defined values, typically above domestic wastewater. Enforceable Local Limits for conventional pollutants are established where there is potential for these pollutants to be discharged to the POTW in quantities or concentrations that could exceed the POTW’s plant capacity. When IUs discharge in excess of a Local Limit, they are subject to enforcement actions.]

[	]	mg/l ammonia
[	]	mg/l arsenic
[	]	mg/l BOD ₅
[	]	mg/l cadmium
[	]	mg/l chromium
[	]	mg/l copper
[	]	mg/l cyanide
[	]	mg/l lead
[	]	mg/l mercury
[	]	mg/l molybdenum
[	]	mg/l nitrogen (total)
[	]	mg/l nickel
[	]	mg/l oil and/or grease [Note: Oil and/or grease limits should be defined as a polar, nonpolar, or total oil and grease limits.]
[	]	mg/l selenium
[	]	mg/l silver
[	]	mg/l total phenols
[	]	mg/l total suspended solids
[	]	mg/l zinc

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. [The Superintendent] may impose mass limitations in addition to the concentration-based limitations above.

[Note: For additional information on Local Limits, refer to Local Limits Development Guidance, EPA Office of Wastewater Management, July 2004, EPA (833-R-04-002A). Available via the Web at http://www.epa.gov/npdes/pubs/final_local_limits_guidance.pdf and http://www.epa.gov/npdes/pubs/final_local_limits_appendices.pdf]

{Optional} [Note: The following optional provision may be included in the local ordinances only if authorized under State law.]

C. [The Superintendent] may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits [or general permits {optional}], to implement Local Limits and the requirements of Section 2.1.

2.5 [City's] Right of Revision

The [City] reserves the right to establish, by ordinance or in individual wastewater discharge permits [or in general permits {optional}], more stringent Standards or Requirements on discharges to the POTW consistent with the purpose of this ordinance.

2.6 Dilution

No User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. [The Superintendent] may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases when the imposition of mass limitations is appropriate.

SECTION 3—PRETREATMENT OF WASTEWATER

3.1 Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Section 2.1 of this ordinance within the time limitations specified by EPA, the State, or [the Superintendent], 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 Superintendent] for review, and shall be acceptable to [the Superintendent] 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 City] under the provisions of this ordinance.

3.2 Additional Pretreatment Measures

{Optional}[Note: The following provisions are optional. The municipality may include provisions authorizing it to do the following.]

A. Whenever deemed necessary, [the Superintendent] 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 sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this ordinance.

B. [The Superintendent] may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit [or a general permit {optional}] may be issued solely for flow equalization.

[Note: The City should modify this Section to conform to design, maintenance, inspection and BMP requirements for oil and grease control.]

C. Grease, oil, and sand interceptors shall be provided when, in the opinion of [the Superintendent], 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 users. All interception units shall be of a type and capacity approved by [the Superintendent], [shall comply with [the City's Oil and Grease Management ordinance (if applicable, cite), and] shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired [in accordance with [the City's Oil and Grease Management ordinance (if applicable, cite)] by the User at their expense.

D. 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 Discharge Control Plans

[The Superintendent] shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control Slug Discharges. [The Superintendent] may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. Alternatively, [the Superintendent] may develop such a plan for any User. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

A. Description of discharge practices, including nonroutine batch discharges;

B. Description of stored chemicals;

C. Procedures for immediately notifying [the Superintendent] of any accidental or Slug Discharge, as required by Section 6.6 of this ordinance; and

D. Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

3.4 Hauled Wastewater

[Note: The municipality will ensure that hauled industrial waste is adequately regulated and should take measures to ensure that haulers of septic tank waste are not introducing industrial waste to the POTW. The following is one possible means of regulating hauled waste.]

A. Septic tank waste may be introduced into the POTW only at locations designated by [the Superintendent], and at such times as are established by [the Superintendent]. Such

waste shall not violate Section 2 of this ordinance or any other requirements established by [the City]. [The Superintendent] may require septic tank waste haulers to obtain individual wastewater discharge permits [or general permits {optional}].

B. [The Superintendent] may require haulers of industrial waste to obtain individual wastewater discharge permits [or general permits {optional}]. [The Superintendent] may require generators of hauled industrial waste to obtain individual wastewater discharge permits [or general permits {optional}]. [The Superintendent] also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this ordinance.

C. Industrial waste haulers may discharge loads only at locations designated by [the Superintendent]. No load may be discharged without prior consent of [the Superintendent]. [The Superintendent] may collect samples of each hauled load to ensure compliance with applicable Standards. [The Superintendent] may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

D. Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

SECTION 4—INDIVIDUAL WASTEWATER DISCHARGE PERMITS [and GENERAL PERMITS {optional}]

[Note: The municipality must control SIUs through individual wastewater discharge [or general {optional}] permits. Where provided by State law, the Control Authority may establish the authority to use a general permit where certain conditions listed in Section 4.6 (40 CFR 403.8(f)(1)(iii)) are met.]

4.1 Wastewater Analysis

When requested by [the Superintendent], a User must submit information on the nature and characteristics of its wastewater within [()] days of the request. [The Superintendent] is authorized to prepare a form for this purpose and may periodically require Users to update this information.

4.2 Individual Wastewater Discharge Permit [and General Permit {optional}] Requirement

A. No Significant Industrial User shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit [or a general permit {optional}] from [the Superintendent], except that a Significant Industrial User that has filed a timely application pursuant to Section 4.3 of this ordinance may continue to discharge for the time period specified therein.

B. [The Superintendent] may require other Users to obtain individual wastewater discharge permits [or general permits {optional}] as necessary to carry out the purposes of this ordinance.

C. Any violation of the terms and conditions of an individual wastewater discharge permit [or a general permit {optional}] shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in Sections 10 through 12 of this ordinance. Obtaining an individual wastewater discharge permit [or a general permit {optional}] does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

4.3 Individual Wastewater Discharge [and General {optional}] Permitting: Existing Connections

Any User required to obtain an individual wastewater discharge permit [or a general permit {optional}] who was discharging wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within [_____] (____) days after said date, apply to [the Superintendent] for an individual wastewater discharge permit [or a general permit {optional}] in accordance with Section 4.5 of this ordinance, and shall not cause or allow discharges to the POTW to continue after [_____] (____) days of the effective date of this ordinance except in accordance with an individual wastewater discharge permit [or a general permit {optional}] issued by [the Superintendent].

4.4 Individual Wastewater Discharge [and General {optional}] Permitting: New Connections

Any User required to obtain an individual wastewater discharge permit [or a general permit {optional}] who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this individual wastewater discharge permit [or general permit {optional}], in accordance with Section 4.5 of this ordinance, must be filed at least [_____] (____) days prior to the date upon which any discharge will begin or recommence.

4.5 Individual Wastewater Discharge [and General {optional}] Permit Application Contents

[Note: This Section lists the information IUs must provide in their application for an individual wastewater discharge permit or general permit (control mechanism). Permits may be individual wastewater discharge permits or general permits (See Section 4.6) if allowed by the POTW (Control Authority). POTWs might want to modify the type of information required in permit applications on the basis of the size and type of IU and the type of permit (individual wastewater discharge permit vs. general permit.) The list of information to be submitted in a permit application has been expanded in this version of the model ordinance to include the new general permit application requirements (40 CFR 403.8(f)(1)(iii)(A)(2)) and to capture the baseline monitoring report (BMR) information which was previously in Section 6.1B (40 CFR 403.12(b)(1)-(7)). The BMR Section (6.1B) currently refers back to this (Section 4.5) regarding information that must be submitted in the BMR.]

A. All Users required to obtain an individual wastewater discharge permit [or a general permit {optional}] must submit a permit application. Users that are eligible may request a

general permit under Section 4.6. [The Superintendent] may require Users to submit all or some of the following information as part of a permit application:

(1) Identifying Information.

- a. The name and address of the facility, including the name of the operator and owner.
- b. 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.

- a. 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.
- b. 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;
- c. Number and type of employees, hours of operation, and proposed or actual hours of operation;
- d. Type and amount of raw materials processed (average and maximum per day);
- e. 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 2.2C (40 CFR 403.6(e)).

(7) Measurement of Pollutants.

- a. The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
- b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by [the Superintendent], of regulated pollutants in the discharge from each regulated process.
- c. Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.

- d. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 6.10 of this ordinance. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the [Superintendent] or the applicable Standards to determine compliance with the Standard.
- e. Sampling must be performed in accordance with procedures set out in Section 6.11 of this ordinance.

(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 6.4 B [40 CFR 403.12(e)(2)]. {Optional} [Note: This provision is required only if the municipality has incorporated Section 6.4B into its ordinance.]

(9) Any request to be covered by a general permit based on Section 4.6. {Optional} [Note: This provision is only required if the municipality has incorporated Section 4.6 into its ordinance.]

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

B. Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.

4.6 Wastewater Discharge Permitting: General Permits {Optional}

[Note: The option to issue general permits in lieu of individual permits is available only if authorized under State law. In such cases, State law may include additional general permit requirements. See 40 CFR 403.8(f)(1)(iii)(A)]

A. At the discretion of the [Superintendent], the [Superintendent] may use general permits to control SIU discharges to the POTW if the following conditions are met. All facilities to be covered by a general permit 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 [Superintendent], are more appropriately controlled under a general permit than under individual wastewater discharge permits.

B. To be covered by the general permit, the SIU 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 permit, any requests in accordance with Section 6.4 B for a monitoring waiver for a pollutant neither present nor expected to be present in the Discharge, and any other information the POTW deems appropriate. A monitoring waiver for a pollutant neither present nor expected to be present in the discharge is not effective in the general permit until after the

[Superintendent] has provided written notice to the SIU that such a waiver request has been granted in accordance with Section 6.4B.

C. The [Superintendent] will retain a copy of the general permit, documentation to support the POTW's determination that a specific SIU meets the criteria in Section 4.6A(1) to (5) and applicable State regulations, and a copy of the User's written request for coverage for three (3) years after the expiration of the general permit. [Note: See 40 CFR 403.8(f)(1)(iii)(A)(1) through (5).]

D. The [Superintendent] may not control an SIU through a general permit 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 IUs whose limits are based on the Combined Wastestream Formula (Section 2.2C) or Net/Gross calculations (Section 2.2 D). [Note: See 40 CFR 403.6(e) and 40 CFR 403.15]

4.7 Application Signatories and Certifications

A. All wastewater discharge permit applications, User reports and certification statements must be signed by an Authorized Representative of the User and contain the certification statement in Section 6.14 A. [Note: Definition of Authorized Representative has been revised, see definition at Section 1.4 C]

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 this Section must be submitted to [the Superintendent] prior to or together with any reports to be signed by an Authorized Representative.

{Optional} [Note: The following optional provision is required if the municipality has incorporated Section 1.4GG(3) into its ordinance].

C. A facility determined to be a Non-Significant Categorical Industrial User by [the Superintendent] pursuant to 1.4 GG(3) must annually submit the signed certification statement in Section 6.14 B. [Note: See 40 CFR 403.3(v)(2)]

4.8 Individual Wastewater Discharge [and General {optional}] Permit Decisions

[The Superintendent] will evaluate the data furnished by the User and may require additional information. Within [_____] (_____) days of receipt of a complete permit application, [the Superintendent] will determine whether to issue an individual wastewater discharge permit [or a general permit {optional}]. [The Superintendent] may deny any application for an individual wastewater discharge permit [or a general permit {optional}].

SECTION 5—INDIVIDUAL WASTEWATER DISCHARGE [AND GENERAL {optional}] PERMIT ISSUANCE

5.1 Individual Wastewater Discharge [and General {optional}] Permit Duration

An individual wastewater discharge permit [or a general permit {optional}] shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. An individual wastewater discharge permit [or a general permit {optional}] may be issued for a period less than five (5) years, at the discretion of [the Superintendent]. Each individual wastewater discharge permit [or a general permit {optional}] will indicate a specific date upon which it will expire.

5.2 Individual Wastewater Discharge Permit [and General Permit {optional}] Contents

An individual wastewater discharge permit [or a general permit {optional}] shall include such conditions as are deemed reasonably necessary by [the Superintendent] to prevent Pass Through or Interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

A. Individual wastewater discharge permits [and general permits {optional}] must contain:

- (1) A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date; [Note: See Section 5.1.]
- (2) A statement that the wastewater discharge permit is nontransferable without prior notification to [the City] in accordance with Section 5.5 of this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
- (3) Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards; [Note: Required Streamlining Rule Change]
- (4) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.
- (5) The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the Discharge in accordance with Section 6.4 B. {Optional} [Note: This provision is required only if the municipality has incorporated Section 6.4B into its ordinance. Section 4.5A (8) includes an instruction to the permittees to include requests for a new (or renewal of an existing) monitoring waiver for a pollutant neither present nor expected to be present in the discharge. See 40CFR 403.12(e)(2).]

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

(7) Requirements to control Slug Discharge, if determined by the [Superintendent] to be necessary. *[Note: Required Streamlining Rule Change]*

(8) Any grant of the monitoring waiver by the [Superintendent] (Section 6.4 B) must be included as a condition in the User's permit [or other control mechanism]. {Optional} *[Note: This provision is required only if the municipality has incorporated Section 6.4B into its ordinance.]*

B. Individual wastewater discharge permits [or general permits {optional}] may contain, but need not be limited to, the following conditions:

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

(2) Requirements 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;

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

(4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

(5) The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;

(6) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;

(7) A statement that compliance with the individual wastewater discharge permit [or the general permit {optional}] does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the individual wastewater discharge permit [or the general permit {optional}]; and

(8) Other conditions as deemed appropriate by [the Superintendent] to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

5.3 Permit Issuance Process {optional}

A. Public Notification. The [Superintendent] will publish [in an official government publication and/or newspaper(s) of general circulation that provides meaningful public notice with the jurisdiction(s) served by the POTW, or on a Web page], a notice to issue a pretreatment permit, at least [_____] (____) fill in number] days prior to issuance. The notice will indicate a location where the draft permit may be reviewed and an address where written comments may be submitted.

B. Permit Appeals. [The Superintendent] shall provide public notice of the issuance of an individual wastewater discharge permit [or a general permit {optional}]. Any person, including the User, may petition [the Superintendent] to reconsider the terms of an individual wastewater discharge permit [or a general permit {optional}] within [_____] (____) fill in number] days of notice of its issuance.

(1) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

(2) In its petition, the appealing party must indicate the individual wastewater discharge permit [or a general permit {optional}] provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the individual wastewater discharge permit [or a general permit {optional}].

(3) The effectiveness of the individual wastewater discharge permit [or a general permit {optional}] shall not be stayed pending the appeal.

(4) If [the Superintendent] fails to act within [_____] (____) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider an individual wastewater discharge permit [or a general permit {optional}], not to issue an individual wastewater discharge permit [or a general permit {optional}], or not to modify an individual wastewater discharge permit [or a general permit {optional}] shall be considered final administrative actions for purposes of judicial review.

(5) Aggrieved parties seeking judicial review of the final administrative individual wastewater discharge permit [or general permit {optional}] decision must do so by filing a complaint with the [insert name of appropriate Court] for [proper jurisdiction] within [insert appropriate State Statute of Limitations].

5.4 Permit Modification

A. [The Superintendent] may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

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

- (2) To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;
- (3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (4) Information indicating that the permitted discharge poses a threat to [the City's] POTW, [City] personnel, or the receiving waters; **[Note: The Control Authority should consider threats to the POTW's beneficial sludge use.]**
- (5) Violation of any terms or conditions of the individual wastewater discharge permit;
- (6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- (7) Revision of or a grant of variance from categorical Pretreatment Standards pursuant to 40 CFR 403.13;
- (8) To correct typographical or other errors in the individual wastewater discharge permit; or
- (9) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 5.5.

{Optional}[Note: The following provision is optional. The municipality may include a provision authorizing it to do the following.]

B. [The Superintendent] may modify a general 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) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (3) To correct typographical or other errors in the individual wastewater discharge permit; or
- (4) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 5.5.

5.5 Individual Wastewater Discharge Permit [and General Permit {optional}] Transfer

Individual wastewater discharge permits [or coverage under general permits {**optional**}] may be transferred to a new owner or operator only if the permittee gives at least [_____] (_____) days advance notice to [the Superintendent] and [the Superintendent] approves the individual wastewater discharge permit [or the general permit coverage {**optional**}] transfer. The notice to [the Superintendent] must include a written certification by the new owner or operator which:

- A. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- B. Identifies the specific date on which the transfer is to occur; and
- C. Acknowledges full responsibility for complying with the existing individual wastewater discharge permit [or general permit {**optional**}].

Failure to provide advance notice of a transfer renders the individual wastewater discharge permit [or coverage under the general permit {**optional**}] void as of the date of facility transfer.

5.6 Individual Wastewater Discharge Permit [and General Permit {**optional**}] Revocation

[The Superintendent] may revoke an individual wastewater discharge permit [or coverage under a general permit {**optional**}] for good cause, including, but not limited to, the following reasons:

- A. Failure to notify [the Superintendent] of significant changes to the wastewater prior to the changed discharge;
- B. Failure to provide prior notification to [the Superintendent] of changed conditions pursuant to Section 6.5 of this ordinance;
- C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- D. Falsifying self-monitoring reports and certification statements;
- E. Tampering with monitoring equipment;
- F. Refusing to allow [the Superintendent] timely access to the facility premises and records;
- G. Failure to meet effluent limitations;
- H. Failure to pay fines;
- I. Failure to pay sewer charges;

J. Failure to meet compliance schedules;

K. Failure to complete a wastewater survey or the wastewater discharge permit application;

L. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or

M. Violation of any Pretreatment Standard or Requirement, or any terms of the wastewater discharge permit [or the general permit {optional}] or this ordinance.

Individual wastewater discharge permits [or coverage under general permits {optional}] shall be voidable upon cessation of operations or transfer of business ownership. All individual wastewater discharge permits [or general permits {optional}] issued to a User are void upon the issuance of a new individual wastewater discharge permit [or a general permit {optional}] to that User.

5.7 Individual Wastewater Discharge Permit [and General Permit {optional}] Reissuance

A User with an expiring individual wastewater discharge permit [or general permit {optional}] shall apply for individual wastewater discharge permit [or general permit {optional}] reissuance by submitting a complete permit application, in accordance with Section 4.5 of this ordinance, a minimum of [_____] (_____) days prior to the expiration of the User's existing individual wastewater discharge permit [or general permit {optional}].

5.8 Regulation of Waste Received from Other Jurisdictions

[Note: The municipality must ensure that discharges received from entities outside its jurisdictional boundaries are regulated to the same extent as are discharges from within its jurisdictional boundaries. How a municipality regulates such discharges largely will be determined by what is allowed under its State law. The municipality must determine the extent of its authority under State law to regulate Users located outside its jurisdictional boundaries. If the municipality does not have the legal authority to issue enforceable permits directly to extrajurisdictional dischargers and cannot obtain this authority under State law, it should strongly consider entering into an agreement with the municipality in which the dischargers are located. The agreement would require that the contributing municipality either regulate the dischargers within its jurisdiction directly or allow the municipality (in which the POTW is located) to regulate such dischargers. Following is one possible means of regulating dischargers located outside the municipality's jurisdictional boundaries.]

A. If another municipality, or User located within another municipality, contributes wastewater to the POTW, [the Superintendent] shall enter into an intermunicipal agreement with the contributing municipality.

B. Prior to entering into an agreement required by paragraph A, above, [the Superintendent] shall request the following information from the contributing municipality:

- (1) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
- (2) An inventory of all Users located within the contributing municipality that are discharging to the POTW; and
- (3) Such other information as [the Superintendent] may deem necessary.

C. An intermunicipal agreement, as required by paragraph A, above, shall contain the following conditions:

- (1) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this ordinance and Local Limits, including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in Section 2.4 of this ordinance. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to [the City's] ordinance or Local Limits;
- (2) A requirement for the contributing municipality to submit a revised User inventory on at least an annual basis;
- (3) A provision specifying which pretreatment implementation activities, including individual wastewater discharge permit [or general permit {**optional**}] issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by [the Superintendent]; and which of these activities will be conducted jointly by the contributing municipality and [the Superintendent];
- (4) A requirement for the contributing municipality to provide [the Superintendent] with access to all information that the contributing municipality obtains as part of its pretreatment activities;
- (5) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
- (6) Requirements for monitoring the contributing municipality's discharge;
- (7) A provision ensuring [the Superintendent] access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by [the Superintendent]; and
- (8) A provision specifying remedies available for breach of the terms of the intermunicipal agreement.

[Note: Where the contributing municipality has primary responsibility for permitting, compliance monitoring, or enforcement, the intermunicipal agreement should specify that the municipality (in which the

POTW is located) has the right to take action to enforce the terms of the contributing municipality's ordinance or to impose and enforce Pretreatment Standards and Requirements directly against dischargers in the event the contributing jurisdiction is unable or unwilling to take such action.]

SECTION 6—REPORTING REQUIREMENTS

6.1 Baseline Monitoring Reports

[Note: Users that become subject to new or revised categorical Pretreatment Standards are required to comply with the following reporting requirements even if they have been designated as Non-Significant Categorical Industrial Users]

A. Within either one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to [the Superintendent] a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall submit to [the Superintendent] a report which contains the information listed in paragraph B, below. A New Source shall report the method of pretreatment it intends to use to meet applicable categorical Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

B. Users described above shall submit the information set forth below.

(1) All information required in Section 4.5A (1) (a), Section 4.5A (2), Section 4.5A (3) (a), and Section 4.5A (6). [Note: See 40 CFR 403.12(b)(1)-(7)]

(2) Measurement of pollutants.

a. The User shall provide the information required in Section 4.5 A (7) (a) through (d).

b. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.

c. 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 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;

d. Sampling and analysis shall be performed in accordance with Section 6.10;

- e. The [Superintendent] 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;
- f. 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.

(3) Compliance Certification. A statement, reviewed by the User's Authorized Representative as defined in Section 1.4 C and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.

(4) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set out in Section 6.2 of this ordinance.

(5) Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 6.14 A of this ordinance and signed by an Authorized Representative as defined in Section 1.4C.

6.2 Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 6.1(B)(4) of this ordinance:

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

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

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

D. In no event shall more than nine (9) months elapse between such progress reports to [the Superintendent].

6.3 Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to [the Superintendent] a report containing the information described in Section 4.5A(6) and (7) and 6.1(B)(2) of this ordinance. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 2.2 [Note: See 40 CFR 403.6(c)], this report shall contain a reasonable measure of the User's long-term production rate. 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. All compliance reports must be signed and certified in accordance with Section 6.14 A of this ordinance. All sampling will be done in conformance with Section 6.11.

6.4 Periodic Compliance Reports

[Note: All SIUs are required to submit periodic compliance reports even if they have been designated a Non-Significant Categorical Industrial User under the provisions of Section 6.4 C.]

A. Except as specified in Section 6.4.C, all [Significant Industrial] Users must, at a frequency determined by [the Superintendent] submit no less than twice per year (June and December [or on dates specified]) reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by [the Superintendent] or the Pretreatment Standard necessary to determine the compliance status of the User [Note: *Required Streamlining Rule Change*].

{Optional} [Note: The following optional provision may be included in the local ordinances only if authorized under State law. Criteria for monitoring waivers must also include any criteria defined in applicable State law requirements.]

B. The [City] 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. [see 40 CFR 403.12(e)(2)] This 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 4.5A(8).
- (3) In making a demonstration that a pollutant is not present, the Industrial User must provide 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.
- (4) The request for a monitoring waiver must be signed in accordance with Section 1.4C, and include the certification statement in 6.14 A (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) Any grant of the monitoring waiver by the [Superintendent] 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 [Superintendent] for 3 years after expiration of the waiver.
- (7) Upon approval of the monitoring waiver and revision of the User's permit by the [Superintendent], the Industrial User must certify on each report with the statement in Section 6.14 C below, that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User.
- (8) 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 6.4 A, or other more frequent monitoring requirements imposed by the [Superintendent], and notify the [Superintendent].
- (9) This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard.

[{Optional} Note: The following optional provision may be included in the local ordinances only if authorized under State law. Criteria for reduced reporting must also include any criteria defined in applicable State law.]

C. The [City] may reduce the requirement for periodic compliance reports [see Section 6.4 A (40 CFR 403.12(e)(1))] to a requirement to report no less frequently than once a year, unless required more frequently in the Pretreatment Standard or by the [EPA/State], where the Industrial User's total categorical wastewater flow does not exceed any of the following:

(1) [insert POTW's value for 0.01 percent of the POTW's design dry-weather *hydraulic capacity* of the POTW], or five thousand (5,000) gallons per day, whichever is smaller, as measured by a continuous effluent flow monitoring device unless the Industrial User discharges in batches]

(2) [insert POTW's value for 0.01 percent of the design dry-weather *organic treatment capacity* of the POTW]; and

(3) [Insert POTW's value for 0.01 percent of the maximum allowable headworks loading for any pollutant regulated by the applicable categorical Pretreatment Standard for which approved Local Limits were developed in accordance with Section 2.4 of this ordinance.] **[Note: For example, if the POTW's maximum allowable headworks loading for copper is 5 pounds, then 0.01 percent would be 0.0005 pounds; the POTW would need to do this calculation for each pollutant for which it has approved Local Limits.]**

Reduced reporting is not available to Industrial Users that have in the last two (2) years been in Significant Noncompliance, as defined in Section 9 of this ordinance. In addition, reduced reporting is not available to an Industrial User with daily flow rates, production levels, or pollutant levels that vary so significantly that, in the opinion of the [Superintendent], decreasing the reporting requirement for this Industrial User would result in data that are not representative of conditions occurring during the reporting period.

D. All periodic compliance reports must be signed and certified in accordance with Section 6.14 A of this ordinance.

E. 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. *[Note: This paragraph supports the Required Streamlining Rule Changes.]*

F. If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by [the Superintendent], using the procedures prescribed in Section 6.11 of this ordinance, the results of this monitoring shall be included in the report. **[Note: See 40 CFR 403.12(g)(6)]**

{Optional} [Note: The following optional provision may be included in the local ordinances only where the POTW has been authorized by EPA to accept electronic reports from its IUs and State law authorizes it.]

G. Users that send electronic (digital) documents to [the City] to satisfy the requirements of this Section must: [specify POTW requirements for IU submittal of electronic reports here. **{Note: POTWs that choose to receive electronic documents must satisfy the requirements of 40 CFR Part 3—(Electronic reporting)}**]

6.5 Reports of Changed Conditions

Each User must notify [the Superintendent] of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least [] () days before the change.

- A. [The Superintendent] may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 4.5 of this ordinance.
- B. [The Superintendent] may issue an individual wastewater discharge permit [or a general permit **{optional}**] under Section 5.7 of this ordinance or modify an existing wastewater discharge permit [or a general permit **{optional}**] under Section 5.4 of this ordinance in response to changed conditions or anticipated changed conditions.

6.6 Reports of Potential Problems

- A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately telephone and notify [the Superintendent] of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.
- B. Within five (5) days following such discharge, the User shall, unless waived by [the Superintendent], submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this ordinance. **{Optional}** [Note: This report is not required under the General Pretreatment Regulations and, therefore, is optional.]
- C. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph A, above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.

D. Significant Industrial Users are required to notify the [Superintendent] immediately of any changes at its facility affecting the potential for a Slug Discharge. *[Note: Required Streamlining Rule Change]*

6.7 Reports from Unpermitted Users

All Users not required to obtain an individual wastewater discharge permit [or general permit {optional}] shall provide appropriate reports to [the Superintendent] as [the Superintendent] may require.

6.8 Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a User indicates a violation, the User must notify [the Superintendent] 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 Superintendent] within thirty (30) days after becoming aware of the violation. Resampling by the Industrial User is not required if [the City] performs sampling at the User's facility at least once a month, or if [the City] performs sampling at the User between the time when the initial sampling was conducted and the time when the User or [the City] receives the results of this sampling, or if [the City] has performed the sampling and analysis in lieu of the Industrial User.

[Note: Required Streamlining Rule Change needed if POTW performs sampling in lieu of the Industrial Users. If the City performed the sampling and analysis in lieu of the Industrial User, the City will perform the repeat sampling and analysis unless it notifies the User of the violation and requires the User to perform the repeat sampling and analysis. See 40 CFR 403.12(g) (2).]

6.9 Notification of the Discharge of Hazardous Waste

[Note: The municipality may choose to prohibit the discharge of hazardous wastes.]

A. Any User who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the User discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 6.5 of this ordinance. The notification requirement in this Section does not apply

to pollutants already reported by Users subject to categorical Pretreatment Standards under the self-monitoring requirements of Sections 6.1, 6.3, and 6.4 of this ordinance.

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

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

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

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

6.10 Analytical Requirements

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 [Superintendent] or other parties approved by EPA.

6.11 Sample Collection

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. **[Note: The Control Authority is require to indicate the frequency of monitoring necessary to assess and assure compliance by the User with applicable Pretreatment Standards and Requirements.]**

[Note: In the Streamlining Rule changes, Paragraphs A and B below have been deleted from 40 CFR 403.12(b)(5) and added to 403.12(g)(3). The original paragraphs relate to Categorical Industrial User monitoring reports only while the relocated paragraphs apply to all SIU monitoring.]

A. Except as indicated in Section B and C below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by [the Superintendent]. Where time-proportional composite sampling or grab sampling is authorized by [the City], the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by [the City], as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits. *[Note: Required Streamlining Rule Change. See 40 CFR 403.12(g)(3)]*

B. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

C. For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 6.1 and 6.3 [40 CFR 403.12(b) and (d)], 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 for which historical sampling data do not exist; for facilities for which historical sampling data are available, [the Superintendent] may authorize a lower minimum. For the reports required by paragraphs Section 6.4 (40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements. *[Note: Required Streamlining Rule Change, see 40 CFR 403.12(g)(4).]*

6.12 Date of Receipt of Reports

Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

6.13 Recordkeeping

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Section 2.4 C. Records shall include the date, exact place, method, and time of sampling, and the name of the

person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or [the City], or where the User has been specifically notified of a longer retention period by [the Superintendent]. *[Note: The recordkeeping requirements for BMPs are a Required Streamlining Rule Change.]*

6.14 Certification Statements

[Note: This Section has been modified to consolidate the certification statements previously listed elsewhere. Section 4.7A&C—Certification of all wastewater discharge permit applications, and User reports and annual certification of NSCIUs, Section 6.4B(4)—“initial” certification for pollutants not present, Section 6.4B (7)—Certification of periodic reports of pollutants not present, Section 6.4D—Certification of all periodic compliance reports.]

[Note: 40 CFR 403.12 (l) requires that the certification which follows be provided for IU Baseline Monitoring Reports (BMRs) (403.12(b), IU Reports on Compliance with Categorical Pretreatment Standards Deadline (90-day compliance report) (403.12(d), CIU Periodic Reports on Continued Compliance (403.12(e)) and the initial request from CIUs to forego Monitoring for Pollutants Not Present. In addition to CIUs, the model ordinance requires this certification statement for all wastewater discharge permit applications and User reports. Furthermore, the POTW should require this certification statement for all noncategorical SIU compliance reports.]

A. Certification of Permit Applications, User Reports and Initial Monitoring Waiver—The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 4.7; Users submitting baseline monitoring reports under Section 6.1 B (5) **[Note: See 40 CFR 403.12 (l)]**; Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section 6.3 **[Note: See 40 CFR 403.12(d)]**; Users submitting periodic compliance reports required by Section 6.4 A–D **[Note: See 40 CFR 403.12(e) and (h)]**, and Users submitting an initial request to forego sampling of a pollutant on the basis of Section 6.4B(4)**[Note: See 40 CFR 403.12(e)(2)(iii)]**. The following certification statement must be signed by an Authorized Representative as defined in Section 1.4 C:

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.

{Optional} [Note: The following optional provision is required if the municipality has incorporated Section 1.4 GG(3) into its ordinance].

B. Annual Certification for Non-Significant Categorical Industrial Users—A facility determined to be a Non-Significant Categorical Industrial User by [the Superintendent]

pursuant to 1.4 GG(3) and 4.7 C [Note: See 40 CFR 403.3(v)(2)] must annually submit the following certification statement signed in accordance with the signatory requirements in 1.4 C [Note: See 40 CFR 403.120(l)]. This certification must accompany an alternative report required by [the Superintendent]:

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]:

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

(b) 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.

{Optional} [Note: The following optional provision is required if the municipality has incorporated Section 6.4 B into its ordinance].

C. Certification of Pollutants Not Present

Users that have an approved monitoring waiver based on Section 6.4 B 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. [Note: See 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 6.4.A.

SECTION 7—COMPLIANCE MONITORING

7.1 Right of Entry: Inspection and Sampling

[The Superintendent] shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this ordinance and any individual wastewater discharge permit [or general permit {optional}] or order issued hereunder. Users shall allow [the Superintendent] ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

A. Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, [the Superintendent] shall be permitted to enter without delay for the purposes of performing specific responsibilities.

B. [The Superintendent] shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.

C. [The Superintendent] may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated [insert desired frequency] to ensure their accuracy.

D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of [the Superintendent] and shall not be replaced. The costs of clearing such access shall be born by the User.

E. Unreasonable delays in allowing [the Superintendent] access to the User's premises shall be a violation of this ordinance.

[Note: POTWs should consider situations when the monitoring facility is constructed in the public right-of-way or easement, in an unobstructed location. The ordinance should indicate that the location of the monitoring facility shall provide ample room in or near the monitoring facility to allow accurate sampling and preparation of samples and analysis and whether constructed on public or private property, the monitoring facilities should be provided in accordance with the [Supervisor's] requirements and all applicable local construction standards and specifications, and such facilities shall be constructed and maintained in such manner so as to enable the [Supervisor] to perform independent monitoring activities.]

7.2 Search Warrants

[Note: The specific process by which search warrants may be issued will vary from City to City. The procedure will likely be a matter of State law. This provision will need to be adjusted based on the particular procedure followed in that State and City.]

If [the Superintendent] has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of [the City] designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, [the Superintendent] may seek issuance of a search warrant from the [insert name of appropriate Court] of [the City or State].

SECTION 8—CONFIDENTIAL INFORMATION

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

SECTION 9—PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

[Note: Unless the optional (underlined) revisions to the SNC provisions have been made by the State, the POTW must retain the previous requirements. The optional revisions include the public notice in a newspaper of general circulation that provides meaningful public notice within the jurisdiction, publishing SIUs and other IUs that have adversely affected the POTW, and that IU reports submitted more than 45 days late constitutes SNC. See 40 CFR 403.8(f) (2)(viii)(A-C).]

[The Superintendent] shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by [the POTW], a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (C), (D) or (H) of this Section) and shall mean:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 2; *[Note: Required Streamlining Rule Change, see 40 CFR 403.3(l)]*
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 2 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH); *[Note: Required Streamlining Rule Change, see 40 CFR 403.3(l)]*
- C. Any other violation of a Pretreatment Standard or Requirement as defined by Section 2 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that [the Superintendent] 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; *[Required Streamlining Rule Change, see 40 CFR 403.3(l)]*
- D. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in [the Superintendent's] exercise of its emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit [or a general permit {optional}] or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance; or
- H. Any other violation(s), which may include a violation of Best Management Practices, which [the Superintendent] determines will adversely affect the operation or implementation of the local pretreatment program.

SECTION 10—ADMINISTRATIVE ENFORCEMENT REMEDIES

[Note: The municipality must refer to State law to see if the remedies listed in Sections 10, 11, and 12 are allowable. The municipality must have the authority to seek injunctive relief for noncompliance and to seek or assess penalties of at least \$1,000 a day for each violation of Pretreatment Standards or Requirements by Industrial Users.]

10.1 Notification of Violation

When [the Superintendent] finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, [or a general permit {**optional**}] or order issued hereunder, or any other Pretreatment Standard or Requirement, [the Superintendent] may serve upon that User a written Notice of Violation. Within [()] days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to [the Superintendent]. Submission of such a plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of [the Superintendent] to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

10.2 Consent Orders

[The Superintendent] may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 10.4 and 10.5 of this ordinance and shall be judicially enforceable.

10.3 Show Cause Hearing

[The Superintendent] may order a User which has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, [or a general permit {**optional**}] or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before [the Superintendent] and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least [()] days prior to the hearing. Such notice may be served on any Authorized Representative of the User as defined in Section 1.4 C and required by Section 4.7 A. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

10.4 Compliance Orders

When [the Superintendent] finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, [or a general permit {**optional**}] or order issued hereunder, or any other Pretreatment Standard or Requirement, [the Superintendent] may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring

and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

10.5 Cease and Desist Orders

When [the Superintendent] finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, [or a general permit {optional}] or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, [the Superintendent] may issue an order to the User directing it to cease and desist all such violations and directing the User to:

- A. Immediately comply with all requirements; and
- B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

10.6 Administrative Fines

[Note: The municipality should consult State law to determine whether it has the legal authority to impose administrative penalties.]

A. When [the Superintendent] finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, [or a general permit {optional}] or order issued hereunder, or any other Pretreatment Standard or Requirement, [the Superintendent] may fine such User in an amount not to exceed [insert maximum fine allowed under State Law]. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.

B. Unpaid charges, fines, and penalties shall, after [_____] (_____) calendar days, be assessed an additional penalty of [_____] percent (____%) of the unpaid balance, and interest shall accrue thereafter at a rate of [_____] percent (____%) per month. A lien against the User's property shall be sought for unpaid charges, fines, and penalties.

C. Users desiring to dispute such fines must file a written request for [the Superintendent] to reconsider the fine along with full payment of the fine amount within [_____] (_____) days of being notified of the fine. Where a request has merit, [the Superintendent] may convene a hearing on the matter. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. [The Superintendent] may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

D. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

10.7 Emergency Suspensions

[The Superintendent] 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 Superintendent] may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

A. Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, [the Superintendent] may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. [The Superintendent] may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of [the Superintendent] that the period of endangerment has passed, unless the termination proceedings in Section 10.8 of this ordinance are initiated against the User.

B. A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to [the Superintendent] prior to the date of any show cause or termination hearing under Sections 10.3 or 10.8 of this ordinance.

Nothing in this Section shall be interpreted as requiring a hearing prior to any Emergency Suspension under this Section.

10.8 Termination of Discharge

In addition to the provisions in Section 5.6 of this ordinance, any User who violates the following conditions is subject to discharge termination:

A. Violation of individual wastewater discharge permit [or general permit {**optional**}] conditions;

B. Failure to accurately report the wastewater constituents and characteristics of its discharge;

C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;

D. Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or

E. Violation of the Pretreatment Standards in Section 2 of this ordinance.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 10.3 of this ordinance why the proposed action should not be taken. Exercise of this option by [the Superintendent] shall not be a bar to, or a prerequisite for, taking any other action against the User.

SECTION 11—JUDICIAL ENFORCEMENT REMEDIES

11.1 Injunctive Relief

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

11.2 Civil Penalties

[Note: The municipality must have the minimum authority to seek civil or criminal penalties in the amount of at least \$1,000 per day per violation.]

A. A User who has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, [or a general permit {**optional**}] or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to [the City] for a maximum civil penalty of [insert maximum allowed under State law but not less than \$1,000] per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

B. [The Superintendent] may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by [the City].

C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.

D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

11.3 Criminal Prosecution

[Note: To the extent State law authorizes a municipality to prosecute violations of local ordinances as a crime under State law, the municipality should include the following provision in its local ordinance.]

A. A User who willfully or negligently violates any provision of this ordinance, an individual wastewater discharge permit, [or a general permit {optional}] or order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than [insert maximum fine allowed under State law] per violation, per day, or imprisonment for not more than [_____] (_____) years, or both.

B. A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a [misdemeanor] and be subject to a penalty of at least [insert maximum fine allowable under State law], or be subject to imprisonment for not more than [_____] (_____) years, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

C. A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance, individual wastewater discharge permit, [or general permit {optional}] or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be punished by a fine of not more than [insert maximum fine allowable under State law] per violation, per day, or imprisonment for not more than [_____] (_____) years, or both.

D. In the event of a second conviction, a User shall be punished by a fine of not more than [insert maximum fine allowable under State law] per violation, per day, or imprisonment for not more than [_____] (_____) years, or both.

11.4 Remedies Nonexclusive

The remedies provided for in this ordinance are not exclusive. [The Superintendent] may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with [the City's] enforcement response plan. However, [the Superintendent] may take other action against any User when the circumstances warrant. Further, [the Superintendent] is empowered to take more than one enforcement action against any noncompliant User.

SECTION 12—SUPPLEMENTAL ENFORCEMENT ACTION

12.1 Penalties for Late Reports {Optional}

A penalty of \$[xx] shall be assessed to any User for each day that a report required by this ordinance, a permit or order issued hereunder is late, beginning five days after the date the report is due [higher penalties may also be assessed where reports are more than 30-45 days late]. Actions taken by [the Superintendent] to collect late reporting penalties shall not limit [the Superintendent's] authority to initiate other enforcement actions that may include penalties for late reporting violations.

12.2 Performance Bonds {Optional}

[The Superintendent] may decline to issue or reissue an individual wastewater discharge permit [or a general permit {optional}] to any User who has failed to comply with any provision of this ordinance, a previous individual wastewater discharge permit, [or a previous general permit {optional}] or order issued hereunder, or any other Pretreatment Standard or Requirement, unless such User first files a satisfactory bond, payable to [the City], in a sum not to exceed a value determined by [the Superintendent] to be necessary to achieve consistent compliance.

12.3 Liability Insurance {Optional}

[The Superintendent] may decline to issue or reissue an individual wastewater discharge [or a general permit {optional}] to any User who has failed to comply with any provision of this ordinance, a previous individual wastewater discharge permit, [or a previous general permit {optional}] or order issued hereunder, or any other Pretreatment Standard or Requirement, unless the User first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

12.4 Payment of Outstanding Fees and Penalties {Optional}

[The Superintendent] may decline to issue or reissue an individual wastewater discharge permit [or a general permit {optional}] to any User who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of this ordinance, a previous individual wastewater discharge permit, [or a previous general permit {optional}] or order issued hereunder.

12.5 Water Supply Severance {Optional}

Whenever a User has violated or continues to violate any provision of this ordinance, an individual wastewater discharge permit, [a general permit, {optional}] or order issued hereunder, or any other Pretreatment Standard or Requirement, water service to the User may be severed. Service will recommence, at the User's expense, only after the User has satisfactorily demonstrated its ability to comply.

12.6 Public Nuisances {Optional}

A violation of any provision of this ordinance, an individual wastewater discharge permit, [a general permit, {optional}] or order issued hereunder, or any other Pretreatment Standard or Requirement is hereby declared a public nuisance and shall be corrected or abated as directed by [the Superintendent]. Any person(s) creating a public nuisance shall be subject to the provisions of [the City Code] [insert proper citation] governing such nuisances, including reimbursing [the City] for any costs incurred in removing, abating, or remedying said nuisance.

12.7 Informant Rewards {Optional}

[The Superintendent] may pay up to [_____ dollars (\$____)] for information leading to the discovery of noncompliance by a User. In the event that the information provided results in a civil penalty [or an administrative fine] levied against the User, [the Superintendent] may disperse up to [_____ percent (____%)] of the collected fine or penalty to the informant. However, a single reward payment may not exceed [_____ dollars (\$____)].

12.8 Contractor Listing {Optional}

Users which have not achieved compliance with applicable Pretreatment Standards and Requirements are not eligible to receive a contractual award for the sale of goods or services to [the City]. Existing contracts for the sale of goods or services to [the City] held by a User found to be in Significant Noncompliance with Pretreatment Standards or Requirements may be terminated at the discretion of [the Superintendent].

SECTION 13—AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

[Note: Although Federal law allows the affirmative defenses set out in this Section, some Approved States do not allow for one or more of the affirmative defenses listed below.]

13.1 Upset

A. For the purposes of this Section, upset means an exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

B. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical Pretreatment Standards if the requirements of paragraph (C), below, are met.

C. A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (1) An upset occurred and the User can identify the cause(s) of the upset;
- (2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
- (3) The User has submitted the following information to [the Superintendent] within twenty-four (24) hours of becoming aware of the upset [if this information is provided orally, a written submission must be provided within five (5) days]:
 - (a) A description of the indirect discharge and cause of noncompliance;
 - (b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - (c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

D. In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.

E. Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical Pretreatment Standards.

F. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

13.2 Prohibited Discharge Standards

A User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 2.1(A) of this ordinance or the specific prohibitions in Sections 2.1(B)(3) through [()] of this ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause Pass Through or Interference and that either:

- A. A Local Limit exists for each pollutant discharged and the User was in compliance with each limit directly prior to, and during, the Pass Through or Interference; or
- B. No Local Limit exists, but the discharge did not change substantially in nature or constituents from the User's prior discharge when [the City] was regularly in compliance with its NPDES permit, and in the case of Interference, was in compliance with applicable sludge use or disposal requirements.

[Note: The references in Section 13.2 should refer only to specific prohibitions actually listed in the ordinance. Also note that, pursuant to 40 CFR 403.5(a)(2), the affirmative defense outlined in Section 13.2 cannot apply to the specific prohibitions in Sections 2.1B(1) and (2), and (8).]

13.3 Bypass

A. For the purposes of this Section,

(1) Bypass means the intentional diversion of wastestreams from any portion of a User's treatment facility.

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

B. A User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (C) and (D) of this Section.

C. Bypass Notifications

(1) If a User knows in advance of the need for a bypass, it shall submit prior notice to [the Superintendent], at least ten (10) days before the date of the bypass, if possible.

