

**RULES AND REGULATIONS  
FOR  
WATER AND WASTEWATER SERVICE**



**EAGLE RIVER  
WATER & SANITATION  
DISTRICT**

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**APPENDIX F**

**POLLUTANT DISCHARGE REGULATIONS AND  
INDUSTRIAL PRETREATMENT PROGRAM**

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## **SECTION I - GENERAL**

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### **1.1 Purpose and Policy**

This regulation sets forth uniform requirements for Users of the Sewer System for the Eagle River Water & Sanitation District (District) and enables the District to implement and enforce an effective Industrial Pretreatment Program and to comply with its Colorado Discharge Permit System (CDPS) permit requirements. This regulation shall apply to all Users of the Sewer System. The objectives of this regulation are:

- (a) To prevent the introduction of pollutants into the Sewer System that will Interfere with its operation;
- (b) To prevent the introduction of pollutants into the Sewer System that will pass through the Wastewater Treatment Plant, inadequately treated, into receiving waters, or otherwise be incompatible with the Wastewater Treatment Plant;
- (c) To protect both District personnel who may be affected by wastewater and sludge in the course of their employment and the general public; and
- (d) To promote reuse and recycling of industrial wastewater and sludge.

### **1.2 Administration**

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

## **SECTION II – GENERAL WASTEWATER USE REQUIREMENTS**

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### **2.1 Prohibited Discharge Standards**

These general prohibitions apply to all Users of the Sewer System whether or not they are subject to categorical pretreatment standards or any other national, state, or local Pretreatment Standards or requirements.

#### *General Prohibitions*

No User shall introduce or cause to be introduced into the Sewer System any pollutant or wastewater which causes Pass Through or Interference, or which would otherwise inhibit or be incompatible with the operation of the Sewer System, including interference with the disposal of sludge.

#### *Specific Prohibitions*

No User shall introduce or cause to be introduced into the Sewer System the following pollutants, substances, or wastewater:

- (a) Pollutants which create a fire or explosive hazard in the Sewer System, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140° Fahrenheit (60° Celsius) using the test methods specified in 40 CFR 261.21;
- (b) Pollutants which will cause corrosive structural damage to the Sewer System, but in no case discharges with a pH of lower than 5.0 standard units.
- (c) Solid or viscous substances in amounts which will cause obstruction of the flow in the Sewer System or other Interference with the operation of the Sewer System.
- (d) Any pollutant, including oxygen-demanding pollutants (Biochemical Oxygen Demand (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 any treatment process at the Wastewater Treatment Plant;
- (e) Heat in amounts which will inhibit biological activity at the Wastewater Treatment Plant resulting in Interference, but in no case heat in such quantities that the temperature at the Wastewater Treatment Plant exceeds 104° Fahrenheit (40° Celsius);
- (f) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through at the Wastewater Treatment Plant;

## SECTION II – GENERAL WASTEWATER USE REQUIREMENTS

- (g) Pollutants which result in the presence of toxic gases, vapors, or fumes within the Sewer System in a quantity that may cause acute worker health and safety problems;
- (h) Trucked or hauled pollutants, except at discharge points designated by the District;
- (i) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- (j) Wastewater causing, alone or in conjunction with other sources, the Wastewater Treatment Plant's effluent to fail a toxicity test;
- (k) Detergents, surface-active agents, or other substances which may cause excessive foaming or Interference with the Sewer System;
- (l) Any specific pollutant that exceeds a local limit established by the District; or
- (m) Any other pollutant which may cause Pass Through or Interference.

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 Sewer System.

### **2.2 National Categorical Pretreatment Standards**

In addition to the General and Specific Prohibitions listed above, more specific national Categorical Pretreatment Standards are promulgated by EPA for specific industrial categories. These standards are found at 40 CFR Chapter I, Subchapter N, Parts 405-471, and are hereby incorporated.

### **2.3 Local Limits**

No User shall discharge wastewater to the Vail Wastewater Treatment Plant containing in excess of the following discharge limits:

- (a) Copper: It shall be unlawful to discharge any copper-containing wastewater in concentrations exceeding 6.7 mg/l of total copper on a daily maximum basis or 4.1 mg/l of total copper on a monthly average basis.
- (b) Mercury (Local Limits for Non-Dental Dischargers): It shall be unlawful to discharge any mercury-containing wastewater in concentrations exceeding 2.8 mg/l of total mercury on a daily maximum basis or 0.008 mg/l of total mercury on a monthly average basis.