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

D. Bypass

(1) Bypass is prohibited, and [the Superintendent] may take an enforcement action against a User for a bypass, unless

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

- (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate 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 preventive maintenance; and
- (c) The User submitted notices as required under paragraph (C) of this section.

(2) [The Superintendent] may approve an anticipated bypass, after considering its adverse effects, if [the Superintendent] determines that it will meet the three conditions listed in paragraph (D)(1) of this Section.

SECTION 14—WASTEWATER TREATMENT RATES - [RESERVED]

SECTION 15—MISCELLANEOUS PROVISIONS {Optional}

15.1 Pretreatment Charges and Fees {Optional}

[The City] may adopt reasonable fees for reimbursement of costs of setting up and operating [the City's] Pretreatment Program, which may include:

- A. Fees for wastewater discharge permit applications including the cost of processing such applications;
- B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's discharge, and reviewing monitoring reports and certification statements submitted by Users;
- C. Fees for reviewing and responding to accidental discharge procedures and construction;
- D. Fees for filing appeals;
- E. Fees to recover administrative and legal costs (not included in Section 15.1 B) associated with the enforcement activity taken by the [Superintendent] to address IU noncompliance; and
- F. Other fees as [the City] may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines, and penalties chargeable by [the City].

15.2 Severability {Optional}

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

SECTION 16—EFFECTIVE DATE

This ordinance shall be in full force and effect immediately following its passage, approval, and publication, as provided by law.

Appendix C. Reference Ordinance (Highlighted)

2012 Encina Wastewater Authority Pretreatment Ordinance



PRETREATMENT ORDINANCE

FOR THE

**ENCINA WASTEWATER AUTHORITY
6200 AVENIDA ENCINAS
CARLSBAD, CALIFORNIA 92011**

(760) 438-3941

AMENDED FEBRUARY 22, 2012

EFFECTIVE MARCH 14, 2012

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SECTION 1 GENERAL PROVISIONS AND DEFINITIONS

1.1 GENERAL PROVISIONS

A. PURPOSE AND POLICY

This Ordinance sets forth uniform requirements for Discharges into the Encina Sewerage System and enables the Encina Wastewater Authority ("EWA") to comply with all applicable State and federal laws, including the Clean Water Act, 33 U.S.C. Section 1251 *et seq.*, as amended, and regulations promulgated thereunder.

The primary objectives of this Ordinance are:

1. To prevent the introduction of Pollutants into the Encina Sewerage System which would interfere with the operation of the components of the Encina Sewerage System or treatment processes or contaminate the resulting Biosolids;
2. To prevent the introduction of Pollutants into the Encina Sewerage System which would pass-through into receiving waters or the atmosphere;
3. To protect and preserve the well-being of the community, and EWA and Member Agency personnel;
4. To promote and protect the ability to reuse, recycle and reclaim Wastewater, Biosolids and Wastewater byproducts; and
5. To provide for collection of the cost of the EWA Pretreatment Program incurred for the regulation of Users of the Encina Sewerage System.

This Ordinance provides for the regulation of Discharge to the Encina Sewerage System through the issuance of Discharge Permits to certain non-Domestic Users and through enforcement of general requirements for other non-Domestic Users; authorizes monitoring and enforcement activities; requires User reporting; and provides for the setting of fees, fines, costs and deposits.

This Ordinance shall apply to EWA, the Member Agencies and to Persons outside the Member Agencies who are, by contract or agreement with a Member Agency, Users of the Encina Sewerage System.

B. AUTHORITY

The Clean Water Act, EPA regulations and EWA's NPDES Permit require the implementation of a Pretreatment Program, which may impose the following: limits, conditions and prohibitions on industrial Discharge to the Encina Sewerage System; compliance schedules for the installation of Pretreatment equipment which will enable Users to comply with their Discharge Permits; and/or actions necessary to enforce EWA's authority.

Any such limits, conditions, or prohibitions apply to Users that are tributary to the Encina Sewerage System or within areas for which EWA has contracted to provide sewerage services.

California Government Code Sections 54725 *et seq.* allow EWA to (1) require Users to implement Pretreatment of industrial waste in order for EWA to meet state and federal standards and to protect its treatment works or the proper and efficient operation thereof, or the health or safety of its employees or the environment; (2) prevent the entry of industrial waste into the Encina Sewerage System; and (3) collect excess costs to the Encina Sewerage System as a result of allowing Users to Discharge to the Encina Sewerage System.

Under the authority of Government Code Section 6509, EWA has established that it shall exercise its powers subject to the restrictions upon the manner of exercising the powers of a county water district pursuant to the County Water District Law (Water Code Sections 30000 *et seq.*). Water Code Sections 31105-31106 authorize EWA to adopt and enforce ordinances and provide that violation of any ordinance may be a misdemeanor.

C. SEVERABILITY

If any provision of this Ordinance or the application to any Persons or circumstances is held invalid, the remainder of the Ordinance or the application of such provision to other Persons or other circumstances shall not be affected.

D. GENERAL RULES OF INTERPRETATION

1. Any gender includes the other gender.
2. "Shall" is mandatory; "may" is permissive.
3. The singular number includes the plural and the plural the singular.
4. Words used in the present tense include the past and future tense, and vice versa.
5. Words and phrases used in this Ordinance and not specifically defined shall be construed according to the context and approved usage of the language.

E. DATE RECEIVED

1. Any report, notice, invoice, order or other written communication which is sent via U.S. Postal Service is deemed received by the User on the third day following the postmark date, and is deemed received by EWA on the date indicated by the EWA date stamp. EWA shall stamp all mail received on the actual date received by EWA at its administrative offices.

2. Any report, notice, invoice, order or other written communication which is not sent via U.S. Postal Service is deemed received on the date actually received by EWA at its administrative offices or by the User at its business office.

1.2 DEFINITIONS

The following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated:

1. **Applicant.** Any Person who requests from EWA a Discharge Permit as required by this Ordinance.
2. **Authorized Representative.** Any Person who is: (a) a principal executive officer of at least the level of vice-president; (b) a general partner or proprietor; or (c) a duly authorized representative of an individual designated above if such representative is responsible for the overall operation of the facilities from which the Discharge originates.
3. **Baseline Monitoring Report (BMR).** A report that documents a User's compliance status with all applicable Pretreatment Standards.
4. **Best Management Practice (BMP).** Pollution prevention/waste reduction measures as set forth by EWA in Section 4.5 (B) of this Ordinance or in individual Wastewater Discharge Permits.
5. **Best Professional Judgment (BPJ).** A determination made after consideration of all reasonably available and pertinent data or information.
6. **Biochemical Oxygen Demand (BOD).** A measurement of the oxygen utilized during a five day incubation period for the biochemical degradation of organic and inorganic material.
7. **Biosolids.** The non-hazardous and recyclable organic matter resulting from the treatment of Wastewater.
8. **Brine Line.** A sewer line that is wholly or partially dedicated to the transport of Wastewater saturated with salts, but otherwise free of Pollutants, directly to the Encina Ocean Outfall.
9. **Bypass.** The intentional diversion of wastestreams from any portion of a User's treatment facility.
10. **Carbonaceous Biochemical Demand (CBOD).** A measurement of the oxygen utilized during a five day incubation period for the biochemical degradation of organic material.
11. **Categorical Standard.** A standard specifying quantities or concentrations of Pollutant or Pollutant properties which may be Discharged to the Encina Sewerage System by Users in specific industrial subcategories, as set forth in Title 40, C.F.R., Chapter I, Subchapter N.

12. **Collection System.** The combined pipes, conduits, manholes and other structures, usually underground, which convey Wastewater to the Encina Sewerage System.
13. **Connection Permit.** A permit issued to a User by a Member Agency authorizing the User to connect to the Encina Sewerage System.
14. **Daily Maximum Limit.** The maximum allowable Discharge limit of a Pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily Discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily Discharge is the arithmetic average measurement of the Pollutant concentration derived from all measurements taken that day.
15. **Director.** EWA's Director, who is responsible for the administration, implementation and enforcement of this Ordinance.
16. **Discharge.** The introduction of Pollutants into the Encina Sewerage System from any non-Domestic source.
17. **Discharge Permit.** The permit issued by EWA stipulating the conditions under which a User may Discharge to the Encina Sewerage System.
18. **Domestic Wastewater.** The liquid and solid waterborne wastes derived from the ordinary living processes of humans of such character as to permit satisfactory disposal, without special Pretreatment, into the public sewer or by means of a private Wastewater disposal system.
19. **Encina Service Area.** All areas tributary to the Encina Sewerage System.
20. **Encina Sewerage System.** The sewerage system for the Encina Service Area, owned by the Member Agencies and operated by EWA and the EWA Member Agencies, which includes the Encina Water Pollution Control Facility (EWPCF), the Gafner Water Reclamation Plant (GWRP), the Meadowlark Water Reclamation Facility (MWRF), the Shadowridge Water Reclamation Plant (SWRP), the Carlsbad Water Reclamation Facility (CWRF), the Encina Ocean Outfall and any conveyances that convey Wastewater to the EWPCF, the GWRP, the MWRF, the SWRP, the CWRF and/or the Encina Ocean Outfall. For the purposes of this Ordinance, this definition also shall include any conveyances that convey Wastewater to the Encina Sewerage System by contract or agreement with a Member Agency. Such conveyances may be owned or operated by a Member Agency or by other public agencies.
21. **Encina Water Pollution Control Facility (EWPCF) Service Area.** All areas in the Encina Service Area that are not also within the Vallecitos Water District service area.

22. **Environmental Protection Agency (EPA).** The federal agency charged by law with carrying out and obtaining compliance with the Clean Water Act and other federal environmental laws and promulgating, interpreting and enforcing regulations implementing such statutes.
23. **General Manager.** The Person designated by EWA to manage the EWPCF.
24. **Groundwater.** Water beneath the surface of the ground, whether or not flowing through known and definite channels.
25. **Instantaneous Limit.** The maximum concentration of a Pollutant allowed to be Discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
26. **Interference.** A Discharge that, alone or in conjunction with a Discharge or Discharges from other sources, both: (a) inhibits or disrupts the Encina Sewerage System, its treatment processes or operations or its Biosolids processes, including either the use, reuse or disposal of Biosolids, Wastewater treatment byproducts or reclaimed water; and (b) therefore is a cause of a violation of any requirement of the NPDES Permit (including an increase in the magnitude or duration of a violation) or of the prevention of Biosolids use or disposal in compliance with the following statutory provisions and ordinance or permits issued hereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) [including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA], the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.
27. **Local Discharge Limits.** Those limitations developed by EWA to implement any general or specific prohibitions, set forth in 40 C.F.R. Section 403.5(a)-(b), or to satisfy any other discharge requirement imposed upon EWA by the EPA, the State or a local agency, as set forth in Section 2.12.
28. **Mass Emission Rate.** The weight of material Discharged to the Encina Sewerage System during a given time interval. Unless otherwise specified, the mass emission rate shall mean pounds per day of a particular constituent or combination of constituents.
29. **Meadowlark Water Reclamation Facility (MWRF) Service Area.** All areas in the Encina Service Area that are also within the Vallecitos Water District service area.

30. **Member Agency.** Any of the local agencies that are members of EWA, including the Cities of Carlsbad, Vista and Encinitas, the Vallecitos Water District, the Leucadia Wastewater District and the Buena Sanitation District.
31. **National Pollutant Discharge Elimination System (NPDES) Permit.** The permits issued to or administered by EWA pursuant to Section 402 of the Clean Water Act (33 U.S.C. § 1342).
32. **New Source.** A source of Discharge to the Encina Sewerage System meeting the requirements set forth in 40 C.F.R. Section 403.3(m).
33. **Non-Contact Cooling Water.** Water used for cooling purposes that does not come into direct contact with any source of Pollutants.
34. **Non-Significant Categorical Industrial User (NSCIU).** Any User that: never Discharges more than 100 gallons per day of Wastewater subject to Categorical Standards; never Discharges untreated concentrated wastes; and has demonstrated that its Discharge complies with all applicable Pretreatment Standards and Pretreatment Requirements as determined by EWA.
35. **Non-Significant Industrial User (NSIU).** Any User not subject to Section 3.6 A, B, C, or D of this Ordinance that, with the application of appropriate BMPs, has no reasonable potential to adversely impact the Encina Sewerage System or to violate any Pretreatment Standards or Pretreatment Requirements as determined by EWA.
36. **Non-Significant Wastewater Discharge (NSWD) Form.** An authorization to Discharge issued in lieu of a permit to any User that is determined by EWA to be an NSIU.
37. **Officer.** A Person employed by EWA as the Source Control Manager and who reports to the Director.
38. **Oil and Grease.** Any material recovered when extracted as set forth in EPA Method Number 1664A or other comparable EPA approved methods found in 40 CFR Part 136.
39. **Pass-through.** A Discharge which exits any portion of the Encina Sewerage System in concentrations which, alone or in conjunction with a Discharge or Discharges from other sources, results in a violation of any requirement of a NPDES Permit or waste discharge requirement of the State, including an increase in the magnitude or duration of a violation.
40. **Permittee.** A Person who has a Discharge Permit.
41. **Person.** An individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, any federal, State or

local governmental entity or any other legal entity or their legal representatives or agents.

42. **Pollutant.** Any substance which causes an impairment (reduction) of water quality to a degree that may have an adverse effect on any beneficial use of the water including, but not limited to, a dredged spoil, solid waste, incinerator residue, sewage, garbage, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal and agricultural waste and certain characteristics of Wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, CBOD, toxicity or odor).
43. **Pretreatment.** 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 Discharging or otherwise introducing such Pollutants to the Encina Sewerage System. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes by other means except as prohibited by 40 C.F.R. Section 403.6(d).
44. **Pretreatment Equipment.** One or more treatment devices designed to remove Pollutants from Wastewater in order to allow a User to comply with this Ordinance or a Discharge Permit.
45. **Pretreatment Requirements.** Any substantive or procedural requirement, other than Pretreatment Standards, imposed upon a User by this Ordinance.
46. **Pretreatment Standards.** Prohibited Discharges, Local Discharge Limits, Categorical Standards, BMPs and other limitations and prohibitions set forth in Section 2 of this Ordinance.
47. **Process Wastewater.** Any Wastewater contaminated by human activities including, but not limited to, that originating from manufacturing, agriculture, processing, rinsing, washing or producing.
48. **Septage.** Any Domestic Wastewater from holding tanks such as vessels, chemical toilets, campers, trailers and septic tanks.
49. **Significant Industrial User (SIU).** Any User that has received or is required to obtain a Class I or II Discharge Permit.
50. **Slug Discharge.** Any Discharge, including, but not limited to, accidental and non-routine Discharges, performed in a manner or at a concentration that could cause a violation of any Pretreatment Standard.
51. **Surface Runoff.** Stormwater, urban runoff and other forms of runoff.

52. **Total Suspended Solids (TSS).** The residue retained on a standard glass-fiber filter after drying to a constant weight at 103 to 105 degrees Centigrade, as set forth in Method Number 2540 D of the current approved edition of the Standard Methods for the Examination of Water and Wastewater or other comparable EPA approved methods found in 40 CFR Part 136.
53. **Total Toxic Organics (TTO).** The summation of all quantifiable values greater than 0.01 milligrams per liter for the organics regulated by the EPA for a specific industrial category or by EWA.
54. **User.** A source of indirect Discharge or a non-Domestic entity with a process onsite subject to Categorical Standards, whether or not such process generates a Discharge.
55. **Waste Manifest.** The receipt which is retained by a generator of hazardous wastes for wastes to be transported to a disposal site, in the form required by the State and/or the federal government pursuant to the Resource Conservation and Recovery Act or the California Hazardous Materials Act, or that receipt which is retained by the generator for recyclable wastes or liquid non-hazardous wastes as required by EWA.
56. **Wastehauler.** Any Person carrying on or engaging in vehicular transport of Septage as part of, or incidental to, any business for the purpose of Discharging the Septage into the Encina Sewerage System.
57. **Wastewater.** Any aqueous based waste generated by a Domestic, commercial and/or industrial facility.
58. **Wastewater Constituents and Characteristics.** The individual chemical, physical, bacteriological, radiological, volume, flow rate and such other parameters that serve to define, classify or measure the quality and quantity of Wastewater.

SECTION 2 REGULATIONS

2.1 PROHIBITED DISCHARGES

A. No Person shall Discharge a quantity or quality of Wastewater to the Encina Sewerage System which causes, or is capable of causing, either alone or by interaction with other substances, Pass-through or Interference.

B. No Person shall Discharge into the Encina Sewerage System any of the following:

1. Pollutants which create a hazard of fire or explosion in the Encina Sewerage System including, but not limited to, wastestreams with a closed cup flashpoint of less than 140° F (60° C) using the test methods specified in 40 C.F.R. Section 261.21;

2. Pollutants which will cause corrosive structural damage to any component of the Encina Sewerage System, but in no case Discharges with a pH lower than 5.5;

3. Solid or viscous Pollutants in amounts which will cause obstruction of the flow in the Encina Sewerage System resulting in Interference or damage to the Encina Sewerage System;

4. Wastewater having a temperature that will inhibit biological activity in the treatment process resulting in Interference, but in no case Wastewater that causes the temperature at any component of the Encina Sewerage System to exceed 40° C (104° F);

5. Pollutants which cause danger to life, health or safety of any Person, or cause damage to the environment;

6. Pollutants, including oxygen-demanding Pollutants such as BOD, released in a Discharge at a flow rate and/or concentration which, either singly or by interaction with other Pollutants, cause Interference or Pass-through;

7. Petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin in amounts that will cause Interference or Pass-through;

8. Pollutants which result in the presence of toxic gases, vapors or fumes within the Encina Sewerage System in a quality or quantity that may cause health and safety problems;

9. Pollutants or Wastewater that would cause violation of any permit, statute, rule, regulation or ordinance of any public agency or regulatory agency having jurisdiction over the Discharge of Wastewater to or from the Encina Sewerage System;

10. Wastewater or any substance that is defined as a hazardous or radioactive waste by any regulatory agency;

11. Pollutants delivered by vehicular transport, rail car or dedicated pipeline, except on a case-by-case basis, at discharge points designated by EWA and in accordance with a valid Special Use Discharge Permit;

12. Sludge generated by the Pretreatment of Wastewater;

13. Pollutants that cause Wastewater, Biosolids, or Wastewater byproducts to be unsuitable for beneficial reuse or reclamation;

14. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating EWA's NPDES permit; and

15. Detergents, surface-active agents, or other substances which may cause excessive foaming.

2.2 PROHIBITION ON TRANSPORT WITHOUT EWA PERMISSION

No Person shall transport waste from one location or facility to another for the purpose of treating or Discharging it directly or indirectly to a publicly owned sewer within the Encina Sewerage System without written permission from EWA.

2.3 PROHIBITION ON INCREASE OR CHANGE

No User shall increase flow, Pollutants or change the Wastewater Constituents and Characteristics where such increase or change does not meet the Pretreatment Standards and Pretreatment Requirements or where such contribution would cause EWA to violate a NPDES Permit or any State discharge limitation or requirement.

2.4 PROHIBITION ON DILUTION

No User shall increase the use of water or in any other manner attempt to dilute a Discharge as a partial or complete substitute for Pretreatment to achieve compliance with this Ordinance and/or the User's Discharge Permit.

2.5 PROHIBITION ON STORAGE

Pollutants, substances or Wastewater whose Discharge to the Encina Sewerage System is prohibited by this Ordinance shall not be processed or stored in such a manner that they could be accidentally Discharged to the Encina Sewerage System.

2.6 PROHIBITION OF BYPASS

Bypass of Wastewater to the Encina Sewerage System is prohibited, unless:

A. Bypass is unavoidable to prevent loss of life, personal injury or severe property damage;

B. There are no feasible alternatives to the Bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a Bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

C. The User submitted notices as required by Section 5.15(B) of this Ordinance.

2.7 LIMITATIONS ON GROUNDWATER AND SURFACE RUNOFF

Groundwater or Surface Runoff shall not be Discharged to the Encina Sewerage System except under the authority of a Special Use Discharge Permit, which is subject to Pretreatment Standards and Pretreatment Requirements.

2.8 LIMITATIONS ON NON-CONTACT COOLING WATER

No Person shall Discharge greater than 1000 gallons per day of Non-Contact Cooling Water to the Encina Sewerage System.

2.9 LIMITATIONS ON WASTEHAULER DISCHARGE

No Person shall Discharge Septage unless EWA has issued such Person a Special Use Discharge Permit which is subject to Pretreatment Standards and Pretreatment Requirements.

2.10 LIMITATIONS ON WASTEWATER DISCHARGE TO RECLAMATION FACILITIES

No Person shall Discharge a quantity or quality of Wastewater that causes, or is capable of causing, either alone or by interaction with other substances: (1) a violation of the Waste Discharge Requirements of any reclamation facility within the Encina Sewerage System; or (2) any applicable water quality objective of the Comprehensive Water Quality Control Plan Report, San Diego Basin (9) (Basin Plan) to be exceeded, unless by separate agreement of that Person with the affected reclaiming Member Agency(s).

2.11 LIMITATIONS ON THE USE OF GRINDERS

Waste from industrial or commercial grinders shall not be Discharged except as allowed in a User's Discharge Permit. Such grinders must shred the waste to a particle size of 0.5 inches or less.

2.12 LOCAL DISCHARGE LIMITS

In addition to any other prohibition or limitation prescribed by this Ordinance, no Person shall Discharge Wastewater in excess of the Mass Emission Rates, concentration limits or other limits set forth in Table 1 below.

Table 1
LOCAL DISCHARGE LIMITS

Daily Maximum Limits		
Constituent	Limits for Users in MWRF Service Area	Limits for Users in EWPCF Service Area
Arsenic, Total	1.5 mg/L	1.5 mg/L
Boron, Total	7.4 mg/L	-
Cadmium, Total	0.77 mg/L	0.77 mg/L
Chromium, Total	3.5 mg/L	3.5 mg/L
Copper, Total	11 mg/L	11 mg/L
Iron, Total	67 mg/L	-
Lead, Total	5.1 mg/L	5.1 mg/L
Mercury, Total	0.27 mg/L	0.27 mg/L
Manganese, Total	1.7 mg/ L	-
Molybdenum, Total	4.1 mg/L	4.1 mg/L
Nickel, Total	15 mg/L	15 mg/L
Selenium, Total	2.5 mg/L	2.5 mg/L
Silver, Total	4.2 mg/L	4.2 mg/L
Zinc, Total	29 mg/L	29 mg/L
Oil and Grease	400 mg/L	400 mg/L
Total Toxic Organics (TTO)	2.00 mg/L	2.00 mg/L
Biochemical Oxygen Demand (BOD)	250 mg/L*	500 lbs/day
Total Suspended Solids (TSS)	250 mg/L	500 lbs/day
Instantaneous Limits		
Constituent	Limit	Limit
pH	5.5 – 12.0 units	5.5 – 12.0 units
Temperature	140° Fahrenheit	140° Fahrenheit

*Permittees in the MWRF Service Area as of February 22, 2012 are grandfathered in at their existing pollutant loading for BOD.

2.13 BEST MANAGEMENT PRACTICES

EWA may develop BMPs by ordinance or in individual Wastewater Discharge Permits to implement Local Limits and the requirements of Section 2.1.

2.14 CATEGORICAL STANDARDS

A. In accordance with 40 C.F.R. Section 403.6(b), no Person shall Discharge any Wastewater violating any Categorical Standard.

B. Upon the EPA's promulgation or revision of a Categorical Standard for a particular industrial subcategory, the new or revised Categorical Standard, if more stringent than limitations imposed under this Ordinance or a Discharge Permit for sources in that subcategory, shall immediately supersede the limitations imposed under this Ordinance or a Discharge Permit.

C. Where a Categorical Standard is expressed only in terms of either the mass or the concentration of a Pollutant in Wastewater, EWA may impose equivalent concentration or mass limits in accordance with 40 C.F.R. Section 403.6(c).

D. Where a Categorical Standard is expressed only in terms of the mass of Pollutant per unit of production, EWA may convert the Categorical Standard 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 Users.

E. When Wastewater subject to a Categorical Standard is mixed with Wastewater not subject to the same standard, EWA shall impose an alternate limit in accordance with EPA guidance.

2.15 STATE REQUIREMENTS

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

2.16 MASS EMISSION RATES

A. EWA may establish a Mass Emission Rate for any Wastewater Constituent. Compliance with a Mass Emission Rate shall be determined by the User's average daily Wastewater Discharge, the most recent representative concentration data, or other data acceptable to EWA, and shall be calculated according to the following formula: (concentration in mg/L) x (flow in MGD) x (Conversion Factor of 8.34) = Pounds per day.

B. To verify a User's operating data, EWA may require a User to submit an inventory of all Wastewater streams and/or records.

SECTION 3

DISCHARGE PERMITS, FEES AND DEPOSITS

3.1 PERMIT REQUIRED

Any User proposing to Discharge into the Encina Sewerage System must apply for and obtain a Discharge Permit or NSW Form from EWA, prior to Discharge.

3.2 VIOLATIONS SUBJECT TO ENFORCEMENT

Any violation of the terms and/or conditions of a Discharge Permit or NSW Form is a violation of this Ordinance and subjects the Permittee to the fines and/or actions set forth in Section 6 of this Ordinance.

3.3 NO VESTED RIGHTS

No Discharge of Wastewater into the Encina Sewerage System, whether or not the Discharge is made pursuant to a Discharge Permit or NSW Form, shall create a vested right to continue the Discharge. All Discharges are privileges, not rights.

3.4 PROHIBITION OF TRANSFERABILITY

Any Discharge Permit or NSW Form issued under this Ordinance is valid only for the specific User, for the specific operation at the specific location identified in the Discharge Permit or NSW Form, and may not be transferred, sold or hypothecated, or applied or transferred to the Permittee's operation at a different location. If the Permittee's business is sold or transferred, the successor owner shall submit an application for a new Discharge Permit or NSW Form prior to any Discharge. For purposes of this Ordinance, sale or transfer shall mean: the change of more than 25% of the ownership or equity interest in Permittee (whether in a single transaction or in a series of transactions); or the merger, reorganization or consolidation of Permittee with another entity with respect to which Permittee is not the surviving entity.

3.5 VALIDITY CONDITIONED ON VALID CONNECTION PERMIT

No Class I, II or III Discharge Permit, or NSW Form is valid for a User that does not hold a valid Connection Permit issued by a Member Agency.

3.6 TYPES OF CONTROL MECHANISMS

A. CLASS I PERMIT

Any User that is subject to any Categorical Standard(s) shall obtain a Class I Discharge Permit unless designated as a Non-Significant Categorical Industrial User (NSCIU) by EWA.

B. CLASS II PERMIT

Any User that is not subject to paragraph A above, but meets one of the following conditions shall obtain a Class II Discharge Permit:

1. Any User that Discharges 25,000 gallons per day (gpd) or more of Process Wastewater to the Encina Sewerage System;
2. Any User that contributes more than 5% of the average dry weather flow to the Encina Sewerage System; or
3. Any User that Discharges Wastewater which may cause Pass-through or Interference, as determined by EWA.

C. CLASS III PERMIT

Any User that is not subject to paragraphs A or B above, but meets one of the following conditions shall obtain a Class III Discharge Permit:

1. Any User that may be subject to Categorical Standards, but either does not Discharge any regulated Wastewater or is a stand-alone research and development facility;
2. Any User designated as a NSCIU by EWA; or
3. Any User determined by EWA to have a reasonable potential to adversely impact the Encina Sewerage System or to violate any Pretreatment Standard or Requirement.

D. SPECIAL USE PERMIT

Any User that Discharges Groundwater, Surface Runoff, or Septage or Discharges to a Brine Line is required to obtain a Special Use Discharge Permit (SUP).

1. A SUP may be granted when no alternative method of disposal is reasonably available, and the Discharge is necessary to mitigate an environmental risk or health hazard or to protect the beneficial reuse of Wastewater byproducts.

2. A SUP may only be granted if EWA determines that the following conditions are met:

(a) The Applicant and/or the Wastewater source are within the Encina Service Area and/or within the jurisdiction of an EWA Member Agency;

(b) EWA and the Member Agency have adequate treatment capacity to accept the proposed flow;

(c) The technology and equipment used provide adequate assurance that there will be no adverse impacts on the Encina Sewerage System, its employees, its Users or reuse of Wastewater or Wastewater byproducts; and

(d) The Applicant has adequate resources and/or insurance to fully indemnify the EWA and the Member Agencies from any and all claims and/or damages arising out of or in connection with the proposed Discharge.

E. NSWDFORM

Any User that is determined by EWA to be an NSIU, based on a review of the User's Discharge Permit application, compliance data, and/or a facility inspection, shall be issued a NSWDForm. EWA may review a Permittee's compliance data at any time or upon the Permittee's written request in order to determine whether the Permittee is a NSIU.

3.7 COMPLIANCE WITH STANDARDS

All Users holding Class I, II and III Discharge Permits, Special Use Discharge Permits and NSWDForms shall comply with the Pretreatment Standards and Pretreatment Requirements and any other requirements of this Ordinance, including any fees, fines, costs, or deposits established by EWA.

3.8 DISCHARGE PERMIT APPLICATIONS

A. Users seeking a Discharge Permit or renewal of such a Permit shall submit to EWA a completed application, along with all applicable fees and deposits prior to any Discharge.

B. Permittees seeking a renewal of an existing Discharge Permit shall submit a completed application along with all applicable fees or deposits no later than 90 days prior to the expiration of the existing Discharge Permit. In the event a User fails to submit a completed application within the required timeframe, the Discharge Permit is subject to expiration.

C. A completed application for a new or renewed Discharge Permit may include the following information:

1. Applicant's name, business name and address, Discharge site or property address if different, telephone number, assessor's parcel number(s), SIC number(s), a detailed description of the manufacturing process or service activity;

2. Names, mailing addresses of any and all principals/owners/major shareholders of Applicant; the Applicant's articles of incorporation; most recent report of the Secretary of State (if applicable); business license (whichever are applicable);

3. Volume of Wastewater to be Discharged, and/or the number of trucks or trailers, and license numbers and tank hauling capacity of each, if applicable;

4. Name of any responsible individual who can be served with notices at the Discharge site, other than officers of the corporation;

5. Name and address of current and prior property owners, landlord, manager and/or User of the property and types of business located at that address; a copy of any cleanup and/or abatement order associated with the property; a copy of any liens against the property;

6. Water supplier(s) and water account numbers;

7. Source and amount of Wastewater Constituents and Characteristics as required by EWA including, but not limited to, those mentioned in Section 2.12, Local Discharge Limits, of this Ordinance. These Constituents and Characteristics shall be determined by a laboratory certified by the State of California under the authority of the Environmental Laboratory Accreditation Program. A new Applicant may use estimates in lieu of laboratory analysis, based upon the best available information;

8. Time and duration of Discharge;

9. Number of persons employed by Applicant and average hours of work per employee per day;

10. Waste minimization and water conservation practices;

11. Production records, if applicable;

12. Waste Manifests, if applicable;

13. Landscaped area in square feet, if applicable;

14. Tons of cooling tower capacity, if applicable;

15. EPA hazardous waste generator number, if applicable;

16. Complete description of hazardous chemical/waste storage;

17. Material safety data sheets for chemicals actually Discharged to the Encina Sewerage System and for those chemicals potentially Discharged to the Encina Sewerage System in amounts or concentrations that could negatively impact the Collection System or treatment processes;

18. Site plans, floor plans, mechanical and plumbing plans and details to show all incoming and outgoing plumbing connections (including incoming potable water), valves, sewers, spill containment, Pretreatment facilities, clarifiers and appurtenances by size, location and elevation, as required by EWA;

19. Baseline Monitoring Report (BMR) if Applicant is subject to a Categorical Standard(s);

20. Name and address of leaseholder of the vehicles, trailers or Pretreatment Equipment to be used, if applicable;

21. A detailed description of the Pretreatment proposed or required by any other regulatory agency having jurisdiction over the Discharge;

22. For SUP Applicants, a detailed description of the alternatives investigated for disposal including reasons why all other Discharge alternatives were not chosen;

23. In the case of Groundwater or Brine Line Discharges, proof of general liability and environmental impairment liability insurance naming EWA and the Member Agencies as additional insureds and covering all liability for damages resulting from the Discharge in amounts deemed appropriate by the General Manager; and an indemnity agreement that holds the EWA and the Member Agencies harmless from any and all costs, claims, and/or damages arising out of or in connection with the Discharge of the treated Groundwater or from the Brine Line, including costs incurred by EWA in the investigation and/or defense of any claims; and

24. Any other information required by EWA in order to properly evaluate the Discharge Permit application.

D. After evaluation of a completed application, EWA may issue a Discharge Permit, subject to the terms and conditions set forth in this Ordinance and any additional terms and conditions which EWA determines are necessary to protect the Encina Sewerage System.

E. Any application which is not complete within 90 days following initial receipt by EWA shall be deemed denied.

3.9 DISCHARGE PERMIT/NSWD FORM TERMS AND CONDITIONS

A. A Class I, II, III, Special Use Discharge Permit or NSWD Form may contain any of the following terms and conditions:

1. Limits on Pollutant concentration rate or Mass Emission Rates, which may be more stringent than those set forth in Section 2.12, Local Discharge Limits, of this Ordinance;

2. Limits on Discharge volume, flow rate and time period restrictions of Discharge, or requirements for flow equalization;

3. Requirements to notify EWA in writing prior to any expansion of facilities or wet processes, or increase in Discharge flows;

4. Requirements to construct and maintain, at the Permittee's expense, pH control, flow monitoring and/or sampling facilities;

5. Requirements for maintaining and submitting technical reports, production data, Discharge logs or reports, Waste Manifests, water bills and/or other records;

6. Requirements to self-monitor;

7. Requirements for maintaining a minimum of three years of plant records relating to Wastewater Discharge, BMP documentation and Waste Manifests;

8. Actual or estimated rates or values for Wastewater strength characteristics;

9. Requirements to install, maintain and/or inventory specified Pretreatment Equipment;

10. A slug control plan, as set forth in Section 5.7 of this Ordinance, or other specific actions to control Slug Discharges;

11. Requirements to notify EWA immediately of any facility changes that may affect the potential for a Slug Discharge;

12. Requirements to implement specific BMPs to minimize the Discharge of Pollutants;

13. A Toxic Organics Management Plan, as set forth in Section 5.8 of this Ordinance;

14. Requirements to deposit with EWA in accordance with Section 3.12 of this Ordinance, a specified amount based upon: (1) Permittee's history of non-payment of fees, fines or costs; or (2) potential non-routine sampling and monitoring that may be required as determined by EWA; and

15. Additional or more stringent requirements as deemed necessary by EWA to ensure compliance with this Ordinance and/or to protect the Encina Sewerage System.

B. For Wastehauler Discharge, the SUP shall also be subject to the following:

1. the Wastehauler shall have a valid permit from the San Diego County Health Department;

2. the Wastewater shall be Discharged according to the provisions of EWA's Standard Operating Procedure No. 24 as amended from time to time, and only by certain authorized vehicles, as authorized in the User's SUP;

3. the Wastehauler shall not Discharge Wastewater from any industrial or commercial source, or any hazardous waste.

C. Users with NSWDF Forms are also subject to the following:

1. By accepting a NSW Form, the User authorizes EWA staff to enter the premises and inspect without delay, and/or monitor the User's Discharges in order to determine continued compliance with the terms and conditions of the form.

2. The User shall post the NSW Form in the User's place of business in recognition of the User's contribution to the community for implementing pollution prevention and waste recycling measures.

3. The terms and conditions of each NSW Form shall vary according to User. At a minimum, the User is required to implement and maintain agreed-upon BMPs and to meet all Pretreatment Standards and Pretreatment Requirements of this Ordinance.

4. The User's failure to maintain these BMPs may result in the User's reclassification, and EWA may issue a Class I, II or III Discharge Permit as appropriate. Failure to comply may also result in sanctions as allowed by this Ordinance.

3.10 DISCHARGE PERMIT DURATION AND RENEWAL, MODIFICATION AND REVOCATION

A. DURATION AND RENEWAL

Discharge Permits shall be issued for a limited period not to exceed a term of five years. At least 90 days prior to expiration of the Discharge Permit, the Permittee shall apply for renewal in accordance with the provisions of this Ordinance. A new Discharge Permit may contain additional and more stringent terms and conditions than a User's previous Discharge Permit.

B. MODIFICATION

1. EWA may modify any Discharge Permit for good cause including, but not limited to, the following reasons:

(a) To incorporate any new or revised federal, State or local Pretreatment Standards or Pretreatment Requirements;

(b) To address significant alterations or additions to the User's operation, processes or Wastewater volume or character since the date the Wastewater Discharge Permit was issued;

(c) To reflect any change in the Encina Sewerage System that requires either a temporary or permanent reduction or elimination of the authorized Discharge;

(d) In response to information indicating that the permitted Discharge poses a threat to the Encina Sewerage System, its personnel, the receiving waters or reuse of Wastewater byproducts;

(e) Substantial evidence of a violation of any terms or conditions of the Discharge Permit;

(f) A User's misrepresentation or failure to fully disclose all relevant facts in the Discharge Permit application or in any required report;

(g) Revision of or a grant of variance from Categorical Standards;

(h) To correct typographical or other errors in the Discharge Permit; or

(i) To reflect a transfer of the facility ownership or operation to a new owner or operator as allowed by this Ordinance.

2. In the event EWA requires a Discharge Permit modification that is not requested by the Permittee, EWA shall inform the Permittee at least 45 days prior to the effective date of the modification, unless the Permittee has violated any terms or conditions of its Discharge Permit or this Ordinance in which case a modification may be effective immediately.

3. The Permittee shall request a Discharge Permit modification 90 days prior to increasing flow or changing Wastewater Constituents and Characteristics where such contribution or change will cause the Permittee to be in violation of its Discharge Permit or this Ordinance. The request shall be in writing stating the requested change and the reasons therefore. Within 45 days of receipt of a completed request, EWA may approve, deny or modify the request and make any necessary modification to the Discharge Permit.

C. REVOCATION

EWA may revoke a Discharge Permit or NSW Form at any time in accordance with Section 6 of this Ordinance.

3.11 OUT-OF-AREA DISCHARGES

A. After the effective date of this Ordinance, any agreement entered into by a Member Agency and an agency outside of the Member Agency's legal boundary, allowing Discharge to the Encina Sewerage System, and any modifications to such agreement, shall be subject to approval by the EWA Board of Directors and to the procedures set forth in Section 3 of EWA's Revised Basic Agreement.

B. Such agreements shall provide protections to the Encina Sewage System equivalent to those set forth in this Ordinance, such as: compliance with Pretreatment Standards and Pretreatment Requirements; rights of inspection and sampling of the User's Discharge to determine compliance with such standards and requirements; and imposition of any fees, fines, costs, or deposits as necessary.

C. The Member Agency shall submit to EWA a signed copy of the agreement after all required approvals are obtained.

3.12 FEES AND DEPOSITS

A. GENERAL

Any fees or deposits prescribed in this Section 3.12 shall be due and payable to EWA at the time prescribed herein or as set forth in any resolution of the EWA Board of Directors establishing certain fees. An unpaid fee is delinquent if it has not been paid within 30 days after it is due. All delinquent payments will be assessed a penalty of 10% or \$100 per month, whichever is greater.

B. FEES

1. APPLICATION/RENEWAL FEES

EWA's Board of Directors may establish by resolution a fee for application for or renewal of a Discharge Permit or NSW Form. The application/renewal fee shall be in an amount reasonably related to EWA's costs of reviewing applications and may include an extra amount for expedited review of a renewal application. All permit fees shall be due and paid prior to issuance or renewal of a Discharge Permit or NSW Form. Any delinquent payments to EWA must be paid in full prior to issuance or renewal of a Discharge Permit or NSW Form.

2. ANNUAL FEE

Each Permittee and NSIU shall pay to EWA an annual fee in an amount adopted by resolution of the EWA Board of Directors. The annual fee shall be in an amount reasonably calculated to cover actual or estimated costs of EWA's routine compliance monitoring, inspections and reporting applicable to the Permittee or NSIU. The annual fee shall be due to EWA on an annual date as established by the EWA Board of Directors.

3. SPECIAL USE FEE

In addition to the application/renewal fee and the annual fee, the EWA Board of Directors may establish by resolution a fee to cover any additional costs relating to Special Use Discharge Permits.

C. DEPOSITS

EWA may require a User to pay a deposit or replenish any deposited amount: (1) prior to issuing, modifying or renewing a Discharge Permit or NSW Form; (2) for monitoring and/or treatment of a Special Use Discharge; (3) prior to scheduling an appeal or enforcement hearing in accordance with Section 6.4 of this Ordinance; or (4) as part of an enforcement action. The deposit shall be based upon the estimated costs associated with the particular action.

EWA may charge the deposit for actual and reasonable costs incurred by EWA or a Member Agency for: (1) issuance, modification or renewal of a Discharge Permit or

NSWD Form; (2) monitoring and/or treatment of a Special Use Discharge; (3) preparation for and services at an appeal or enforcement hearing in accordance with Section 6.4 of this Ordinance; or (4) the enforcement of a User's compliance with its Discharge Permit or NSW Form, or this Ordinance. The User will be required to pay any additional costs incurred by EWA in excess of the deposited amount.

If a User's appeal is sustained, the full deposit shall be returned. In all other cases, EWA shall return to the User any remaining deposited amount along with any interest earned upon: (1) the User's surrender of its Discharge Permit or NSW Form; (2) the cessation of the User's Discharge; or (3) the conclusion of any enforcement action under this Ordinance, whichever is later. EWA shall provide the User an accounting of the deposited amount upon return of the remaining amount, and upon the User's request.

The User's deposit of any amount with EWA shall not constitute an admission of liability or noncompliance with any NSW Form or Discharge Permit, or this Ordinance.

SECTION 4 FACILITIES REQUIREMENTS

4.1 PRETREATMENT FACILITIES

A. All Users shall Discharge Wastewater acceptable to EWA in compliance with the Pretreatment Standards and Pretreatment Requirements set forth in this Ordinance. Users shall provide, maintain and pay for any facilities required to pretreat or transport Wastewater that meets the requirements of this Ordinance and the User's Discharge Permit or NSW Form.

B. EWA may review and approve, based upon the Director's BPJ, the User's Pretreatment facilities. In no event shall any review or approval indicate compliance with this Ordinance, any Discharge Permit or NSW Form.

C. EWA may require any User to submit waste minimization plans, contingency plans and other necessary documentation to ensure proper operation of the Pretreatment facilities.

D. EWA may require any User to install technology to meet Pretreatment Standards or Pretreatment Requirements in accordance with Section 6 of this Ordinance.

4.2 SPILL CONTAINMENT FACILITIES

All Users shall provide, maintain and pay for spill containment facilities to protect against Discharge in violation of this Ordinance. Spill containment facilities shall be designed to secure 110% of the capacity of the largest single tank within the structure and prevent it from entering into the Encina Sewerage System, in accordance with reasonable engineering standards.

4.3 MONITORING/METERING FACILITIES

A. EWA may require the User to construct and maintain in proper operating condition at the User's sole expense flow monitoring, constituent monitoring and/or sampling facilities, in a manner that allows free and uninterrupted access by EWA.

B. Any sample taken from a sampling location designated in the User's Discharge Permit is considered representative of the quality and/or quantity of normal Process Wastewater generated during daily operations at the facility.

C. 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.

D. Monitoring or metering facilities may include a locking security closure for EWA's access only. If the locking device is owned by the User, the User shall provide EWA with key

entry access to the monitoring or metering facility, permitting entry without delay during all hours of operation.

E. Location of the monitoring or metering facilities shall be determined by the User based upon the User's processes and in-line Pretreatment Equipment, if applicable, and subject to approval by EWA.

F. If a User has various operations producing different Wastewater Constituents and Characteristics, or subject to different Categorical Standards, EWA may require the User to install separate monitoring or metering facilities for each operation.

G. All devices used to measure Wastewater flow or Wastewater Constituents and Characteristics shall be installed and calibrated by a qualified individual(s) according to manufacturer's specifications, at a frequency determined by EWA and/or upon EWA's request, to ensure their accuracy.

4.4 DRAWING SUBMITTAL REQUIREMENTS

A. Users shall submit to EWA detailed drawings for review of existing or proposed construction of Pretreatment facilities, spill containment facilities and monitoring or metering facilities. Users shall not begin construction of the proposed facility without prior approval of EWA. EWA's review or approval of the drawings shall in no way relieve the User of any future responsibility for modifying the facilities or procedures to meet the requirements of this Ordinance.

B. All drawings shall include the following: (1) north arrow; (2) scale size; (3) User name and address; (4) drawing name and drawing number; (5) date drawn or revised; (6) name of draftsman and name of person approving drawing.

C. EWA may require drawings to scale or schematic drawings depicting the manufacturing process (waste generating sources), spill containment, Pretreatment facilities, and/or monitoring and metering facilities.

D. EWA may require the drawings be prepared by a California Registered Chemical, Mechanical or Civil Engineer.

4.5 BEST MANAGEMENT PRACTICES (BMPs)

A. All Permittees, including NSIUs, shall implement any and all feasible BMPs to minimize Pollutant and Wastewater Discharge.

B. BMPs include any action that causes a net reduction in the use or generation of Pollutants that are Discharged into Wastewater and include, but are not limited to, Pretreatment, maintenance procedures, and any of the following:

1. **Input change:** A change in raw materials used in a production process or operation so as to reduce, avoid or eliminate the generation of Pollutants Discharged in Wastewater.

2. **Operational improvement:** Improved site management so as to reduce, avoid or eliminate the generation of Pollutants Discharged in Wastewater.

3. **Production process change:** A change in a process, method or technique that is used to produce a product or a desired result, including the return of materials or their components for reuse within the existing processes or operations, or recycling of water or Wastewater byproducts, so as to reduce, avoid or eliminate the generation of Pollutants Discharged in Wastewater.

4. **Product reformulation:** Changes in design, composition or specifications of end products, including product substitution, so as to reduce, avoid or eliminate the generation of Pollutants Discharged in Wastewater.

C. Pollution prevention does not include actions that merely shift a Pollutant in Wastewater from one environmental medium to another environmental medium, unless clear environmental benefits of such an approach are identified to the satisfaction of EWA.

4.6 ADDITIONAL PRETREATMENT MEASURES

A. TIME AND LOCATION OF DISCHARGE

To protect the Encina Sewerage System or to assess the User's compliance with the requirements of this Ordinance, EWA may require: (1) Users to restrict Discharge during peak flow periods; (2) that certain Wastewater be Discharged only into specific sewers; (3) Users to relocate and/or consolidate points of Discharge; (4) Users to separate Domestic Wastewater from Process Wastewater; and (5) such other conditions as may be necessary in the Director's BPJ.

B. FLOW EQUALIZATION

EWA may require any Person Discharging into the Encina Sewerage System to install and maintain on its property and at its expense, a storage and flow-control facility to ensure equalization of flow.

C. INTERCEPTORS

EWA may require Users to install Oil and Grease, or sand interceptors when, in the Director's BPJ, such interceptors are necessary for the proper handling of Wastewater containing excessive amounts of Oil and Grease or solids, to reduce the amount of these pollutants entering the Encina Sewerage System. All interceptor units shall be of type and capacity approved by EWA and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned and repaired regularly, as needed, by the User at the User's expense.

D. GAS DETECTION METER

EWA may require Users with the potential to Discharge flammable substances to install and maintain an approved combustible gas detection meter.

SECTION 5

MONITORING, REPORTING, INSPECTION & NOTIFICATION

5.1 SELF-MONITORING

A. EWA may require any User to submit self-monitoring reports of Wastewater Constituents and Characteristics in order to determine compliance with the User's Discharge Permit or this Ordinance. When required, the self-monitoring requirement and frequency of reporting shall be set forth in the User's Discharge Permit.

B. All sample analyses shall be performed by a laboratory certified by the State of California under the Environmental Laboratory Accreditation Program (ELAP) and follow the requirements set forth in 40 C.F.R. Part 136 and Section 5.2 below.

C. The analyses of Wastewater Constituents and Characteristics and the preparation of the monitoring report shall be at the User's sole expense.

D. Users shall submit to EWA the results of all sample analyses obtained at the representative sample point and analyzed according to B. above, even if the User samples more frequently than is required by its Discharge Permit.

E. If self-monitoring indicates a violation, the User shall notify EWA within 24 hours of becoming aware of the violation. The User shall repeat the sampling and analysis and submit the results of the repeat analysis to EWA within 30 days.

F. In the event a User fails to perform any required self-monitoring and/or to submit self-monitoring reports, EWA may initiate all necessary tasks and analyses to determine the User's Wastewater Constituents and Characteristics for any limitations and requirements specified in the User's Discharge Permit or in this Ordinance. The User shall be responsible for any and all expenses of EWA in undertaking such monitoring analyses and preparation of reports.

5.2 WASTEWATER SAMPLE COLLECTION

A. Samples utilized by the User to satisfy reporting requirements must be collected during the period covered by the report.

B. All samples and measurements taken as required herein shall be representative of the volume and nature of the Discharge. All samples shall be taken at the representative sample point specified in the User's Discharge Permit and, unless otherwise specified, before the Discharge is diluted by any other wastestream, body of water or substance.

C. Except as indicated in Sections D and E below, or unless otherwise authorized by EWA, the User must collect all Wastewater samples using 24-hour composite sampling techniques.

D. Samples for pH, temperature, cyanide, Oil and Grease, and Total Toxic Organics must be obtained using grab collection techniques. Using the protocols (including appropriate preservation) specified in 40 CFR Part 136 and EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, the samples may be composited in the laboratory or in the field; for Total Toxic 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 EWA as appropriate.

E. For sampling required in support of baseline monitoring and 90-day compliance reports, a minimum of four grab samples must be used for pH, cyanide, Oil and Grease, and Total Toxic Organics for which historical sampling data do not exist. For facilities for which historical sampling data are available, EWA may authorize a lower minimum. For routine sampling, EWA shall require the number of grab samples necessary to assess and assure compliance with applicable Pretreatment Standards and Pretreatment Requirements.

5.3 BASELINE MONITORING REPORTS (BMRs)

Any New Source and any User subject to a new or revised Categorical Standard shall submit a BMR prior to the issuance or renewal of its Discharge Permit. Each BMR shall contain the information set forth in 40 C.F.R. Section 403.12(b)(1)-(6) and shall be submitted within the prescribed timeframes.

5.4 REPORT ON COMPLIANCE WITH CATEGORICAL STANDARD

Within 90 days following the date for final compliance with an applicable Categorical Standard or in the case of a New Source following the commencement of Discharge, any User subject to Pretreatment Standards and Pretreatment Requirements shall submit to EWA a report containing the information set forth in 40 C.F.R. Section 403.12(b)(4)-(6). For Users subject to equivalent mass or concentration limits, the report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to Categorical Standards expressed in terms of allowable Pollutant Discharge unit of production (or other measure of operation), the report shall include the User's actual production during the appropriate sampling period.

5.5 COMPLIANCE SCHEDULE PROGRESS REPORTS

All Users subject to a compliance schedule issued pursuant to Section 6 or as required by a Discharge Permit shall submit a progress report within 14 days of each interim compliance date set forth in the compliance schedule.

5.6 SEMIANNUAL COMPLIANCE STATUS REPORTS

All Class I, Class II, and Class III Permittees shall submit reports to EWA in accordance with 40 C.F.R. Section 403.12(e) and (h), respectively. These reports shall be submitted twice each year for the periods July 1 through December 31, and January 1 through June 30, and shall be due on January 15 and July 15 of each year, respectively.

5.7 SLUG CONTROL PLANS

EWA shall evaluate whether each Significant Industrial User needs a slug control plan to control Slug Discharges. EWA may require any User to develop, submit for approval and implement such a plan. A slug control plan shall address, at a minimum, the following;

- A. Description of routine and non-routine Discharge practices;
- B. Description of stored chemicals, the quantities used and disposal practices for each;
- C. Procedures for immediately notifying the EWA of any Slug Discharge, as required by Section 5.15(B) of this Ordinance; and
- D. Procedures to prevent adverse impact from any Slug Discharge. Such procedures include, but are not limited to: all pollution prevention measures that have been implemented by the User; regular inspection and maintenance of Pretreatment systems and storage areas; proper handling and transfer of materials; worker training; measures for containing Pollutants; measures for ensuring against the deliberate initiation of a Slug Discharge; and measures and equipment for emergency response.

5.8 TOXIC ORGANIC MANAGEMENT PLAN

EWA may require any User to submit a Toxic Organic Management Plan (TOMP) to address the prevention of Discharge of toxic organics to the Encina Sewerage System or the environment. A TOMP shall contain, at a minimum, the toxic organic compounds used, the method(s) of disposal, and the procedures for assuring that toxic organics do not spill into the Wastewater being Discharged. EWA may allow a User to develop and implement a TOMP in lieu of required self-monitoring for Total Toxic Organics.

5.9 WASTEHAULER DISCHARGE REPORT

Each Wastehauler shall complete a Septage Discharge report for each load Discharged. The report shall include the following information: (1) date and time of Discharge; (2) type of Septage Discharged; (3) volume of Discharge; (4) company name; (5) truck license number; (6) driver's name; and (7) source of Septage (chemical toilet route number or name of client(s) and address).

5.10 FALSE STATEMENTS AND CERTIFICATION

A. Persons submitting Permit applications and reports pursuant to this Ordinance are subject to the provisions of 18 U.S.C. Section 1001, Section 309 of the Clean Water Act, 40 C.F.R. Section 403.12 (b)(6) and any other provisions of law imposing civil and/or criminal penalties for making false statements.

B. All Discharge Permit applications and any reports submitted pursuant to this Ordinance shall be signed by an Authorized Representative of the User, indicate the city in

which the statement was signed (or county, if signed in an unincorporated area) 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."

5.11 CONFIDENTIAL INFORMATION

Information and data about a User that is obtained by EWA from reports, surveys, Wastewater Discharge Permit applications, individual Wastewater Discharge Permits, monitoring programs, inspection and sampling activities, or any other information about a User on file with EWA shall be available to the public without restriction unless the User requests confidentiality for specific information and is able to demonstrate to the satisfaction of EWA that such information is entitled to protection as trade secrets under applicable law. Any such request must be asserted at the time the information or data is first submitted to or collected by EWA. When a User makes a timely request and EWA determines that information should be held confidential, the portions of any document which would disclose trade secrets shall not be made available for inspection by the public, but shall still be made available immediately upon request to governmental agencies for uses related to the NPDES Program or Pretreatment Program, or in enforcement proceedings. Wastewater Constituents and Characteristics and other effluent data as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

5.12 REPORTS FROM UNPERMITTED USERS

All Users not required to obtain a Discharge Permit, such as Users that have been issued a NSWDForm, shall provide reports to EWA as requested.

5.13 EWA'S RIGHT TO INSPECT, SAMPLE, AND EWA'S RIGHT OF ENTRY

A. Persons or occupants of premises where Wastewater is created or Discharged shall allow EWA, or its representatives, reasonable access to all parts of the Wastewater generating and disposal facilities as necessary for the purposes of inspection and sampling to determine compliance with a Discharge Permit or this Ordinance. EWA has the right to enter any User's facility without prior notice if the User is required to obtain a Discharge Permit or NSWDForm under this Ordinance.

B. Any member of the EWA inspection or enforcement team may inspect and sample from the Wastewater generating and disposal facilities of any User to ascertain whether the intent of this Ordinance is being met and the User is complying with requirements. Each inspector carries an EWA-issued credential badge with the individual's first and last name, photograph and title. If requested, EWA inspectors will present this credential for verification upon entry onto any User's facility for the purpose of performing inspection or sampling responsibilities. Where a User has security measures in force that require additional identity verification, the User may make necessary arrangements with EWA in advance so that, upon presentation of an inspector's photo identification credential, personnel from EWA will be permitted to enter without delay for the purpose of performing their specific responsibilities. In no event may a User require EWA inspectors to provide or present any other form of identification, or otherwise delay entry of any member of the EWA inspection or enforcement team for additional identity verification.

C. EWA shall have the right to set up on the User's property or other locations as determined by EWA such devices as are necessary to conduct sampling or metering operations.

D. A User shall remove promptly any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled at the written or verbal request of EWA and such obstruction shall not be replaced. The User is responsible for the costs of removing such obstruction.

E. Unreasonable delays or interference in allowing EWA access to the User's premises shall for the purposes of enforcement of this Ordinance be a violation of this Ordinance.

5.14 RECORDKEEPING

In order for EWA to determine the Wastewater characteristics of the User for purposes of determining compliance with a Discharge Permit, a NSW Form, or this Ordinance, all Users shall make available to EWA for inspection and/or copying at the User's expense, the following records: all notices, self-monitoring reports and supporting records, BMP documentation, Waste Manifests and any other records relating to the Discharge required to be kept under State or federal law. Users shall retain all records a minimum of three years.

5.15 NOTIFICATIONS

A. CHANGE TO DISCHARGE

All Users are required to notify the EWA before increasing or decreasing flow or Wastewater Constituents or Characteristics by more than 10% from the amounts described in the applicable Discharge Permit or NSW Form.

B. BYPASS/SLUG DISCHARGE

1. All Users are required to notify EWA immediately of any facility changes that may affect the potential for a Slug Discharge.

2. If a User anticipates the need for a Bypass or Slug Discharge, it shall submit prior notice to EWA, if possible, at least 10 days before the date of the Bypass or Slug Discharge.

3. EWA may approve an anticipated Bypass or Slug Discharge after considering its adverse effects, and in the case of a Bypass, only if EWA determines that it will meet the conditions set forth in Section 2.6 of this Ordinance. Approval of an anticipated Bypass or Slug Discharge does not relieve the User of any expense, loss, damage or other liability which may be incurred as a result of damage or loss to EWA and/or a Member Agency or any other damage or loss to person or property; nor shall such notification relieve the User of any fees or other liability which may be imposed by this Ordinance or other applicable law.

4. A User shall submit to EWA oral notice of an unanticipated Bypass or Slug Discharge that violates the User's Discharge Permit or NSWDC Form or this Ordinance within 24 hours after the User has knowledge of the Bypass or Slug Discharge. A User shall submit to EWA a written report within five working days after the User becomes aware of the Bypass or Slug Discharge. The report shall contain a description of the Bypass or Slug Discharge and its cause; the duration of the Bypass or Slug Discharge, including exact dates and times, and, if the Bypass or Slug Discharge has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent recurrence of the Bypass or Slug Discharge.

5. Failure to submit oral notice and/or written report may be grounds for Discharge Permit suspension or revocation. Failure to provide timely notice is deemed a waiver of the Bypass defense for any violation.

6. Notification of Bypass shall not relieve the User of any expense, loss, damage or other liability which may be incurred as a result of damage or loss to EWA and/or a Member Agency or any other damage or loss to person or property; nor shall such notification relieve the User of any fees or other liability which may be imposed by this Ordinance or other applicable law.

7. Users shall post in a prominent place on the User's employee bulletin board or other notice board a notice advising employees whom to call in the event of a Bypass or Slug Discharge. Users shall ensure that all employees are advised of the emergency notification procedure.

C. DISCHARGE OF HAZARDOUS WASTE

Users shall give notices of Discharge of hazardous waste, as defined in 40 C.F.R. Part 261, in accordance with 40 C.F.R. Section 403.12(p).

SECTION 6 ENFORCEMENT

6.1 PURPOSE AND SCOPE

EWA finds that enforcement of this Ordinance throughout the Encina Service Area is vital to the protection of the public's health and safety, the environment and the Encina Sewerage System. Any violation or continuing violation of a provision of this Ordinance, a Discharge Permit, a NSW Form, an administrative order or applicable State or federal law may be grounds for enforcement action against a User. EWA shall conduct enforcement proceedings in accordance with its Enforcement Response Plan, as amended from time to time, to ensure consistent application of the provisions of this Ordinance.

6.2 FINDINGS OF VIOLATION

EWA may make findings of violation of a Discharge Permit, a NSW Form, this Ordinance or applicable law based upon the following:

- A. Review of information submitted by a User to EWA;
- B. EWA's inspection of the User's facility and/or sampling of the User's Discharge;
- C. A User's failure to submit any required documentation, report or notice;
- D. A User's failure to pay any fees, fines, costs or deposits as required by this Ordinance;
- E. Any other information received by EWA.

6.3 ADMINISTRATIVE ENFORCEMENT ACTIONS

EWA may impose any of the enforcement actions set forth herein against a User upon a finding that a violation has occurred.

A. NOTICE OF VIOLATION (NOV)

1. Upon finding a violation of this Ordinance, a Discharge Permit, a NSW Form, an administrative enforcement order or applicable law, EWA may issue the User a NOV.

2. For any violation of Sections 2.1(A), 2.1(B)(3), (4) and (6)-(8) of this Ordinance, EWA shall examine whether the User has an affirmative defense as set forth in 40 C.F.R. Section 403.5(2). If in the Director's BPJ the User has an affirmative defense, EWA shall not issue an NOV.

3. A NOV shall:

- a. describe the violation and the basis for the violation;

- b. cite the provision of the Ordinance, Discharge Permit or law violated;
- c. require correction of the violation and/or a written explanation of the cause of the violation, within a specified timeframe;
- d. set forth any administrative enforcement action imposed by EWA;
- e. provide written instructions for obtaining a hearing and the deadlines for doing so, if applicable.

4. In the event that the notice of violation imposes any administrative enforcement action(s), EWA shall issue the NOV by at least one of the following methods: (1) via certified mail with return receipt requested; (2) personal delivery; or (3) posting the notice of violation conspicuously on or in front of the User's premises.

B. MONETARY FINES

1. In general, the fine shall be assessed at a level that recovers the economic benefit derived by the User from the acts constituting the violation. An Officer may impose monetary fines in an amount not to exceed \$1,000 per violation per day. The Director may impose monetary fines in an amount not to exceed \$5,000 per violation per day or \$10 per gallon.

2. The fine shall be imposed in accordance with the recommendations found in EWA's Enforcement Response Plan and Guide as amended from time to time, and maintained at the EWA administrative offices.

3. **Payment Due Date.** The fines prescribed in this Section shall be due and payable to EWA within 30 days from the date of receipt of the NOV or administrative enforcement order. Any unpaid fine will be assessed a penalty of 10% or \$100 per month, whichever is greater.

C. ENFORCEMENT AND OTHER COSTS

EWA may require the User to pay any additional costs incurred which are reasonably related to the enforcement of a User's Discharge Permit or NSWD Form or any requirements of this Ordinance. These costs may include: any inspections, monitoring, sampling or other investigations required by EWA on a non-routine basis; procurement of water records; additional treatment; reasonable attorney fees and other legal costs, whether or not civil enforcement is pursued in court; any expert analysis required on a non-routine basis; any damage to the Encina Sewerage System; costs required to resume normal operation of the Encina Sewerage System; and any other costs incurred by EWA or a Member Agency in its enforcement efforts. These costs shall be based upon actual expenses, including staff time incurred for such enforcement activities. These costs are due and payable as directed in any

notice and are not subject to appeal. EWA shall provide the User an accounting of these costs upon the User's request.

D. NON-COMPLIANCE SAMPLING

In response to repeated violations, a User's self-monitoring frequency may be increased to determine whether the corrective actions taken in response to a violation have returned the User to compliance.

E. ENFORCEMENT SECURITY

EWA may require a User to deposit cash or provide a letter of credit or other security in a form approved by EWA, sufficient to ensure the User's compliance, to ensure payment of any fees, fines, or costs, or to ensure participation in any requested hearing, in accordance with Section 3.12 of this Ordinance.

F. COMPLIANCE SCHEDULE

EWA may impose a compliance schedule based upon his or her BPJ, setting forth the action(s) necessary to comply with this Ordinance or a Discharge Permit, and the deadlines for completing such action(s).

G. COMPLIANCE MEETING

EWA may require a User to attend a meeting when there is a pattern of noncompliance or a serious violation has occurred. At the meeting, the User shall be asked to provide an explanation for the violation(s) and describe the actions taken or planned to prevent recurrence.

H. PUBLICATION OF VIOLATION

EWA may require the User to notify the public and/or other Users in the Encina Sewerage System of the User's violation, the User's action taken to correct the violation and any enforcement actions imposed by EWA.

I. CEASE AND DESIST ORDER

EWA may issue a Cease and Desist Order when a User is found: Discharging without a Permit; Discharging unauthorized wastestreams; or Discharging Wastewater that could cause Interference or Pass-through or otherwise create an emergency situation. The Cease and Desist Order will become effective immediately upon receipt and will indicate the steps that must be taken for Discharge to resume.

J. SHOW CAUSE HEARING

EWA may require the User to attend a formal meeting to explain its noncompliance, and show cause why severe enforcement actions (e.g. permit suspension,

permit revocation or termination of service) should not be taken. A Show Cause Hearing does not preclude and is not a necessary prerequisite for taking other enforcement actions.

K. SUSPENSION OR REVOCATION OF DISCHARGE PERMIT, TERMINATION OF SERVICE

EWA may suspend or revoke a User's Discharge Permit or physically terminate service whenever the User:

1. Fails to comply with the terms of a NOV or compliance schedule;
2. Fails to make timely payment of any amount due to EWA;
3. Fails to provide reports or other documents required by EWA to determine compliance with a Discharge Permit and this Ordinance;
4. Knowingly provides a false statement to EWA;
5. Falsifies, tampers with or knowingly renders inaccurate any monitoring device or sample collection equipment;
6. Fails to report a significant change in operations, as required by this Ordinance;
7. Refuses access to User's facilities upon EWA's demand without delay;
8. Discharges any Wastewater in violation of its Discharge Permit or this Ordinance.

6.4 ADMINISTRATIVE APPEAL

A. RIGHT TO HEARING

1. A User may request a hearing regarding any monetary fine greater than \$750 imposed by an Officer, by submitting to the Director, within seven days of the date of receipt of the NOV, a written request for a hearing, along with the hearing deposit allowed by Section 3.12 of this Ordinance. The Director shall be the Hearing Officer at such a hearing.

2. A User may request a hearing regarding any Discharge Permit, compliance schedule, monetary fine greater than \$1000, suspension or revocation of Discharge Permit, or termination of service order imposed by the Director, by submitting to the General Manager a written request for a hearing within seven days from the User's receipt, along with the hearing deposit allowed by Section 3.12 of this Ordinance. The General Manager shall be the Hearing Officer at such a hearing.

3. A User may appeal to the Board of Directors any enforcement order suspending or revoking a Discharge Permit or terminating a User's service by submitting to the General Manager a written request for a hearing within seven days from the User's receipt

of the enforcement order, along with the hearing deposit allowed by Section 3.12 of this Ordinance. The Board Chair shall be the Hearing Officer at such a hearing.

4. Failure to submit a timely petition for a hearing shall be deemed to be a waiver of the administrative appeal.

5. No other administrative appeal is provided under this Ordinance.

B. REQUEST FOR HEARING

1. Hearing requests regarding enforcement actions shall set forth with specificity the reasons for the hearing, including whether the User challenges the factual basis of the decision, and if so, what facts in particular, or whether the User challenges the legal basis of the decision or the reasonableness of the sanctions imposed.

2. Hearing requests regarding Discharge Permit conditions must indicate the Wastewater Discharge Permit provisions objected to, the reasons for this objection, and the alternative condition(s), if any, the User seeks to place in the Wastewater Discharge Permit. The effectiveness of the Wastewater Discharge Permit shall not be stayed pending the appeal.

C. TIME FOR HEARING

1. Hearings conducted by the Director or the General Manager shall be held within 15 days of EWA's receipt of the written request. The hearing may be adjourned and reconvened for good cause at the discretion of the Hearing Officer. Notwithstanding the foregoing, the hearing shall be concluded within 30 days of EWA's receipt of the written request unless otherwise agreed by EWA and the User.

2. Hearings conducted by the Board of Directors shall be held within 45 days of EWA's receipt of the written request.

D. RECORD ON REVIEW

The Board of Directors' review shall be limited to the hearing record as defined in Section 6.4(G) of this Ordinance, unless the User or the General Manager demonstrates to the Board that new information has been discovered which did not exist or could not be discovered at the time of the enforcement hearing held in accordance with Section 6.4 of this Ordinance.

E. DUTIES OF HEARING OFFICER

1. The Hearing Officer shall schedule a day, time and place for the hearing, and shall ensure that the User receives written notice of the day, time and place of the hearing at least five days prior to the date of the hearing.

2. The Hearing Officer shall act to ensure that the EWA and the User have a reasonable opportunity to be heard and to present all relevant oral and documentary evidence

and that proper decorum is maintained, and shall not act as an advocate for EWA or for a User.

3. The Hearing Officer shall have the authority and discretion to decide when oral and documentary evidence may or may not be introduced, and to rule on questions which are raised during the hearing pertaining to matters of procedure. The Hearing Officer may admit evidence as long as responsible persons are accustomed to rely on such evidence in the conduct of serious affairs, regardless of the admissibility of such evidence in a court of law.

4. The Hearing Officer shall listen to and examine all evidence, direct questions to the User and the EWA as needed, and determine the credibility and weight of the evidence.

5. The Hearing Officer has the authority to uphold EWA's enforcement action, rescind the action or implement any of the actions allowed under this Section 6.

F. PROCEDURE AT HEARING

1. Enforcement hearings are intended to be informal in nature. Formal rules of evidence and discovery do not apply. The General Manager may, from time to time, establish hearing guidelines to guide the hearing procedure.

2. The EWA shall have the burden of proving by preponderance of the evidence the existence of a violation of this Ordinance, a Discharge Permit, an enforcement order or any applicable State or federal law.

3. Both the EWA and the User shall have the opportunity to present documentary evidence and to cross-examine witnesses in support of its position.

G. RECORD OF THE HEARING

1. The Hearing Officer shall cause a recording of the hearing to be made either by tape recording or by providing a court reporter service. The User shall be entitled to receive a copy of a hearing transcript, if made, or the recording upon paying the reasonable cost for preparing the record, in accordance with applicable law.

2. The Record of the Hearing shall consist of the recording or transcript of the hearing, all notices, the Hearing Officer's written decision, all admitted exhibits, all rejected exhibits in EWA's possession and any other written correspondence or evidence relating to the User's administrative hearing.

H. FAILURE TO ATTEND THE HEARING

In the event a User fails to attend a duly noticed hearing, the User shall be deemed to have waived the right to a hearing and the permit or Notice of Violation and any enforcement actions set forth therein shall become final and binding upon the User on the day following the day scheduled for the hearing.

I. ADMINISTRATIVE ENFORCEMENT ORDER

1. After the conclusion of the hearing, the Hearing Officer shall issue a decision, as set forth in subparagraph 2 below, which may adopt, reject or modify, in whole or in part, the findings of fact, the enforcement actions or conditions included in the Notice of Violation or other actions addressed at the hearing. The decision may impose without further hearing or appeal, an enforcement action, such as revocation of a Discharge Permit or NSWDForm, or physical termination of service, in the event the Hearing Officer later determines that the User has violated any terms of the administrative enforcement order.

2. The Hearing Officer shall prepare a written enforcement order setting forth the decision, a brief statement of the facts found to be true, a determination of the issues presented and conclusions, articulating the connection between the evidence produced at the hearing and the decision. The written order shall be in sufficient detail to enable any reviewing body or court to determine the basis for the decision on each charge included in the Notice of Violation. The written order shall provide an explanation of the procedure for appealing the decision to the EWA Board of Directors, if applicable, and notify the User of the timeframe for seeking judicial review, as required by Section 1094.6 of the Code of Civil Procedure.

3. The Hearing Officer's enforcement order shall be sent to the User at its business address, within 30 days after the conclusion of the hearing.

6.5 EMERGENCY SUSPENSION, REVOCATION OR TERMINATION OF SERVICE

A. Notwithstanding any other provision of this Ordinance, EWA may take any action to suspend or revoke a User's Discharge Permit or to physically terminate service in the event of an emergency.

B. For purposes of this Ordinance, "emergency" means any event that poses an imminent and substantial danger to the public health and welfare or the environment.

C. In the event of an emergency, EWA shall issue a Notice of Violation in accordance with Section 6.3(A) of this Ordinance, and shall specify when the suspension, revocation or termination shall be effective.

D. A User may request that a hearing be held within 48 hours after notice of the emergency suspension, revocation or termination, in accordance with Sections 6.4 of this Ordinance.

6.6 EFFECTIVE DATE OF DECISIONS

Except for any emergency termination ordered pursuant to Section 6.5 of this Ordinance, all enforcement orders issued pursuant to a hearing shall be effective on the date received by the User in accordance with Section 1.1(E) of this Ordinance. In the event a User fails to request a hearing within the timeframe required, a Notice of Violation shall be deemed an enforcement order and shall be effective upon the expiration of the timeframe during which

a hearing may be requested. Any decision of the Board of Directors issued pursuant to an administrative hearing shall be effective upon the date received by the User in accordance with Section 1.1(E) of this Ordinance.

6.7 PUBLICATION OF SIGNIFICANT NONCOMPLIANCE

In accordance with 40 C.F.R. Section 403.8(f)(2)(viii), EWA shall publish at least annually a list of Users who within the previous 12 months were in significant noncompliance, as defined below:

- A. Chronic violations of Wastewater Discharge limits, defined as those in which 66% or more of all of the measurements taken for the same Pollutant parameter during two consecutive calendar quarters at a given sample point exceed (by any magnitude) a numeric Pretreatment Standard or Pretreatment Requirement, including Instantaneous Limits as defined by 40 CFR 403.3(l);
- B. Technical Review Criteria (TRC) violations, defined as those in which 33% or more of all the measurements taken for the same Pollutant parameter during two consecutive calendar quarters at a given sample point exceed the product of the numeric Pretreatment Standard or Pretreatment Requirement, including Instantaneous Limits as defined by 40 CFR 403.3(l), multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, and Oil and Grease, and 1.2 for all other Pollutants except pH);
- C. Any other violation of a Pretreatment Standard or Pretreatment Requirement as defined by 40 CFR 403.3(l) (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that EWA determines has caused, alone or in combination with other Discharges, Interference or Pass-through (including endangering the health of sewage treatment 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 EWA's exercise of emergency authority under 40 CFR 403.8(f)(1)(vi)(B), to halt or prevent such a Discharge;
- E. Failure to meet, within ninety days after the schedule date, a compliance schedule milestone;
- 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, that EWA determines will adversely affect the operation or implementation of the Pretreatment Program.

6.8 ADMINISTRATIVE COMPLAINT

In accordance with Government Code Section 54740.5, EWA may issue an administrative complaint against any User that has violated any terms of this Ordinance.

6.9 JUDICIAL REMEDIES

In addition to the administrative enforcement remedies provided by this Ordinance, EWA may take any other judicial action allowed by law, including:

A. CIVIL PENALTIES

In accordance with Government Code Section 54740(b), the General Manager, on behalf of EWA, may petition the superior court to impose, assess and recover from any Person sums not to exceed \$25,000 a day for each violation of this Ordinance. All civil penalties imposed by the court for violations are payable to EWA. Civil penalties under this Section 6.9(A) are in addition to any and all other civil or criminal remedies other than administrative fines imposed under this Ordinance.

B. INJUNCTION

The General Manager, on behalf of EWA, may petition the Superior Court for a temporary restraining order, or temporary or permanent injunction.

6.10 MISDEMEANOR

Any violation of this Ordinance is a misdemeanor, in accordance with Water Code Section 31106.

6.11 REMEDIES NOT EXCLUSIVE

The administrative enforcement actions, and any other remedies provided under this Ordinance are not exclusive, and are in addition to any other administrative, civil or criminal remedy established by law which may be pursued by EWA or other State or federal regulatory agencies to address violations of this Ordinance and federal and State law.

6.12 JUDICIAL REVIEW

A. Judicial review of any EWA enforcement decision shall be made pursuant to Section 1094.5 of the Code of Civil Procedure only if the petition for writ of mandate is filed not later than the 90th day following the date on which the decision becomes final. If this Ordinance provides for no appeal of the decision, the decision becomes final the date the decision is effective. If this Ordinance provides for an appeal of the decision, the decision becomes final upon the expiration of the period during which the appeal can be sought.

B. Aggrieved parties seeking judicial review of the final administrative Wastewater Discharge Permit decision must do so by filing a compliant with the Superior Court for San Diego County within 90 days.

Appendix D. Existing Ordinance

1994 SSLOCSD Pretreatment Ordinance

SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT

PRETREATMENT ORDINANCE

1994-1

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SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT
ORDINANCE NO. 1994-1

AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT
ESTABLISHING PRETREATMENT REGULATIONS
FOR THE USE OF DISTRICT FACILITIES

The Governing Board of South San Luis Obispo County Sanitation District ordains as follows:

ARTICLE I

GENERAL PROVISIONS

1. PURPOSE AND SCOPE:

A. This ordinance is enacted pursuant to Government Code Section 54739 and sets forth standards and regulations governing discharges into the publicly owned treatment works (POTW) for the District. The standards and regulations enable the District to comply with all applicable state and federal laws including the Clean Water Act (Act 33 U.S.C. 1251 et. seq.) and the General Pretreatment Regulations (40 CFR, Part 403).

B. The objectives of this ordinance are:

(1) To prevent the introduction of pollutants into the POTW which will interfere with the operation of the POTW, including interference with the use or reclamation of biosolids;

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

(3) To improve opportunities to recycle and reclaim wastewaters and biosolids from the system;

(4) To protect POTW personnel from exposure to hazardous chemicals;

C. The ordinance provides for the regulation of direct and indirect discharges to the POTW through the issuance of permits to industrial users, pretreatment and reporting requirements, monitoring and enforcement of noncompliance with the provisions of this ordinance.

D. This ordinance applies to the areas within the boundaries of the District and all other areas and entities which, by contract, are bound to comply with all reasonable ordinances, rules and regulations of the District.

2. DEFINITIONS:

The following words shall have the following meanings:

A. "Administrator" means the District Administrator of SSLOCSD or his/her duly authorized representative. Any notice required to be given to the Administrator shall be mailed to the Administrator at P.O. Box 339, Oceano, CA 93445, or delivered to the District at 1600 Aloha Place, Oceano, CA 93445 or as otherwise directed.

B. "Authorized Representative" means any of the following:

(1) a principal executive officer of at least the level of vice president if the Industrial User submitting the reports is a corporation;

(2) a general partner or proprietor if the Industrial User submitting the reports is a partnership or sole proprietorship respectively;

(3) a duly authorized representative of the individual designated in (1) or (2) if such representative is responsible for the overall operation of the facility from which the discharge originates.

C. "Biochemical Oxygen Demand (BOD)" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure and expressed in milligrams per liter (mg/l).

D. "Categorical Pretreatment Standard (COD)" means the national pretreatment standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged to a POTW by existing or new Industrial Users in specific industrial subcategories.

E. "Chemical Oxygen Demand" means the quantity of oxygen required for the chemical oxidation of carbonaceous material under standard laboratory procedure and expressed in milligrams per liter (mg/l).

F. "Class I Industrial User" means any industrial user, not defined as a significant industrial user, that has materials and/or wastes on site that if discharged to the sewer may impact the POTW in a negative manner. These materials and wastes include, but are not limited to any and all prohibited discharges described in

Articles 1 and 3 of this ordinance.

G. "Class II Industrial User" means any industrial user, not defined as a significant industrial user, that may discharge conventional pollutants to the POTW which may cause interference or pass-through. These wastes include, but are not limited to: laundry discharges, non-hazardous solids and oil and grease of animal or vegetable origin.

H. "District" means the South San Luis Obispo County Sanitation District (SSLOCSD).

I. "Domestic Wastewater" means water bearing only those wastes derived from the ordinary living processes and of such character as to permit satisfactory disposal to, and treatment in, the POTW.

J. "Grease" means all fat, grease, oil, wax or other trichlorotrifluoroethane soluble matter of animal, vegetable, petroleum or mineral origin.

K. "Industrial User" means a person who discharges nondomestic wastewater into the POTW.

L. "Industrial User's Survey" means a questionnaire (and related process) used by the District to identify and categorize industrial users and the characteristics of their wastewater discharge.

M. "Infectious Waste" means any waste material or article which harbors or may reasonably be considered to harbor any type of microorganism, helminth or virus which causes or significantly contributes to increased morbidity or mortality in human beings. Infectious waste includes hospital waste such as isolation wastes, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

N. "Interference" means an inhibition or disruption of the processes, use, disposal or reclamation of effluent and biosolids.

O. "NPDES" means National Pollutant Discharge Elimination System permit issued to the POTW.

P. "Natural outlet" means any outlet into a water course, pond, lake or other body of surface or ground water.

Q. "New Source" means any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the

Clean Water Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

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

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

(3) the production of wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site.

R. "Pass Through" means the discharge of pollutants to the POTW in quantities or concentrations which are a cause of or significantly contribute to a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

S. "Person" means any individual, firm, company, association, society, corporation, group, governmental agency or educational institution.

T. "Plant Superintendent" means the Superintendent of the SSLOCSD Water Pollution Control Facility located at 1600 Aloha Place, Oceano, CA 93445.

U. "Pollutant" means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, industrial wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes, or other discharges prohibited by Article I Section 3 of this ordinance.

V. "Pretreatment Standard and Requirements" means any substantive or procedural requirement related to pretreatment, including National Categorical Pretreatment Standards and prohibitive discharge standards imposed on an industrial user.

W. "Publicly Owned Treatment Works (POTW)" means District owned sewer treatment system, including sewer pipes within the communities that convey wastewater to the treatment plant, the wastewater treatment plant (WWTP), sewer pipes that convey wastewater to the treatment plant from persons outside the District who contract with the District to use the sewer system, and related facilities.

X. "Significant Industrial User (SIU)" means any industrial discharger subject to federal categorical pretreatment standards or

any industrial discharger that:

(1) discharges 10,000 gal per day or more of process wastewater;

(2) contributes 2 percent or more of the average dry weather hydraulic capacity of the treatment plant;

(3) discharges either continuously or intermittently to the POTW, process wastewaters containing priority pollutants as determined through analytical procedures or reasonable technical judgement; or

(4) has a reasonable potential, in the opinion of the Administrator, to adversely affect the POTW treatment plant.

Y. "Stormdrain" means a sewer which is designed to carry storm and surface waters and drainage rather than sewage or industrial wastes.

Z. "Toxic or Poisonous" means any solid, liquid or gas in such quantity that alone or in combination with other waste substances, may create a hazard for humans, animals or the local environment, interfere with sewage treatment processes, cause a public nuisance, or cause any hazardous condition to occur in the sewerage system.

AA. "User" means a person who discharges to the POTW.

BB. "Wastewater Treatment Plant (WWTP)" means District owned and operated sewage treatment plant located at 1600 Aloha Place, Oceano, CA 93445 and all related facilities.

3. PROHIBITED DISCHARGES:

A. It shall be unlawful for an industrial user to discharge pollutants into the POTW:

(1) Without a permit;

(2) When such pollutants are not covered by a properly issued permit;

(3) Where the pollutants may cause the POTW to violate its NPDES permit.

B. In addition to the prohibitions contained in paragraph 3A above and except as hereinafter provided, no person shall discharge or cause to be discharged any of the following to the POTW:

(1) Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit and, in no case, higher than one

hundred and four degrees Fahrenheit at introduction into the wastewater treatment plant;

(2) Any water or waste material containing a petroleum based oil and/or grease if the discharge could result in a stoppage, plugging, breakage, significant obstruction to flow or any other damage to, or increased maintenance of the POTW;

(3) Any substance which by reason of its chemical nature or quantity is, or may be sufficient, either alone or by interaction with other substances, to cause a fire or explosion or injure the POTW and/or cause acute health and/or safety problems to POTW personnel or the operation of the system. At no time shall any substance be discharged to the POTW that has a closed cup flashpoint of less than one hundred forty degrees Fahrenheit or sixty degrees Centigrade using the test methods specified in 40 CFR 261.21. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, and/or xylene;

(4) Any solid or viscous substance, including but not limited to unground garbage, feathers, ashes, cinders, sand, polishing compounds, resin beads, metal, glass, straw, rags, spent grains or hops, wood, plastic, mud, shavings or manure which may cause obstruction to the flow in sewer system or other interference with the proper operation of the POTW;

(5) Any substance having pH levels less than six or higher than nine, or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the POTW;

(6) Any water added to a wastewater discharge for the sole purpose of dilution as a means to achieve compliance with any pretreatment standard or local discharge limit;

(7) Any substance including oxygen demanding pollutants (BOD, CBOD, or COD, etc.) at a flow rate and/or concentration which may cause interference or pass-through;

(8) Any average daily flow greater than two percent of the WWTP average daily sewage flow shall be subject to the review and approval of the Administrator;

(9) Any wastewater containing in excess of:

15.0	mg/l aluminum
1.0	mg/l arsenic
0.25	mg/l cadmium
0.5	mg/l copper
0.5	mg/l chromium
7.5	mg/l fluoride
30.0	mg/l iron

0.5	mg/l lead
0.01	mg/l mercury
0.1	mg/l selenium
3.0	mg/l zinc
2.0	mg/l M.B.A.S. (methyl blue active substances)
1.0	mg/l phenol
30.0	mg/l ammonia
300.0	mg/l sulfate
7.5	mg/l boron
350.0	mg/l B.O.D.
195.0	mg/l C.O.D.
1.0	mg/l Molybdenum
3.81	mg/l Nickel
0.02	mg/l Silver

pH >6 <9
 Temperature < 140°F

** Concentrations apply at the point where the industrial waste is discharged to the POTW. All concentrations for metallic substances are for "total" metal. The Superintendent may, at his/her discretion, impose mass limitations in addition to or in place of the concentration based limitations above. Compliance with all parameters may be determined from a single grab sample.

(10) Any wastewater, other than residential water-softening regeneration brine, containing in excess of:

1,600.0	mg/l total dissolved solids
300.0	mg/l sodium
300.0	mg/l chloride

** Concentrations apply at the point where the industrial waste is discharged to the POTW. All concentrations for metallic substances are for "total" metal. The Superintendent may, at his/her discretion, impose mass limitations in addition to or in place of the concentration based limitations above. Compliance with all parameters may be determined from a single grab sample.

(11) Any substances containing any radioactive materials or wastes with a half-life or concentration that does not comply with regulations issued by appropriate authorities (Sections 30265 and 30287 of the California Code of Regulations);

(12) Any infectious wastes;

(13) Any substances containing color which is not removed in the ordinary WWTP treatment process;

(14) Any stormwater, surface water, ground water, roof runoff, subsurface drainage, or uncontaminated cooling water.

C. Limitations on wastewater strength established in this ordinance may be supplemented with more stringent limitations if:

(1) The Administrator determines that the limitations listed in this ordinance may not be sufficient to protect the operation of the District's treatment works; or

(2) The Administrator determines that the limitations listed in this ordinance may not be sufficient to enable the District's treatment works to comply with water quality standards or effluent limitations specified in the District's NPDES permit.

D. When the Administrator determines that a user is contributing any of the substances mentioned in paragraph 3 (A), (B) and (C) of this section in such amounts as to interfere with the operation of the POTW, the Administrator shall:

(1) Advise the user of the impact of the contribution on the POTW;

(2) Develop discharge compliance limitations for the user;

(3) Place limits on rate and time of discharge or requirements for flow regulations and equalization;

(4) Require pretreatment of discharge prior to discharge to POTW; or

(5) Take any other action necessary to eliminate the interference.

4. APPLICABILITY OF FEDERAL AND STATE CATEGORICAL PRETREATMENT STANDARDS:

A. Any user who does not comply with the Federal pretreatment standards as set out in 40 CFR Chapter I, Subchapter N, Parts 405-471 (or any successor statute) or who does not comply with the applicable state pretreatment standards violates this ordinance.

B. The most stringent standards will apply whenever local, state, and federal standards overlap. All users must comply with all applicable pretreatment standards and requirements as they may exist now or as they may be revised in the future.

5. GREASE, OIL AND SAND INTERCEPTORS:

Grease, oil and sand interceptors shall be provided and maintained by user at user's expense for the proper handling of liquid wastes containing grease, flammable wastes, sand or other harmful constituents; provided, however, that the interceptors shall not be required for private living quarters or dwelling

units. All interceptors shall be approved by the Administrator and the local permitting agency in accordance with the Uniform Plumbing Code, and shall be located for ready and easy access for cleaning and inspection. When installed, all grease, oil and sand interceptors shall be maintained and efficiently operated by the user, at his/her expense. Failure to properly maintain and operate interceptors shall be sufficient cause to disconnect a premises from the POTW and/or apply punitive actions as provided for in this ordinance.

6. PRETREATMENT FACILITIES:

Where pretreatment of discharge is required by the District, the necessary facilities shall be provided, operated and maintained at the user's expense. Detailed plans showing the facilities and their operating procedures shall be submitted to the Administrator and the local permitting agency for review. The plans must be approved by the District and the local permitting agency before construction begins. Any proposed changes in the pretreatment facilities or method of operation must be reported and approved by the District prior to implementation of the proposed changes. Operational failures of pretreatment facilities shall be immediately reported to the Superintendent. A letter detailing the cause and proposed remedy shall be submitted in writing to District within 24 hours of the failure.

7. CONTROL MANHOLE:

If required by the Administrator, the owner of any property served by a building sewer carrying industrial wastes shall install at his/her cost, a suitable control manhole in the building sewer to facilitate observation, sampling and flow measurement of the discharge. The manhole shall be reasonably accessible, safely located and shall be constructed in accordance with plans approved by the Administrator and the local permitting agency.

8. MEASUREMENTS AND TESTS:

All measurements, tests and analyses of the characteristics of discharged substances shall be determined by the testing methods specified in 40 CFR 136 in accordance with 40 CFR 403.12 (b)(5)(vi). If required by the Administrator, the industrial user shall provide safe and secure access to the proper sampling point for the determination of compliance with federal categorical standards and/or local discharge limits. This may require the installation of a control manhole as described above. All testing shall be performed by an approved laboratory and conducted at the expense of the discharger.

9. DRAINAGE BELOW CURB AND BELOW MAIN SEWER LEVEL:

A. Drainage pipe serving fixtures with flood level rims located below the elevation of the curb or property line, at the point where the building sewer crosses under the curb or property line, and above the crown level of the main sewer, shall drain by gravity into the main sewer, and shall be protected from backflow of sewage by installing an approved backwater valve. Each backwater valve shall be installed only in that branch or section of the drainage system which receives the discharge from fixtures located below the elevation of the curb or property line. If the drainage pipe(s) is lower than the next upstream manhole, the property owner may be required to install a backwater valve.

B. If the property owner fails to install and maintain a backwater trap or backwater valve in good working condition, when required under this section, the Administrator may order and require the plumbing fixture to be disconnected and removed and the outlet plugged or capped. In the event that the property owner fails to disconnect and plug or cap the sewer connection within ten days after written notice by the Administrator, the Administrator shall arrange for the disconnection and capping; the cost of which may be charged by the District and collected by court action or may be declared to be a lien by action of the District Board of Directors after public hearing and notice of the property owner and shall be added to and collected as part of the tax roll.