## SECTION II – GENERAL WASTEWATER USE REQUIREMENTS

- (c) Mercury (Local Limits for Dental Offices): Dental offices shall implement the following Best Management Practices (BMPs):
- a. An ISO (International Organization for Standardization) 11143 certified amalgam separator shall be installed for each dental vacuum suction system on or before March 31, 2005, provided, however, that all dental facilities that initiate wastewater discharges to the Sewer System on or after the effective date of these regulations shall install an ISO 11143 certified amalgam separator device prior to discharge to the Sewer System. The installed device must be ISO 11143 certified as capable of removing a minimum of 95 percent of amalgam at flow rates comparable to the flow rate of the actual vacuum suction system operation. Automatic flow bypasses shall not be allowed. The following types of dental practices are exempt from the requirement to install an amalgam separator provided that removal or placement of amalgam fillings occurs at the facility no more than three (3) days per year: (1) Orthodontics; (2) Periodontics; (3) Oral and maxillofacial surgery; (4) Radiology; (5) Oral pathology or oral medicine; and (6) Endodontistry and prosthodontistry.
  - b. Proof of certification and installation records for the amalgam separator shall be submitted to the Director of Operations within thirty (30) days of installation.
  - c. Amalgam separators shall be maintained in accordance with manufacturer recommendations. Installation, certification, and maintenance records shall be available on-site for inspection by authorized District representative(s) upon request.
  - d. No person shall rinse chair-side traps, vacuum screens, or amalgam separator equipment in a sink or other connection to the Sewer System.
  - e. Owners and operators of dental facilities shall ensure that all staff members who handle amalgam waste are trained in the proper handling, management, and disposal of mercury-containing material, and shall maintain training records on-site that shall be available for inspection by authorized District representative(s) upon request.
  - f. The use of bulk mercury is prohibited. Only precapsulated dental amalgam is permitted.
  - g. Waste amalgam, including non-contact amalgam (amalgam scrap that has not been in contact with the patient); contact amalgam, including, but not limited to, extracted teeth containing amalgam and salvaged amalgam pieces from restorations; amalgam sludge captured by chair-side traps, vacuum pump filters, screens, and other amalgam-trapping devices; used amalgam capsules; and leaking or unusable amalgam capsules shall be

## SECTION II – GENERAL WASTEWATER USE REQUIREMENTS

recycled. Amalgam waste shall not be placed in biohazard or infectious waste containers, in the regular trash, or flushed down the drain. Amalgam waste shall be stored and managed in accordance with the instructions of the recycler of such materials. Records of all amalgam waste shipments shall be maintained on-site and shall be available for inspection by authorized District representative(s) upon request.

- h. Bleach and other chlorine-containing disinfectants shall not be used to disinfect the vacuum line system.
  - i. Vacuum pump filters and screens shall be changed at least once per month or as directed by the manufacturer.
  - j. Each dental facility shall submit a written annual report to the District by no later than December 31 of each year, certifying and documenting compliance with the above BMPs.
  - k. All existing dental facilities shall submit a letter of intent to comply with these BMPs to the District no later than December 31 of each year. Dental facilities that initiate wastewater discharges to the Sewer System on or after the effective date of these regulations shall submit a letter of intent to comply prior to discharge to the Sewer System.
- (d) Silver: It shall be unlawful to discharge any silver-containing wastewater in concentrations exceeding 2.0 mg/l of total silver on a daily maximum basis or 0.026 mg/l of total silver on a monthly average basis.

No User shall discharge wastewater to any of the three Wastewater Treatment Plants operated by the District (Vail, Avon, and Edwards Wastewater Treatment Plants) containing in excess of the following discharge limits:

- (a) Surfactants: It shall be unlawful to discharge any waste containing excessive quantities or concentrations, as defined by the Director of Operations, of detergents, surface-active agents, or other substances which may cause excessive foaming or interference with the Sewer System.

The above local limits apply at the point where the wastewater is discharged to the Sewer System. All concentrations for metallic substances are for “total” metal unless indicated otherwise. The Director of Operations may impose mass limitations in addition to, or in place of, the concentration-based limitations above.

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### 2.4 District’s Right of Revision



## SECTION II – GENERAL WASTEWATER USE REQUIREMENTS

The District reserves the right to establish, by regulation or resolution, more stringent standards or requirements on discharges to the Sewer System.

### **2.5 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 District may impose mass limitations on Users who are expressly authorized to use dilution to meet applicable Pretreatment Standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

## **SECTION III – PRETREATMENT OF WASTEWATER**

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### **3.1 Pretreatment Facilities**

Users shall provide wastewater treatment as necessary to comply with this regulation and shall achieve compliance with all Prohibited Discharge Standards, National Categorical Pretreatment Standards, and Local Limits set out in Section 2.1 of this regulation within the time limitations specified by EPA, the state, or the Director of Operations, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense.

### **3.2 Additional Pretreatment Measures**

Whenever deemed necessary, the Director of Operations 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 and/or eliminate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the Sewer System and determine the User's compliance with the requirements of this regulation

## **SECTION IV – WASTEWATER DISCHARGE PERMIT APPLICATION**

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### **4.1 Wastewater Analysis**

When requested by the District, a User must submit information on the nature and characteristics of its wastewater within forty-five (45) days of the request or within an alternate timeframe defined by the District. The District is authorized to prepare a form for this purpose and may periodically require users to update this information.