C. As an alternative to the procedure set forth in subsection 9.B, when the property owner fails to install and maintain a backwater trap valve in good working condition when required under this ordinance, the Administrator may order and require termination of water service to the parcel and all structures connected to the sewer outlet. The water service shall not be reinstated until the maintenance or installation of the backwater trap or backwater valve has been approved by the Administrator.

D. All house connection sewers, industrial sewers, private sewage disposal systems and appurtenances thereto, now existing or hereafter connected, shall be maintained by the owner of the property in a safe and sanitary condition and shall be maintained in good working order. If a property owner fails to maintain the wastewater disposal facilities in a safe and sanitary condition, the Administrator may order and require termination of water service to the parcel and all structures connected to the sewer outlet. The water service shall not be reinstated until the maintenance or installation of appropriate wastewater disposal facilities has been approved by the Administrator.

10. POWERS AND AUTHORITY OF INSPECTORS:

A. The following persons shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this ordinance at all reasonable times.

(1) The District Administrator;

(2) The District Plant Superintendent;

(3) Any duly authorized officer, agent, employee or representative of the District;

(4) Any duly authorized officer, agent, employee or representative of a District parent agency; or

(5) Any duly authorized officer or employee of the County Health Department.

If an official authorized to conduct inspections has reasonable cause to believe that wastewater discharge conditions on or emanating from a facility are so hazardous, unsafe or dangerous as to require immediate action to safeguard public health or safety or the integrity of the POTW, the official shall have the right to immediately enter and inspect the property and may use any reasonable means required to effect such entry and make such inspection.

Process and product information collected during inspection of premises shall be kept confidential at the request of the business owner or his representative, insofar as confidentiality is allowed pursuant to applicable law. All records compiled pursuant to the pretreatment program shall be accessible at time of inspection.

B. Each discharger shall pay a reasonable inspection fee sufficient to pay for the costs of the inspection. The inspection costs may be incorporated in the Industrial User Wastewater Discharge Permit fee.

C. Nothing in this Section shall be construed to limit the search and inspection activities authorized by other statutes, ordinances, or regulations.

11. PERMIT-REQUIRED-TERM-TRANSFER-REVOCATION-COMPLETION OF AN INDUSTRIAL USER'S SURVEY REQUIRED:

All dischargers of nondomestic wastewater into the District sewer system shall complete an industrial user's survey and shall obtain a wastewater discharge permit from the District. It is unlawful to discharge nondomestic wastewater without a permit or to fail to complete an industrial user's survey.

A. Wastewater discharge permits shall be expressly subject to all provisions of this ordinance and all other state and federal regulations, user charges and fees established by the District. The conditions of wastewater discharge permits shall be uniformly enforced by the Administrator in accordance with this ordinance, and applicable state and federal regulations. Permit requirements may include, but are not limited to the following:

- (1) User charges and fees to discharged to the POTW;
- (2) The average and maximum wastewater constituents and characteristics;
- (3) Limits on rate and time of discharge or requirements for flow regulations and equalization;
- (4) Requirements for installation of inspection and sampling facilities;
- (5) Pretreatment requirements;
- (6) Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, number, types and standards for tests and reporting schedule;
- (7) Requirements for submission of technical reports or discharge reports;
- (8) Mean and maximum mass emission rates, or other appropriate limits when incompatible pollutants (as defined by District ordinance) are proposed or present in the user's wastewater discharge;
- (9) Requirements for submission to inspections;
- (10) Other conditions as deemed appropriate by the Administrator to insure compliance with this ordinance.

B. Permits may be issued for any specified time period, not to exceed five years. The terms and conditions of the permit may be modified and changed by the Administrator during the term of the permit to reflect limitations or requirements as they may change from time to time. The permit holder shall be informed in writing of any proposed changes to his/her permit at least thirty days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

C. No wastewater discharge permit shall be assigned, re-assigned, transferred or sold to a new owner, a new user, different premises, or changed operation, without the expressed written consent of the Administrator. Upon application of a user, the

Administrator shall determine if the sale or transfer of an operation results in a change in use and may authorize the re-assignment of a specific permit.

D. Any permit holder who violates any of the provisions of this ordinance, or applicable state and/or federal laws, rules and regulations or any of the following conditions may have the permit revoked:

(1) Failure to accurately report the wastewater constituents and characteristics of discharge;

(2) Failure to promptly report significant changes in operations or wastewater constituents and characteristics; and

(3) Refusal to allow reasonable access to the permit holder's premises for the purposes of inspection or monitoring.

12. REPORTING REQUIREMENTS FOR PERMIT HOLDERS:

A. Any permit holder may be required to submit a report to the Administrator indicating the nature, concentration, and daily flows wastewater constituents. The report shall also state whether the applicable pretreatment standards and requirements are being consistently met.

B. After completing the report required in subsection 12.A, the user shall submit self-monitoring reports, as required by the Administrator, to assess and assure continued compliance with pretreatment standards and requirements including, but not limited to, the reports required in 40 CFR 403.12. These reports shall contain the results of sampling and analysis of the discharge.

C. Reports submitted to the Administrator shall be signed and certified by an authorized representative of the discharging facility.

D. All industrial users shall be required to retain any records and/or reports of monitoring activities or results and for a minimum of three years and shall make such records/reports available for inspection and photocopying by the District.

13. CONFIDENTIALITY-PUBLIC DISCLOSURE:

A. Except when determined to be confidential pursuant to Section 13.C, discharge data shall be available to the public without restriction.

B. Notification of significant violators and significant noncompliance shall be published at least once every twelve months in a major local newspaper.

C. Upon the request of an industrial user, any proprietary information that becomes known incidentally through the inspection and monitoring process will be held confidential.

ARTICLE II

CHARGES AND FEES

14. DETERMINATION-USER CLASSIFICATION:

A schedule of charges and fees shall be adopted by the District by resolution, and may be amended from time to time, to enable the District to comply with the revenue requirements of the State Clean Water Grant Program. The schedule of fees and charges shall be in addition to other District charges and fees.

A. All users shall be classified to a user classification category (Significant Industrial User, Class I User or Class II User) according to the activities conducted on the user's premises and appropriate nonindustrial classifications as determined by the District. The purpose of the classification is to facilitate regulation of wastewater discharges based on wastewater constituents and characteristics, to provide an effective means of source control and to establish a system of user charges and industrial user wastewater discharge permit fees which will insure an equitable recovery of the District's cost for operation of the pretreatment program;

B. The charges for each wastewater constituent and characteristic shall be established by the District and set forth in the District's schedule of charges and fees, which may include, but shall not be limited to:

(1) User classification charges;

(2) Fees for surveys, monitoring and inspections;

(3) Charges and fees based on wastewater constituents and characteristics to include industrial cost recovery provisions of the Federal Act (i.e., PL 92-500);

(4) A minimum sewer charge for vacant business or residences until water service is discontinued;

C. Payment and Collection.

(1) All charges and fees established by this ordinance shall be payable at the same time as water charges are paid to the respective cities and districts and may be billed in the same water bill;

(2) Any person failing to pay the sewer service charge when due may have water service terminated (disconnected).

15. USE OF REVENUES:

Revenue derived by the District under the provisions of this ordinance shall be used for the acquisition, construction, reconstruction, operation and maintenance of the POTW and shall be applied to the retirement of any bonded indebtedness which was incurred to improve the POTW's capacity to handle non-domestic wastewater.

ARTICLE III

REGULATION OF SEPTIC TANK DUMPING

16. UNLAWFUL TO DUMP ON LAND:

It is unlawful for any person to dump or discharge raw or chemically treated sewage from any source onto the surface of any lands within the areas serviced by the District.

17. UNLAWFUL TO DUMP INTO DISTRICT COLLECTION SYSTEM EXCEPT AS PROVIDED IN THIS ORDINANCE:

It is unlawful for any person to dump or discharge into the District sewer collection system septic tank cleanings or any raw or chemically treated sewage from septic tanks or any industrial or unidentified liquid waste or any hazardous waste or pollutants except as provided in this Article.

18. DUMPING REGULATIONS:

Raw or chemically treated sewage from chemical toilets may be discharged or dumped into the POTW only at places designated in the user's permit pursuant to Article I, Section 11.

ARTICLE IV

ENFORCEMENT

19. UNLAWFUL DISCHARGES:

A. Notification of Violation:

(1) Users shall immediately notify the Plant Superintendent upon discharging wastes in violation of this ordinance to enable countermeasures to be taken by the District to minimize damage to

the community sewer, treatment facility, treatment process, treatment personnel and the receiving waters.

(2) No later than five days after the notification a detailed written statement describing the causes of the discharge and the measures being taken to prevent future occurrence shall be provided to the District by an authorized representative of the discharger.

(3) The notification shall not relieve users of any liability for any expense, loss or damage to the POTW for any fines imposed on the District by any public entity on account thereof.

B. Dischargers shall make available to their employees copies of this ordinance, together with such other wastewater information and notices which may be furnished by the District from time to time. A notice shall be furnished and permanently posted on the user's bulletin board advising employees whom to call in case of an accidental discharge in violation of this ordinance.

C. Potential Violation: Any direct or indirect connection that enables the permit holder access or potential to unlawfully discharge pollutants into the POTW should be eliminated. If it has been determined by the Administrator that such connection is impractical or unreasonable to eliminate, the permit holder shall label each such potential connection as approved by the District.

20. ISSUANCE OF CEASE AND DESIST ORDERS:

If a violation of this ordinance occurs, or appears imminent, and the violation appears to present an imminent endangerment to the health, safety or welfare of persons, property, or the environment, or which threatens to interfere with the operation of the POTW, the Administrator may, upon informal written notice to the violator, issue an order to cease and desist order and direct the violator to:

A. Comply with this ordinance forthwith;

B. Comply with this ordinance in accordance with a time schedule set forth by the Administrator; or

C. Take appropriate remedial or preventive action in the event of a threatened violation.

21. SUBMISSION OF TIME SCHEDULE:

When a discharge of wastewater has taken place, in violation of prohibitions or limitations prescribed in this ordinance, or wastewater source control requirements, effluent limitations or pretreatment standards, or the provisions of a wastewater discharge permit, the Administrator may require the user to submit a report containing methods to eliminate illegal discharges, a time schedule

for the commencement and completion of any equipment installation or maintenance necessary to comply with discharge limitations and methods of assurance of continued compliance.

22. APPEALS:

A. Any user, permit applicant, or permit holder affected by any decision, action or determination, including cease and desist orders, made by the Administrator, interpreting or implementing the provisions of this ordinance or in the issuance of any permit, may file with the District Board a written appeal within ten working days of such decision, action, or determination, setting forth in detail the facts supporting the appeal.

B. The written appeal shall be heard by the District Board of Directors within thirty days from the date of filing. The District Board of Directors shall make a final ruling on the appeal within ten working days of the close of the meeting. Pending final determination on the appeal the decision subject to appeal shall remain in full force and effect.

ARTICLE V

ABATEMENT AND PENALTIES

23. REMEDIES:

The actions and remedies available to the District may be utilized separately or in combination by the District as it deems appropriate.

24. DECLARATION OF PUBLIC NUISANCE:

Discharges of wastewater in violation of this ordinance or of any order issued by the Administrator as authorized by this ordinance constitutes a misdemeanor and is also declared to be a public nuisance that is subject to abatement.

25. INJUNCTIVE AND OTHER LEGAL RELIEF:

Whenever an industrial user has violated or continues to violate the provisions of this ordinance, or permits or orders issued hereunder, or any other pretreatment requirement, the District through its District Legal Counsel is authorized to seek temporary and/or permanent injunctive relief, as may be appropriate, which restrains or compels the specific performance of the wastewater permit, order or other requirement imposed by this ordinance on activities of an industrial user. Such other action as may be appropriate for legal and/or equitable relief may also be sought by the District.

26. ASSESSMENT OF COST:

Any person who discharges or causes to be discharged any water or wastewater in violation of this ordinance and such discharge, either singly or by interaction with other discharges, results in damage to or is otherwise detrimental to or adversely affects the POTW, stormdrain system or waters of the state, shall be liable to the District for any and all expenses and costs of whatever kind necessary to correct that damage, detriment or adverse effect. The expenses may include, but are not limited to: costs for labor, material, inspection, administration and overhead. Additionally, the District may recover reasonable attorney's fees, court costs and other expenses associated with enforcement activities. Any expenses resulting from the investigation of unlawful discharges shall be collected from the responsible party. In addition, any monetary penalties imposed against the District shall also be costs for which the violator is liable to the District.

27. CIVIL REMEDIES/ADMINISTRATIVE COMPLAINT:

Any person who violates any requirement or order by the District pursuant to this ordinance shall be civilly liable in a sum not to exceed \$25,000.00 a day for each violation.

In addition to any other enforcement procedures referenced in this ordinance, the District may enforce the provisions of this ordinance pursuant to the procedures stated in Sections 54739, et. seq. of the Government Code.

28. CRIMINAL PENALTIES:

A. It is a misdemeanor for any person/user to violate any provision of this ordinance. Each day of violation shall constitute a separate offense. The penalty for violation shall include a fine of not less than \$1,000 per violation.

B. Any person who knowingly makes any false statements, representation, record, report, plan or other document filed with the District, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance, shall be guilty of a misdemeanor. The penalty for violation shall include a fine of not less than \$1,000 per violation.

29. TERMINATION OF SERVICE:

The District may revoke any wastewater discharge permit or terminate or cause to be terminated wastewater and/or water service to any premises if a violation of any provision of this ordinance is found to exist and is not corrected or if a discharge of wastewater causes or threatens to cause a condition of contamination, pollution or nuisance as defined in this ordinance.

This provision is in addition to other statutes, rules or regulations, authorizing termination of services for delinquency in payment.

ARTICLE VI

MISCELLANEOUS

30. SEVERANCE CLAUSE:

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, ineffective or in any manner in conflict with the laws of the United States, or the State of California, such decision shall not affect the validity of the remaining portions of this ordinance. The Governing Board of the District hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsection, sentence, clause or phrase be declared unconstitutional, ineffective, or in any manner in conflict with the laws of the United States or the State of California.

31. EFFECT OF HEADINGS IN ORDINANCE.

Title, division, part, chapter, article, and section headings contained herein do not in any manner affect the scope, meaning, or intent of the provisions of this ordinance.

32. ALL INCONSISTENT SECTIONS

All ordinances, sections of ordinances, resolutions, and policies of the District that are inconsistent with this ordinance are hereby repealed including, but not limited to the following: Resolution A No. 22, Article III Sections 10 and 15; Article VII Sections 2, 3, 4, 5, and 6.


33. EFFECTIVE DATE:

This ordinance shall take effect and be in full force and effect thirty (30) days after its passage; and before the expiration of fifteen (15) days after passage of this ordinance, it shall; be published in 3 public places with the names of the members voting for and against the ordinance; and shall remain posted thereafter for a least 1 week, and be published once with the names of the members of the Board of Directors voting for and against the ordinance in the Five Cities Times Press Recorder.


Introduced at a regular meeting of the Board of Directors held on March 16, 1994, and passed and adopted by the Board of Directors of the South San Luis Obispo County Sanitation District on the 6th day of April, 1994 by the following roll call vote, to wit:

AYES: Director Brackett, Director Gallagher, Chairman Senna
NOES: None
ABSENT: None
ABSTAINING: None

SOUTH SAN LUIS OBISPO COUNTY
SANITATION DISTRICT

By: 
William A. Senna
Chairman, Board of Directors

ATTEST:

By: 
John L. Wallace
Secretary, Board of Directors

R-Z\SCSD.OEP
pretreat.or

SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT

Post Office Box 339
Oceano, California (805) 481-6903

May 25, 2004

Attn: Ms. Sorrel Marks
California Regional Water Quality Control Board
Central Coast Region
895 Aerovista, Suite 101
San Luis Obispo, CA 93401

Subject: Update of Industrial Pretreatment Program

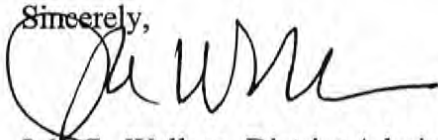
Dear Ms. Marks,

Please find enclosed the District's updated Industrial Pretreatment Program document. This document includes the sewer use ordinance previously adopted by our Board of Directors in 1994. The ordinance has been reviewed and no changes have been made. We have however reviewed the Pretreatment Program document and have made several changes. The most significant change is in the way that the users survey is conducted. The survey will be conducted on a yearly basis. Once a potential business has been identified from the list of new business licensees, a phone interview will be conducted in conjunction with a drive by to confirm the existence of the business. If further investigation is warranted a survey letter will be sent to the business and possibly an on-site inspection depending on the nature of the business. The results of our user survey have been attached for your review.

We deeply appreciate the time and information that you have provided to the District in this effort.

Thank you for your consideration in this matter, and if you have any questions please contact me at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read 'John L. Wallace', written over a circular stamp or seal.

John L. Wallace, District Administrator

**SOUTH SAN LUIS OBISPO COUNTY
SANITATION DISTRICT**

INDUSTRIAL PRETREATMENT PROGRAM

**PREPARED BY
Wallace Group
UPDATED MAY 2004**

**SOUTH SAN LUIS OBISPO COUNTY
SANITATION DISTRICT**

ORGANIZATION AND IMPLEMENTATION

of the

INDUSTRIAL PRETREATMENT PROGRAM

in accordance
with the

CLEAN WATER ACT

authorized by

U.S. ENVIRONMENTAL PROTECTION AGENCY

under

**GENERAL PRETREATMENT REGULATIONS
(40 CFR PART 403)**

Updated by
Wallace Group
May 2004

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CHAPTER 1

ORGANIZATION AND MULTI-JURISDICTION IMPLEMENTATION

Currently the South San Luis Obispo County Sanitation District's (District) Pretreatment Program has one staff member, the Industrial Waste Coordinator. The Wastewater Superintendent is responsible for overall administration of the Pretreatment Program and is responsible for implementation under the General Pretreatment Regulations 40 CFR part 403. The Industrial Waste Coordinator performs inspections of Class I & II Industrial Users, sampling, field work and other pretreatment activities.

The organizational structure of the Pretreatment Program follows the chart below:

ORGANIZATIONAL STRUCTURE
for the
DISTRICT'S PRETREATMENT PROGRAM



The District's Wastewater Treatment Plant currently receives wastewater from its three parent agencies (Arroyo Grande, Grover Beach and the Oceano Community Services District and a small portion of unincorporated county territory with only residential services. The identified potential Industrial users within the service area are identified on the attached spreadsheets broken down by community.

CHAPTER 2

LEGAL AUTHORITY

The District adopted an ordinance with which to enforce the Clean Water Act and the EPA approved the District's Pretreatment Program in March 1994, see Appendix A. Enforcement of the General Pretreatment Requirements is implemented through the District's Pretreatment Ordinance, which is periodically reviewed typically every five years to comply with changing Federal, State and Local requirements.

The Pretreatment Ordinance allows the District to condition or deny all discharges of wastewaters to the Publicly Owned Treatment Works (POTW) that do not meet pretreatment standards or would cause the POTW to violate its NPDES permit. All requirements are stated on the facility's wastewater discharge permit and include the following: prohibited discharges and local discharge limits, ordinance section, all federal categorical and pretreatment standards, pretreatment facilities, inspection and sampling authority, permit conditions, reporting requirements, and enforcement and abatement regulations. All facilities that discharge non-domestic wastewater to the POTW are issued a wastewater discharge permit by the District (attached as part of the Ordinance in Appendix A).

The Pretreatment Ordinance complies with all requirements found in 40 CFR 403.8(f)(1)(i-vi) and allows the District to implement and enforce these requirements. A copy of the ordinance can be found in Appendix A.

These requirements are also applicable to facilities that discharge wastewater to the District from outside its boundaries.

CHAPTER 3

PROCEDURES FOR IDENTIFYING NEW INDUSTRIAL USERS

In order to ensure that the pretreatment program is maintained as current as possible, the District is modifying its pretreatment program. On a yearly basis the parent communities and county are contacted to obtain a list of all new business license applications received in the previous year. The review allows the District to determine the type of business and if it may qualify as an industrial user. If the business is found to be a facility that discharges non-domestic wastewater, then the user is contacted via phone and a "drive by" is conducted to determine the physical existence of the business and perform a visual exterior inspection of the facility. If it is found that the business may fall under the District's definition of an industrial user and require regulation and further investigation is required, a commercial users survey and permit application form is sent to the facility. The District has three classifications of Industrial Users, Significant, Class I and Class II.

The Significant Industrial User Definition is:

Any facility that is subject to federal categorical pretreatment standards or any industrial user that (1) discharges 10,000 gallons per day or more-of process wastewater; (2) contributes 2 percent or more of the average dry weather hydraulic capacity of the treatment plant; (3) discharges either continuously or intermittently to the POTW, process wastewaters containing priority pollutants as determined through analytical procedures or reasonable technical judgment; or (4) has a reasonable potential, in the opinion of the Superintendent, to adversely affect the POTW.

The Class I Definition is:

"Any industrial user not defined as a significant industrial user, that has materials and/or wastes on site that if discharged to the sewer may impact the POTW in a negative manner. These materials and wastes include but are not limited to any and all prohibited discharges described in Article 1, Section 3 of the District's Pretreatment Ordinance."

The Class II definition is:

"Any industrial user not defined as a significant industrial user, that may discharge conventional pollutants to the POTW which may cause interference or pass-through. These wastes include but are not limited to laundry discharges, non-hazardous solids and oil and grease of animal or vegetable origin."

The Commercial Users Survey and Permit Application contains information pertinent to a preliminary characterization of any non-domestic wastewater discharge. The questionnaire requires the business to submit information that includes, addresses of the business, personnel contacts, the type of business, SIC code, hours of operation, days of operation, any chemicals on site listed on the questionnaire, constituents of the facility's wastewater discharge and flow, pretreatment devices and a certification statement requiring a signature. A cover letter is included with the survey/application. A copy of the survey/application and cover letter is included in Appendix B.

Upon return of the survey, the information is reviewed to see if the business falls under one of the District's Industrial User definitions and requirement of a wastewater discharge permit. If it is determined that the business will require a wastewater discharge permit, then the Industrial Waste Coordinator will perform an on-site inspection of the facility to confirm the information on the survey/application. A wastewater discharge permit will then be issued to that facility. Any business that fails to return the survey/application is sent a follow-up letter. The District's Legal Counsel may need to contact any business that fails to return a survey/questionnaire after the follow-up deadline has expired and remains in contact with that business until the survey/application is returned to the Industrial Waste Coordinator.

Review of the Yellow Pages, "drive by" surveillance, information from other agencies and word of mouth are also ways the Pretreatment Program identifies possible existing non-domestic users. As described above, a survey/application is sent to any business that may fall under the District's Industrial User definitions.

The current survey of facilities that fall under the District's Pretreatment Ordinance definition of a Significant Industrial User (SIU), is attached.

CHAPTER 4

LOCAL LIMITS

The local discharge limits for the District's POTW have been derived to best meet and fulfill the requirements in 40 CFR 403.5(c)(1) and (3), adequately protect the POTW and allow effective enforcement of the limits. The local limits were developed for the future upgrade of the wastewater treatment plant. Protection criteria for the new processes was used in the development of the local limits.

Changes to the local limits are subject to RWQCB staff approval of methodology for technical justification and should be achievable for industry and enforceable for the District. The changes will be made upon RWQCB staff comments, recommendations and changes in the waste discharge permit for sludge disposal.

Sampling for the development of the local discharge limits will be done primarily with 24 hour composite samplers. The majority of samples, with the exception of some cyanide samples, will be handled, stored, submitted and analyzed according to 40 CFR 136. Cyanide samples for all Industrial Users are grabs. Some domestic/commercial and influent sampling will be performed using a 24 hour composite sampler, the remaining will be collected as grabs. Recent annual reports suggest cyanide concentrations to be very low or below detection limits. These samples were taken as grabs and reflect current trends in cyanide influent concentrations. Please refer to Appendices C for the technical justification supporting the District's local discharge limits.

Notification of Industrial Users will be done by publication. The notification was provided by Regional Water Quality Control Board staff.

As stated above, modifications of the local discharge limits resulted in limits that are achievable to industry, enforceable by the District to adequately protect the POTW. Table 1 lists the District's discharge limits.

TABLE 1
LOCAL DISCHARGE LIMITS FOR THE DISTRICT

Constituent	Concentration (mg/l)
Aluminum.....	15.0
Arsenic	1.0
Cadmium	0.25
Copper.....	0.5
Chromium	0.5
Fluoride.....	7.5
Iron.....	30.0
Lead.....	0.5
Mercury.....	0.01
Selenium	0.1
Zinc	3.0
M.B.A.S. (Methyl Blue Active Substances).....	2.0
Phenol	1.0
Ammonia.....	30.0
Sulfate	300.0
Boron.....	7.5
B.O.D.	350.0
C.O.D.	195.0
Molybdenum	1.0
Nickel.....	3.81
Silver	0.02
PH	below 6 or above 9
Temperature	150 °F
Total Dissolved Solids	1,600.0
Sodium.....	300.0
Chloride	300.0

CHAPTER 5

PERMITTING

The District currently has identified two Significant Industrial Users (SIU). All significant industries will be under a wastewater discharge permit, see Chapter 3 for the District's SIU definition. The District also has identified in the survey a variety of other facilities including vehicle repair shops, photo-processing facilities, laundries and restaurants that may be classified as Industrial Users.

Significant non-categorical, Class I and Class II, Industrial Users are issued a wastewater discharge permit after submission of the commercial users survey and permit application and a preliminary facility inspection. Categorical industrial users must submit a baseline monitoring report to the POTW at least 90 days prior to commencing discharge. The baseline monitoring report must contain the information outlined in 40 CFR 403.12(b)(1)-(5). Significant non-categorical industrial users are required to submit a baseline monitoring report 180 days after they receive a wastewater discharge permit or become reclassified to an SIU. See the end of this chapter for a copy of a standard SIU, Class I and II wastewater discharge permit.

The SIU's wastewater discharge permit cover sheet states the facility's name and address, discharge and sampling location, the District's legal authority, an expiration date and is signed by an authorizing District official. Part one of the permit contains the constituent, daily limit, sample frequency, sample type, ordinance section and/or the 40 CFR section, sample limitations, monitoring requirements and prohibited discharges for that industry. Part two includes all information special to the permit or facility as well as compliance schedules. Reporting requirements including violations, accidental spills, compliance schedules, new or changed introductions of pollutants and report submittal information are found in part three. Part four covers the standard conditions of the permit such as non-transferability. These conditions are a brief summary of the pretreatment ordinance's conditions and reference the corresponding ordinance section.

Class I and II permits are similar to the SIU permits with some exceptions. Part one is modified to list only the constituents and limits of wastewater discharges, this was done because the District does not sample these facilities. Part 2 of the Class I & II permits combines special conditions/compliance and schedules/reporting requirements while standard conditions are listed in part 3. These modifications were made to condense some information not pertinent to Class I & II Industrial Users.

All Industrial Users receive information pertaining to hazardous waste management regulations when a permit is issued to their facility. This information discusses Resource Conservation and Recovery Act (RCRA) and State Waste Disposal Guidelines and gives several phone numbers and addresses Industrial User's may need. See Appendix D for the District's RCRA notification material.

Although the District's Pretreatment Ordinance, Article III, does outline some septic tank cleaning rules and regulations, the District does not accept septage.

CHAPTER 6

COMPLIANCE MONITORING

Power and authority of inspectors is outlined in Article I section 10 of the District's Pretreatment Ordinance. This section describes rights of entry, information collected during the inspection, emergency entry, confidentiality, cost of inspection, liability for injury and rights of entry for access to properties. The ordinance covers all permitted and unpermitted facilities in the District including private residences.

To assure compliance with pretreatment requirements, the Pretreatment Ordinance uses the same definition for Significant Noncompliance as found in 40 CFR 403.8(f)(2)(vii)(A-H). This definition can be found in the definition section of the sewer use ordinance in Appendix A. This definition best allows the District to be in compliance and enforce categorical and general pretreatment regulations.

All SIU's will be sampled at least twice a year, one of these times by the POTW, see Table II in this chapter. Self monitoring sampling frequency is dependent upon the SIU's compliance with discharge limits and reporting requirements. Self monitoring sampling results are forwarded to the Industrial Waste Coordinator. Results are evaluated and verified by the Industrial Waste Coordinator to ensure that the sample was properly collected and handled and that the report is complete with all the required information. The Industrial User is informed of any noted violation and is required to verify that the violation has been corrected. Any noncompliance noted is then evaluated and appropriate enforcement action taken.

Inspection of SIU's to ensure compliance will be performed at least once per year, see Table II in this chapter. As with sampling, inspection frequency may be increased dependent upon SIU compliance. Prior to each inspection, a file review is performed to examine past inspection notes, the baseline monitoring report and to note any past violations that have occurred. During an inspection, the entire facility is inspected and all processes are noted. All violations are noted and a Notice of Violation (N.O.V), along with a time schedule or date to attain compliance will be issued.

All monitoring records, sampling results, inspections and phone logs are kept in the SIU's filed in separate sections. Sampling results will be kept with the corresponding chain of custody, the analysis from the laboratory and the self monitoring report. The self monitoring report includes the time and date of the sample, how and where the sample was collected, the reporting period, a due date and a signature from a authorized representative of that company. See Appendix D for a copy of the self monitoring report. All sampling violation information will be tracked on a cover sheet corresponding to the month and year of that sample. All written correspondence will be kept in a separate section of the file and noted in the file/phone log. All verbal warnings will be recorded in the file/phone log. The file is designed to organize records in a clear and comprehensible manner that will enhance enforcement and provide admissible evidence if needed.

Computer files will also be used to track SIU's. All cover information in the hard file is found in the computer file. The computer files contain inspection dates, Industrial User compliance, violations, and

is a quick reference on SIU compliance.

The above described methods will be also used to track compliance and maintain admissible evidence for Class I & II industrial users.

TABLE II
MINIMUM INDUSTRIAL USER MONITORING

<u>User Type</u>	<u>INSPECTIONS</u>	<u>SAMPLING</u>
SIU	1/YEAR	4/YEAR
CLASS I & II	1/YEAR	2/YEAR

CHAPTER 7

ENFORCEMENT

After a violation has been noted and a verbal warning, letter or given a Notice of Violation (NOV) will be sent to the Industrial User to achieve compliance, along with a schedule for compliance and applicable enforcement action. The Pretreatment Program has adopted an enforcement protocol or procedure that outlines each step of an enforcement action against an industrial user. Two enforcement protocols are used by the District, one for violations relating to information, compliance schedules and reports, the other for sample results. See the last two pages of this chapter for the two enforcement protocols used by the District.

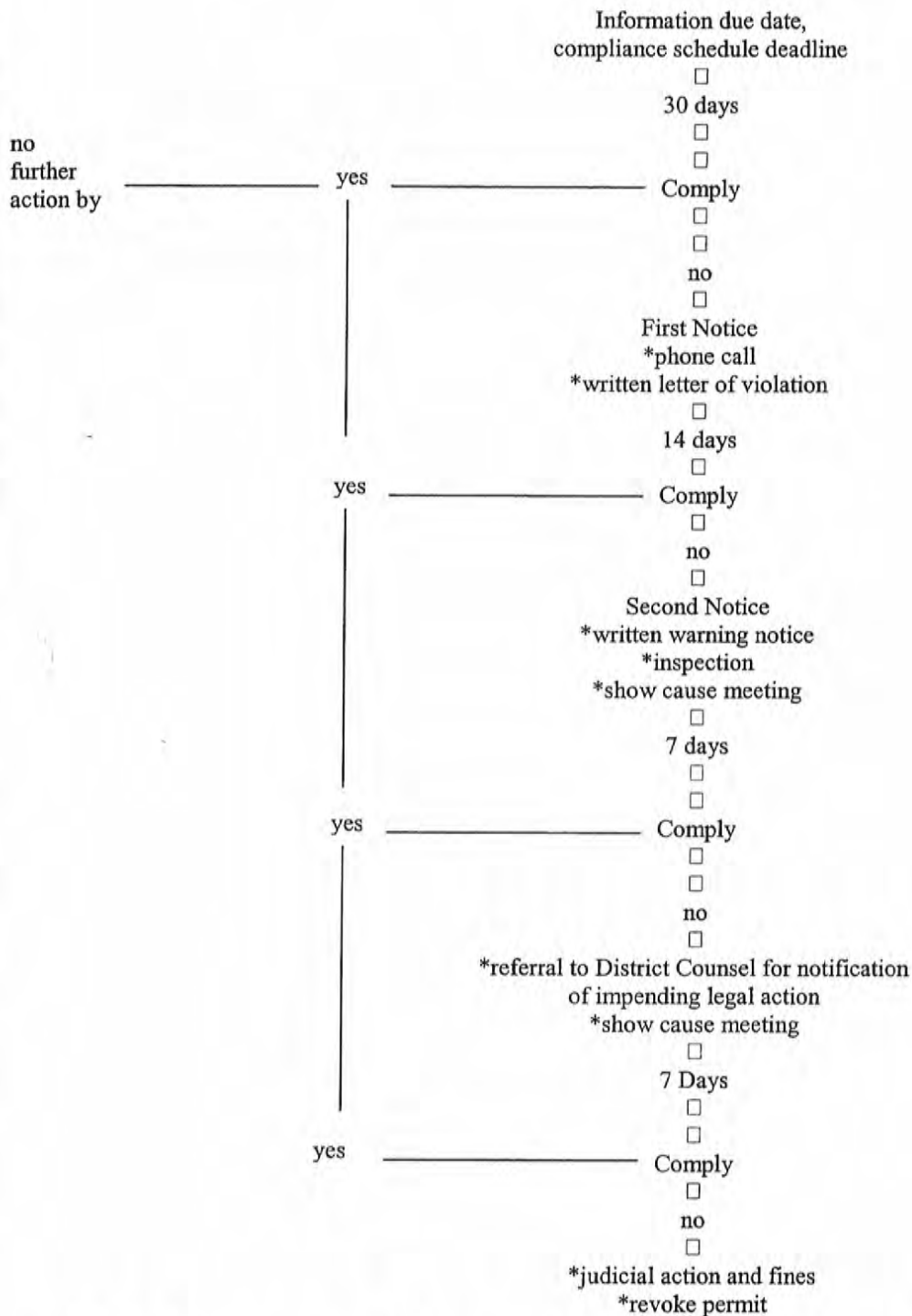
Each enforcement protocol clearly states the type of action, the time milestone, staff, departments and agencies involved and the next action if compliance is not achieved. Each step in the enforcement procedure becomes more formal and response times are shortened. Final enforcement involves the District Counsel notifying the violator of legal action and/or a show cause meeting, then judicial action, fines and revocation of the permit. Speed of enforcement and skipping of steps may occur depending upon the severity of the violation(s), compliance history of the discharger or criminal intent tied to the violation. This, accompanied by accurate record keeping as described in Chapter 6, allows for an effective enforcement action. All enforcement actions use the enforcement protocol for tracking and escalation of action.

The Pretreatment Ordinance, Article V, allows the District to assess civil or criminal penalties in at least the amount of \$25,000 per day for each violation of pretreatment standards, requirements and the Pretreatment Ordinance. The District also has the power to seek injunctive relief, and termination of wastewater and water service.

See the following pages of this chapter for copies of the enforcement protocol.

SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT

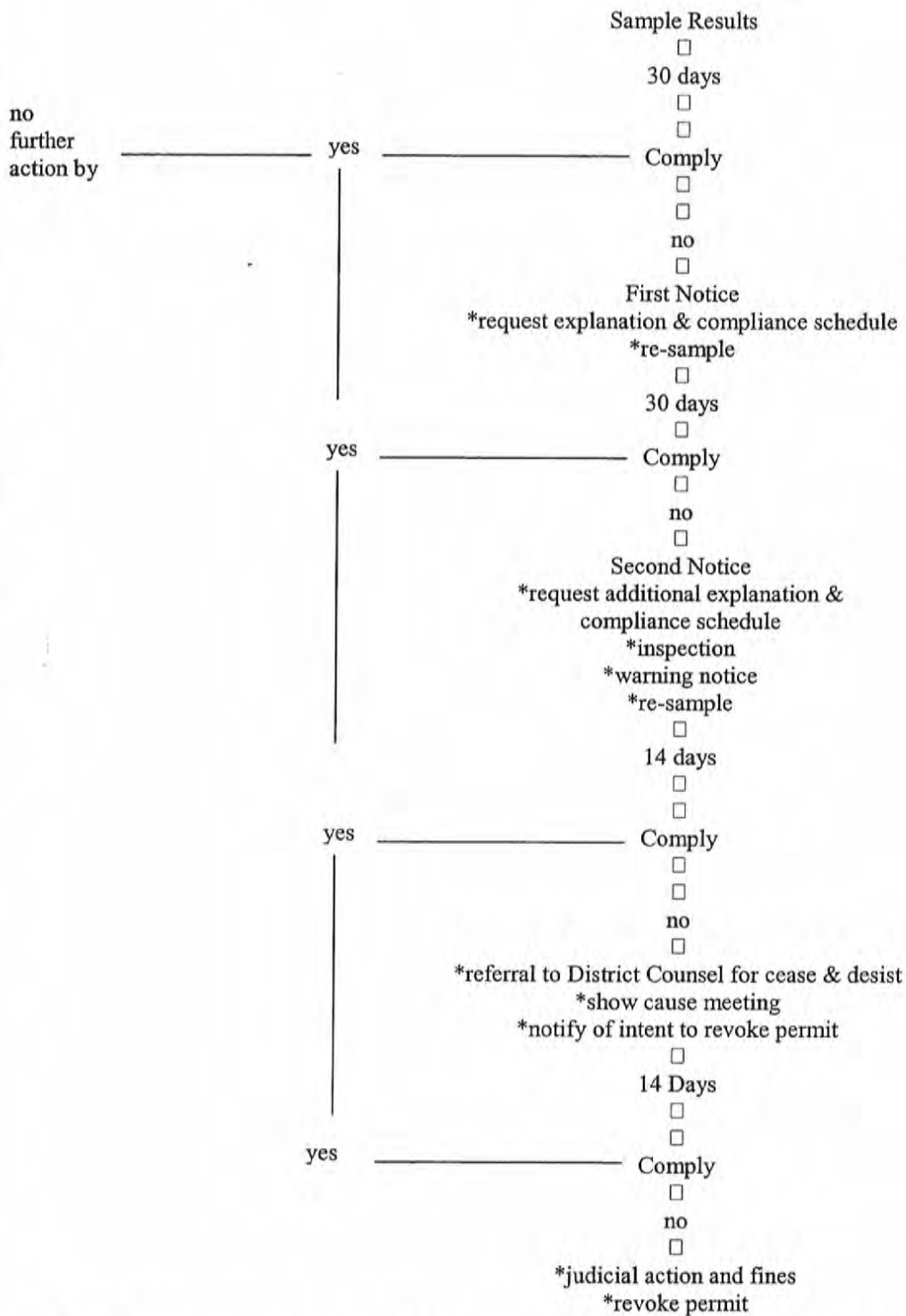
Enforcement Procedure Monitoring Program



POTW enforcement response shall be completed within 14 days of noncompliance. POTW collects samples for most IU self-monitoring programs. Costs of sampling and analyses paid for by discharger. Steps may be by-passed depending on the compliance history of the discharger, severity, or criminal intent tied to the violation.

SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT

Enforcement Procedure Sampling Program



POTW enforcement response shall be completed within 14 days of noncompliance. POTW collects samples for most SIU self-monitoring programs. Costs of sampling and analyses paid for by discharger. Steps may be by-passed depending on the compliance history of the discharger, severity, or criminal intent tied to the violation.

CHAPTER 8

RESOURCES

The South San Luis Obispo County Sanitation District Pretreatment Program operates on its own budget. The Pretreatment Program's funding will come from industrial user permit fees while the remainder comes from the District wide sewer use fees. The permit fees have been implemented to recover cost of industrial user inspections and reflect the expense of those activities for each class of industrial user. Costs associated with sampling, surveillance, re-inspection and enforcement must also be recovered from the Industrial User.

Currently the annual Industrial User fees are as follows:

Significant(TO BE DETERMINED)

Class I(TO BE DETERMINED)

Class II(TO BE DETERMINED)

All fees are collected by the Oceano CSD, The City of Grover Beach, and City of Arroyo Grande, and industrial users are billed bi-monthly. See Chapter 5 for industrial user classification.

The Pretreatment Program has no full time staff members. The Industrial Waste Coordinator performs the majority of the administrative functions, coordinates program activities and performs some inspections and monitoring. The Industrial Waste Coordinator also performs inspections, sampling, complaint investigations and other associated pretreatment duties.

Tables IV and V, summarize the current pretreatment equipment inventory and budget.

TABLE IV

CURRENT INVENTORY OF PRETREATMENT EQUIPMENT

(TO BE DETERMINED)

TABLE V
SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT
ANNUAL PRETREATMENT BUDGET

Budget	
Salaries, Healthcare, Workers Comp, Overtime, etc.	
Office Supplies, Printing, etc.	
Contractors equipment	
Equipment Maintenance, Lab Services, etc.	
Education and Training, Conferences, Trips and Meetings	
Safety Supplies, Laboratory Supplies, Protective Clothing and Equipment	
Other Machinery and Equipment	

(TO BE DETERMINED)

CHAPTER 9

PUBLIC PARTICIPATION AND CONFIDENTIALITY

Annual publication of significant violators of pretreatment regulations are published as required by 40 CFR 403.8(f)(2)(vii). Public notice will be printed in the Five Cities Times Press Recorder during December of each year and included in the District's Pretreatment Program Annual Report.

Submitted information, (with sufficient reason) will be held confidentially in a confidential file section and will not be available for public review as per 40 CFR 403.8. (f)(1)(vii).

APPENDIX A

PRETREATMENT ORDINANCE AND OTHER LEGAL AUTHORITIES

SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT

PRETREATMENT ORDINANCE

1994-1

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SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT
ORDINANCE NO. 1994-1

AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT
ESTABLISHING PRETREATMENT REGULATIONS
FOR THE USE OF DISTRICT FACILITIES

The Governing Board of South San Luis Obispo County Sanitation District ordains as follows:

ARTICLE I

GENERAL PROVISIONS

1. PURPOSE AND SCOPE:

A. This ordinance is enacted pursuant to Government Code Section 54739 and sets forth standards and regulations governing discharges into the publicly owned treatment works (POTW) for the District. The standards and regulations enable the District to comply with all applicable state and federal laws including the Clean Water Act (Act 33 U.S.C. 1251 et. seq.) and the General Pretreatment Regulations (40 CFR, Part 403).

B. The objectives of this ordinance are:

(1) To prevent the introduction of pollutants into the POTW which will interfere with the operation of the POTW, including interference with the use or reclamation of biosolids;

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

(3) To improve opportunities to recycle and reclaim wastewaters and biosolids from the system;

(4) To protect POTW personnel from exposure to hazardous chemicals;

C. The ordinance provides for the regulation of direct and indirect discharges to the POTW through the issuance of permits to industrial users, pretreatment and reporting requirements, monitoring and enforcement of noncompliance with the provisions of this ordinance.

D. This ordinance applies to the areas within the boundaries of the District and all other areas and entities which, by contract, are bound to comply with all reasonable ordinances, rules and regulations of the District.

2. DEFINITIONS:

The following words shall have the following meanings:

A. "Administrator" means the District Administrator of SSLOCS or his/her duly authorized representative. Any notice required to be given to the Administrator shall be mailed to the Administrator at P.O. Box 339, Oceano, CA 93445, or delivered to the District at 1600 Aloha Place, Oceano, CA 93445 or as otherwise directed.

B. "Authorized Representative" means any of the following:

(1) a principal executive officer of at least the level of vice president if the Industrial User submitting the reports is a corporation;

(2) a general partner or proprietor if the Industrial User submitting the reports is a partnership or sole proprietorship respectively;

(3) a duly authorized representative of the individual designated in (1) or (2) if such representative is responsible for the overall operation of the facility from which the discharge originates.

C. "Biochemical Oxygen Demand (BOD)" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure and expressed in milligrams per liter (mg/l).

D. "Categorical Pretreatment Standard (COD)" means the national pretreatment standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged to a POTW by existing or new Industrial Users in specific industrial subcategories.

E. "Chemical Oxygen Demand" means the quantity of oxygen required for the chemical oxidation of carbonaceous material under standard laboratory procedure and expressed in milligrams per liter (mg/l).

F. "Class I Industrial User" means any industrial user, not defined as a significant industrial user, that has materials and/or wastes on site that if discharged to the sewer may impact the POTW in a negative manner. These materials and wastes include, but are not limited to any and all prohibited discharges described in

Articles 1 and 3 of this ordinance.

G. "Class II Industrial User" means any industrial user, not defined as a significant industrial user, that may discharge conventional pollutants to the POTW which may cause interference or pass-through. These wastes include, but are not limited to: laundry discharges, non-hazardous solids and oil and grease of animal or vegetable origin.

H. "District" means the South San Luis Obispo County Sanitation District (SSLOCS D).

I. "Domestic Wastewater" means water bearing only those wastes derived from the ordinary living processes and of such character as to permit satisfactory disposal to, and treatment in, the POTW.

J. "Grease" means all fat, grease, oil, wax or other trichlorotrifluoroethane soluble matter of animal, vegetable, petroleum or mineral origin.

K. "Industrial User" means a person who discharges nondomestic wastewater into the POTW.

L. "Industrial User's Survey" means a questionnaire (and related process) used by the District to identify and categorize industrial users and the characteristics of their wastewater discharge.

M. "Infectious Waste" means any waste material or article which harbors or may reasonably be considered to harbor any type of microorganism, helminth or virus which causes or significantly contributes to increased morbidity or mortality in human beings. Infectious waste includes hospital waste such as isolation wastes, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

N. "Interference" means an inhibition or disruption of the processes, use, disposal or reclamation of effluent and biosolids.

O. "NPDES" means National Pollutant Discharge Elimination System permit issued to the POTW.

P. "Natural outlet" means any outlet into a water course, pond, lake or other body of surface or ground water.

Q. "New Source" means any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the

Clean Water Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

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

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

(3) the production of wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site.

R. "Pass Through" means the discharge of pollutants to the POTW in quantities or concentrations which are a cause of or significantly contribute to a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

S. "Person" means any individual, firm, company, association, society, corporation, group, governmental agency or educational institution.

T. "Plant Superintendent" means the Superintendent of the SSLOCSD Water Pollution Control Facility located at 1600 Aloha Place, Oceano, CA 93445.

U. "Pollutant" means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, industrial wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes, or other discharges prohibited by Article I Section 3 of this ordinance.

V. "Pretreatment Standard and Requirements" means any substantive or procedural requirement related to pretreatment, including National Categorical Pretreatment Standards and prohibitive discharge standards imposed on an industrial user.

W. "Publicly Owned Treatment Works (POTW)" means District owned sewer treatment system, including sewer pipes within the communities that convey wastewater to the treatment plant, the wastewater treatment plant (WWTP), sewer pipes that convey wastewater to the treatment plant from persons outside the District who contract with the District to use the sewer system, and related facilities.

X. "Significant Industrial User (SIU)" means any industrial discharger subject to federal categorical pretreatment standards or

any industrial discharger that:

(1) discharges 10,000 gal per day or more of process wastewater;

(2) contributes 2 percent or more of the average dry weather hydraulic capacity of the treatment plant;

(3) discharges either continuously or intermittently to the POTW, process wastewaters containing priority pollutants as determined through analytical procedures or reasonable technical judgement; or

(4) has a reasonable potential, in the opinion of the Administrator, to adversely affect the POTW treatment plant.

Y. "Stormdrain" means a sewer which is designed to carry storm and surface waters and drainage rather than sewage or industrial wastes.

Z. "Toxic or Poisonous" means any solid, liquid or gas in such quantity that alone or in combination with other waste substances, may create a hazard for humans, animals or the local environment, interfere with sewage treatment processes, cause a public nuisance, or cause any hazardous condition to occur in the sewerage system.

AA. "User" means a person who discharges to the POTW.

BB. "Wastewater Treatment Plant (WWTP)" means District owned and operated sewage treatment plant located at 1600 Aloha Place, Oceano, CA 93445 and all related facilities.

3. PROHIBITED DISCHARGES:

A. It shall be unlawful for an industrial user to discharge pollutants into the POTW:

(1) Without a permit;

(2) When such pollutants are not covered by a properly issued permit;

(3) Where the pollutants may cause the POTW to violate its NPDES permit.

B. In addition to the prohibitions contained in paragraph 3A above and except as hereinafter provided, no person shall discharge or cause to be discharged any of the following to the POTW:

(1) Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit and, in no case, higher than one

hundred and four degrees Fahrenheit at introduction into the wastewater treatment plant;

(2) Any water or waste material containing a petroleum based oil and/or grease if the discharge could result in a stoppage, plugging, breakage, significant obstruction to flow or any other damage to, or increased maintenance of the POTW;

(3) Any substance which by reason of its chemical nature or quantity is, or may be sufficient, either alone or by interaction with other substances, to cause a fire or explosion or injure the POTW and/or cause acute health and/or safety problems to POTW personnel or the operation of the system. At no time shall any substance be discharged to the POTW that has a closed cup flashpoint of less than one hundred forty degrees Fahrenheit or sixty degrees Centigrade using the test methods specified in 40 CFR 261.21. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, and/or xylene;

(4) Any solid or viscous substance, including but not limited to unground garbage, feathers, ashes, cinders, sand, polishing compounds, resin beads, metal, glass, straw, rags, spent grains or hops, wood, plastic, mud, shavings or manure which may cause obstruction to the flow in sewer system or other interference with the proper operation of the POTW;

(5) Any substance having pH levels less than six or higher than nine, or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the POTW;

(6) Any water added to a wastewater discharge for the sole purpose of dilution as a means to achieve compliance with any pretreatment standard or local discharge limit;

(7) Any substance including oxygen demanding pollutants (BOD, CBOD, or COD, etc.) at a flow rate and/or concentration which may cause interference or pass-through;

(8) Any average daily flow greater than two percent of the WWTP average daily sewage flow shall be subject to the review and approval of the Administrator;

(9) Any wastewater containing in excess of:

15.0	mg/l aluminum
1.0	mg/l arsenic
0.25	mg/l cadmium
0.5	mg/l copper
0.5	mg/l chromium
7.5	mg/l fluoride
30.0	mg/l iron

C. Limitations on wastewater strength established in this ordinance may be supplemented with more stringent limitations if:

(1) The Administrator determines that the limitations listed in this ordinance may not be sufficient to protect the operation of the District's treatment works; or

(2) The Administrator determines that the limitations listed in this ordinance may not be sufficient to enable the District's treatment works to comply with water quality standards or effluent limitations specified in the District's NPDES permit.

D. When the Administrator determines that a user is contributing any of the substances mentioned in paragraph 3 (A), (B) and (C) of this section in such amounts as to interfere with the operation of the POTW, the Administrator shall:

(1) Advise the user of the impact of the contribution on the POTW;

(2) Develop discharge compliance limitations for the user;

(3) Place limits on rate and time of discharge or requirements for flow regulations and equalization;

(4) Require pretreatment of discharge prior to discharge to POTW; or

(5) Take any other action necessary to eliminate the interference.

4. APPLICABILITY OF FEDERAL AND STATE CATEGORICAL PRETREATMENT STANDARDS:

A. Any user who does not comply with the Federal pretreatment standards as set out in 40 CFR Chapter I, Subchapter N, Parts 405-471 (or any successor statute) or who does not comply with the applicable state pretreatment standards violates this ordinance.

B. The most stringent standards will apply whenever local, state, and federal standards overlap. All users must comply with all applicable pretreatment standards and requirements as they may exist now or as they may be revised in the future.

5. GREASE, OIL AND SAND INTERCEPTORS:

Grease, oil and sand interceptors shall be provided and maintained by user at user's expense for the proper handling of liquid wastes containing grease, flammable wastes, sand or other harmful constituents; provided, however, that the interceptors shall not be required for private living quarters or dwelling

units. All interceptors shall be approved by the Administrator and the local permitting agency in accordance with the Uniform Plumbing Code, and shall be located for ready and easy access for cleaning and inspection. When installed, all grease, oil and sand interceptors shall be maintained and efficiently operated by the user, at his/her expense. Failure to properly maintain and operate interceptors shall be sufficient cause to disconnect a premises from the POTW and/or apply punitive actions as provided for in this ordinance.

6. PRETREATMENT FACILITIES:

Where pretreatment of discharge is required by the District, the necessary facilities shall be provided, operated and maintained at the user's expense. Detailed plans showing the facilities and their operating procedures shall be submitted to the Administrator and the local permitting agency for review. The plans must be approved by the District and the local permitting agency before construction begins. Any proposed changes in the pretreatment facilities or method of operation must be reported and approved by the District prior to implementation of the proposed changes. Operational failures of pretreatment facilities shall be immediately reported to the Superintendent. A letter detailing the cause and proposed remedy shall be submitted in writing to District within 24 hours of the failure.

7. CONTROL MANHOLE:

If required by the Administrator, the owner of any property served by a building sewer carrying industrial wastes shall install at his/her cost, a suitable control manhole in the building sewer to facilitate observation, sampling and flow measurement of the discharge. The manhole shall be reasonably accessible, safely located and shall be constructed in accordance with plans approved by the Administrator and the local permitting agency.

8. MEASUREMENTS AND TESTS:

All measurements, tests and analyses of the characteristics of discharged substances shall be determined by the testing methods specified in 40 CFR 136 in accordance with 40 CFR 403.12 (b)(5)(vi). If required by the Administrator, the industrial user shall provide safe and secure access to the proper sampling point for the determination of compliance with federal categorical standards and/or local discharge limits. This may require the installation of a control manhole as described above. All testing shall be performed by an approved laboratory and conducted at the expense of the discharger.

9. DRAINAGE BELOW CURB AND BELOW MAIN SEWER LEVEL:

A. Drainage pipe serving fixtures with flood level rims located below the elevation of the curb or property line, at the point where the building sewer crosses under the curb or property line, and above the crown level of the main sewer, shall drain by gravity into the main sewer, and shall be protected from backflow of sewage by installing an approved backwater valve. Each backwater valve shall be installed only in that branch or section of the drainage system which receives the discharge from fixtures located below the elevation of the curb or property line. If the drainage pipe(s) is lower than the next upstream manhole, the property owner may be required to install a backwater valve.

B. If the property owner fails to install and maintain a backwater trap or backwater valve in good working condition, when required under this section, the Administrator may order and require the plumbing fixture to be disconnected and removed and the outlet plugged or capped. In the event that the property owner fails to disconnect and plug or cap the sewer connection within ten days after written notice by the Administrator, the Administrator shall arrange for the disconnection and capping; the cost of which may be charged by the District and collected by court action or may be declared to be a lien by action of the District Board of Directors after public hearing and notice of the property owner and shall be added to and collected as part of the tax roll.

C. As an alternative to the procedure set forth in subsection 9.B, when the property owner fails to install and maintain a backwater trap valve in good working condition when required under this ordinance, the Administrator may order and require termination of water service to the parcel and all structures connected to the sewer outlet. The water service shall not be reinstated until the maintenance or installation of the backwater trap or backwater valve has been approved by the Administrator.

D. All house connection sewers, industrial sewers, private sewage disposal systems and appurtenances thereto, now existing or hereafter connected, shall be maintained by the owner of the property in a safe and sanitary condition and shall be maintained in good working order. If a property owner fails to maintain the wastewater disposal facilities in a safe and sanitary condition, the Administrator may order and require termination of water service to the parcel and all structures connected to the sewer outlet. The water service shall not be reinstated until the maintenance or installation of appropriate wastewater disposal facilities has been approved by the Administrator.

10. POWERS AND AUTHORITY OF INSPECTORS:

A. The following persons shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this ordinance at all reasonable times.

(1) The District Administrator;

(2) The District Plant Superintendent;

(3) Any duly authorized officer, agent, employee or representative of the District;

(4) Any duly authorized officer, agent, employee or representative of a District parent agency; or

(5) Any duly authorized officer or employee of the County Health Department.

If an official authorized to conduct inspections has reasonable cause to believe that wastewater discharge conditions on or emanating from a facility are so hazardous, unsafe or dangerous as to require immediate action to safeguard public health or safety or the integrity of the POTW, the official shall have the right to immediately enter and inspect the property and may use any reasonable means required to effect such entry and make such inspection.

Process and product information collected during inspection of premises shall be kept confidential at the request of the business owner or his representative, insofar as confidentiality is allowed pursuant to applicable law. All records compiled pursuant to the pretreatment program shall be accessible at time of inspection.

B. Each discharger shall pay a reasonable inspection fee sufficient to pay for the costs of the inspection. The inspection costs may be incorporated in the Industrial User Wastewater Discharge Permit fee.

C. Nothing in this Section shall be construed to limit the search and inspection activities authorized by other statutes, ordinances, or regulations.

11. PERMIT-REQUIRED-TERM-TRANSFER-REVOCATION-COMPLETION OF AN INDUSTRIAL USER'S SURVEY REQUIRED:

All dischargers of nondomestic wastewater into the District sewer system shall complete an industrial user's survey and shall obtain a wastewater discharge permit from the District. It is unlawful to discharge nondomestic wastewater without a permit or to fail to complete an industrial user's survey.

A. Wastewater discharge permits shall be expressly subject to all provisions of this ordinance and all other state and federal regulations, user charges and fees established by the District. The conditions of wastewater discharge permits shall be uniformly enforced by the Administrator in accordance with this ordinance, and applicable state and federal regulations. Permit requirements may include, but are not limited to the following:

- (1) User charges and fees to discharged to the POTW;
- (2) The average and maximum wastewater constituents and characteristics;
- (3) Limits on rate and time of discharge or requirements for flow regulations and equalization;
- (4) Requirements for installation of inspection and sampling facilities;
- (5) Pretreatment requirements;
- (6) Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, number, types and standards for tests and reporting schedule;
- (7) Requirements for submission of technical reports or discharge reports;
- (8) Mean and maximum mass emission rates, or other appropriate limits when incompatible pollutants (as defined by District ordinance) are proposed or present in the user's wastewater discharge;
- (9) Requirements for submission to inspections;
- (10) Other conditions as deemed appropriate by the Administrator to insure compliance with this ordinance.

B. Permits may be issued for any specified time period, not to exceed five years. The terms and conditions of the permit may be modified and changed by the Administrator during the term of the permit to reflect limitations or requirements as they may change from time to time. The permit holder shall be informed in writing of any proposed changes to his/her permit at least thirty days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

C. No wastewater discharge permit shall be assigned, re-assigned, transferred or sold to a new owner, a new user, different premises, or changed operation, without the expressed written consent of the Administrator. Upon application of a user, the

Administrator shall determine if the sale or transfer of an operation results in a change in use and may authorize the re-assignment of a specific permit.

D. Any permit holder who violates any of the provisions of this ordinance, or applicable state and/or federal laws, rules and regulations or any of the following conditions may have the permit revoked:

(1) Failure to accurately report the wastewater constituents and characteristics of discharge;

(2) Failure to promptly report significant changes in operations or wastewater constituents and characteristics; and

(3) Refusal to allow reasonable access to the permit holder's premises for the purposes of inspection or monitoring.

12. REPORTING REQUIREMENTS FOR PERMIT HOLDERS:

A. Any permit holder may be required to submit a report to the Administrator indicating the nature, concentration, and daily flows wastewater constituents. The report shall also state whether the applicable pretreatment standards and requirements are being consistently met.

B. After completing the report required in subsection 12.A, the user shall submit self-monitoring reports, as required by the Administrator, to assess and assure continued compliance with pretreatment standards and requirements including, but not limited to, the reports required in 40 CFR 403.12. These reports shall contain the results of sampling and analysis of the discharge.

C. Reports submitted to the Administrator shall be signed and certified by an authorized representative of the discharging facility.

D. All industrial users shall be required to retain any records and/or reports of monitoring activities or results and for a minimum of three years and shall make such records/reports available for inspection and photocopying by the District.

13. CONFIDENTIALITY-PUBLIC DISCLOSURE:

A. Except when determined to be confidential pursuant to Section 13.C, discharge data shall be available to the public without restriction.

B. Notification of significant violators and significant noncompliance shall be published at least once every twelve months in a major local newspaper.

C. Upon the request of an industrial user, any proprietary information that becomes known incidentally through the inspection and monitoring process will be held confidential.

ARTICLE II

CHARGES AND FEES

14. DETERMINATION-USER CLASSIFICATION:

A schedule of charges and fees shall be adopted by the District by resolution, and may be amended from time to time, to enable the District to comply with the revenue requirements of the State Clean Water Grant Program. The schedule of fees and charges shall be in addition to other District charges and fees.

A. All users shall be classified to a user classification category (Significant Industrial User, Class I User or Class II User) according to the activities conducted on the user's premises and appropriate nonindustrial classifications as determined by the District. The purpose of the classification is to facilitate regulation of wastewater discharges based on wastewater constituents and characteristics, to provide an effective means of source control and to establish a system of user charges and industrial user wastewater discharge permit fees which will insure an equitable recovery of the District's cost for operation of the pretreatment program;

B. The charges for each wastewater constituent and characteristic shall be established by the District and set forth in the District's schedule of charges and fees, which may include, but shall not be limited to:

- (1) User classification charges;
- (2) Fees for surveys, monitoring and inspections;
- (3) Charges and fees based on wastewater constituents and characteristics to include industrial cost recovery provisions of the Federal Act (i.e., PL 92-500);
- (4) A minimum sewer charge for vacant business or residences until water service is discontinued;

C. Payment and Collection.

(1) All charges and fees established by this ordinance shall be payable at the same time as water charges are paid to the respective cities and districts and may be billed in the same water bill;

0.5	mg/l lead
0.01	mg/l mercury
0.1	mg/l selenium
3.0	mg/l zinc
2.0	mg/l M.B.A.S. (methyl blue active substances)
1.0	mg/l phenol
30.0	mg/l ammonia
300.0	mg/l sulfate
7.5	mg/l boron
350.0	mg/l B.O.D.
195.0	mg/l C.O.D.
1.0	mg/l Molybdenum
3.81	mg/l Nickel
0.02	mg/l Silver

pH	>6 <9
Temperature	< 140°F

** Concentrations apply at the point where the industrial waste is discharged to the POTW. All concentrations for metallic substances are for "total" metal. The Superintendent may, at his/her discretion, impose mass limitations in addition to or in place of the concentration based limitations above. Compliance with all parameters may be determined from a single grab sample.

(10) Any wastewater, other than residential water-softening regeneration brine, containing in excess of:

1,600.0	mg/l total dissolved solids
300.0	mg/l sodium
300.0	mg/l chloride

** Concentrations apply at the point where the industrial waste is discharged to the POTW. All concentrations for metallic substances are for "total" metal. The Superintendent may, at his/her discretion, impose mass limitations in addition to or in place of the concentration based limitations above. Compliance with all parameters may be determined from a single grab sample.

(11) Any substances containing any radioactive materials or wastes with a half-life or concentration that does not comply with regulations issued by appropriate authorities (Sections 30265 and 30287 of the California Code of Regulations);

(12) Any infectious wastes;

(13) Any substances containing color which is not removed in the ordinary WWTP treatment process;

(14) Any stormwater, surface water, ground water, roof runoff, subsurface drainage, or uncontaminated cooling water.

(2) Any person failing to pay the sewer service charge when due may have water service terminated (disconnected).

15. USE OF REVENUES:

Revenue derived by the District under the provisions of this ordinance shall be used for the acquisition, construction, reconstruction, operation and maintenance of the POTW and shall be applied to the retirement of any bonded indebtedness which was incurred to improve the POTW's capacity to handle non-domestic wastewater.

ARTICLE III

REGULATION OF SEPTIC TANK DUMPING

16. UNLAWFUL TO DUMP ON LAND:

It is unlawful for any person to dump or discharge raw or chemically treated sewage from any source onto the surface of any lands within the areas serviced by the District.

17. UNLAWFUL TO DUMP INTO DISTRICT COLLECTION SYSTEM EXCEPT AS PROVIDED IN THIS ORDINANCE:

It is unlawful for any person to dump or discharge into the District sewer collection system septic tank cleanings or any raw or chemically treated sewage from septic tanks or any industrial or unidentified liquid waste or any hazardous waste or pollutants except as provided in this Article.

18. DUMPING REGULATIONS:

Raw or chemically treated sewage from chemical toilets may be discharged or dumped into the POTW only at places designated in the user's permit pursuant to Article I, Section 11.

ARTICLE IV

ENFORCEMENT

19. UNLAWFUL DISCHARGES:

A. Notification of Violation:

(1) Users shall immediately notify the Plant Superintendent upon discharging wastes in violation of this ordinance to enable countermeasures to be taken by the District to minimize damage to

the community sewer, treatment facility, treatment process, treatment personnel and the receiving waters.

(2) No later than five days after the notification a detailed written statement describing the causes of the discharge and the measures being taken to prevent future occurrence shall be provided to the District by an authorized representative of the discharger.

(3) The notification shall not relieve users of any liability for any expense, loss or damage to the POTW for any fines imposed on the District by any public entity on account thereof.

B. Dischargers shall make available to their employees copies of this ordinance, together with such other wastewater information and notices which may be furnished by the District from time to time. A notice shall be furnished and permanently posted on the user's bulletin board advising employees whom to call in case of an accidental discharge in violation of this ordinance.

C. Potential Violation: Any direct or indirect connection that enables the permit holder access or potential to unlawfully discharge pollutants into the POTW should be eliminated. If it has been determined by the Administrator that such connection is impractical or unreasonable to eliminate, the permit holder shall label each such potential connection as approved by the District.

20. ISSUANCE OF CEASE AND DESIST ORDERS:

If a violation of this ordinance occurs, or appears imminent, and the violation appears to present an imminent endangerment to the health, safety or welfare of persons, property, or the environment, or which threatens to interfere with the operation of the POTW, the Administrator may, upon informal written notice to the violator, issue an order to cease and desist order and direct the violator to:

A. Comply with this ordinance forthwith;

B. Comply with this ordinance in accordance with a time schedule set forth by the Administrator; or

C. Take appropriate remedial or preventive action in the event of a threatened violation.

21. SUBMISSION OF TIME SCHEDULE:

When a discharge of wastewater has taken place, in violation of prohibitions or limitations prescribed in this ordinance, or wastewater source control requirements, effluent limitations or pretreatment standards, or the provisions of a wastewater discharge permit, the Administrator may require the user to submit a report containing methods to eliminate illegal discharges, a time schedule

for the commencement and completion of any equipment installation or maintenance necessary to comply with discharge limitations and methods of assurance of continued compliance.

22. APPEALS:

A. Any user, permit applicant, or permit holder affected by any decision, action or determination, including cease and desist orders, made by the Administrator, interpreting or implementing the provisions of this ordinance or in the issuance of any permit, may file with the District Board a written appeal within ten working days of such decision, action, or determination, setting forth in detail the facts supporting the appeal.

B. The written appeal shall be heard by the District Board of Directors within thirty days from the date of filing. The District Board of Directors shall make a final ruling on the appeal within ten working days of the close of the meeting. Pending final determination on the appeal the decision subject to appeal shall remain in full force and effect.

ARTICLE V

ABATEMENT AND PENALTIES

23. REMEDIES:

The actions and remedies available to the District may be utilized separately or in combination by the District as it deems appropriate.

24. DECLARATION OF PUBLIC NUISANCE:

Discharges of wastewater in violation of this ordinance or of any order issued by the Administrator as authorized by this ordinance constitutes a misdemeanor and is also declared to be a public nuisance that is subject to abatement.

25. INJUNCTIVE AND OTHER LEGAL RELIEF:

Whenever an industrial user has violated or continues to violate the provisions of this ordinance, or permits or orders issued hereunder, or any other pretreatment requirement, the District through its District Legal Counsel is authorized to seek temporary and/or permanent injunctive relief, as may be appropriate, which restrains or compels the specific performance of the wastewater permit, order or other requirement imposed by this ordinance on activities of an industrial user. Such other action as may be appropriate for legal and/or equitable relief may also be sought by the District.

26. ASSESSMENT OF COST:

Any person who discharges or causes to be discharged any water or wastewater in violation of this ordinance and such discharge, either singly or by interaction with other discharges, results in damage to or is otherwise detrimental to or adversely affects the POTW, stormdrain system or waters of the state, shall be liable to the District for any and all expenses and costs of whatever kind necessary to correct that damage, detriment or adverse effect. The expenses may include, but are not limited to: costs for labor, material, inspection, administration and overhead. Additionally, the District may recover reasonable attorney's fees, court costs and other expenses associated with enforcement activities. Any expenses resulting from the investigation of unlawful discharges shall be collected from the responsible party. In addition, any monetary penalties imposed against the District shall also be costs for which the violator is liable to the District.

27. CIVIL REMEDIES/ADMINISTRATIVE COMPLAINT:

Any person who violates any requirement or order by the District pursuant to this ordinance shall be civilly liable in a sum not to exceed \$25,000.00 a day for each violation.

In addition to any other enforcement procedures referenced in this ordinance, the District may enforce the provisions of this ordinance pursuant to the procedures stated in Sections 54739, et. seq. of the Government Code.

28. CRIMINAL PENALTIES:

A. It is a misdemeanor for any person/user to violate any provision of this ordinance. Each day of violation shall constitute a separate offense. The penalty for violation shall include a fine of not less than \$1,000 per violation.

B. Any person who knowingly makes any false statements, representation, record, report, plan or other document filed with the District, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance, shall be guilty of a misdemeanor. The penalty for violation shall include a fine of not less than \$1,000 per violation.

29. TERMINATION OF SERVICE:

The District may revoke any wastewater discharge permit or terminate or cause to be terminated wastewater and/or water service to any premises if a violation of any provision of this ordinance is found to exist and is not corrected or if a discharge of wastewater causes or threatens to cause a condition of contamination, pollution or nuisance as defined in this ordinance.

This provision is in addition to other statutes, rules or regulations, authorizing termination of services for delinquency in payment.

ARTICLE VI

MISCELLANEOUS

30. SEVERANCE CLAUSE:

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, ineffective or in any manner in conflict with the laws of the United States, or the State of California, such decision shall not affect the validity of the remaining portions of this ordinance. The Governing Board of the District hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsection, sentence, clause or phrase be declared unconstitutional, ineffective, or in any manner in conflict with the laws of the United States or the State of California.

31. EFFECT OF HEADINGS IN ORDINANCE.

Title, division, part, chapter, article, and section headings contained herein do not in any manner affect the scope, meaning, or intent of the provisions of this ordinance.

32. ALL INCONSISTENT SECTIONS

All ordinances, sections of ordinances, resolutions, and policies of the District that are inconsistent with this ordinance are hereby repealed including, but not limited to the following: Resolution A No. 22, Article III Sections 10 and 15; Article VII Sections 2, 3, 4, 5, and 6.

33. EFFECTIVE DATE:

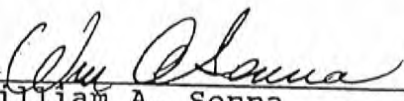
This ordinance shall take effect and be in full force and effect thirty (30) days after its passage; and before the expiration of fifteen (15) days after passage of this ordinance, it shall; be published in 3 public places with the names of the members voting for and against the ordinance; and shall remain posted thereafter for a least 1 week, and be published once with the names of the members of the Board of Directors voting for and against the ordinance in the Five Cities Times Press Recorder.

Introduced at a regular meeting of the Board of Directors held on March 16, 1994, and passed and adopted by the Board of Directors of the South San Luis Obispo County Sanitation District on the 6th day of April, 1994 by the following roll call vote, to wit:

AYES: Director Brackett, Director Gallagher, Chairman Senna
NOES: None
ABSENT: None
ABSTAINING: None

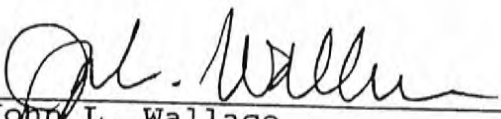
SOUTH SAN LUIS OBISPO COUNTY
SANITATION DISTRICT

By:


William A. Senna
Chairman, Board of Directors

ATTEST:

By:


John L. Wallace
Secretary, Board of Directors

R-Z\SCSD.OEP
pretreat.or

APPENDIX B

COMMERCIAL USERS SURVEY AND PERMIT APPLICATIONS

SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT

Post Office Box 339
Oceano, California 93445
(805)-481-6903

March 23, 1994

Subject: Wastewater Survey

Dear Business Owner:

As you may know, the South San Luis Obispo County Sanitation District (District) treats the wastewater from the communities of Grover Beach, Oceano and Arroyo Grande. As such, we are regulated by the provisions of the Federal Clean Water Act as well as the State of California's regulations to make sure that substances discharged to local sewers do not exceed federal standards or damage the treatment process.

In 1991, the District received new requirements from the California Regional Water Quality Control Board (RWQCB). These requirements included the need to survey all of the "nonresidential" dischargers to our local sewers in order to determine if any wastewater being discharged to the sewer exceeds State and Federal standards for substances that can damage the sewers or impair the treatment processes at the wastewater treatment plant. Because these requirements are set forth in Federal law as well as State law we must now implement this program.

We would appreciate your cooperation in completing the attached Commercial Users' Survey and Permit Application Form which requests that you provide information about the characteristics of your discharge to the sewer.

This questionnaire is being submitted to all businesses within the District and a self-addressed, stamped envelope is provided in order to assist your response. In order to assist you in filling out this form, our staff is available to answer questions and you may contact Chuck Ellison, Plant Superintendent, during normal working hours at (805) 489-6666. Again, because the time limits for implementing this program and completing this survey are set by the State, it is necessary to complete and return the enclosed questionnaire no later than April 21, 1994.

Once the District receives these questionnaires, they will be evaluated to see if your business falls under one of the classifications that will require a wastewater discharge permit. If a permit is required, the District staff will perform an inspection of your facility, at your convenience, to confirm the information on the survey application form. A wastewater discharge permit will then be issued to your business setting out the types and amounts of

March 23, 1994

Page 2.

chemicals that can be discharged to the sewer. We would expect that most businesses will only require a minor permit, not subject to further monitoring or reporting, except when a business is sold or transferred to another party.

Also, to formally adopt this program, the District is currently considering adoption of a new ordinance establishing pretreatment regulations for the use of District facilities. The final adoption of this ordinance is scheduled for April 6, 1994 at the District's regular meeting in Oceano. The public is invited to attend and participate in the meeting and to obtain further information about the District's activities.

We appreciate your cooperation in this program, and believe that through proper management and maintenance of the District's wastewater treatment system, we can provide an essential service to meet the community's needs as well as comply with federal and state standards.

Sincerely,

John L. Wallace
District Administrator

klm:26:quesltr

South San Luis Obispo County Sanitation District**Commercial Users Survey**

Name of business: _____ Phone _____

Type of business: _____

Address of wastewater discharge: _____

Person / title to contact regarding wastewater discharge: _____

Answer the following questions to the best of your knowledge

1. Hours of operation: _____ AM/PM to _____ AM/PM

Days of operation: Mon. Tue. Wed. Thu. Fri. Sat. Sun.

2. **Average volume of wastewater discharge:** _____

If you do not know the average volume of discharge, refer to recent City water bills. The amount used is approximate discharge.

3. Wastewater is discharged to: [A] City sewers [B] Waste hauler [C] Other, please explain below

4. Does your business use any process included in the following industrial categories regardless of whether they generate wastewater, waste sludge, or hazardous wastes? (check all that apply)

☐ Aluminum Forming☐ Can Making☐ Coil Coating☐ Electroplating☐ Metal Moulding / Casting☐ Inorganic Chemicals☐ Metal Finishing☐ Organic Chemical Manufacturing☐ Pesticides Manufacturing☐ Plastic or Synthetic Manufacturing☐ Paper or Fiberboard Manufacturing☐ Steam Electric Generation☐ Timber Products Milling☐ Asbestos Manufacturing☐ Carbon Black☐ Copper Forming☐ Feedlots☐ Glass Manufacturing☐ Iron or Steel Manufacturing☐ Nonferrous Metal Forming☐ Paint or Ink Formulating☐ Petroleum Manufacturing☐ Plastics Processing☐ Rubber Formulating☐ Sugar Processing☐ Battery Manufacturing☐ Coal Mining☐ Electronics Manufacturing☐ Fertilizer Manufacturing☐ Grain Mills☐ Leather Tanning / Finishing☐ Nonferrous Metal Manufacturing☐ Paving or Roofing Manufacturing☐ Pharmaceutical Formulating☐ Porcelain Enamel Manufacturing☐ Soap or Detergent Manufacturing☐ Textile Mills

5. Does your facility use any of the following treatment devices? (circle all that apply)

- | | |
|--|-------------------------------------|
| (a) Acid or base neutralization | (i) Grinder over 2 horsepower |
| (b) Air flotation | (j) Grit removal |
| (c) Centrifuge | (k) Interceptor, clarifier, or sump |
| (d) Chemical coagulation/precipitation | (l) Rainwater diversion or storage |
| (e) Chromium reduction | (m) Screen or filter |
| (f) Cyanide destruction | (n) Solvent separation |
| (g) Cyclone separator | (o) Spill/overflow diversion |
| (h) Grease or oil removal trap | (p) Silver recovery |

Other: _____

6. Identify and describe any of the following which may be present at your facility:

(a) Flammable wastes such as: gasoline, benzene, naphtha, fuel oil, thinners, or any flammable or explosive liquids, solids.

Type and amount: _____

(b) Radioactive wastes:

Type and amount: _____

(c) Acidic materials: chemicals with a pH lower than 6.0

Type and amount: _____

(d) Base or alkaline materials: chemicals with a pH higher than 9.0

Type and amount: _____

(e) Stormwater, roof runoff, surface water, subsurface drainage, cooling water, swimming pool water, swimming pool filter backwash water, water treatment plant backwash water, or industrial process water

Type and amount: _____

(f) Petroleum based oils, or chemicals

Type and amount: _____

(g) Materials which could obstruct the sewers: unshredded garbage, rags, sand, metal, glass, tar, plastics, solid or viscous substances

Type and amount: _____

(h) Colored waste: paint, inks, or dyes

Type and amount: _____

(i) Wastes containing any: arsenic, cadmium, chromium, copper, cyanide, lead, mercury, molybdenum, nickel, silver, zinc, phenolics, chlorinated phenolics, endosulfan, endrin, HCH, PCB's, selenium, ammonia

Type and amount: _____

Signature of owner / representative

Title

Date

South San Luis Obispo County Sanitation District

Operations Address:

1600 Aloha Pl.
Oceano, CA 93445
(805)489-6666

Business Address

P.O. Box 339
Oceano, CA 93445
(805)481-6903

Application for permit to discharge Industrial wastewater to South San Luis Obispo County Sanitation District Wastewater Treatment Plant

Section A - General Information

1. Company Name: _____
2. Business License #: _____
3. Mailing Address: _____
4. Telephone #: _____
5. Facility Address: _____
6. Name of signing official: _____ Title: _____
7. Name of contact official: _____ Title: _____
8. Property owner: _____ Telephone #: _____
9. Assessor parcel # (APN): _____

Section B - Nature of operation

1. Provide a brief narrative description of the manufacturing, production, or service activities your firm conducts and the final products: _____

2. List Raw material used: _____

3. List chemicals used (inorganics, acids, solvents, industrial cleaners, etc) and attach additional sheets if necessary. Attach Material Safety Data Sheets for each chemical used.

Chemical compound or chemical trade name.	Chemical Manufacturer	Annual usage	Chemical compound or chemical trade name.	Chemical Manufacturer	Annual usage

3. Summarize each process.

Process description	Production Rate	Pretreatment Standard Category

Section C - Water Supply

1. Water Sources (check as many as are applicable).

☐ Private Well ☐ Municipal Water District (specify) _____

☐ Surface Water ☐ Other (specify) _____

2. Name on water bill: _____ Acct#: _____

Address: _____

City: _____ State: _____ Zip: _____

Section D - Wastewater Discharge Information

1. Provide the following information on wastewater flow rate. (New facilities may estimate).

a. Hours/Day discharged (e.g. 8 hours/day)

M T W Th F Sa Su _____

b. Hours of Discharge (e.g. 9 am to 5 pm)

M T W Th F Sa Su _____

2. a. Peak hourly flow rate (GPD) _____ b. Max daily flow rate (GPD) _____

c. Annual daily average (GPD) _____ d. Total daily flow (GPD) _____

e. Potable water flow meter ☐ f. Estimate ☐ (by) _____

3. Individual process flows in gallons per day (gpd) (attach additional sheets if necessary).

Regulated process	Average flow (gpd)	Maximum flow (gpd)	Type of discharge (batch, continuous, none)	Indicate Estimate (E) or Measured (M)

Unregulated process				
Contact cooling water				
Non-contact cooling water				
Boiler feed				
Process				
Sanitary-toilet, sinks, etc.				
Air Pollution Control				
Contained in product				
Plant equipt. and washdown				
Irrigation and lawn watering				
Other				
Total				

4. If holding tank(s) is/are used, describe make-up and capacity _____

5. If batch discharge occurs or will occur, indicate :

a. Number of discharges per day _____

b. Average discharge per batch _____

c. Time of batch discharges (days of week) _____ @ (time of day) _____

6. Metal Plating and Finishing (if your company does not perform any metal plating please skip)

a. How often are plating solutions replenished? _____

b. How often are spent or unusable plating solutions disposed of? _____

c. At what frequency are the static rinse tanks disposed of? _____

d. Where are spent static rinse tanks disposed of? _____

e. Is Hexavalent Chromium used for plating? _____

f. At what frequency are clarifiers pumped or cleaned out? _____

7. Schematic Flow diagram. Provide a schematic drawing or flow chart of each process that generates wastewater. For each activity in which wastewater is generated, draw a diagram of the flow of materials and water from start to completed product., showing all unit processes generating wastewater. Number each unit process having discharges to the public sewer system. Use these numbers when showing the process in Building Layout.

8. Provide a schematic drawing of the Building and Plumbing layout showing all wastewater generating operations which contribute to each building sewer. This building layout will enable the District and the applicant to select suitable sampling locations for determining and verifying wastewater strength.

Attach as many pages as necessary, or attach suitable plans to clearly show the location of the following facility features:

- Industrial Process Area (Show location of all wastewater generating activities listed)
- All building sewer lines (Number each line leaving the building/structure)
- Pretreatment systems
- Storm Drains
- Water Meters
- Industrial wastewater sampling location
- Floor drains

Drawing or plans must be neat, legible, and clearly labeled. If any of these features are not included, provide an explanation.

Characteristics of Discharge

Indicate whether any of the following substances are or can be present at this facility.

Mark in Column A if it comes into contact with water or may be present in the wastewater.

Mark in Column B if it is present on site but in a location or process where no entry to the wastewater should occur.

I. Metal and inorganics

	A	B		A	B		A	B
Antimony	<input type="checkbox"/>	<input type="checkbox"/>	Arsenic	<input type="checkbox"/>	<input type="checkbox"/>	Asbestos	<input type="checkbox"/>	<input type="checkbox"/>
Barium	<input type="checkbox"/>	<input type="checkbox"/>	Beryllium	<input type="checkbox"/>	<input type="checkbox"/>	Cadmium	<input type="checkbox"/>	<input type="checkbox"/>
Chromium	<input type="checkbox"/>	<input type="checkbox"/>	Copper	<input type="checkbox"/>	<input type="checkbox"/>	Cyanide	<input type="checkbox"/>	<input type="checkbox"/>
Lead	<input type="checkbox"/>	<input type="checkbox"/>	Mercury	<input type="checkbox"/>	<input type="checkbox"/>	Molybdenum	<input type="checkbox"/>	<input type="checkbox"/>
Nickel	<input type="checkbox"/>	<input type="checkbox"/>	Selenium	<input type="checkbox"/>	<input type="checkbox"/>	Silver	<input type="checkbox"/>	<input type="checkbox"/>
Thallium	<input type="checkbox"/>	<input type="checkbox"/>	Zinc	<input type="checkbox"/>	<input type="checkbox"/>			

II. Phenols and Cresols

	A	B		A	B
Phenols	<input type="checkbox"/>	<input type="checkbox"/>	Phenol 2-chloro	<input type="checkbox"/>	<input type="checkbox"/>
Phenol, 2,4-dichloro	<input type="checkbox"/>	<input type="checkbox"/>	Phenol, 2,4,6-trichloro	<input type="checkbox"/>	<input type="checkbox"/>
Phenol, pentachloro	<input type="checkbox"/>	<input type="checkbox"/>	Phenol, 2-nitro	<input type="checkbox"/>	<input type="checkbox"/>
Phenol, 4-nitro	<input type="checkbox"/>	<input type="checkbox"/>	Phenol, 2,4-dinitro	<input type="checkbox"/>	<input type="checkbox"/>
Phenol, 2,4-dimethyl	<input type="checkbox"/>	<input type="checkbox"/>	Parachlorometer cresol	<input type="checkbox"/>	<input type="checkbox"/>
o-Cresol, 4,6-dinitro	<input type="checkbox"/>	<input type="checkbox"/>	Parachlorometer cresol	<input type="checkbox"/>	<input type="checkbox"/>

III. Monocyclic Aromatics (Excluding phenols, cresols and phthalates)

	A	B		A	B
Benzene	<input type="checkbox"/>	<input type="checkbox"/>	Benzene, chloro	<input type="checkbox"/>	<input type="checkbox"/>
Benzene, 1,2-di-chloro	<input type="checkbox"/>	<input type="checkbox"/>	Benzene, 1,3-dichloro	<input type="checkbox"/>	<input type="checkbox"/>
Benzen. 1,4 dichloro	<input type="checkbox"/>	<input type="checkbox"/>	Benzene 1,2,4-trichloro	<input type="checkbox"/>	<input type="checkbox"/>
Benzene, hexachloro	<input type="checkbox"/>	<input type="checkbox"/>	Benzene, ethyl	<input type="checkbox"/>	<input type="checkbox"/>
Benzene, nitro	<input type="checkbox"/>	<input type="checkbox"/>	Toluene	<input type="checkbox"/>	<input type="checkbox"/>
Toluene, 2,4-dinitro	<input type="checkbox"/>	<input type="checkbox"/>	Toluene, 2,6-dinitro	<input type="checkbox"/>	<input type="checkbox"/>

IV. PCB's and Related Compounds

	A	B		A	B
PCB-1016	<input type="checkbox"/>	<input type="checkbox"/>	PCB-1221	<input type="checkbox"/>	<input type="checkbox"/>
PCB-1232	<input type="checkbox"/>	<input type="checkbox"/>	PCB-1242	<input type="checkbox"/>	<input type="checkbox"/>
PCB-1260	<input type="checkbox"/>	<input type="checkbox"/>	2-Chloronaphthalene	<input type="checkbox"/>	<input type="checkbox"/>

V. Ethers

	A	B		A	B
Ether bis(2-chloroethyl)	<input type="checkbox"/>	<input type="checkbox"/>	Ether(2-chloroisopropyl)	<input type="checkbox"/>	<input type="checkbox"/>
Ether, 2-chloroethyl vinyl	<input type="checkbox"/>	<input type="checkbox"/>	Ether(4-bromophenyl phenyl)	<input type="checkbox"/>	<input type="checkbox"/>
Bis(2-chloroethoxy)	<input type="checkbox"/>	<input type="checkbox"/>	Ether, 4-chlorophenyl phenyl	<input type="checkbox"/>	<input type="checkbox"/>

VI. Nitrosamines and other Nitrogen-containing compounds

	A	B		A	B
Nitrosamine, dimethyl	<input type="checkbox"/>	<input type="checkbox"/>	Nitrosamine, diphenyl	<input type="checkbox"/>	<input type="checkbox"/>
Nitrosamine, di-n propyl	<input type="checkbox"/>	<input type="checkbox"/>	Benzidine	<input type="checkbox"/>	<input type="checkbox"/>
Benzidine, 3,3-dichloro	<input type="checkbox"/>	<input type="checkbox"/>	Hydrazine, 1,2-diphenyl	<input type="checkbox"/>	<input type="checkbox"/>
Acrylonitrile	<input type="checkbox"/>	<input type="checkbox"/>			

VII. Halogenated Aliphatics

	A	B		A	B
Methane, bromo-	[]	[]	Methane, chloro-	[]	[]
Methane, dichloro	[]	[]	Methane, chlorodibromo	[]	[]
Methane, dichlorobromo	[]	[]	Methane, tribromo	[]	[]
Methane, trichloro	[]	[]	Methane, tetrachloro	[]	[]
Ethane, 1,1-dichloro	[]	[]	Ethane, 1,2-dichloro	[]	[]
Ethane, 1,1,1-trichloro	[]	[]	Ethane, 1,1,2-trichloro	[]	[]
Ethane, 1,1,2,2-tetrachloro	[]	[]	Ethane, hexachloro	[]	[]
Ethene, chloroethylene	[]	[]	Ethylene, 1,1-dichloro	[]	[]
Ethylene, 1,2-trans-dichloro	[]	[]	Ethylene, trichloro	[]	[]
Ethene tetrachloro	[]	[]	Propane, 1, 2-dichloro	[]	[]
Propene, 1,3-dichloro	[]	[]	Butadiene, hexachloro	[]	[]
Cyclopentadiene, hexachloro	[]	[]			

VIII. Phthalate Esters

	A	B		A	B
Phthalate, dimethyl	[]	[]	Phthalate, diethyl	[]	[]
Phthalate, di-n-butyl	[]	[]	Phthalate, di-n-octyl	[]	[]
Ththalato, bis (2-ethylhexyl)	[]	[]	Phthalate, butyl benzyl	[]	[]

IX. Polycyclic Aromatic Hydrocarbons

	A	B		A	B
Acenaphthene	[]	[]	Acenaphthylene	[]	[]
Anthracene	[]	[]	Benzo (a) anthracene	[]	[]
Benzo, 3,4-fluoroanthene	[]	[]	Benzo (k)fluoranthene	[]	[]
Benzo (ghi)perylene	[]	[]	Benzo (a) pyrene	[]	[]
Chrysene	[]	[]	Fluoroanthene	[]	[]
Dibenzo (a,h)anthracene	[]	[]	Fluorene	[]	[]
Indeno (1,2,3-c-d)pyrene	[]	[]	Napthalene	[]	[]
Phenanthrene	[]	[]	Pyrene	[]	[]

X. Pesticides

	A	B		A	B
Acrolein	<input type="checkbox"/>	<input type="checkbox"/>	Aldrin	<input type="checkbox"/>	<input type="checkbox"/>
BHC (Alpha)	<input type="checkbox"/>	<input type="checkbox"/>	BHC (Beta)	<input type="checkbox"/>	<input type="checkbox"/>
BHC(Gamma) or Lindane	<input type="checkbox"/>	<input type="checkbox"/>	BHC (Delta)	<input type="checkbox"/>	<input type="checkbox"/>
Chlordane	<input type="checkbox"/>	<input type="checkbox"/>	DDD	<input type="checkbox"/>	<input type="checkbox"/>
Dieldrin	<input type="checkbox"/>	<input type="checkbox"/>	DDT	<input type="checkbox"/>	<input type="checkbox"/>
Dieldrin	<input type="checkbox"/>	<input type="checkbox"/>	Endosulfan (Alpha)	<input type="checkbox"/>	<input type="checkbox"/>
Endosulfan (Beta)	<input type="checkbox"/>	<input type="checkbox"/>	Endosulfan Sulfate	<input type="checkbox"/>	<input type="checkbox"/>
Endrin	<input type="checkbox"/>	<input type="checkbox"/>	Endrin aldehyde	<input type="checkbox"/>	<input type="checkbox"/>
Heptachlor	<input type="checkbox"/>	<input type="checkbox"/>	Heptachlor epoxide	<input type="checkbox"/>	<input type="checkbox"/>
Isophorone	<input type="checkbox"/>	<input type="checkbox"/>	TCDD (or Dioxin)	<input type="checkbox"/>	<input type="checkbox"/>
Toxaphene	<input type="checkbox"/>	<input type="checkbox"/>			

Section E - Treatment

1. Is any form of wastewater treatment (see list below) practiced at this facility before being discharged into the sanitary sewer?

☐ Yes

☐ No

2. Is any form of wastewater treatment (or changes to an existing wastewater treatment) planned for this facility within the next three years?

☐ Yes

☐ No

3. Treatment devices or processes used or proposed for treating wastewater or sludge (check as many as apply)

- | | | |
|--|--|---|
| <input type="checkbox"/> Air Flotation | <input type="checkbox"/> Centrifuge | <input type="checkbox"/> Chemical precipitation |
| <input type="checkbox"/> Chlorination | <input type="checkbox"/> Cyclone | <input type="checkbox"/> Filtration |
| <input type="checkbox"/> Flow Equalization | <input type="checkbox"/> Grease Trap | <input type="checkbox"/> Grinding Filter |
| <input type="checkbox"/> Grit Removal | <input type="checkbox"/> Ion Exchange | <input type="checkbox"/> Ozonation |
| <input type="checkbox"/> Reverse Osmosis | <input type="checkbox"/> Screen | <input type="checkbox"/> Sedimentation |
| <input type="checkbox"/> Septic Tank | <input type="checkbox"/> Solvent preperation | <input type="checkbox"/> Sump |
| <input type="checkbox"/> Neutralization | <input type="checkbox"/> Biological treatment, type: _____ | |
| <input type="checkbox"/> Rainwater storage | <input type="checkbox"/> Grease or oil separation, type: _____ | |
| <input type="checkbox"/> Other physical treatment, type: _____ | | |
| <input type="checkbox"/> Other chemical treatment, type: _____ | | |

4. Describe any changes in treatment or disposal methods planned or under construction for the wastewater discharge to the sanitary sewer. Please include estimated completion dates: _____

5. Do you have a treatment operator? ☐ Yes ☐ No
6. Do you have an up to date operation and maintenance manual for your treatment equipment? ☐ Yes ☐ No
7. Do you have a written maintenance schedule for your treatment equipment? ☐ Yes ☐ No

Section F - Spill Prevention

1. Do you have chemical storage containers, or ponds at your facility? ☐ Yes ☐ No
(If yes, please give a description of their location, contents, size, type, and frequency and method of cleaning. Also indicate a diagram of comment on the proximity of these containers to a sewer or storm drain. Indicate if buried metal containers have a secondary containment management).
2. Do you have floor drains in your manufacturing or chemical storage area(s)? ☐ Yes ☐ No
3. If you have chemical storage containers, bins or ponds in a manufacturing area, could an accidental spill lead to a discharge: (check all that apply)
☐ an onsite disposal program ☐ public sanitary sewer system
☐ storm drain ☐ to ground
☐ other, specify: _____
☐ not applicable
4. Do you have an accidental spill prevention plan (ASPP) to prevent spills of chemicals or slug discharges from entering the sanitary sewer collection system lines? ☐ Yes (please enclose a copy with application) ☐ No
5. Please describe below any previous spill events and remedial measures taken to prevent their reoccurrence. _____

Section G - Nondischarged Wastes

1. Are any waste liquids or sludges generated and not disposed of in the sanitary sewer system? ☐ Yes, please describe below ☐ No

Waste Generated	Quantity (per year)	Disposal Method

2. If an outside firm removes any of the above checked wastes, state the name(s) and address(es) of all waste haulers:

a. _____

b. _____

Permit # _____

Permit# _____

Section H - Pollution Prevention

1. Describe any pollution prevention, source reduction, or recycling measures your company participates in: _____

Section I - Signatory Requirement

I certify under penalty of law that I have personally examined and am familiar with the information in this application and all attachments and that based on my inquiry of those persons immediately responsible for obtaining the information contained in the application. I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Name-Authorized Representative

Signature

Official Title

Date

Certification Requirements. All reports must be signed by an authorized individual as required in 40 CFR Section 403.12 and as follow:

(1) By a responsible corporate officer if the industrial user submitting the reports in a corporation. For the purposes of this requirement a responsible corporate officer means (1) 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 (2) a manager or one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million dollars, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) By the general partner or proprietor of the industry submitting the report is a partnership or sole proprietorship respectively.

(3) By a authorized representative of the individual designated in paragraphs (1) and (2) above if (a) the authorization is made in writing by the individual described in paragraph (1) or (2) above, (b) the authorization specifies either an individual or a position having responsibility for the overall operations of the facility from which the industrial discharge originatesokp[; such as the position of plant manager, operator or a well, or well field

superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental affairs for the company; and (c) the written authorization is submitted to the Sanitation District.

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

APPENDIX C

TECHNICAL JUSTIFICATION FOR LOCAL LIMITS

FACILITY PROFILE

Page 1

PRELIM 4.0: DATA SHEET 1

A. POTW Name: SOUTH SAN LUIS OBISPO CO. SAN. DIST.

Address: P.O. BOX 339

City: OCEANO

State: CA Zip Code: 93445

B. Contact Name for Additional Information: Chuck Ellison

Telephone: (805)489-6666

Extension:

C. Flow information

POTW Average Flow (mgd) : 2.700
POTW Design Flow (mgd) : 5.000
Industrial Flow (mgd) : 0.005
Non-industrial Flow (mgd) : 2.695
Inflow/Infiltration Flow(mgd) : 0.000

D. Sludge Flow Information

Sludge Flow to Digester (mgd) : 0.0100
Sludge Flow to Disposal (mgd) : 0.0100
Sludge % Solids to Disposal : 5.00

E. Safety/Expansion Factor (%) : 25.00

F. Sludge Disposal Method(s)

	(% solids)	(mgd)
Land Application (food chain)	0.000	0.0000
Land Application (non-food chain)	5.000	0.0100
Monofill	0.000	0.0000
Codisposal in Landfill	0.000	0.0000
Incineration	0.000	0.0000
Distribution & Marketing	0.000	0.0000
Surface Disposal Site	0.000	0.0000
Ocean	0.000	0.0000
Other (specify)	0.000	0.0000

G. Sludge Land Application Information

Site Use Duration (years) : 112.00
Site Area (acres) : 160.0
Soil pH \geq 6.5 : Y
Soil Cation Exchange
Capacity (CEC)(MEG/100g) : 31

H. Incinerator

Sludge Flow to Incinerator (mgd) : 0.000
Amount Dry Ash (lbs/day) : 0.0
Control Efficiency of Pollution
Control Device (%) : 0.000

I. Unit Operations

Primary
Clarification : X

Secondary
Activated Sludge : N/A
Trickling Filter : X
Other : N/A

Tertiary
Nitrification : N/A
Other : N/A

Sludge
Aerobic Digestion : N/A
Anaerobic Digestion : X
Other : N/A

J. Effluent Disposal Method(s)

Stream : N/A
Lake : N/A
Ocean : X
Estuary : N/A
Groundwater : N/A
Reuse : N/A
Evaporation : N/A
Other : N/A

K. Receiving Stream Flow

1Q10 (mgd) : N/A
or Dilution Ratio * : N/A
7Q10 (mgd) : N/A
or Dilution Ratio * : N/A

* Ratio of Upstream Flow/POTW Effluent

STANDARDS AND CRITERIA

Page 1

PRELIM 4.0: DATA SHEET 2

POTW Name: SOUTH SAN LUIS OBISPO CO. SAN. DIST.

Pollutant	Average POTW Influent Concentration (mg/l)	Non-industrial Concentration (mg/l)	NPDES Effluent Limits (mg/l)	Background Concentrations in the Receiving Waters (mg/l)
ARSENIC	0.0050000	0.0030000	4.8200000	0.3700000
CADMIUM	0.0050000	0.0030000	0.6600000	0.0460000
CHROMIUM	0.0050000	0.0500000	1.3300000	0.0000000
COPPER	0.0900000	0.0610000	1.6600000	0.2820000
LEAD	0.0070000	0.0490000	1.3300000	0.4460000
MERCURY	0.0005000	0.0003000	26.4800000	0.0002000
MOLYBDENUM	0.0500000	0.0000000	18.0000000	0.0000000
NICKEL	0.0500000	0.0210000	3.3200000	1.0190000
SELENIUM	0.0080000	0.0080000	9.9600000	0.0000000
SILVER	0.6800000	0.0050000	0.4400000	0.0001000
ZINC	0.1600000	0.1600000	11.9600000	0.0000000

Pollutant	Water Quality Criteria/Standards (mg/l)		
	Chronic	Acute	Other
ARSENIC	0.1900000	0.3600000	N/A
CADMIUM	0.0011000	0.0039000	N/A
CHROMIUM	N/A	N/A	N/A
COPPER	N/A	0.0180000	N/A
LEAD	0.0032000	0.0820000	N/A
MERCURY	0.0000120	0.0024000	N/A
MOLYBDENUM	N/A	N/A	N/A
NICKEL	0.1600000	1.4000000	N/A
SELENIUM	N/A	N/A	N/A
SILVER	0.0001200	0.0041000	N/A
ZINC	0.1100000	N/A	N/A

Pollutant	Pollutant Levels in Sludge		Sludge Disposal Criteria/Standard (mg/kg)
	to Digester (mg/l)	to Disposal (mg/kg)	
ARSENIC	N/A	1.2000000	41.0000000
CADMIUM	N/A	4.6000000	39.0000000
CHROMIUM	N/A	22.0000000	1200.0000000
COPPER	N/A	595.0000000	1500.0000000
LEAD	N/A	40.0000000	300.0000000
MERCURY	N/A	5.4000000	17.0000000
MOLYBDENUM	N/A	10.0000000	18.0000000
NICKEL	N/A	26.0000000	420.0000000
SELENIUM	N/A	9.4000000	36.0000000
SILVER	N/A	N/A	N/A
ZINC	N/A	842.0000000	2800.0000000

STANDARDS AND CRITERIA

Page 2

PRELIM 4.0: DATA SHEET 2

POTW Name: SOUTH SAN LUIS OBISPO CO. SAN. DIST. (continued)

Pollutant	Annual Application Rate Limits (lbs/acre/year)	Cumulative Application Rate Limits (lbs/acre/life)
ARSENIC	1.8000000	N/A
CADMIUM	0.4600000	N/A
CHROMIUM	137.0000000	N/A
COPPER	69.0000000	N/A
LEAD	14.0000000	N/A
MERCURY	0.7800000	N/A
MOLYBDENUM	0.8200000	N/A
NICKEL	19.0000000	N/A
SELENIUM	4.6000000	N/A
SILVER	N/A	N/A
ZINC	128.0000000	N/A

Pollutant	Pollutant Levels in Sludge to Incinerator(mg/kg)	Pollutant Level in Incinerator Ash (mg/kg)	Incinerator Emission Limits (g/day)
ARSENIC	N/A	N/A	N/A
CADMIUM	N/A	N/A	N/A
CHROMIUM	N/A	N/A	N/A
CO	N/A	N/A	N/A
LEAD	N/A	N/A	N/A
MERCURY	N/A	N/A	N/A
MOLYBDENUM	N/A	N/A	N/A
NICKEL	N/A	N/A	N/A
SELENIUM	N/A	N/A	N/A
SILVER	N/A	N/A	N/A
ZINC	N/A	N/A	N/A

	Trickling Filter /Inhibition Conc. (mg/l)	Nitrification Inhibition Conc. (mg/l)	Other Secondary Inhibition Concentration (mg/l)	Other Tertiary Inhibition Concentration (mg/l)	Other Digester Inhibition Concentration (mg/l)	Anaerobic Digester Inhibition Conc. (mg/l)
ARSENIC	0.1000000	N/A	N/A	N/A	N/A	1.6000000
CADMIUM	1.0000000	N/A	N/A	N/A	N/A	20.0000000
CHROMIUM	1.0000000	N/A	N/A	N/A	N/A	N/A
COPPER	1.0000000	N/A	N/A	N/A	N/A	40.0000000
LEAD	0.1000000	N/A	N/A	N/A	N/A	340.0000000
MERCURY	0.1000000	N/A	N/A	N/A	N/A	N/A
MOLYBDENUM	N/A	N/A	N/A	N/A	N/A	0.0000000
NICKEL	1.0000000	N/A	N/A	N/A	N/A	10.0000000
SELENIUM	N/A	N/A	N/A	N/A	N/A	N/A
SILVER	N/A	N/A	N/A	N/A	N/A	13.0000000
ZINC	N/A	N/A	N/A	N/A	N/A	400.0000000

STANDARDS AND CRITERIA

Page 3

PRELIM 4.0: DATA SHEET 2

POTW Name: SOUTH SAN LUIS OBISPO CO. SAN. DIST. (continued)

	Process Removal Rates (%)				
	Through Primary (user entered)	Through Secondary (user entered)	Through Tertiary (user entered)	Through Plant (Decile) Pass-through (calculated)	Through Plant (Decile) Sludge (calculated)
ARSENIC	N/A	45.00	N/A	0.00	0.00
CADMIUM	15.00	67.00	N/A	0.00	0.00
CHROMIUM	27.00	82.00	N/A	0.00	0.00
COPPER	22.00	86.00	N/A	0.00	0.00
LEAD	57.00	61.00	N/A	0.00	0.00
MERCURY	10.00	60.00	N/A	0.00	0.00
MOLYBDENUM	0.00	N/A	N/A	0.00	0.00
NICKEL	14.00	42.00	N/A	0.00	0.00
SELENIUM	N/A	N/A	N/A	0.00	0.00
SILVER	20.00	75.00	N/A	0.00	0.00
ZINC	27.00	79.00	N/A	0.00	0.00

Accuracy -
ck.

MASS BALANCE CHECK

Page 1

POTW Name: SOUTH SAN LUIS OBISPO CO. SAN. DIST.

POLLUTANT	CALCULATED FROM FIELD SAMPLING DATA			POTW INFLUENT LOAD (lbs/day)	DIFFERENCE (cols. 4 & 5) (percent)
	UNCONTROLLABLE (Nonindustrial SOURCES (lbs/day)	CONTROLLABLE (Industrial) SOURCES (lbs/day)	TOTAL SOURCES (cols. 2 & 3) (lbs/day)		
ARSENIC	0.0674	0.0000	0.0674	0.1126	66.9759
CADMIUM	0.0674	0.0000	0.0674	0.1126	66.9759
CHROMIUM	1.1238	0.0000	1.1238	0.1126	-89.9814
COPPER	1.3711	0.0000	1.3711	2.0266	47.8147
LEAD	1.1013	0.0000	1.1013	0.1576	-85.6878
MERCURY	0.0067	0.0000	0.0067	0.0113	66.9756
MOLYBDENUM	0.0000	0.0000	0.0000	1.1259	0.0000
NICKEL	0.4720	0.0000	0.4720	1.1259	138.5370
SILVER	0.1124	0.0000	0.1124	15.3122	13525.2319
ZINC	3.5962	0.0000	3.5962	3.6029	0.1855

sample
at points
where only
domestic flows
come into
sewer.

on other hand,
silver shows
too high a
concentration
that we haven't
sent for.
Maybe avg several
years.

closer
to 0
= better
info. and
constituent
is accounted
for.

program will
only be suited
to those constituents
that wind up in effl.
or sludge. (other
constit can volatilize.)

CALCULATION OF PASS-THROUGH HEADWORKS LOADING LIMITATIONS (lbs/day)

Page 2

POTW Name: SOUTH SAN LUIS OBISPO CO. SAN. DIST.

POLLUTANT	NPDES PERMIT	WATER QUALITY CRITERIA			FINAL PASS-THROUGH LIMITATION
		CHRONIC	ACUTE	OTHER	
ARSENIC	197.3396	0.0000	0.0000	0.0000	197.3396
CADMIUM	45.0360	0.0000	0.0000	0.0000	45.0360
CHROMIUM	166.3830	0.0000	0.0000	0.0000	166.3830
COPPER	266.9991	0.0000	0.0000	0.0000	266.9991
LEAD	76.7922	0.0000	0.0000	0.0000	76.7922
MERCURY	1490.6916	0.0000	0.0000	0.0000	1490.6916
MOLYBDENUM	405.3240	0.0000	0.0000	0.0000	405.3240
NICKEL	128.8961	0.0000	0.0000	0.0000	128.8961
SILVER	39.6317	0.0000	0.0000	0.0000	39.6317
ZINC	1282.4537	0.0000	0.0000	0.0000	1282.4537

CALCULATION OF PROCESS INHIBITION HEADWORKS LOADING LIMITATIONS (lbs/day)

Page 3

POTW Name: SOUTH SAN LUIS OBISPO CO. SAN. DIST.

POLLUTANT	SECONDARY BIO. PROCESSES			TERT. BIO. PROCESSES		SLUDGE DIGESTION PROCESSES			EXISTING INFLUENT	FINAL INHIBITION LIMITATION
	Activat. Sludge	Trick. Filter	Other	Nitrifi- cation	Other	Aerobic Digest.	Anaerob. Digest.	Other Digest.		
ARSENIC	0.00	1.13	0.00	0.00	0.00	0.00	0.30	0.00	0.1126	0.2965
CADMIUM	0.00	26.49	0.00	0.00	0.00	0.00	2.49	0.00	0.1126	2.4896
CHROMIUM	0.00	30.85	0.00	0.00	0.00	0.00	0.00	0.00	0.1126	30.8466
COPPER	0.00	28.87	0.00	0.00	0.00	0.00	3.88	0.00	2.0266	3.8791
LEAD	0.00	5.24	0.00	0.00	0.00	0.00	46.49	0.00	0.1576	5.2367
MERCURY	0.00	2.50	0.00	0.00	0.00	0.00	0.00	0.00	0.0113	2.5020
MOLYBDENUM	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1.1259	1.1259
NICKEL	0.00	26.18	0.00	0.00	0.00	0.00	1.99	0.00	1.1259	1.9857
SILVER	0.00	0.00	0.00	0.00	0.00	0.00	1.45	0.00	15.3122	15.3122
ZINC	0.00	0.00	0.00	0.00	0.00	0.00	42.23	0.00	3.6029	42.2278

COMPARISON OF HEADWORKS LOADING LIMITATIONS (lbs/day)

Page 4

POTW Name: SOUTH SAN LUIS OBISPO CO. SAN. DIST.

POLLUTANT	FINAL PASS-THROUGH LOADING	FINAL INHIBITION LOADING	SLUDGE DISPOSAL CRITERIA			FINAL HEADWORKS LOADING LIMITATION
			Disposal Standards	Incineration	FINAL SLUDGE LOADING	
ARSENIC	197.3396	0.2965	0.3799	0.0000	0.3799	0.2965
CADMIUM	45.0360	2.4896	0.2427	0.0000	0.2427	0.2427
CHROMIUM	166.3830	30.8466	6.1024	0.0000	6.1024	6.1024
COPPER	266.9991	3.8791	7.2733	0.0000	7.2733	3.8791
LEAD	76.7922	5.2367	2.0508	0.0000	2.0508	2.0508
MERCURY	1490.6916	2.5020	0.1182	0.0000	0.1182	0.1182
MOLYBDENUM	405.3240	1.1259	0.0000	0.0000	0.0000	1.1259
NICKEL	128.8961	1.9857	4.1700	0.0000	4.1700	1.9857
SILVER	39.6317	15.3122	0.0000	0.0000	0.0000	15.3122
ZINC	1282.4537	42.2278	14.7797	0.0000	14.7797	14.7797

TOTAL POUNDS OF POLLUTANT COMPARED TO ACTUAL POUNDS/DAY
USING A SAFETY FACTOR OF 25%

Page 5

POTW Name: SOUTH SAN LUIS OBISPO CO. SAN. DIST.

POLLUTANT	Allowable Total Pounds/day	Expansion and Safety Factor	Actual Un- controllable Pounds/day	Allowable Industrial Pounds/day	Actual Industrial Pounds/day	Required Ind. Removal Pounds/day
ARSENIC	0.2965	0.0741	0.0674	0.1550	0.0000	0.0000
CADMIUM	0.2427	0.0607	0.0674	0.1146	0.0000	0.0000
CHROMIUM	6.1024	1.5256	1.1238	3.4530	0.0000	0.0000
COPPER	3.8791	0.9698	1.3711	1.5382	0.0000	0.0000
LEAD	2.0508	0.5127	1.1013	0.4368	0.0000	0.0000
MERCURY	0.1182	0.0295	0.0067	0.0819	0.0000	0.0000
MOLYBDENUM	1.1259	0.2815	0.0000	0.8444	0.0000	0.0000
NICKEL	1.9857	0.4964	0.4720	1.0173	0.0000	0.0000
SILVER	15.3122	3.8281	0.1124	11.3718	0.0000	0.0000
ZINC	14.7797	3.6949	3.5962	7.4886	0.0000	0.0000

UNIFORM CONCENTRATION INDUSTRIAL EFFLUENT LIMITS (mg/l)
(APPLIED TO NON-DOMESTIC FLOW ONLY)

Page 6

POTW Name: SOUTH SAN LUIS OBISPO CO. SAN. DIST.

mg/l

POLLUTANT	Using Total Industrial Flow	Using Industrial Contributory Flow	Contributory * Flow (MGD)	Basis in Derivation of Limit
ARSENIC	3.7163	0.0000	0.0000	I
CADMIUM	2.7487	0.0000	0.0000	S
CHROMIUM	82.8061	0.0000	0.0000	S
COPPER	36.8884	0.0000	0.0000	I
LEAD	10.4742	0.0000	0.0000	S
MERCURY	1.9633	0.0000	0.0000	S
MOLYBDENUM	20.2500	0.0000	0.0000	P
NICKEL	24.3953	0.0000	0.0000	I
SILVER	272.7050	0.0000	0.0000	I
ZINC	179.5828	0.0000	0.0000	S

permit pass thru.

* - Industry contributory flow is defined as total flow from those industries contributing the specific pollutant.

Basis definition (limiting factor in derivation of limit):

- W - pass-through (water quality)
- P - pass-through (NPDES permit)
- I - inhibition
- S - sludge quality

need to detrm if reasonable limits - may be too high.

Monterey Regional may have good limits. Watsonville.



rem flow = limits (25% safety factor)

rd. have clause for special limits

APPENDIX D

PERMIT FORMS

SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT

Post Office Box 339
Oceano, California 93445
(805) 481-6903

SIGNIFICANT INDUSTRIAL USERS WASTEWATER DISCHARGE PERMIT

Industrial User: _____

Mailing Address: _____

Discharge Location: _____
Oceano, CA

Sampling Location: _____

The above Industrial User is hereby authorized to discharge nondomestic wastewater to the City of San Luis Obispo sewer system in compliance with City Ordinance Chapter 13, any applicable provisions of Federal or State law or regulation, and in accordance with discharge point(s), effluent limitations, monitoring requirements, and other conditions set forth herein.

This permit is granted in accordance with the permit application filed on _____, 19__, and in conformity with plans, specifications, and other data submitted to the City of San Luis Obispo in support of the above application.

Effective date: _____

Expiration date: _____

Issue date: _____

Wastewater Division Manager

Office use only

Date permit fee received

Part 1 - Wastewater Discharge Limitations and Monitoring

Requirements

The discharger shall comply with the effluent limitations specified below (District Ordinance 94-1):

Arsenic	17.90 mg/l
Cadmium	0.34 mg/l
Copper	0.01 mg/l
Chromium	37.45 mg/l
Cyanide	0.02 mg/l
Lead	15.68 mg/l
Mercury	0.25 mg/l
Nickel	3.81 mg/l
Silver	0.02 mg/l
Zinc	0.50 mg/l
Ammonia	30.0 mg/l
B.O.D.	250.0 mg/l
Total Dissolved Solids	20000.00 mg/l
Total Suspended Solids	250.00 mg/l
Sodium	712.60 mg/l
pH	6-9
Temperature	< 150 F

In addition to the above, no person shall discharge or cause to be discharged to sewers, waters or wastes containing any of the following (13.08.140):

- Oil and grease such that the discharge results in a stoppage, plugging, breakage, significant obstruction to flow or any other damage to or increased maintenance of sewers or sewerage facilities. No person shall discharge oil and grease which results in Pass-through;
- 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 system;
- Any solid or viscous substance, including but not limited to unground garbage, feathers, ashes, cinders, sand, polishing compounds, resin beads, metal, glass, straw, rags, spent grains or hops, wood, plastic, mud, shavings or manure which may cause obstruction to the flow in sewers or other interference with the proper operation of the WWTP;
- Any water added to a discharge for the sole purpose of dilution as a means to achieve compliance with any pretreatment standard or local discharge limit;
- Any pollutants including oxygen demanding pollutants (BOD, etc.) at a flow rate and/or concentration which will cause Interference or Pass-through;
- Any radioactive materials or wastes of such half-life or concentration that they do not comply with regulations issued by appropriate authorities (Sections 30285 and 30287 of the Calif. Code of Regulations);
- Any infectious wastes;

- Any color which is not removed in the ordinary WWTP treatment process.

PART 2 - Special Conditions/Compliance Schedules/Reporting Requirements

1. The Industrial User shall notify the District immediately upon any accidental or slug discharge to the sewer. Written notification discussing circumstances and remedies shall be submitted to the District within 15 days of the occurrence.
2. The Industrial User shall notify the District and apply for a revised permit prior to the introduction of new wastewater or pollutants or any substantial change in the volume or characteristics of the wastewater being introduced into the POTW from the users processes.
3. The Industrial User shall properly maintain any or all grease, oil and sand interceptors and properly dispose of their contents, at her/his expense. All interceptors must be readily and easily accessible for cleaning and inspection. This provision includes, but is not limited to clarifiers and sumps, where applicable.
4. When required, the Industrial User shall provide, operate and maintain any necessary pretreatment facility at her/his expense. Operational difficulties or failures of pretreatment facilities shall be reported immediately.

PART 3 - Standard Conditions

1. Prohibited discharges

The Industrial User shall comply with all general prohibited discharge standards set forth in Article 1 of the District Ordinance.

2. Liability

The User will be held liable for any damage to the District POTW resulting from unauthorized discharges into the District sewers.

3. Right of Entry

The User shall allow the District or its representatives, exhibiting proper credentials and identification, to enter upon the premises of the User, at all reasonable hours, for the purpose of inspection, sampling or records inspection. Reasonable hours in the context of inspection and sampling includes any time the Industrial User is operating any process which results in a process wastewater discharge to the District sewer system.

4. Records Retention

The User shall retain and preserve for no less than 3 years, any records, books, documents, memoranda, reports, correspondence and any and all summaries thereof, relating to monitoring, sampling and chemical analyses made by or in behalf of the User in connection with its discharge.

All records that pertain to matters that are the subject of special orders or any other enforcement or litigation activities brought by the District shall be retained and preserved by the Industrial User until all enforcement activities have concluded and all the periods of limitation with respect to any and all appeals have expired.

5. Confidential Information

All reports required by this permit shall be available for public inspection at the District Wastewater Treatment Plant.

6. Recording of Results

For each measurement or sample taken pursuant to the requirements of this permit, the User shall record the following information:

- a. The exact place, date and time of sampling;
- b. The dates the analyses were performed;
- c. The person(s) who performed the analyses and sampling;
- d. The analytical techniques or methods used; and
- e. The results of the required analyses.

7. Dilution
No User shall increase the use of potable or process water or, in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in this permit.
8. Proper Disposal of Pretreatment Sludges, Spent Chemicals or Other Hazardous Wastes
The disposal of spent chemicals, sludges and hazardous wastes generated shall be done in accordance with Section 405 of the Clean Water Act, Subtitles C and D of the Resource Conservation and Recovery Act and Title 22 of the California Code of Regulations. Receipts or manifests for proper disposal shall be retained by the User and shall be available for review at time of inspection.
9. Signatory Requirements
All reports required by this permit shall be signed by an authorized representative of the User.
10. Revocation of Permit
This permit may be revoked when after inspection, monitoring and analysis it is determined that the discharge of wastewater to the District sewer system is in violation of Federal, State or local laws, ordinances or regulations. Additionally, falsification or intentional misrepresentation of data or statements pertaining to the permit application or any other required reporting form, shall be cause for revocation.
11. Limitation on Permit Transfer
Wastewater discharge permits are issued to a specific user for a specific operation and are not assignable to another user or transferable to any other location without the prior written approval of the District. Sale of a user shall obligate the purchaser to seek prior written approval of the District for the continued discharge to the sewer system.
12. Modification or Revision of the Permit
The terms and conditions of this permit may be subject to modification by the District at any time as limitations or requirements as identified by the District Ordinance, are modified or other just cause exists.

This permit may also be modified to incorporate special conditions resulting from the issuance of a special order.

The terms and conditions may be modified as a result of EPA promulgating a new federal pretreatment standard.

Any permit modifications which result in new conditions in the permit shall include a reasonable time schedule for compliance if necessary.



CREEK ENVIRONMENTAL LABORATORIES, INC.

141 SUBURBAN ROAD, SUITE C-5 • SAN LUIS OBISPO, CA 93401 • (805) 545-9838 • FAX (805) 545-0107

Page 1

Disa Thorensen
South SLO County Sanitation Dist.
P.O. Box 339
Oceano, CA 93445

Log Number: 04-C12332
Order: L5523
Received: 10/27/04

REPORT OF ANALYTICAL RESULTS

SAMPLE DESCRIPTION	SAMPLED BY	SAMPLED		MATRIX	
		DATE @ TIME			
Le Sage dump station grab	Scott Mascolo	10/26/04@11:15		Aqueous	
ANALYTE	RESULT	DLR	UNITS	METHOD	ANALYZED
Biochemical Oxygen Demand	16,000	3	mg/L	EPA 405.1	10/28/04
Chloride	1,500	20	mg/L	EPA 300.0	10/28/04
Chemical Oxygen Demand	29,000	2000	mg/L	EPA 410.4	11/09/04
Fluoride	Not Detected	1	mg/L	EPA 340.2	11/01/04
MBAS (Anionic Surfactants MW=340)	20	5	mg/L	SM 5540 C	10/28/04
Ammonia, Total, as N	2,200	0.3	mg/L	EPA 350.2	11/04/04
Phenolics, Total	8.1	0.2	mg/L	EPA 420.1	11/05/04
Sulfate	100	5	mg/L	EPA 300.0	10/27/04
Total Dissolved Solids	2,400	10	mg/L	EPA 160.1	11/02/04
Silver	Not Detected	0.05	mg/L	EPA 6010	11/01/04
Aluminum	27	0.3	mg/L	EPA 6010	11/01/04
Arsenic	Not Detected	0.5	mg/L	EPA 6010	11/01/04
Boron	1.5	0.5	mg/L	EPA 6010	11/01/04
Cadmium	Not Detected	0.05	mg/L	EPA 6010	11/01/04
Chromium	0.11	0.1	mg/L	EPA 6010	11/01/04
Copper	2.1	0.2	mg/L	EPA 6010	11/01/04
Iron	30	0.2	mg/L	EPA 6010	11/01/04
Mercury	0.0085	0.0005	mg/L	EPA 7470	11/01/04
Molybdenum	0.13	0.1	mg/L	EPA 6010	11/01/04
Sodium	2,100	0.5	mg/L	EPA 6010	11/01/04
Nickel	0.15	0.1	mg/L	EPA 6010	11/01/04
Lead	Not Detected	0.2	mg/L	EPA 6010	11/01/04
Selenium	Not Detected	0.5	mg/L	EPA 6010	11/01/04
Zinc	14	0.2	mg/L	EPA 6010	11/01/04

DLR = Detection Limit for Reporting. Results of "Not Detected" are below DLR.

13. Duty to Reapply
The District shall notify a User at least 60 days prior to the expiration of the User's permit. Within 30 days of the notification, the User shall reapply for reissuance of the permit on a form provided by the District.
14. Severability
The provisions of this permit are severable, and if any of the provisions of this permit, or the application of any provisions of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.
15. Property Rights
The issuance of this permit does not convey any property rights in either real or personal property, or any other exclusive privileges, nor does it authorize any invasion of personal rights, nor any infringement of Federal, State, or local regulations.

PERMIT NO.

SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT

**CLASS I
INDUSTRIAL USERS WASTEWATER DISCHARGE PERMIT**

Industrial User: _____

Mailing Address: _____

Discharge Location: _____

Oceano, CA

The above Industrial User is hereby authorized to discharge nondomestic wastewater to the South San Luis Obispo County Sanitation District (District) sewer system in compliance with District Ordinance, any applicable provisions of Federal or State law or regulation, and in accordance with discharge point(s), effluent limitations, monitoring requirements, and other conditions set forth herein.

This permit is granted in accordance with the permit application filed on _____, 20____, and in conformity with plans, specifications, and other data submitted to the District in support of the above application.

Effective date: _____

Expiration date: _____

Issue date: _____

Jeff Appleton
Wastewater Superintendent

Office use only

Date permit fee received

Part 1 - Wastewater Discharge Limitations and Monitoring Requirements

The discharger shall comply with the effluent limitations specified below (District Pretreatment and Sewer Use Ordinance):

Aluminum.....	15.0 mg/l
Arsenic	1.0 mg/l
Cadmium	0.25 mg/l
Copper	0.5 mg/l
Chromium.....	0.5 mg/l
Cyanide.....	0.5 mg/l
Fluoride	7.5 mg/l
Iron	30.0 mg/l
Lead	15.68 mg/l
Silver	0.02 mg/l
Mercury	0.25 mg/l
Selenium.....	0.1 mg/l
Zinc.....	0.5 mg/l
Nickel	3.81 mg/l
M.B.A.S.....	2.0 mg/l
Phenol.....	1.0 mg/l
Ammonia	30.0 mg/l
Sulfate.....	300.0 mg/l
Boron.....	7.5 mg/l
B.O.D.....	350.0 mg/l
C.O.D.....	195.0 mg/l
Total Dissolved Solids.....	1600.0 mg/l
Sodium.....	300.0 mg/l
Chloride	300.0 mg/l
Molybdenum	1.0 mg/l
PH.....	6 - 9
Temperature.....	150 °F

In addition to the above, no person shall discharge or cause to be discharged to sewers, waters or wastes containing any of the following:

- Oil and grease such that the discharge results in a stoppage, plugging, breakage, significant obstruction to flow or any other damage to or increased maintenance of sewers or sewerage facilities. No person shall discharge oil and grease which results in Pass-through;
- 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 system;

- Any solid or viscous substance, including but not limited to unground garbage, feathers, ashes, cinders, sand, polishing compounds, resin beads, metal, glass, straw, rags, spent grains or hops, wood, plastic, mud, shavings or manure which may cause obstruction to the flow in sewers or other interference with the proper operation of the WWTP;
- Any water added to a discharge for the sole purpose of dilution as a means to achieve compliance with any pretreatment standard or local discharge limit;
- Any pollutants including oxygen demanding pollutants (BOD, etc) at a flow rate and/or concentration which will cause Interference or Pass-through;
- Any radioactive materials or wastes of such half-life or concentration that they do not comply with regulations issued by appropriate authorities (Sections 30285 and 30287 of the Calif. Code of Regulations);
- Any infectious wastes;
- Any color which is not removed in the ordinary WWTP treatment process.

PART 2 - Special Conditions/Compliance Schedules/Reporting Requirements

1. The Industrial User shall notify the District immediately upon any accidental or slug discharge to the sewer. Written notification discussing circumstances and remedies shall be submitted to the District within 15 days of the occurrence. (Article IV)
2. The Industrial User shall notify the District and apply for a revised permit prior to the introduction of new wastewater or pollutants or any substantial change in the volume or characteristics of the wastewater being introduced into the POTW from the users processes. (Article I)
3. The Industrial User shall properly maintain any or all grease, oil and sand interceptors and properly dispose of their contents, at her/his expense. All interceptors must be readily and easily accessible for cleaning and inspection. This provision includes, but is not limited to clarifiers and sumps. (Article I) Where applicable.
4. When required, the Industrial User shall provide, operate and maintain any necessary pretreatment facility at her/his expense. Operational difficulties or failures of pretreatment facilities shall be reported immediately. (Article I)

PART 3 - Standard Conditions

1. Prohibited discharges (Article I)

The Industrial User shall comply with all general prohibited discharge standards set forth in the District Ordinance.

2. Liability (Article V)

The Industrial User shall comply with all general prohibited discharge standards set forth in the District Ordinance.

3. Right of Entry (Article I)

The User shall allow the District or its representatives, exhibiting proper credentials and identification, to enter upon the premises of the User, at all reasonable hours, for the purpose of inspection, sampling or records inspection. Reasonable hours in the context of inspection and sampling includes any time the Industrial User is operating any process which results in a process wastewater discharge to the District sewer system.

4. Records Retention (Article I Section 12)

The User shall retain and preserve for no less than 3 years, any records, books, documents, memoranda, reports, correspondence and any and all summaries thereof, relating to monitoring, sampling and chemical analyses made by or in behalf of the User in connection with its discharge.

All records that pertain to matters that are the subject of special orders or any other enforcement or litigation activities brought by the District shall be retained and preserved by the Industrial User until all enforcement activities have concluded and all the periods of limitation with respect to any and all appeals have expired

5. Confidential Information (Article I Section 13)

All reports required by this permit shall be available for public inspection at the District Wastewater Treatment Plant.

6. Recording of Results

For each measurement or sample taken pursuant to the requirements of this permit, the User shall record the following information:

- a. The exact place, date and time of sampling;
- b. The dates the analyses were performed;
- c. The person(s) who performed the analyses and sampling;
- d. The analytical techniques or methods used; and
- e. The results of the required analyses.

7. Dilution (Article I Section 3)

No User shall increase the use of potable or process water or, in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in this permit.

8. Proper Disposal of Pretreatment Sludges, Spent Chemicals or Other Hazardous Wastes

The disposal of spent chemicals, sludges and hazardous wastes generated shall be done in accordance with Section 405 of the Clean Water Act, Subtitles C and D of the Resource Conservation and Recovery Act and Title 22 of the California Code of Regulations. Receipts or manifests for proper disposal shall be retained by the User and shall be available for review at time of inspection.

9. Signatory Requirements (Article I Section 12)

All reports required by this permit shall be signed by an authorized representative of the User.

10. Revocation of Permit (Article I Section 2)

This permit may be revoked when after inspection, monitoring and analysis it is determined that the discharge of wastewater to the District sewer system is in violation of Federal, State or local laws, ordinances or regulations. Additionally, falsification or intentional misrepresentation of data or statements pertaining to the permit application or any other required reporting form, shall be cause for revocation

11. Limitation on Permit Transfer (Article Section 2)

Wastewater discharge permits are issued to a specific user for a specific operation and are not assignable to another user or transferable to any other location without the prior written approval of the District. Sale of a user shall obligate the purchaser to seek prior written approval of the District for the continued discharge to the sewer system.

12. Modification or Revision of the Permit

The terms and conditions of this permit may be subject to modification by the District at any time as limitations or requirements as identified by the District Ordinance, are modified or other just cause exists. This permit may also be modified to incorporate special conditions resulting from the issuance of a special order. The terms and conditions may be modified as a result of EPA promulgating a new federal pretreatment standard.

Any permit modifications which result in new conditions in the permit shall include a reasonable time schedule for compliance if necessary.

13. Duty to Reapply

The District shall notify a User at least 60 days prior to the expiration of the User's permit. Within 30 days of the notification, the User shall reapply for reissuance of the permit on a form provided by the District.

14. Severability

The provisions of this permit are severable, and if any of the provisions of this permit, or the application of any provisions of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

15. Property Rights

The issuance of this permit does not convey any property rights in either real or personal property, or any other exclusive privileges, nor does it authorize any invasion of personal rights, nor any infringement of Federal, State, or local regulations.

PERMIT NO.

SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT

**CLASS II
INDUSTRIAL USERS WASTEWATER DISCHARGE PERMIT**

Industrial User: _____

Mailing Address: _____

Discharge Location: _____
Oceano, CA

The above Industrial User is hereby authorized to discharge nondomestic wastewater to the South San Luis Obispo County Sanitation District (District) sewer system in compliance with District Ordinance, any applicable provisions of Federal or State law or regulation, and in accordance with discharge point(s), effluent limitations, monitoring requirements, and other conditions set forth herein.

This permit is granted in accordance with the permit application filed on _____, 20____, and in conformity with plans, specifications, and other data submitted to the District in support of the above application.

Effective date: _____

Expiration date: _____

Issue date: _____

Jeff Appleton
Wastewater Superintendent

Office use only

Date permit fee received

Part 1 - Wastewater Discharge Limitations and Monitoring Requirements

The discharger shall comply with the effluent limitations specified below (District Pretreatment and Sewer Use Ordinance):

Aluminum.....	15.0 mg/l
Arsenic	1.0 mg/l
Cadmium	0.25 mg/l
Copper	0.5 mg/l
Chromium.....	0.5 mg/l
Cyanide.....	0.5 mg/l
Fluoride	7.5 mg/l
Iron	30.0 mg/l
Lead	15.68 mg/l
Silver	0.02 mg/l
Mercury	0.25 mg/l
Selenium.....	0.1 mg/l
Zinc.....	0.5 mg/l
Nickel	3.81 mg/l
M.B.A.S.....	2.0 mg/l
Phenol.....	1.0 mg/l
Ammonia	30.0 mg/l
Sulfate.....	300.0 mg/l
Boron	7.5 mg/l
B.O.D.....	350.0 mg/l
C.O.D.....	195.0 mg/l
Total Dissolved Solids.....	1600.0 mg/l
Sodium.....	300.0 mg/l
Chloride.....	300.0 mg/l
Molybdenum	1.0 mg/l
PH.....	6 - 9
Temperature.....	150 °F

In addition to the above, no person shall discharge or cause to be discharged to sewers, waters or wastes containing any of the following:

- Oil and grease such that the discharge results in a stoppage, plugging, breakage, significant obstruction to flow or any other damage to or increased maintenance of sewers or sewerage facilities. No person shall discharge oil and grease which results in Pass-through;
- 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 system;

- Any solid or viscous substance, including but not limited to unground garbage, feathers, ashes, cinders, sand, polishing compounds, resin beads, metal, glass, straw, rags, spent grains or hops, wood, plastic, mud, shavings or manure which may cause obstruction to the flow in sewers or other interference with the proper operation of the WWTP;
- Any water added to a discharge for the sole purpose of dilution as a means to achieve compliance with any pretreatment standard or local discharge limit;
- Any pollutants including oxygen demanding pollutants (BOD, etc) at a flow rate and/or concentration which will cause Interference or Pass-through;
- Any radioactive materials or wastes of such half-life or concentration that they do not comply with regulations issued by appropriate authorities (Sections 30285 and 30287 of the Calif. Code of Regulations);
- Any infectious wastes;
- Any color which is not removed in the ordinary WWTP treatment process.

PART 2 - Special Conditions/Compliance Schedules/Reporting Requirements

1. The Industrial User shall notify the District immediately upon any accidental or slug discharge to the sewer. Written notification discussing circumstances and remedies shall be submitted to the District within 15 days of the occurrence. (Article IV)
2. The Industrial User shall notify the District and apply for a revised permit prior to the introduction of new wastewater or pollutants or any substantial change in the volume or characteristics of the wastewater being introduced into the POTW from the users processes. (Article I)
3. The Industrial User shall properly maintain any or all grease, oil and sand interceptors and properly dispose of their contents, at her/his expense. All interceptors must be readily and easily accessible for cleaning and inspection. This provision includes, but is not limited to clarifiers and sumps. (Article I) Where applicable.
4. When required, the Industrial User shall provide, operate and maintain any necessary pretreatment facility at her/his expense. Operational difficulties or failures of pretreatment facilities shall be reported immediately. (Article I)

PART 3 - Standard Conditions

1. Prohibited discharges (Article I)

The Industrial User shall comply with all general prohibited discharge standards set forth in the District Ordinance.

2. Liability (Article V)

The Industrial User shall comply with all general prohibited discharge standards set forth in the District Ordinance.

3. Right of Entry (Article I)

The User shall allow the District or its representatives, exhibiting proper credentials and identification, to enter upon the premises of the User, at all reasonable hours, for the purpose of inspection, sampling or records inspection. Reasonable hours in the context of inspection and sampling includes any time the Industrial User is operating any process which results in a process wastewater discharge to the District sewer system.

4. Records Retention (Article I Section 12)

The User shall retain and preserve for no less than 3 years, any records, books, documents, memoranda, reports, correspondence and any and all summaries thereof, relating to monitoring, sampling and chemical analyses made by or in behalf of the User in connection with its discharge.

All records that pertain to matters that are the subject of special orders or any other enforcement or litigation activities brought by the District shall be retained and preserved by the Industrial User until all enforcement activities have concluded and all the periods of limitation with respect to any and all appeals have expired

5. Confidential Information (Article I Section 13)

All reports required by this permit shall be available for public inspection at the District Wastewater Treatment Plant.

6. Recording of Results

For each measurement or sample taken pursuant to the requirements of this permit, the User shall record the following information:

- a. The exact place, date and time of sampling;
- b. The dates the analyses were performed;
- c. The person(s) who performed the analyses and sampling;
- d. The analytical techniques or methods used; and
- e. The results of the required analyses.

7. Dilution (Article I Section 3)

No User shall increase the use of potable or process water or, in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in this permit.

8. Proper Disposal of Pretreatment Sludges, Spent Chemicals or Other Hazardous Wastes

The disposal of spent chemicals, sludges and hazardous wastes generated shall be done in accordance with Section 405 of the Clean Water Act, Subtitles C and D of the Resource Conservation and Recovery Act and Title 22 of the California Code of Regulations. Receipts or manifests for proper disposal shall be retained by the User and shall be available for review at time of inspection.

9. Signatory Requirements (Article I Section 12)

All reports required by this permit shall be signed by an authorized representative of the User.

10. Revocation of Permit (Article I Section 2)

This permit may be revoked when after inspection, monitoring and analysis it is determined that the discharge of wastewater to the District sewer system is in violation of Federal, State or local laws, ordinances or regulations. Additionally, falsification or intentional misrepresentation of data or statements pertaining to the permit application or any other required reporting form, shall be cause for revocation

11. Limitation on Permit Transfer (Article Section 2)

Wastewater discharge permits are issued to a specific user for a specific operation and are not assignable to another user or transferable to any other location without the prior written approval of the District. Sale of a user shall obligate the purchaser to seek prior written approval of the District for the continued discharge to the sewer system.

12. Modification or Revision of the Permit

The terms and conditions of this permit may be subject to modification by the District at any time as limitations or requirements as identified by the District Ordinance, are modified or other just cause exists. This permit may also be modified to incorporate special conditions resulting from the issuance of a special order. The terms and conditions may be modified as a result of EPA promulgating a new federal pretreatment standard.

Any permit modifications which result in new conditions in the permit shall include a reasonable time schedule for compliance if necessary.

13. Duty to Reapply

The District shall notify a User at least 60 days prior to the expiration of the User's permit. Within 30 days of the notification, the User shall reapply for reissuance of the permit on a form provided by the District.

14. Severability

The provisions of this permit are severable, and if any of the provisions of this permit, or the application of any provisions of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

15. Property Rights

The issuance of this permit does not convey any property rights in either real or personal property, or any other exclusive privileges, nor does it authorize any invasion of personal rights, nor any infringement of Federal, State, or local regulations.

APPENDIX E

DEFINITIONS

DEFINITIONS

Categorical Industry. Any industry that falls under the description of categorical industries found in 40 CFR 405 - 471.105.

Conventional Pollutants. Pollutants found in wastewater that the Wastewater Treatment Plant is designed to remove. Pollutants include BOD and Suspended Solids.

Industrial User (IU). A facility that discharges non-domestic wastewater to the POTW

Local Limits. Discharge limits technically derived by the POTW to protect POTW and its personnel from nondomestic discharges.

Non-domestic discharge. Any discharge to the POTW that is not a conventional pollutant or of such strength to upset the POTW.

'PRELIM'. The program used by the South San Luis Obispo County Sanitation District to technically justify the local limits for their POTW.

Publicly Owned Treatment Works (POTW). Wastewater collection and treatment system, which is publicly owned.

Standard Industrial Code (SIC). An industrial classification code issued by the Federal Office of Management and Budget.

Significant Industrial User (SIU). Any industry that falls under the significant industrial user definition found in the City's Sewer Use.

Wastewater Treatment Plant (WWTP). A facility designed to remove pollutants from wastewater.

APPENDIX F
ANNUAL SURVEY

136 S. Elm ST	Cathy's Cleaners	Cleaners	N/A	N/A			Not at this location
535 Traffic Way	Number One Carpet Cleaning	Cleaners	N/A	N/A			No Information Found
1310 Grand Ave	Burdine Printing	Printing	489-4910	Ameri-Pride handles rag cleaning and cleaning of other solvent coating materials, no chemicals are going down the sink	Peggy		
128 S. Elm St	Blueprint Express	Printing	N/A	N/A			Businesses no longer at this locaiton, no phone number available
110 Brisco Rd	Rivera's Body & Paint	Auto Painting	481-3113	Pacific Resource Recovery picks up all sent paint and solvents			
406 E. Branch St	Jim's Radiator	Auto repair	N/A	N/A			No Information Found, not at this address
227 Halcyon Rd	AG Dental Lab	Dental Lab	481-6110	Plaster - caught in sink traps, metals collected in a vacuum system and take off site by a metals recycling contractor, no other liquid wastes	Dale		
1054 Grand Ave	Central Coast Infusion Svc	Medical Services	N/A	N/A			No Information Found, not at this address
345 S. Halcyon Rd	Coast Radiology Medial Assoc	Medical Services	489-1588	N/A			Billing office only

City of Grover Beach- Pretreatment Survey

Date of Survey

May-04

Address	Business Name	Business Type	Phone Number	Non-sanitary Wastewater Treatment	Company Contact	Survey Recommended	Comments
862 Seabright Avenue	ACME Carpet Cleaning	Carpet & Upholstery Cleaning	N/A	N/A			Residential House, no phone number available
1539 Grand Avenue	Advanced Dental Arts	Dental Lab	N/A	N/A			No information found, telephone number not available, location is an office building
940 Ramona Ave #D	Applied Graphics	Commercial Printing	474-8597	N/A			Printing material distributors, do not generate waste materials
360 S. 4th Street	CA Fine Wire SECO	Misc Fabricated Wire Products	489-5144	Animal Fat Based soaps and pass through cooling water	Harlan - VP		Closed loop system to handle metals from drawing process
921 Huston St	Central Coast Printing	Commercial Printing	489-0661	Using Commodity Resource and Safety Kleen to recycle all inks and solvents			
480 Front St	Channel Island Arts	Nonferrous Foundries, except Aluminum & Copper	489-2063	Unknown, survey recommended		X	Brass work outside, Large building, phone conversation with business owner indicated that no metals were being washed into sanitary sewer. Recommend sending survey to business
1051 S. 13th St. #D	Cindi's Wash House	Coin-Operated Laundries & Dry-cleaning	481-7341	Laundry wastewater	Grimshaw		No dry cleaning on site
113 S. 13th St	Corner Tree Corp	Coin-Operated Laundries & Dry-cleaning	Could not find	Laundry wastewater			Laundromat, no dry cleaning
552 Park View Ave	Dalor Carpet Care	Carpet & Upholstery Cleaning	481-1970	Enzyme based cleaning system, disposed of in the sanitary sewer		X	Recommend sending a survey to business
921 Griffin #S	GMR Manufacturing Co	Manufacturing Industries	481-9088	Unknown, survey recommended		X	Storage Unit, no sign in front, may be out of business, unable to contact via phone, recommend sending survey
600 Grand Avenue	Grand Ave Vet Hospital	Misc Personal Services	481-2595	N/A			Hospital is closed, vet passed away
1370 Grand Avenue	Grover Gardens Mobil	Operators of Residential Mobile Home Sites	N/A	Unknown, survey recommended		X	Could not find a dump station, but trailers hooked straight to sewer, recommend sending survey to manager
949 Highland Way #1	Harry's Radiator Service	Auto Repair Shops	489-0626	Spent Coolant is recycled by Black Gold. Radiator sludge is stored on site pending results of testing. Business not hooked up to sanitary sewer			
231 Beckett Pl #D	Michelotti-Steward, Inc.	Carpet & Upholstery Cleaning	481-3964	No spent solvents/solutions generated as part of carpet cleaning operation			Chem-dry, No external evidence of improper disposal
950 S. 14th St #7	Mickinspiration.com	Photofinishing Laboratory	N/A	Unknown, survey recommended		X	In garage, looks part time or may be closed, no external evidence, no phone number available, suggest sending survey
1050 Griffin #B	R&B Auto Body	Top, Body, & Upholstery Repair Shops & Paint	481-1581	Recycled though paint/solvent recycler subcontracted by paint reseller - Custom Colors, DeAngelos			No external evidence
592 Grand Ave	San Luis Paints	Paint, Glass, & Wallpaper Stores	489-5606	Latex Paints hardened and then disposed of.			No external evidence of improper disposal

431 Leoni Dr	Scarecrow Inc	Manufacturing Industries	473-2562	Use Water based acrylic paint in airbrushes small quantity (8oz or less), cleaned in sink			
1035 Highland Way #A&B	SCS Wire Corp	Misc Fabricated Wire Products	489-6733	Involved in the straightening and cutting of wire, no waste generated			
933 Huber St	Sebastian Oil Distributor	Petroleum & Petroleum Products Wholesalers	N/A	N/A			Card lock dispensing stations, do not handle or transfer hydrocarbons
262 S. 4th Street	Sierra Body Shop LLC	Top, Body, & Upholstery Repair Shops & Paint	481-3855	Earthsystems recycles all solvents and paints			
923 Huber	Supreme Automotive		481-2983	Unknown, survey recommended		X	No external evidence, unable to contact by phone, recommend sending survey

Oceano - Pretreatment Survey

Date of Survey

May-04

Address	Business Name	Business Type	Phone Number	Non-sanitary Wastewater Characteristics	Company Contact	Survey Recommended	Comments
1150 Pike Ln #5	Engine Specialties	Machine Shop	489-3500	Unknown			No answer to phone calls
345 Pier Avenue	Ocean Breeze Trailer Park	RV Trailer Park	929-3400	Sanitary wastewater, possible dump station		X	Unable to contact, no external evidence of improper discharge, potential dump station, recommending sending survey form
410 Air Park	Elks	RV Trailer Park	489-2504	Dump station		X	Currently involved in the pretreatment program application
Oceano Dunes	Le Sage RV Dump Station	RV Dump Station	473-7230	Dump station		X	Currently involved in the pretreatment program application
2550 Cienega Hwy 1	Portico's Mobile Home Park	Mobile Home Park	481-1350	Sanitary wastewater, possible dump station		X	Unable to contact, no external evidence of improper discharge, potential dump station, recommending sending survey form
1623 23rd St #32	Pleasant Hill Mobile Home Park	Mobile Home Park	N/A	N/A			Residence, no phone number found
1130 Pike Ln #3	R&B Auto Body	Bodyshop	N/A	Recycle all solvents through Central Coast Paint supply, nothing enters sanitary drain			Not at this location, see Grover Beach
2311 Beach St	Eaton Enterprises	Industrial Scrap Metal Se	N/A	Unknown			No information found, residence
2220 Cienega	Pismo Sands R.V.	RV Park	481-3225	Dump station			Currently involved in the pretreatment program application
2271 Wilmar	Pacific Corp & Industrial Image	Photography	N/A	Unknown			Residence, No external evidence of improper discharge
1189 Pike Lane	Pacific Coast St	Metal Stamping	489-1682	Unknown			No answer to phone calls, No external evidence of improper discharge
1150 #6 Pike Lane	Wilson's Bullet & Auto Paint	Auto Paint	N/A	N/A			No information found, vacant, no store sign or business
1150 Pik Ln # 4 & 7	Mercer Tech West	Rebuild Industrial Equip	N/A	N/A			No information found, vacant, no store sign or business



SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT
SANITARY SEWER SYSTEM USE ORDINANCE

ORDINANCE No. 2011-1
June 1, 2011

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SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT

SANITARY SEWER SYSTEM USE ORDINANCE

Ordinance No. 2011-1

**AN ORDINANCE PROVIDING FOR AND REGULATING THE ACCEPTANCE OF
INDUSTRIAL WASTE AND CONTAMINATED GROUNDWATER
INTO THE SANITARY SEWER SYSTEM OF
THE SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT**

ARTICLE 1 - GENERAL PROVISIONS

1.01 CODE ADOPTION

The Governing Board of South San Luis Obispo County Sanitation District does adopt the ordinance and general regulation as follows:

1.01.010 ADOPTION

There is hereby adopted the “South San Luis Obispo County Sanitation District Sanitary Sewer System Use Ordinance.”

1.01.020 TITLE—CITATION—REFERENCE

This code shall be known as the “South San Luis Obispo County Sanitation District Sanitary Sewer System Use Ordinance.” It shall be sufficient to refer to this code as the South San Luis Obispo County Sanitation District Sanitary Sewer System Use Ordinance in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall also be sufficient to designate any ordinance adding to, amending, or repealing provisions of the Ordinance as an addition or amendment to, or a repeal of the South San Luis Obispo County Sanitation District Sanitary Sewer System Use Ordinance, or any portion thereof. Reference may be made to the articles, chapters, sections and subsections of the South San Luis Obispo County Sanitation District Sanitary Sewer System Use Ordinance and such references shall apply to that numbered article, chapter, section or subsection as it appears in the code.

This code may also be referenced herein as “SSLOCSD Sanitary Sewer System Use Ordinance” or “the Ordinance.”

1.01.030 CODIFICATION AUTHORITY

This code consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the South San Luis Obispo County Sanitation District, codified pursuant to the provisions of Section 4700 *et. seq.* of the Health and Safety Code of the State of California.

1.01.040 ORDINANCES PASSED PRIOR TO ADOPTION OF THE CODE

The following ordinances, passed prior to adoption of this code, are hereby adopted and made a part of this code: Ordinance No. 1994-1, and SSLOCSD Fats, Oils, and Grease Ordinance.

1.01.050 REFERENCE APPLIES TO ALL AMENDMENTS

Whenever a reference is made to this code as the “South San Luis Obispo County Sanitation District Sanitary Sewer System Use Ordinance” or to any portion thereof, or to any ordinance of the South San Luis Obispo County Sanitation District, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made.

1.01.060 ARTICLE, CHAPTER, AND SECTION HEADINGS

Article, chapter and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any article, chapter or section hereof.

1.01.070 REFERENCE TO SPECIFIC ORDINANCES

The provisions of this code shall not in any manner affect matters of record which refer to, or are connected with ordinances which are therein specifically designated by number or otherwise and which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within this code.

1.01.080 EFFECT OF CODE ON PAST ACTIONS AND OBLIGATIONS

Neither the adoption of this code nor the repeal or amendment hereby of any ordinance or part or portion of any ordinance of the South San Luis Obispo County Sanitation District shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date, hereof, nor be construed as a waiver of any license, fee or penalty at the effective date due and unpaid under such ordinances, nor be construed as a waiver of any license, fee or penalty at said effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, fee or penalty, or the penal validity of any bond or cash deposit in lieu thereof required to be posed, filed or deposited pursuant to any ordinance and all rights and obligations thereunder appertaining shall continue in full force and effect.

1.01.090 EFFECTIVE DATE

This code shall become effective on the date the ordinance codified in this chapter adopting this code as the “South San Luis Obispo County Sanitation District Sanitary Sewer System Use Ordinance” becomes effective.

1.01.100 CONSTITUTIONALITY

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. The Governing Board of South San Luis Obispo County Sanitation District hereby declares that it would have passed this code, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences,

clauses or phrases had been declared invalid or unconstitutional, and if for any reason this code should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

1.02 PURPOSE AND POLICY

The Ordinance sets forth uniform requirements for users of the Publicly Owned Treatment Works for the South San Luis Obispo County Sanitation District and enables the District to comply with all applicable State and Federal laws, including the Clean Water Act (33 U.S.C. § 1251 *et seq.*) and the General Pretreatment Regulations (40 CFR § 403).

The objectives of the Ordinance are:

1. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;
2. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;
3. To protect the physical structures of the Publicly Owned Treatment Works and the efficient functioning of its component parts.
4. To protect the health and safety of the South San Luis Obispo County Sanitation District personnel and its member agencies and preserve the safety and health of the public.
5. To protect the environment from threat of hazard or harm resulting from the disposal of waste.
6. To prevent the introduction of wastes to the Publicly Owned Treatment Works that could result in the District being classified as a hazardous waste treatment, storage, or disposal facility under the laws of the State of California or the United States.
7. To maintain the suitability of wastewater treated by the District for any adopted reclamation use.

1.03 APPLICABILITY OF THE SANITARY SEWER SYSTEM USE ORDINANCE

The Ordinance shall apply to all users of the Publicly Owned Treatment Works. The Ordinance provides for the public use of the SSLOCSD's facilities through the adequate regulation of sewer construction, sewer use, and wastewater discharges, the equitable distribution of costs resulting from the program established herein, and procedures for complying with the requirements placed upon SSLOCSD by other regulatory agencies.

1.04 DEFINITIONS AND ABBREVIATIONS

For the purpose of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as set forth in this section.

Administrative Complaint: A presentation (written document) by the District normally reserved for the advanced stages of formal enforcement, giving notice to the discharger of the nature and basis of the violations asserted and demanding specified amounts of money for noncompliance.

Administrative Order: An Administrative Order is 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.

Available Sewer: A sewer shall become available only after it has been accepted by the SSLOCSD.

Backwater Valve: A device whose purpose is to prevent flow in a sewer in a direction opposite to that of the intended drainage.

Board: The governing board of SSLOCSD. The Board of Directors consists of three directors, appointed as specified in the SSLOCSD Member Agency Agreement.

Building: Any structure used for human habitation, or a place of business, recreation, or other activity and containing sanitary facilities.

Building Sewer: That portion of any sewer beginning two feet from any building and extending to, and including its connection to, a lateral sewer.

CCR: California Code of Regulations.

Cease and Desist Order: An Administrative Order directing a discharger to immediately halt illegal or unauthorized discharges, or to terminate its discharge altogether.

CFR: Code of Federal Regulations.

Cleanout: A branch fitting installed in a sewer or other pipe for the purpose of providing access for cleaning.

Compliance Order: 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.

County: County of San Luis Obispo, California.

Clean Water Act (CWA): The Federal Water Pollution Control Act (33. U.S.C. 1251, et seq.), also referred to as the Clean Water Act, and any subsequent amendments thereto.

Discharger: Any person discharging industrial waste to the sewer system. This term specifically includes any categorical industries connected to the sewer system, whether or not they discharge process wastewater. It also includes any facilities with a reasonable potential for discharging significant quantities of industrial waste, whether or not they are currently discharging process waste.

District: South San Luis Obispo County Sanitation District.

District Administrator: District Administrator is the administrator of the SSLOCSD or his designated representative.

District Engineer: Registered Civil engineer appointed by the Board of SSLOCSD.

District's Representative: Any person designated or retained by SSLOCSD, including the Board or the District Administrator, to fulfill the sampling, monitoring, reporting, or inspection services of SSLOCSD as required by the Ordinance, the waste discharge permit and/or all applicable state, federal, or local regulations, and/or to perform the enforcement actions required by the Ordinance. SSLOCSD representatives may include, but are not limited to, any of the following: the SSLOCSD District Administrator, the SSLOCSD Environmental Services Manager, other designated Environmental Services staff, a consultant for SSLOCSD, or the District Attorney.

Domestic Waste: Any waterborne waste of the type normally resulting from flushing and washing waste products from residences and lavatories.

Enforcement Officer: Any person authorized to enforce certain provisions of the SSLOCSD Ordinance.

Environmental Compliance Inspector: SSLOCSD representative responsible for ensuring compliance.

EPA: United States Environmental Protection Agency.

Fixture: Any sink, tub, shower, toilet, or other facility connected to be drained to the sewer.

Food Service Establishments (FSE): Those establishments primarily engaged in activities of preparing, serving, or otherwise making available for consumption foodstuffs and that use one or more of the following preparation activities: cooking by frying, baking, grilling, sautéing, rotisserie cooking, broiling, boiling, blanching, roasting, toasting, poaching. Also included are infrared heating, searing, barbecuing, and other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing.

Illegal Discharge: Any discharge of waste containing contaminants or pollutants prohibited by state or federal law, or local limits including discharge to the wastewater treatment plant and collection system, or to the storm drain system.

Illicit Connection: Any conveyance system, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including, but not limited to, sewage, process

wastewater, or wash water; any connections to the storm drain system from indoor drains and sinks not currently exempted or permitted, regardless of whether the drain or connection has been previously allowed, permitted, or approved by a government agency; any drain or conveyance connected from any land use to the storm drain system, which has not been documented or approved by the District; and any unpermitted connection of a stormwater system to the publicly owned treatment works as defined in this Ordinance.

Indirect Discharge: The introduction of pollutants into the POTW from any nondomestic source regulated under CWA Sections 307(b), (c), or (d).

Industrial User: A source of indirect discharge.

Industrial Waste: Any waterborne waste from manufacturing, processing, or other industrial activity, excluding domestic waste, boiler blowdown, and uncontaminated cooling water. Substantial discharge of boiler blowdown closely associated with industrial activity shall be considered an industrial waste discharge when such discharge has, in the opinion of the District Administrator, a reasonable potential to affect the sewer system. Water borne wastes from "commercial" activities, such as automobile repair or photo processing, are expressly included in this definition. Contaminate groundwater is also included in this definition.

Inflow and Infiltration (I/I): I/I describe the manner in which groundwater and stormwater enter the sewer system. Infiltration describes water entering the sewer system from groundwater or from below ground level, and inflow describes water entering the sewer system directly. The expression "inflow and infiltration," or "I/I," refers to the combined effects of inflow and infiltration.

Interference: A discharge, which alone or in conjunction with other sources, inhibits or disrupts the District's treatment processes, operation, sludge processes, use or disposal; and therefore, is a cause of a violation of the District's NPDES permit. Interference can also be applicable to the prevention of beneficial sewage sludge use or disposal resulting in a violation of any of the following statutory/regulatory provisions or permits issued under, or any more stringent State or local regulations: Section 405 of the Clean Water Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); and 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.

Lateral Sewer: The portion of a sewer lying within a public right-of-way or easement which lateral connects, or is intended to connect, a building sewer to a main sewer.

Lot: Any piece or parcel of land bounded, defined or shown upon a plot or deed recorded in the office of the county recorder and lawfully created; provided, however, in the event any structure is located upon more than one parcel of land, all under the ownership and as defined in this section, "lot" shall include all such parcels of land.

Manhole: A structure for the purpose of providing access by a man to a buried sewer.

Main Sewer: The sewers, excluding lateral sewers, whose main purpose is to accept wastewater from laterals and convey it to the wastewater treatment plant.

Member Agency (MA): Any of the three entities which own and operate the collection system in the SSLOCSD service area. These are the City of Arroyo Grande, the City of Grover Beach, and the Oceano Community Services District. The relation of these agencies to SSLOCSD is specified in the SSLOCSD Member Agency Agreement.

Noncompliance: Any violation of any part of the Ordinance or any other Federal, State or local law, regulation or order related to the discharge, indirect or otherwise, of industrial waste.

Notice of Violation (NOV): An official written communication from the POTW to the noncompliant user informing him that a violation has occurred and that appropriate corrective action must be taken in a prescribed period of time.

National Pollutant Discharge Elimination System (NPDES) Permit: A permit issued for direct discharge to the Pacific Ocean or other waters of the State. The permits are issued by the Regional Water Quality Control Board, as part of the National Pollutant Discharge Elimination System.

Nuisance: Any nuisance defined by California statutes or known at common law or in equity jurisprudence.

Pass through: 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 SSLOCSD's NPDES permit, including an increase in the magnitude or duration of a violation.

Penalty (Fine): A sum of money imposed upon a person as a penalty for an act of wrongdoing.

Permit: Any written authorization required pursuant to any regulation ordinance of the District.

pH: A numerical value representing the relative acidity or alkalinity of the waste discharge. pH means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Premises: The location of the process, storage, discharge, and business actions of any person discharging to the sewer system.

Pretreatment: 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 by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

Public Sewer: The portion of a sewer lying within a public right-of-way or easement maintained by and subject to the jurisdiction of the District.

Publicly Owned Treatment Works (POTW): A "treatment works", as defined by Section 212 of the CWA (33 U.S.C. §1292) which is owned by SSLOCSD and its member agencies. 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.

RWQCB: Regional Water Quality Control Board, Central Coast Region.

Sanitary Sewer System Use Ordinance (SSSSSUO): This document numbered 2011-1 and any amendments thereto.

Service Area: The geographical area served by the SSLOCSD sewer system. This includes the City of Arroyo Grande, the City of Grover Beach, and the Oceano Community Service District.

Sewage: Any combination of domestic waste and industrial waste together with such ground, surface, and stormwaters as may be present.

Sewer: A pipe or conduit for carrying wastewater.

Sewer System: Sewer system, as used in this Ordinance, includes all facilities of the South San Luis Obispo Sanitation District and all facilities of any of SSLOCSD's Member Agencies for collecting, pumping, treating and disposing of sewage or for reclaiming sewage byproducts.

Sewer System Management Plan (SSMP): A requirement from State Water Resources Control Board General Waste Discharge Requirement Order No. 2006-0003-DWQ.

“Shall” and “May”: Shall is mandatory. May is permissive.

Show Cause Order: A Show Cause Order is an order for the user to appear before the Board or the District Administrator or his representative, to explain the noncompliance and why more severe enforcement actions should not be taken. SSLOCSD may designate a hearing officer to hear testimony for the hearing.

Side Sewer: A sewer beginning at the plumbing or drainage outlet of any building, industrial facility, or preliminary treatment facility and terminating at a main sewer, and including the building sewer and lateral sewer together.

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

uncontrolled discharges that may result from leaks or spills of storage containers or manufacturing processes in an area with access to floor drains.

SSLOCSD: The public District formed in South San Luis Obispo County, California by the San Luis Obispo County Board of Supervisors and including the agencies identified in the SSLOCSD Member Agency Agreement.

U.S.C.: United States Code.

User: Any person who contributes or causes a contribution of wastewater, including domestic waste, into the sewer system.

Wastewater Treatment Plant (WWTP): The portion of the POTW that is designated to provide treatment of municipal sewage, commercial sewage, and industrial wastewater.

Waters of the State: Any waters, surface or underground, saline or fresh, within the boundaries of the State.

Working Day: Monday, Tuesday, Wednesday, Thursday, or Friday, excluding Federal or California State holidays.

ARTICLE 2 - CONNECTIONS

2.01 AVAILABILITY DEFINED

For the purpose of the Ordinance, a public sewer shall be deemed to be available to a building if such sewer is within two hundred fifty (250) feet of the nearest property line of the lot upon which such building is located.

2.02 NEW BUILDINGS

Any newly constructed building to which a public sewer is available shall be connected to such public sewer prior to its use for occupancy, unless approval is granted by the Board for a private sewerage disposal system.

2.03 GROUPS OF HOUSES OR BUILDINGS ON ONE LOT

No group of four or more houses or buildings on one lot shall be connected to a main sewer without first having the plan of the sewers to such houses approved by the District Administrator. The size of the proposed building sewer and lateral serving such houses shall not be less than six (6) inches diameter or of a size determined by the District Administrator. A manhole shall be provided at its junction with the existing main sewer. The District Administrator may permit more than one condominium or planned unit development unit to connect to a common building sewer subject to improvement standards adopted by SSLOCSD. The District Administrator may require appropriate conditions to such an approval to become a part of the codes, covenants and restrictions for the subdivision.

All maintenance of building sewers is the responsibility of the lot owner's or appropriate owner's association exclusive of the SSLOCSD main line.

2.04 PRIVATE SYSTEMS

2.04.010 PRIVATE SYSTEMS CONSTITUTING PUBLIC NUISANCES

Pursuant to the authority of Section 4762 of the Health and Safety Code of the State of California, SSLOCSD finds and declares that the maintenance or use of private sewage disposal systems constitutes a public nuisance and finds it to be in the public interests that properties to which a public sewer is available be required to connect thereto.

2.04.020 BUILDINGS SERVED BY PRIVATE SYSTEMS

When a public sewer becomes available to a building served by a private sewage disposal system, such building shall be connected to the public sewer within twenty-four (24) months after such public sewer is available, and such private disposal system shall be abandoned as provided in Section 2.04.040, unless an approval is granted by the Board for the continued use of such private sewage disposal system.

2.04.030 APPLICATIONS AND APPROVAL

The approvals for private sewage disposal systems referred to in Section 2.04.020 and Chapter 2.02 of this Ordinance may be granted upon a written application to the Board by the applicant setting forth the basis for such a request. Approval may be granted only upon an affirmative showing that no health hazard, public nuisance, or inequity to other property owners will result therefrom. Approval may also be granted to allow a private sewage disposal system when it is shown to the satisfaction of the District Administrator to be unfeasible to connect to the public sewer, and the lot in question is approved by the County Health Department as to suitability for such private sewage system.

2.04.040 ABANDONMENT

Where septic tanks are abandoned as a result of connecting any building to the public sewer, the owner of the property to which such connection is made shall fill all abandoned septic tanks within ninety (90) days after the time of connecting to the public sewer in the following manner:

1. All sewage shall be removed from the septic tank.
2. Inlet and outlet pipes shall be disconnected from the tank.
3. All wooden materials forming the top of the tank shall be removed.
4. The tank shall be filled with sand, gravel or concrete, but such filling shall not extend above the vertical sidewalls until inspected by the District.
5. Following inspection, the tank shall be filled and then covered to the level of the top of the ground.

2.04.050 LOCATION RESTRICTED

It is unlawful for any person, firm or corporation to construct or replace any cesspool, septic tank, or similar apparatus within a distance of two hundred fifty (250) feet from any public sewer without the approval of the Board.

2.04.060 CONSTRUCTION AND INSPECTIONS

Where a property is within two hundred fifty (250) feet of the public sewer, but pursuant to the provisions of Section 2.04.030 of this chapter a private sewage disposal system is approved, the property owner shall apply for and obtain all permits required by SSLOCSD and the Member Agency the property is located in and supply all plans, specifications, or other information deemed necessary by the respective Member Agency's building official before construction of such private sewage disposal system can begin. The construction and inspection of such system shall be in conformance with the currently adopted Uniform Plumbing Code or California Plumbing Code, whichever is more stringent, and shall meet any other requirements of the Board, the Member Agency building official, and the County Health Department. The owner shall operate and maintain such private sewage disposal facilities in a sanitary manner at all times at no expense to SSLOCSD.

2.05 APPLICATIONS FOR SEWER CONNECTION

An applicant for sewer service shall sign an application and furnish a legal description of the property to be served. It shall be the applicant's responsibility to deliver sewage to the service

point selected by the SSLOCSD. Service will be granted only where adequate collection lines have been installed. Lateral sewers shall be installed by a California State Licensed Contractor and shall be maintained by the property owner.

2.06 APPROVAL

2.06.010 REQUIRED APPROVAL

It is unlawful for any person, other than SSLOCSD, to make any connection to any public or building sewer, or to construct, perform maintenance, or alter any public sewer main or building sewer within the District without first obtaining a permit from the District for such work.

2.06.020 APPROVAL PROCESS

Any person desiring to perform work involving sewers shall make a request in writing to the SSLOCSD, providing specific details of the proposed work and any other such information as SSLOCSD may require. The work to be performed shall be done in accordance with San Luis Obispo County Department of Public Works Standard Improvement Specifications and Drawings. The applicant shall pay all such permit and inspection fees associated with the approval.

2.06.030 EXCEPTIONS

Nothing contained in Chapters 2.06 through 2.07 shall be deemed to require the application for, or the issuance of, a permit for the purpose of removing stoppages or repairing leaks in a building or residential sewer, except when it is necessary to replace any part of such sewer. For the purpose of this chapter, building sewer is defined as all sewerage exclusive of city main line including, but not limited to, the wyes, tees, saddles, laterals and plumbing.

2.06.040 LIABILITY

The applicant to whom a permit for construction has been issued and the person performing the work under such permit shall be liable for all damages. Such applicant shall hold SSLOCSD and its employees and representatives harmless from all loss, including expenses incurred in defending any action against the SSLOCSD arising out of such construction work. The applicant shall be liable for defects in the work and for any failure which may develop in the facilities because of defective work or materials.

2.07 CONSTRUCTION PROVISIONS

2.07.010 STANDARD SPECIFICATIONS AND DETAILS

All improvements required pursuant the Ordinance shall be constructed in accordance with the current version of San Luis Obispo County Department of Public Works Standard Improvement Specifications and Drawings. The San Luis Obispo County Department of Public Works Standard Improvement Specifications and Drawings are incorporated herein by reference.

2.07.020 CONTRACTOR'S REQUIREMENTS

It shall be unlawful for any person who is not a licensed contractor under the State Contractor's License Law to install or construct any sewer for connection to SSLOCSD's sewer system, or to otherwise make a connection to said system. All contractors must obtain an encroachment permit from SSLOCSD prior to commencing or carrying out any such work within the District.

2.08 INSPECTION PROVISIONS

2.08.010 INSPECTION REQUIRED

All sewer construction work, including taps into sewer mains, within the SSLOCSD shall be done in strict compliance with San Luis Obispo County's Standard Specifications and Details and the Uniform Plumbing Code or California Plumbing Code, whichever is more stringent. Such work shall be inspected by SSLOCSD or a District Representative.

2.08.020 INSPECTION NOTICES

All work done pursuant to the provisions of the Ordinance shall be subject to inspection by the SSLOCSD. Up to the time of the inspection, all work shall remain uncovered and convenient for the inspector's examination. If any pipes are enclosed or covered in any way whatsoever so as to tend to obstruct a thorough inspection of the piping system, such obstruction shall be removed before an inspector shall be required to inspect the work. When, upon an examination by the inspector, the work is found to be defective, either in its construction or materials, such work shall be made to conform to the requirements of the Ordinance, in default of which the permit for such work shall be revoked by SSLOCSD, and such work shall be discontinued immediately.

2.08.030 RIGHT OF ENTRY

The District Administrator or his authorized representative shall, upon exhibition of proper credentials and identification, be permitted to enter in and upon all buildings and premises within the District at reasonable hours for the purposes of inspection, observation, measurement, sampling, testing or otherwise performing such duties as may be necessary in carrying out the provisions of the Ordinance.

2.09 SEWER PUMPS AND BACKFLOW VALVES

2.09.010 New Buildings

All new building side sewers including side sewer replacements shall be equipped with a cleanout riser fitted with a backflow prevention device of type and materials meeting Uniform Plumbing Code or California Plumbing Code requirements, whichever is more stringent.

2.09.020 Existing Buildings

In all buildings in which there are plumbing fixtures at an elevation too low to permit drainage by gravity from such fixtures to the public sewer, the sewage from such fixtures shall be pumped and discharged to the main sewer at the owner's expense. In all buildings where floor elevation is below the rim elevation of the nearest upgrade manhole, there shall be installed in the sewer

lateral an approved type of backflow valve. Backflow valves shall also be installed per the Uniform Plumbing Code or California Plumbing Code, whichever is more stringent.

2.09.030 Liability

The responsibility and costs for the ownership, operation, and maintenance of the backflow prevention device and its appurtenant fittings shall be that of the property owner.

2.10 MAINTENANCE

All privately owned building laterals and private sewage disposal systems and appurtenances from all points of the property to the city sewer, shall be maintained by the property owner in a safe and proper operating condition, and all devices or safeguards, which are required by this article for the operation thereof, shall be maintained in good working order.

To determine compliance with this article, SSLOCSD may require any plumbing system, new or existing, to be re-inspected.

The District Administrator may require a property owner to submit to SSLOCSD a video of the private lateral and appurtenances. If SSLOCSD determines that the private lateral or any portion thereof, has become unsanitary or a threat to health or property, SSLOCSD shall order in writing that plumbing be removed or placed in a safe and sanitary condition. Any such order shall fix a reasonable time limit for compliance. No person shall use or maintain defective plumbing after receiving such notice.

2.11 ANNEXATIONS

2.11.010 CAPACITY DETERMINATIONS

The sewer facilities within the SSLOCSD are sized to accommodate the sewer requirements of all developed and undeveloped property within the District. Before any annexation is made to the District, it shall be first determined that sufficient capacity has been reserved for all undeveloped acreage within the District.

2.11.020 COSTS AND LIABILITY

When the Board approves an annexation to the District, all sewer costs and sewer line extensions shall be borne by the property being annexed.

ARTICLE 3 - DISCHARGES

3.01 DISCHARGE PROHIBITIONS

All users are subject to the general and specific prohibitions identified in 40 CFR §403.5(a) and (b), respectively. SSLOCSD has set forth the following prohibitions and limitations for waste discharge to the SSLOCSD WWTP.

3.01.010 GENERAL PROHIBITIONS

No person shall introduce any waste or pollutant, which will cause pass through or interference, into the POTW.

3.01.020 SPECIFIC PROHIBITIONS

No person shall discharge any waste, industrial or domestic, including trucked or hauled pollutants, to the POTW, except through sewer connections approved by SSLOCSD and the relevant member agency or at approved discharge locations at the SSLOCSD treatment works. Discharge at any other location, specifically including collection system manholes, is prohibited without prior written approval from the District Administrator.

No person shall discharge, or cause to be discharged, any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

No person shall create an illicit connection to the sewer system, which causes I/I.

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

1. Discharges of any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit.
2. Discharges containing pollutants which create a fire or explosion hazard in the POTW, including but not limited to, wastestreams with a closed cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR §261.21.
3. Discharges of heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 40°C (104°F) unless the Approval Authority, upon request of the POTW, approves alternative temperature limits.
4. Discharges which may contain more than one hundred (100) parts per million, by weight, of fats, oil, grease or wax.
5. Discharges having a pH lower than 6.0 or higher than 9.0 or having any other corrosive properties capable of causing damage or injury to structures, equipment, or personnel of the sewer system and treatment facilities.

6. Discharges of petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.
7. Discharges containing pollutants in amounts causing obstruction to the flow in the POTW resulting in interference.
8. Discharges of any pollutants released at a flow rate or concentration which will cause interference with the POTW.
9. Discharges of solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the wastewater treatment collection works, such as any materials retained on a screen having eight (8) meshes per inch each way.
10. Discharges of any ashes, cinders, sand, mud, straw, and shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, viscera or other solid or viscous substances capable of causing obstruction to the flow or undue maintenance of the sewer system or other interference with the proper operation of the treatment facility.
11. Discharges of any raw or chemically treated wastewater from septic tanks or chemically treated wastewater from portable toilets, or any raw or chemically treated sewage from any industrial or unidentified liquid waste or any hazardous waste.
12. Discharges 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, result in interference, or create any hazard in the receiving waters of the wastewater treatment plant.
13. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state and federal regulations.
14. Discharges of any noxious or malodorous gas or substance capable of creating a public nuisance either by itself or by interaction with other substances.
15. Discharges which, alone or in conjunction with a discharge or discharges from other sources, are capable of causing the POTW effluent or any other product of the treatment process, residuals, or biosolids to be unsuitable for reclamation or reuse or to interfere with any adopted reclamation process.
16. Discharges of any infectious wastes from hospitals, clinics, out-patient clinics, medical and dental offices, mortuaries, etc.; pathologic specimens; disposable hypodermic needles, syringes and associated articles (whether ground or not); recognizable portions of the human anatomy; solid wastes generated in the rooms of patients who are isolated because of a suspected or diagnosed communicable disease; wastes excluded by other

provisions of this chapter except as specifically permitted for; or any other waste defined by the Health Officer of San Luis Obispo County as being infectious.

17. Discharges containing substances which are not amenable to treatment or which cause the treatment plant effluent to fail to meet the discharge requirements established by the California State Water Resources Control Board, the California Regional Water Quality Control Board, or any other state or regulatory agency.

3.02 SPECIAL PROVISIONS

3.02.010 DILUTION PROHIBITED

Except where expressly authorized to do so by an applicable pretreatment standard or requirement, no user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the national pretreatment standards, or in any other pollutant specific limitation developed by the District or State. An increase in the use of process water which is reasonably proportional to increased production and which is required for said increase in product will not be considered a use of dilution.

3.02.020 SLUG DISCHARGES

All users are prohibited from allowing slug discharges, as elsewhere defined herein, from entering the sewer system. Each user shall provide protection from slug discharges of restricted materials or other substances regulated by the Ordinance.

3.02.030 SWIMMING POOL OR SPA WATER

Swimming pool or spa water and wastewater shall be disposed of as set forth in the currently adopted Uniform Plumbing Code or California Plumbing Code, whichever is more stringent.

The contents of a salt water swimming pool, including electrolytic cell backwash, shall not be discharged to the sanitary sewer, storm drain system, or natural water way. Contact SSLOCSD for brine disposal, in order to apply for a onetime use permit and pay for the permit fee. A hauler truck will need to extract the salt water from the swimming pool.

The contents of chlorinated swimming pools and/or spas, including filter backwash from swimming pools and/or spas, shall be discharged into the sewer system. Such discharge must be accomplished in the manner specified herein.

1. The water is discharged by pumping and shall not exceed the capacity of the line.
2. Each swimming pool discharging into a sewer system shall be equipped with an indirect waste connection to preclude any possibility of backflow of sewage into the swimming pool or piping system.

3.02.040 WATER-SOFTENING SYSTEMS AND DEVICES

All users are prohibited to install, use, or maintain any water-softening device, which discharges brine waste into the ground, storm drain, or SSLOCSD's sewer system, unless such discharge is to a facility which has been authorized or permitted by a federal, state, or local public agency to accept the disposal of such brine waste.

Any user operating a water-treating apparatus of any kind, including any water-softening system or device, shall make such apparatus accessible to the Director for inspections upon reasonable notice, and shall submit such reports, as the District Administrator may require, relative to the apparatus and its operation and maintenance.

3.03 PRETREATMENT PROGRAM

The rules and regulations of the Pretreatment Program found in the South San Luis Obispo County Sanitation District Pretreatment Ordinance, Ordinance No. 1994-1 are hereby incorporated into the SSLOCSD Sanitary Sewer System Use Ordinance and made a part thereof. All industrial users are required to comply with the South San Luis Obispo County Sanitation District Pretreatment Ordinance, Ordinance No. 1994-1.

3.04 FATS, OILS, AND GREASE PROGRAM

The rules and regulations of the Pretreatment Program found in the South San Luis Obispo County Sanitation District FOG Ordinance are hereby incorporated into the SSLOCSD Sanitary Sewer System Use Ordinance and made a part thereof. All food service establishments are required to comply with the South San Luis Obispo County Sanitation District FOG Ordinance.

3.05 POINT OF APPLICATION OF LIMITS

Compliance with the discharge limits and standards listed in this section shall be determined at a location or locations deemed appropriate by the District Administrator.

3.06 DISTRICT'S RIGHT OF REVISION

The SSLOCSD reserves the right to establish by ordinance or resolution more stringent limitations or requirements on dischargers to the wastewater treatment plant if deemed necessary to comply with the objectives presented in the Ordinance. No revision of limitations or requirements hereunder shall subject the SSLOCSD to civil liability or penalty for interference with a vested right of any user.

ARTICLE 4 - AUTHORITY AND RESPONSIBILITY

4.01 RESPONSIBILITY OF USERS

It shall be the responsibility of the user to comply with all of the provisions of the Ordinance. The omission to act by the District or the failure of the District to take cognizance of the nature of the operation of the user or the properties of the user's wastewater shall not relieve the user of responsibility to comply with the conditions of the Ordinance, including, but not limited to, such requirements regarding permitting, pretreatment, monitoring, and reporting. It shall be the responsibility of the user to make determinations as to the nature of its operation and wastewater flow and to take such actions as may be required under the Ordinance prior to any discharge of wastewater, whether or not the user has been informed by the District of the requirements which may apply to the user regarding its discharge.

4.02 AUTHORITIES OF THE BOARD OF DIRECTORS

The Board and its representatives shall have the authority to seek injunctive relief and pursue civil and criminal penalties for violations of the Ordinance as may be provided for under the CWA and all other State and Federal laws.

The Board and its representative shall have all the authorities of the District Administrator, as specified in Chapter 4.03 of the Ordinance.

4.03 AUTHORITIES OF THE DISTRICT ADMINISTRATOR

The District Administrator of SSLOCSD or his/her representative shall have the authority to:

1. Issue an Administrative Order, including a Show Cause Order, Cease and Desist Order, and Compliance Order to any user of the SSLOCSD WWTP.
2. Assess administrative penalties to any user of the sewer system.
3. Terminate service and disconnect any person from the WWTP, who does not comply with the requirements of the Ordinance.
4. Seek criminal penalties for violations of the Ordinance, as may be provided for under CWA and all other State and Federal laws.
5. Halt or suspend a discharge in the event of an actual or threatened discharge, which is in violation of the Ordinance or in the event of an emergency.
6. Levy fees for additional services or to recover damage costs which are a result of a discharge, as described in Section 4.05.010 of the Ordinance.
7. Inspect, at any reasonable time, the premises of any user of the SSLOCSD WWTP, including but not limited to, any areas or points of sampling, discharge, process, storage, and any other areas as deemed reasonable and necessary by the District Administrator to

document the person's compliance with the requirements of the Ordinance. The authority to inspect includes the authority to take photographs and collect samples of any wastes either being discharged to the sewer system or with the potential for such discharge, or for any other violation of local, state or federal law which may impact the POTW.

4.04 RESPONSIBILITIES OF THE DISTRICT ADMINISTRATOR

The District Administrator shall be charged with the administration of the sewer system and the enforcement of the provisions of the Ordinance. For such purposes, upon presentation of proper credentials and identification, the Administrator or his/her representative may enter at reasonable times any premises in the service area to perform any duty imposed upon him by the Ordinance.

The District Administrator shall be responsible for checking the quantitative or qualitative compliance with the established regulations. Such quantitative or qualitative analysis may be made either by spot checks or regularly scheduled checks of all waste material.

If the waste material is found to be in violation of the standards established in Article 3 of the Ordinance, it will be the responsibility of the District Administrator or his/her representative to request compliance and make reports on the progress of corrective measures to the Board.

4.05 FEES

4.05.010 AUTHORITY TO ASSESS AND COLLECT FEES

All users of the SSLOCSD WWTP shall be subject to the terms and conditions of the Ordinance and to the terms, conditions, fees, and fines as described below and as contained in the SSLOCSD Ordinance 2006 – 01, future revisions of SSLOCSD Ordinance 2006 – 01, and as set forth in Article 5 of the Ordinance.

The fees listed and described below, shall be payable to SSLOCSD only and do not include any additional fees which may be levied by SSLOCSD Member Agencies.

SSLOCSD shall have the authority to assess and collect fees, for cost recovery purposes. The fees are cumulative and may include, but are not limited to, the fees specified in this Chapter.

4.05.020 CONNECTION FEES

For each connection of a building sewer to a public sewer, a connection fee is hereby established. The purpose of this fee is to recover SSLOCSD costs for application review, permit issuance, administration of the permit, and scheduled inspections to verify application information. The fee shall be collected by SSLOCSD before the permit for the connection work is issued. The Board may, from time to time, by resolution, set forth the amount of the sewer connection fees. Such resolution shall provide for a method of adjusting the amount of the fees to account for changes in construction costs or other considerations affecting the reasonable relationship between the fees and the cost of the public sewer system.

Every house and building requiring a sewer service shall have an independent connection to the public sewer, except that more than one building located on a lot under one ownership, or

condominium, or planned unit development may be connected to the same building sewer in conformance with Chapter 2.02, with the exception of condominium and planned unit developments, in the event a lot with a house or building so connected is subdivided, an independent sewer connection with appropriate easements shall be provided for each differently owned premises. With the exception of condominium and planned unit developments, no two owners of adjacent lots fronting on the same street shall be permitted to join in the use of the same building sewer.

4.05.030 DISPOSITION

All moneys derived from sewer connection fees shall be used for the operation, acquisition, construction, reconstruction, and maintenance of the sanitary sewer system and shall be used to pay for sewer improvements and future sewer capacity as necessary to meet the needs of SSLOCSD resulting from growth and expansion.

4.05.040 EXCEPTIONS

Whenever new development replaces existing development, the connection fees shall be as stated in Chapter 2.06 through 2.07, less any credits determined in accordance with Chapter 2.07.

For any sewer connection not included in the provision of Chapter 2.06 through 2.07, SSLOCSD shall determine the amount of the connection fee on such basis that such fee will be equivalent to that paid by other users.

4.05.050 SSLOCSD CHARGES

All customers, upon connection to a public sewer line, shall be required to pay a bimonthly sewer service charge for having any sewer connection with the SSLOCSD, or otherwise discharging sewage that ultimately passes through the District's sewage system, in accordance with SSLOCSD Ordinance 2006 – 01 and future revisions of SSLOCSD Ordinance 2006 – 01.

4.05.060 MEMBER AGENCY CHARGES

All customers, upon connection to a public sewer line, shall be subject to sewer service charges for those pipelines and appurtenances constructed, maintained and operated by the Member Agencies primarily for the collection of sewage and the conveyance thereof to the sewer plant owned and operated by the South San Luis Obispo County sanitation district. The Member Agencies shall, by resolution, establish the rates which will be charged for sewer service.

4.05.070 CHARGES FOR EXTRAORDINARY SERVICES

It is the intent of SSLOCSD to equalize the cost of sewer service throughout the area of the SSLOCSD by the application of the provisions of Chapter 2.06 through 2.07, and, notwithstanding any provisions of Chapter 2.06 through 2.07, SSLOCSD may, in any instance, increase the service charges to be charged for any extraordinary service to achieve such objective.

4.05.080 CREDITS

A person making a sewer connection may apply for credit against the fees due. Credit may be allowed for connection fees, a portion thereof, or an equivalent that has been previously paid. The District Administrator shall determine that amount of credit allowed.

No reductions in connection fees shall be transferable to another parcel of land.

4.05.090 REIMBURSEMENT

Any person extending a public sewer to the benefit of other properties may request a reimbursement agreement to be approved by the Board. The Board shall approve or disapprove of any reimbursement agreement. The reimbursement agreement shall not reduce the connection fees to be paid to SSLOCSD. The maximum term of a reimbursement agreement shall be ten (10) years.

4.05.100 PAYMENT

No sewer service shall be provided until the sewer connection fees have been paid.

4.05.110 DELINQUENCIES—COLLECTION

A sewer service bill will become delinquent if, on the fifteenth day of the month following the month in which a sewer bill is mailed, the bill, or that portion thereof which is not in bona fide dispute, remains unpaid. The SSLOCSD shall notify the property owner of such delinquent charges. If a bill has been delinquent for two months on such property, the city shall post a notice on the property that sewer service will be discontinued unless the bills for sewer charges and all delinquencies are paid. If the occupant is not the property owner, the SSLOCSD shall also send a copy of the disconnection notice to the property owner by mail at his or her last address shown on SSLOCSD's records. If all delinquent bills have not been paid within fifteen (15) days after the posting of such notice, SSLOCSD or the applicable Member Agency may disconnect the sewer or discontinue the water service to the property. The costs of disconnecting the sewer and reconnecting it, together with all other amounts due, shall be paid by cash, cashier's check, or certified check at the time an application is made for reconnection. It is unlawful for any person to inhabit a disconnected property or produce any sewage thereon until the property has been reconnected. Service charges shall continue to accrue during the period of such disconnection.

4.05.120 DELINQUENCIES—LIENS

Charges of any kind more than sixty (60) days delinquent, plus any penalties and interest thereon, when recorded as provided in Section 5470 *et. seq.* of the Health and Safety Code of the State of California, shall constitute a lien upon the real property served. Such lien shall continue until all charges are fully paid, or until the property is sold therefor, or until otherwise extinguished by operation of law.

ARTICLE 5 - VIOLATIONS

5.01 ENFORCEMENT

The District may, in its discretion, implement the use of any mechanism or the concurrent use of several mechanisms in order to enforce the provisions of the Ordinance. The enforcement mechanisms provided herein may be cumulative in respect to such other enforcement mechanisms or civil and criminal penalties as may be otherwise available under the laws of the State of California and the United States of America. Nothing in the Ordinance is intended to prevent state or federal regulatory agencies from undertaking enforcement actions as may otherwise be available due to a violation of the Ordinance, which also constitutes a violation of federal or state statutes and regulations.

5.01.010 NOTICE OF VIOLATION

A “Notice of Violation” shall be issued to a responsible person prior to issuing an administrative citation in response to any violation of the Ordinance. Such Notice of Violation shall serve as a written warning of responsibility and require immediate action by the responsible person to cease and abate the violation. The Notice of Violation shall include the information set forth in this Section and a date by which the violation can reasonably be ceased and abated. If the violation is not ceased or abated by the end of the correction period stated in the Notice, the enforcement officer may issue an administrative citation assessing fines in accordance with this chapter.

In accordance with Government Code Section 53069.4, no responsible person shall be assessed a civil fine under this chapter for a continuing violation pertaining to building, plumbing, electrical, zoning, or other structural, design or land use regulation without first receiving a warning and reasonable opportunity to correct or otherwise remedy the violation.

In such circumstance, the enforcement officer shall issue a Notice of Violation requiring cessation or abatement of the violation within a stated period of time prior to the assessment of civil fines. The stated period available to correct the violation prior to assessment of fines shall be appropriate to the violation as determined by the enforcement officer, but in no event less than 7 days.

If, after the correction period stated in the Notice of Violation, the violation is not ceased or abated, the enforcement officer may issue an administrative citation assessing fines accruing on each day the violation exists beyond the stated period to correct the violation without abatement.

Any responsible person cited for a continuing violation may petition the District Administrator for an extension of time to correct the violation so long as the petition is received before the end of the correction period. The District Administrator may grant an extension of time to correct the violation if the responsible person has supplied sufficient evidence showing that the correction cannot reasonably be made within the stated period.

The procedures of this section shall not apply in instances where, in the discretion of the District Administrator, a violation poses an immediate danger to public health or safety.

5.01.020 SUSPEND SERVICE

SSLOCSD has the authority to suspend service to any user found in violation of the SSLOCSD Sanitary Sewer System Use Ordinance or state or federal regulations. The suspension may remain in force until the user becomes in compliance. The District Administrator may require the user to enroll in the SSLOCSD Pretreatment Program prior to reconnection. Before the user is enrolled in the SSLOCSD Pretreatment Program and prior to reconnection, the user shall reimburse SSLOCSD for the cost of the disconnection. Any reconnection will be at the expense of the user.

5.01.030 TERMINATE SERVICE

Service to the sewer system may be terminated, by disconnection of a user's sewer connection, upon written notice by the District Administrator for any of the following reasons:

1. Violation of an Administrative Order
2. Refusal to cooperate with SSLOCSD personnel or comply with SSLOCSD policies.
3. Refusal to allow SSLOCSD personnel reasonable access to a premise for purposes of inspection, monitoring, or abating an illegal discharge.
4. One or more serious violations which endanger the health or safety of the public or SSLOCSD personnel or which endanger the sewer system and/or the environment.

5.01.040 ADMINISTRATIVE ORDER

SSLOCSD has the authority to issue an Administrative Order to bring a user into compliance. An Administrative Order may be a Cease and Desist Order, Show Cause Order, or Compliance Order. The filing of an Administrative Order is under the discretion of the District Administrator and is considered to be an intermediate step to enforcing compliance.

5.01.050 ADMINISTRATIVE CIVIL PENALTIES

Pursuant to the authority of California Government Code Sections 54739 to 54740.6, the Board, the District Administrator, or designated staff may issue administrative complaints, conduct administrative hearings and impose civil penalties in accordance with the procedures set forth in these sections for violation of SSLOCSD's requirements relating to pretreatment of industrial waste or the prevention of the entry of industrial waste into the sewer system. When an administrative complaint is issued by staff, a copy of the complaint will be provided to the Board.

These penalties shall be as follows:

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

2. In an amount which shall not exceed three thousand dollars (\$3,000) for each day for failing or refusing to comply in a timely manner with any compliance schedule established by SSLOCSD.
3. In an amount which shall not exceed five thousand dollars (\$5,000) per violation for each day for discharges in violation of any waste discharge limitation, permit condition, or requirement issued, reissued, or adopted by SSLOCSD. Unless appealed, orders setting administrative civil penalties shall become effective and final upon issuance thereof, and payment shall be made within thirty (30) days. As to court actions authorized by the above referenced sections, the special counsel designated by the Board shall institute appropriate actions to affect statutorily authorized remedies, upon order of the Board.

5.01.060 CIVIL ACTION

Any user, who violates any provision of the SSLOCSD Sanitary Sewer System Use Ordinance or who violates any Cease and Desist Order, prohibition or effluent limitation, shall be liable civilly for a penalty not to exceed Twenty- Five Thousand U.S. Dollars (\$25,000) for each day in which such violation occurs pursuant to California Government Code Section 54740. The special counsel designated by the Board, upon order of the Board, shall institute such actions as may be appropriate in a court of competent jurisdiction to impose, assess, and recover such sums.

Pursuant to the authority of the CWA, 33 U.S.C. § 1251, *et seq.*, any discharger committing a violation of any provision of the SSLOCSD Sanitary Sewer System Use Ordinance, which is also a violation of a pretreatment standard, effluent standard or limitation or other applicable provisions of the CWA shall be liable civilly for a sum not to exceed Twenty-Five Thousand U.S. Dollars (\$25,000) per violation for each day in which such violation occurs. The District Administrator may bring an action under the CWA as a citizen's suit at the discretion of the Board.

Where deemed appropriate by the District Administrator, SSLOCSD will pursue further civil action, including, but not limited to, civil suits for damage to the sewer system, injunctive relief, or both. Civil actions may be pursued on a strict liability basis, regardless of intent, and shall include reimbursement for all costs incurred by SSLOCSD, including costs for repair and administrative costs.

5.01.070 CRIMINAL PROSECUTION

Where SSLOCSD or its District Administrator determines that a violation of the Sanitary sewer system use ordinance has occurred, resulting in extreme damage to the sewer system, or from fraudulent practices, criminal noncompliance, violation of an Administrative Order, violation of a compliance schedule, or negligent or intentional discharge of waste, which causes a threat to the health or safety of the public, SSLOCSD personnel, treatment processes, or the environment, SSLOCSD may pursue criminal prosecution, pursuant to Health & Safety Code Section 6523. The offender faces thirty (30) days in jail, per violation, or a fine of one thousand dollars (\$1,000), per day per violation, or both.

5.02 LIABILITY FOR DAMAGES FOR VIOLATION

Any person violating a provision of the Ordinance shall be liable for all damages resulting from such violation, or which arise from actions taken in the correction of such violation, which are incurred by SSLOCSD, including, but not limited to, attorney's fees, court costs, and fines levied on SSLOCSD by regulatory agencies. All such fees are payable to SSLOCSD and are in addition to any costs accrued by Member Agencies. All such fees are due and payable upon receipt of notice. Delinquent fees will result in delinquent charges, enforcement actions, or both, as described in Sections 4.05.110 and 4.05.120 of the Ordinance.

5.03 HEARINGS AND APPEALS

Any user, permit applicant, or permittee, found in violation of the Ordinance, or adversely affected by a decision, action, or determination of the District Administrator, his representative, or SSLOCSD interpreting or implementing the Ordinance or in any permit enforcement action issued herein, may file a written request for reconsideration of the decision, action, or determination within ten (10) working days of notification of said decision, action, or determination. The written request for reconsideration shall detail facts supporting the user's request and such facts must include a statement listing all relevant facts which must be considered, including such facts that may not have been known or available to SSLOCSD at the date of such decision, action, or determination.

The District Administrator shall render decision in writing on the request for reconsideration within ten (10) working days of receiving such request. If the decision on the request for reconsideration still is unacceptable to the user, the user may file a request for appeal to the Board, within ten (10) working days of notice of the District Administrator's decision. When a written request for appeal has been received and logged with the Board, the Board shall schedule a hearing before the Board within forty-five (45) days from receipt of the request for appeal and the Board shall make a final ruling on the District Administrator's decision within ninety (90) days from receiving the request for appeal.

Except where deemed appropriate by the District Administrator, this reconsideration and appeal process described in this section of the Ordinance shall not halt or delay any enforcement action taken by SSLOCSD. SSLOCSD reserves the authority to designate a hearing officer to hear all testimony presented for a hearing or appeal.

Prior to any court challenge of any SSLOCSD action, decision, or determination, the user shall exhaust all administrative remedies contained in the Ordinance.


Notwithstanding the foregoing, the statutory appeal procedures set forth in California Government Code Section 54739, *et seq.*, applicable to administrative civil penalties imposed or sought pursuant to Chapter 5.01, of the SSLOCSD Sanitary Sewer System Use Ordinance, shall exclusively apply to such penalties.

5.04 EMERGENCY MEASURES

The District Administrator shall have full power and authority to take any necessary precautions against a condition that is likely to result in a discharge which presents an imminent hazard to the public health, safety, or welfare; or which, either singly or by interaction with other discharges, is an imminent hazard to the sewer system; or which places SSLOCSD in violation of its NPDES permit or any other federal, state, or local permits. The precautions include, but are not limited to, decontamination, sewer closure, packaging, diking, and transportation of materials, in order to protect life, protect property, or prevent further damage to the environment or the sewer system. In the pursuit of such an operation, SSLOCSD personnel, any person contracting with SSLOCSD, or the duly authorized representative of another governmental agency shall have immediate access to the premises. The District Administrator may prohibit approach to the scene of such emergency by any person, vehicle, vessel, or thing, and all persons not actually employed in the correction of the conditions or the preservation of lives and property in the vicinity thereof.

ARTICLE 6 - ADOPTION

ADOPTED, SIGNED, AND APPROVED by the Governing Board of SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT this 15th day of June, 2011.


Chairman of the Board of Directors
South San Luis Obispo County Sanitation District

ATTEST:

STATE OF CALIFORNIA)
COUNTY OF SAN LUIS OBISPO) SS.
SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT)

I, John Wallace, Secretary of the Board of Directors of the South San Luis Obispo County Sanitation District, do hereby certify that Ordinance No. 2011-1 is a full, true, and correct copy and was introduced at a regular meeting of the South San Luis Obispo County Sanitation District Board of Directors on the 18th day of May, 2011, re-introduced at a regular meeting of the Board of Directors held on the 1st day of June, 2011, and adopted at a regular meeting of the Board of Directors on the 15th day of June, 2011, by the following vote:

AYES: Directors: Nicolls, Ferrara, and Angello

NOES: None.

ABSENT: None.

ABSTAIN: None.


Secretary of the Board of Directors
South San Luis Obispo County Sanitation District

**SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT
PROFESSIONAL SERVICES AGREEMENT
WITH**

THIS AGREEMENT is made and entered into this ___ day of _____, 20__ ("Effective Date"), by and between the SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT, a public entity ("District"), and _____, a [state] [type of corporation] ("Consultant").

W I T N E S S E T H:

A. WHEREAS, District proposes to utilize the services of Consultant as an independent contractor to _____, as more fully described herein; and

B. WHEREAS, Consultant represents that it has that degree of specialized expertise contemplated within California Government Code Section 37103, and holds all necessary licenses to practice and perform the services herein contemplated; and

C. WHEREAS, District and Consultant desire to contract for the specific services described in Exhibit "A" (the "Project") and desire to set forth their rights, duties and liabilities in connection with the services to be performed; and

D. WHEREAS, no official or employee of District has a financial interest, within the provisions of Sections 1090-1092 of the California Government Code, in the subject matter of this Agreement.

NOW, THEREFORE, for and in consideration of the mutual covenants and conditions contained herein, the parties hereby agree as follows:

1.0. SERVICES PROVIDED BY CONSULTANT

1.1. Scope of Services. Consultant shall provide the professional services described in the Consultant's Proposal ("Proposal"), attached hereto as Exhibit "A" and incorporated herein by this reference.

1.2. Professional Practices. All professional services to be provided by Consultant pursuant to this Agreement shall be provided by personnel experienced in their respective fields and in a manner consistent with the standards of care, diligence and skill ordinarily exercised by professional consultants in similar fields and circumstances in accordance with sound professional practices. Consultant also warrants that it is familiar with all laws that may affect its performance of this Agreement and shall advise District of any changes in any laws that may affect Consultant's performance of this Agreement. Consultant shall keep itself informed of State and Federal laws and regulations which in any manner affect those employed by it or in any way affect the performance of its service pursuant to this Agreement. The Consultant shall at all times observe and comply with all such laws and regulations. Officers and employees shall not be liable at law or in equity occasioned by failure of the Consultant to comply with this section.

1.3. Performance to Satisfaction of District. Consultant agrees to perform all the work to the complete satisfaction of the District and within the hereinafter specified. Evaluations of the work will be done by the District Administrator or his or her designee. If the quality of work is not satisfactory, District in its discretion has the right to:

- (a) Meet with Consultant to review the quality of the work and resolve the matters of concern;
- (b) Require Consultant to repeat the work at no additional fee until it is satisfactory; and/or
- (c) Terminate the Agreement as hereinafter set forth.

1.4. Warranty. Consultant warrants that it shall perform the services required by this Agreement in compliance with all applicable Federal and California employment laws, including, but not limited to, those laws related to minimum hours and wages; occupational health and safety; fair employment and employment practices; workers' compensation insurance and safety in employment; and all other Federal, State and local laws and ordinances applicable to the services required under this Agreement. Consultant shall indemnify and hold harmless District from and against all claims, demands, payments, suits, actions, proceedings, and judgments of every nature and description including attorneys' fees and costs, presented, brought, or recovered against District for, or on account of any liability under any of the above-mentioned laws, which may be incurred by reason of Consultant's performance under this Agreement.

1.5. Non-discrimination. In performing this Agreement, Consultant shall not engage in, nor permit its agents to engage in, discrimination in employment of persons because of their race, religion, color, national origin, ancestry, age, physical handicap, medical condition, marital status, sexual gender or sexual orientation, except as permitted pursuant to Section 12940 of the Government Code. Such actions shall include, but not be limited to the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation and selection for training, including apprenticeship. Consultant agrees to post in conspicuous places, available to employees and applicants for employment, a notice setting forth provisions of this non-discrimination clause.

Consultant shall, in all solicitations and advertisements for employees placed by, or on behalf of Consultant shall state that all qualified applicants will receive consideration for employment without regard to age, race, color, religion, sex, marital status, national origin, or mental or physical disability. Consultant shall cause the paragraphs contained in this Section to be inserted in all subcontracts for any work covered by the Agreement, provided that the foregoing provisions shall not apply to subcontracts for standard commercial supplies or raw materials.

1.6. Non-Exclusive Agreement. Consultant acknowledges that District may enter into agreements with other consultants for services similar to the services that are subject to this Agreement or may have its own employees perform services similar to those services contemplated by this Agreement.

1.7. Delegation and Assignment. This is a personal service contract, and the duties set forth herein shall not be delegated or assigned to any person or entity without the prior written consent of District. Consultant may engage a subcontractor(s) as permitted by law and may employ other personnel to perform services contemplated by this Agreement at Consultant's sole cost and expense. All insurance requirements contained in this Agreement are independently applicable to any and all subcontractors that Consultant may engage during the term of this Agreement.

1.8. Confidentiality. Employees of Consultant in the course of their duties may have access to financial, accounting, statistical, and personnel data of private individuals and employees of District. Consultant covenants that all data, documents, discussion, or other information developed or received by Consultant or provided for performance of this Agreement are deemed confidential and shall not be disclosed by Consultant without written authorization by District. District shall grant such authorization if disclosure is required by law. All District data shall be returned to District upon the termination of this Agreement. Consultant's covenant under this Section shall survive the termination of this Agreement.

2.0. COMPENSATION AND BILLING

2.1. Compensation. Consultant shall be paid in accordance with the fee schedule set forth in Exhibit "A". Consultant's total compensation shall not exceed _____ Dollars (\$ _____00).

2.2. Additional Services. Consultant shall not receive compensation for any services provided outside the scope of services specified in the Consultant's Proposal or which is inconsistent with or in violation of the provisions of this Agreement unless the District or the Project Manager for this Project, prior to Consultant performing the additional services, approves such additional services in writing. It is specifically understood that oral requests and/or approvals of such additional services or additional compensation shall be barred and are unenforceable. Should the District request in writing additional services that increase the hereinabove described "SCOPE OF SERVICES", an additional fee based upon the Consultant's standard hourly rates shall be paid to the Consultant for such additional services. Such increase in additional fees shall be limited to 25% of the total contract sum or \$25,000 whichever is more. The District Administrator is authorized to approve a Change Order for such additional services.

2.3. Method of Billing. Consultant may submit invoices to the District for approval on a progress basis, but no more often than two times a month. Said invoice shall be based on the total of all Consultant's services which have been completed to District's sole satisfaction. District shall pay Consultant's invoice within forty-five (45) days from the date District receives said invoice. Each invoice shall describe in detail, the services performed, the date of performance, and the associated time for completion. Any additional services approved and performed pursuant to this Agreement shall be designated as "Additional Services" and shall identify the number of the authorized change order, where applicable, on all invoices.

2.4. Records and Audits. Records of Consultant's services relating to this Agreement shall be maintained in accordance with generally recognized accounting principles and shall be made available to District or its Project Manager for inspection and/or audit at mutually convenient times for a period of three (3) years from the Effective Date.

3.0. TIME OF PERFORMANCE

3.1. Commencement and Completion of Work. The professional services to be performed pursuant to this Agreement shall commence within five (5) days from the Effective Date of this Agreement. Said services shall be performed in strict compliance with the Project Schedule approved by District as set forth in Exhibit "A."

3.2. Excusable Delays. Neither party shall be responsible for delays or lack of performance resulting from acts beyond the reasonable control of the party or parties. Such acts shall include, but not be limited to, acts of God, fire, strikes, material shortages, compliance with laws or regulations, riots, acts of war, or any other conditions beyond the reasonable control of a party. If a delay beyond the control of the Consultant is encountered, a time extension may be mutually agreed upon in writing by the District and the Consultant. The Consultant shall present documentation satisfactory to the District to substantiate any request for a time extension.

4.0. TERM AND TERMINATION

4.1. Term. This Agreement shall commence on the Effective Date and continue for a period of _____ months, ending on _____, 20__, unless previously terminated as provided herein or as otherwise agreed to in writing by the parties.

4.2. Notice of Termination. The District reserves and has the right and privilege of canceling, suspending or abandoning the execution of all or any part of the work contemplated by this Agreement, with or without cause, at any time, by providing at least fifteen (15) days prior written notice to Consultant. The termination of this Agreement shall be deemed effective upon receipt of the notice of termination. In the event of such termination, Consultant shall immediately stop rendering services under this Agreement unless directed otherwise by the District. If the District suspends, terminates or abandons a portion of this Agreement such suspension, termination or abandonment shall not make void or invalidate the remainder of this Agreement.

If the Consultant defaults in the performance of any of the terms or conditions of this Agreement, it shall have ten (10) days after service upon it of written notice of such default in which to cure the default by rendering a satisfactory performance. In the event that the Consultant fails to cure its default within such period of time, the District shall have the right, notwithstanding any other provision of this Agreement, to terminate this Agreement without further notice and without prejudice to any other remedy to which it may be entitled at law, in equity or under this Agreement.

The District shall have the right, notwithstanding any other provisions of this Agreement, to terminate this Agreement, at its option and without prejudice to any other remedy to which it may be entitled at law, in equity or under this Agreement, immediately upon service of written notice of termination on the Consultant, if the latter should:

- a. Be adjudged a bankrupt;
- b. Become insolvent or have a receiver of its assets or property appointed because of insolvency;
- c. Make a general assignment for the benefit of creditors;
- d. Default in the performance of any obligation or payment of any indebtedness under this Agreement;
- e. Suffer any judgment against it to remain unsatisfied or unbonded of record for thirty (30) days or longer; or
- f. Institute or suffer to be instituted any procedures for reorganization or

rearrangement of its affairs.

4.3. Compensation. In the event of termination, District shall pay Consultant for reasonable costs incurred and professional services satisfactorily performed up to and including the date of District's written notice of termination within thirty-five (35) days after service of the notice of termination. Compensation for work in progress shall be prorated based on the percentage of work completed as of the effective date of termination in accordance with the fees set forth herein. In ascertaining the professional services actually rendered hereunder up to the effective date of termination of this Agreement, consideration shall be given to both completed work and work in progress, to complete and incomplete drawings, and to other documents pertaining to the services contemplated herein whether delivered to the District or in the possession of the Consultant. District shall not be liable for any claim of lost profits.

4.4. Documents. In the event of termination of this Agreement, all documents prepared by Consultant in its performance of this Agreement including, but not limited to, finished or unfinished design, development and construction documents, data studies, drawings, maps and reports, shall be delivered to the District within ten (10) days of delivery of termination notice to Consultant, at no cost to District. Any use of uncompleted documents without specific written authorization from Consultant shall be at District's sole risk and without liability or legal expense to Consultant.

5.0. INSURANCE

5.1. Minimum Scope and Limits of Insurance. Consultant shall obtain, maintain, and keep in full force and effect during the life of this Agreement all the following minimum scope of insurance coverages with an insurance company admitted to do business in California, rated "A," Class X, or better in the most recent Best's Key Insurance Rating Guide, and approved by District:

- (a) Broad-form commercial general liability, in a form at least as broad as ISO form #CG 00 01 04 13, including premises-operations, products/completed operations, broad form property damage, blanket contractual liability, independent contractors, personal injury or bodily injury with a policy limit of not less than One Million Dollars (\$1,000,000.00), combined single limits, per occurrence. If such insurance contains a general aggregate limit, it shall apply separately to this Agreement or shall be twice the required occurrence limit. If Consultant maintains higher limits than the specified minimum limits, District requires and shall be entitled to coverage for the high limits maintained by the Consultant.
- (b) Business automobile liability for owned vehicles, hired, and non-owned vehicles, with a policy limit of not less than One Million Dollars (\$1,000,000.00), combined single limits, each incident for bodily injury and property damage.
- (c) Workers' compensation insurance as required by the State of California and Employers Liability Insurance with a minimum limit of \$1,000,000 per accident for any employee or employees of Consultant. Consultant agrees to waive, and to obtain endorsements from its workers' compensation insurer waiving subrogation rights under its workers'

compensation insurance policy against the District, its officers, agents, employees, and volunteers for losses arising from work performed by Consultant for the District and to require each of its subcontractors, if any, to do likewise under their workers' compensation insurance policies.

Before execution of this Agreement by the District, the Consultant shall file with the Public Works Director/District Engineer the following signed certification:

I am aware of, and will comply with, Section 3700 of the Labor Code, requiring every employer to be insured against liability of Workers' Compensation or to undertake self-insurance before commencing any of the work.

The Consultant shall also comply with Section 3800 of the Labor Code by securing, paying for and maintaining in full force and effect for the duration of this Agreement, complete Workers' Compensation Insurance, and shall furnish a Certificate of Insurance to the Public Works Director/District Engineer before execution of this Agreement by the District. The District, its officers and employees shall not be responsible for any claims in law or equity occasioned by failure of the consultant to comply with this section.

- (d) Professional errors and omissions ("E&O") liability insurance with policy limits of not less than One Million Dollars (\$1,000,000.00), combined single limits, per occurrence and aggregate. Architects' and engineers' coverage shall be endorsed to include contractual liability. If the policy is written as a "claims made" policy, the retro date shall be prior to the start of the contract work. Consultant shall obtain and maintain, said E&O liability insurance during the life of this Agreement and for three years after completion of the work hereunder.

Neither the DISTRICT nor any of its elected or appointed officials, officers, agents, employees, or volunteers makes any representation that the types of insurance and the limits specified to be carried by Consultant under this Agreement are adequate to protect Consultant. If Consultant believes that any such insurance coverage is insufficient, Consultant shall provide, at its own expense, such additional insurance as Consultant deems adequate.

5.2. Endorsements. The commercial general liability insurance policy and business automobile liability policy shall contain or be endorsed to contain the following provisions as worded below:

- (a) Additional insureds: "The District of Placentia and its elected and appointed boards, officers, officials, agents, employees, and volunteers are additional insureds with respect to: liability arising out of activities performed by or on behalf of the Consultant pursuant to its contract with the District; products and completed operations of the Consultant; premises owned, occupied or used by the Consultant; automobiles owned, leased, hired, or borrowed by the Consultant."
- (b) Notice: "Consultant shall provide immediate written notice if (1) any of the

required insurance policies is terminated; (2) the limits of any of the required policies are reduced; (3) or the deductible or self-insured retention is increased. In the event of any cancellation or reduction in coverage or limits of any insurance, Consultant shall forthwith obtain and submit proof of substitute insurance. Should Consultant fail to immediately procure other insurance, as specified, to substitute for any canceled policy, the District may procure such insurance at Consultant's sole cost and expense."

- (c) Other insurance: "The Consultant's insurance coverage shall be primary insurance as respects the District of Placentia, its officers, officials, agents, employees, and volunteers. Any other insurance maintained by the District of Placentia shall be excess and not contributing with the insurance provided by this policy."
- (d) Any failure to comply with the reporting provisions of the policies shall not affect coverage provided to the District of Placentia, its officers, officials, agents, employees, and volunteers.
- (e) The Consultant's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

5.3. Deductible or Self-Insured Retention. If any of such policies provide for a deductible or self-insured retention to provide such coverage, the amount of such deductible or self-insured retention shall be approved in advance by District. No policy of insurance issued as to which the District is an additional insured shall contain a provision which requires that no insured except the named insured can satisfy any such deductible or self-insured retention.

5.4. Certificates of Insurance. Consultant shall provide to District certificates of insurance showing the insurance coverages and required endorsements described above, in a form and content approved by District, prior to performing any services under this Agreement. The certificates of insurance and endorsements shall be attached hereto as Exhibit "B" and incorporated herein by this reference.

5.5. Non-limiting. Nothing in this Section shall be construed as limiting in any way, the indemnification provision contained in this Agreement, or the extent to which Consultant may be held responsible for payments of damages to persons or property.

6.0. GENERAL PROVISIONS

6.1. Entire Agreement. This Agreement constitutes the entire agreement between the parties with respect to any matter referenced herein and supersedes any and all other prior writings and oral negotiations. This Agreement may be modified only in writing and signed by the parties in interest at the time of such modification. The terms of this Agreement shall prevail over any inconsistent provision in any other contract document appurtenant hereto, including exhibits to this Agreement.

6.2. Representatives. The District Administrator or his or her designee shall be the representative of District for purposes of this Agreement and may issue all consents, approvals, directives and agreements on behalf of the District, called for by this Agreement, except as

otherwise expressly provided in this Agreement.

Consultant shall designate a representative for purposes of this Agreement who shall be authorized to issue all consents, approvals, directives and agreements on behalf of Consultant called for by this Agreement, except as otherwise expressly provided in this Agreement.

6.3. Project Managers. District shall designate a Project Manager to work directly with Consultant in the performance of this Agreement. It shall be the Consultant's responsibility to assure that the Project Manager is kept informed of the progress of the performance of the services and the Consultant shall refer any decision, which must be made by District, to the Project Manager. Unless otherwise specified herein, any approval of District required hereunder shall mean the approval of the Project Manager.

Consultant shall designate a Project Manager who shall represent it and be its agent in all consultations with District during the term of this Agreement and who shall not be changed by Consultant without the express written approval by the District. Consultant or its Project Manager shall attend and assist in all coordination meetings called by District.

6.4. Notices. Any notices, documents, correspondence or other communications concerning this Agreement, or the work hereunder may be provided by personal delivery, facsimile or if mailed, shall be addressed as set forth below and placed in a sealed envelope, postage prepaid, and deposited in the United States Postal Service. Such communication shall be deemed served or delivered: a) at the time of delivery if such communication is sent by personal delivery; b) at the time of transmission if such communication is sent by facsimile; and c) 72 hours after deposit in the U.S. Mail as reflected by the official U.S. postmark if such communication is sent through regular United States mail.

IF TO CONSULTANT:

Tel: _____
Fax: _____
Attn: _____

IF TO DISTRICT:

South San Luis Obispo County
Sanitation District
1600 Aloha Pl
Oceano, CA 93445

Tel: _____
Fax: _____
Attn: _____

6.5. Attorneys' Fees. In the event that litigation is brought by any party in connection with this Agreement, the prevailing party shall be entitled to recover from the opposing party all costs and expenses, including reasonable attorneys' fees, incurred by the prevailing party in the exercise of any of its rights or remedies hereunder or the enforcement of any of the terms, conditions, or provisions hereof.

6.6. Governing Law. This Agreement shall be governed by and construed under the laws of the State of California without giving effect to that body of laws pertaining to conflict of laws. In the event of any legal action to enforce or interpret this Agreement, the parties hereto agree that the sole and exclusive venue shall be a court of competent jurisdiction located in San Luis Obispo County, California. Consultant agrees to submit to the personal jurisdiction of such court in the event of such action.

6.7. Assignment. Consultant shall not voluntarily or by operation of law assign, transfer, sublet or encumber all or any part of Consultant's interest in this Agreement without District's prior written consent. Any attempted assignment, transfer, subletting or encumbrance shall be void and shall constitute a breach of this Agreement and cause for termination of this Agreement. Regardless of District's consent, no subletting or assignment shall release Consultant of Consultant's obligation to perform all other obligations to be performed by Consultant hereunder for the term of this Agreement.

6.8. Indemnification and Hold Harmless. Consultant agrees to defend, indemnify, hold free and harmless the District, its elected and appointed officials, officers, agents and employees, at Consultant's sole expense, from and against any and all claims, demands, actions, suits or other legal proceedings brought against the District, its elected and appointed officials, officers, agents and employees arising out of the performance of the Consultant, its employees, and/or authorized subcontractors, of the work undertaken pursuant to this Agreement. The defense obligation provided for hereunder shall apply whenever any claim, action, complaint or suit asserts liability against the District, its elected and appointed officials, officers, agents and employees based upon the work performed by the Consultant, its employees, and/or authorized subcontractors under this Agreement, whether or not the Consultant, its employees, and/or authorized subcontractors are specifically named or otherwise asserted to be liable. Notwithstanding the foregoing, the Consultant shall not be liable for the defense or indemnification of the District for claims, actions, complaints or suits arising out of the sole active negligence or willful misconduct of the District. This provision shall supersede and replace all other indemnity provisions contained either in the District's specifications or Consultant's Proposal, which shall be of no force and effect.

6.9. Independent Contractor. Consultant is and shall be acting at all times as an independent contractor and not as an employee of District. Consultant shall have no power to incur any debt, obligation, or liability on behalf of District or otherwise act on behalf of District as an agent. Neither District nor any of its agents shall have control over the conduct of Consultant or any of Consultant's employees, except as set forth in this Agreement. Consultant shall not, at any time, or in any manner, represent that it or any of its or employees are in any manner agents or employees of District. Consultant shall secure, at its sole expense, and be responsible for any and all payment of Income Tax, Social Security, State Disability Insurance Compensation, Unemployment Compensation, and other payroll deductions for Consultant and its officers, agents, and employees, and all business licenses, if any are required, in connection with the services to be performed hereunder. Consultant shall indemnify and hold District harmless from any and all taxes, assessments, penalties, and interest asserted against District by reason of the independent contractor relationship created by this Agreement. Consultant further agrees to indemnify and hold District harmless from any failure of Consultant to comply with the applicable worker's compensation laws. District shall have the right to offset against the amount of any fees due to Consultant under this Agreement any amount due to District from Consultant as a result of Consultant's failure to promptly pay to District any reimbursement or indemnification arising under this paragraph.

6.10. PERS Eligibility Indemnification. In the event that Consultant or any employee, agent, or subcontractor of Consultant providing services under this Agreement claims or is determined by a court of competent jurisdiction or the California Public Employees Retirement System (PERS) to be eligible for enrollment in PERS as an employee of the District, Consultant shall indemnify, defend, and hold harmless District for the payment of any employee and/or employer contributions for PERS benefits on behalf of Consultant or its employees, agents, or

subcontractors, as well as for the payment of any penalties and interest on such contributions, which would otherwise be the responsibility of District.

Notwithstanding any other agency, state or federal policy, rule, regulation, law or ordinance to the contrary, Consultant and any of its employees, agents, and subcontractors providing service under this Agreement shall not qualify for or become entitled to, and hereby agree to waive any claims to, any compensation, benefit, or any incident of employment by District, including but not limited to eligibility to enroll in PERS as an employee of District and entitlement to any contribution to be paid by District for employer contribution and/or employee contributions for PERS benefits.

6.11. Cooperation. In the event any claim or action is brought against District relating to Consultant's performance or services rendered under this Agreement, Consultant shall render any reasonable assistance and cooperation which District might require.

6.12. Ownership of Documents. All findings, reports, documents, information and data including, but not limited to, computer tapes or discs, preliminary notes, working documents, files and tapes furnished or prepared by Consultant or any of its subcontractors in the course of performance of this Agreement, shall be and remain the sole property of District. Consultant agrees that any such documents or information shall not be made available to any individual or organization without the prior consent of District but shall be made available to the District within ten (10) days of request or within ten (10) days of termination. Any use of such documents for other projects not contemplated by this Agreement, and any use of incomplete documents, shall be at the sole risk of District and without liability or legal exposure to Consultant. District shall indemnify and hold harmless Consultant from all claims, damages, losses, and expenses, including attorneys' fees, arising out of or resulting from District's use of such documents for other projects not contemplated by this Agreement or use of incomplete documents furnished by Consultant. Consultant shall deliver to District any findings, reports, documents, information, data, preliminary notes and working documents, in any form, including but not limited to, computer tapes, discs, files audio tapes or any other Project related items as requested by District or its authorized representative, at no additional cost to the District. Consultant or Consultant's agents shall execute such documents as may be necessary from time to time to confirm District's ownership of the copyright in such documents.

6.13. Public Records Act Disclosure. Consultant has been advised and is aware that this Agreement and all reports, documents, information and data, including, but not limited to, computer tapes, discs or files furnished or prepared by Consultant, or any of its subcontractors, pursuant to this Agreement and provided to District may be subject to public disclosure as required by the California Public Records Act (California Government Code Section 6250 *et seq.*). Exceptions to public disclosure may be those documents or information that qualify as trade secrets, as that term is defined in the California Government Code Section 6254.7, and of which Consultant informs District of such trade secret. The District will endeavor to maintain as confidential all information obtained by it that is designated as a trade secret. The District shall not, in any way, be liable or responsible for the disclosure of any trade secret including, without limitation, those records so marked if disclosure is deemed to be required by law or by order of the Court.

6.14. Conflict of Interest. Consultant and its officers, employees, associates and subconsultants, if any, will comply with all conflict of interest statutes of the State of California applicable to Consultant's services under this agreement, including, but not limited to, the Political Reform Act (Government Code Sections 81000, *et seq.*) and Government Code

Section 1090. During the term of this Agreement, Consultant and its officers, employees, associates and subconsultants shall not, without the prior written approval of the District Representative, perform work for another person or entity for whom Consultant is not currently performing work that would require Consultant or one of its officers, employees, associates or subconsultants to abstain from a decision under this Agreement pursuant to a conflict of interest statute.

6.15. Responsibility for Errors. Consultant shall be responsible for its work and results under this Agreement. Consultant, when requested, shall furnish clarification and/or explanation as may be required by the District's representative, regarding any services rendered under this Agreement at no additional cost to District. In the event that an error or omission attributable to Consultant occurs, then Consultant shall, at no cost to District, provide all necessary design drawings, estimates and other Consultant professional services necessary to rectify and correct the matter to the sole satisfaction of District and to participate in any meeting required with regard to the correction.

6.16. Prohibited Employment. Consultant will not employ any regular employee of District while this Agreement is in effect.

6.17. Order of Precedence. In the event of an inconsistency in this Agreement and any of the attached Exhibits, the terms set forth in this Agreement shall prevail. If, and to the extent this Agreement incorporates by reference any provision of any document, such provision shall be deemed a part of this Agreement. Nevertheless, if there is any conflict among the terms and conditions of this Agreement and those of any such provision or provisions so incorporated by reference, the conflict shall be resolved by giving precedence in the following order, if applicable: This Agreement, the District's Request for Proposals, the Consultant's Proposal.

6.18. Costs. Each party shall bear its own costs and fees incurred in the preparation and negotiation of this Agreement and in the performance of its obligations hereunder except as expressly provided herein.

6.19. No Third Party Beneficiary Rights. This Agreement is entered into for the sole benefit of District and Consultant and no other parties are intended to be direct or incidental beneficiaries of this Agreement and no third party shall have any right in, under or to this Agreement.

6.20. Headings. Paragraphs and subparagraph headings contained in this Agreement are included solely for convenience and are not intended to modify, explain or to be a full or accurate description of the content thereof and shall not in any way affect the meaning or interpretation of this Agreement.

6.21. Construction. The parties have participated jointly in the negotiation and drafting of this Agreement. In the event an ambiguity or question of intent or interpretation arises with respect to this Agreement, this Agreement shall be construed as if drafted jointly by the parties and in accordance with its fair meaning. There shall be no presumption or burden of proof favoring or disfavoring any party by virtue of the authorship of any of the provisions of this Agreement.

6.22. Amendments. Only a writing executed by the parties hereto or their respective successors and assigns may amend this Agreement.

6.23. Waiver. The delay or failure of either party at any time to require performance or compliance by the other of any of its obligations or agreements shall in no way be deemed a waiver of those rights to require such performance or compliance. No waiver of any provision of this Agreement shall be effective unless in writing and signed by a duly authorized representative of the party against whom enforcement of a waiver is sought. The waiver of any right or remedy in respect to any occurrence or event shall not be deemed a waiver of any right or remedy in respect to any other occurrence or event, nor shall any waiver constitute a continuing waiver.

6.24. Severability. If any provision of this Agreement is determined by a court of competent jurisdiction to be unenforceable in any circumstance, such determination shall not affect the validity or enforceability of the remaining terms and provisions hereof or of the offending provision in any other circumstance. Notwithstanding the foregoing, if the value of this Agreement, based upon the substantial benefit of the bargain for any party, is materially impaired, which determination made by the presiding court or arbitrator of competent jurisdiction shall be binding, then both parties agree to substitute such provision(s) through good faith negotiations.

6.25. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original. All counterparts shall be construed together and shall constitute one agreement.

6.26. Corporate Authority. The persons executing this Agreement on behalf of the parties hereto warrant that they are duly authorized to execute this Agreement on behalf of said parties and that by doing so the parties hereto are formally bound to the provisions of this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by and through their respective authorized officers, as of the date first above written.

SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT,
A public entity

[Chair or District Administrator]

Date: _____

ATTEST:

District Clerk
South San Luis Obispo County Sanitation District

CONSULTANT

Signature

Date: _____

Name and Title

Social Security or Taxpayer ID Number

APPROVED AS TO FORM:

Gil Trujillo, District Counsel

Date: _____

EXHIBIT A
CONSULTANT'S PROPOSAL AND SCOPE OF WORK

EXHIBIT B
CERTIFICATES OF INSURANCE AND ENDORSEMENTS