### **4.2 Wastewater Discharge Permit Requirement**

- (a) It shall be unlawful for any Significant Industrial User to discharge wastewater, either directly or indirectly, into the Sewer System without first obtaining a wastewater discharge permit from the District, except that a Significant Industrial User that has filed a timely application pursuant to Section 6.2 of this ordinance may continue to discharge for the time period specified therein.
- (b) The District may require other Users, including liquid waste haulers, to obtain wastewater discharge permits as necessary to carry out the purposes of this ordinance.
- (c) Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of the District's Rules and Regulations and subjects the wastewater discharge permittee to the sanctions set out in the Rules and Regulations. Obtaining a wastewater discharge permit 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 Wastewater Discharge Permitting: Existing Connections**

Any User required to obtain a wastewater discharge permit who was discharging wastewater into the Sewer System prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within ninety (90) days after said date, file an application for a wastewater discharge permit in accordance with Section 5.5.

### **4.4 Wastewater Discharge Permitting: New Connections**

Any User required to obtain a wastewater discharge permit that proposes to begin or recommence discharging into the Sewer System must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater

discharge permit, in accordance with Section 5.5, must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

#### 4.5 Wastewater Discharge Permit Application Contents

All Users required to obtain a wastewater discharge permit must submit a permit application. The District may require Users to submit as part of an application the following information:

- (a) User's name, address, and location of the facility;
- (b) SIC number(s) for all manufacturing and other processes used at the facility;
- (c) Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the Sewer System;
- (d) Number and type of employees, hours of operation, and proposed or actual hours of operation;
- (e) Each product produced by type, amount, process or processes, and rate of production;
- (f) Type and amount of raw materials processed (average and maximum per day);
- (g) A statement regarding whether or not the discharge standards contained in Chapter 3 above (including Prohibited Discharge Standards, National Categorical Pretreatment Standards, if applicable, and Local Limits) are being adhered to and if not, whether additional pretreatment and/or O&M is required to enable the User to meet the applicable standards.
- (h) Time and duration of discharges;
- (i) Daily maximum, thirty-minute (30) peak, daily average, and monthly average wastewater flow rates, including daily, monthly, and seasonal variations, if any;
- (j) Information regarding potential for slug discharges from the User's facility;
- (k) Wastewater constituents and characteristics including, but not limited to, those set forth in Chapter 3 above. Sampling and analyses shall be according to the procedures promulgated in 40 CFR Part 136, where applicable;
- (l) If additional pretreatment and/or O&M is required to meet the standards, then the Industrial User shall indicate the shortest time schedule necessary to accomplish installation or adoption of such additional treatment or O&M. The completion date in this schedule shall not be longer than the compliance date established for the applicable Pretreatment Standard.

## SECTION IV –WASTEWATER DISCHARGE PERMIT APPLICATIONS

1. 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 may include hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, beginning operation, and conducting routine operation). No increment in this schedule shall exceed nine (9) months.
  2. No later than fourteen (14) days following each date in the schedule and the final date for compliance, the User shall submit a written progress report to the District including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay if appropriate, and the steps being taken by the User to return to the established schedule. In no event shall more than nine (9) months elapse between such progress reports to the District.
- (m) A list of any environmental control permits held by or for the facility;
- (n) Any other information as may be deemed necessary by the District to evaluate the wastewater discharge permit application; and
- (o) A fee of two hundred dollars (\$200) shall accompany the application.

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

### **4.6 Wastewater Discharge Permit Decisions**

The District will evaluate the data furnished by the applicant and may require additional information. Within ninety (90) days of receipt of a complete wastewater discharge permit application, the District will determine whether or not to issue a wastewater discharge permit. The District may issue a wastewater discharge permit if he/she finds that all the following conditions are satisfied:

- (a) The applicant's proposed discharge is in compliance with the prohibitions and limitations of Chapter 3 above; and
1. The applicant's proposed discharge would not cause Pass Through or Interference; and
  2. The applicant's proposed discharge will not cause the District to violate the terms and conditions of its NPDES permits.

## SECTION IV –WASTEWATER DISCHARGE PERMIT APPLICATIONS

If the above conditions are not satisfied, the District may deny any application for a wastewater discharge permit. If the District determines that any of the conditions in subsection 5.6(A) are not satisfied, the District may issue a wastewater discharge permit to the applicant if the applicant first submits and the District approves a compliance schedule as described in subsection 5.5(M) which sets forth the measures to be taken by the applicant within an acceptable timeframe to ensure compliance with the provisions of Appendix F.

## **SECTION V – WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS**

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### **5.1 Wastewater Discharge Permit Duration**

A wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the District. Each wastewater discharge permit will indicate a specific date upon which it will expire.

### **5.2 Wastewater Discharge Permit Contents**

A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the District 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, protect ambient air quality, and protect against damage to the Sewer System and the Wastewater Treatment Plant.

(a) Wastewater discharge permits must contain:

1. A statement of duration (not to exceed five (5) years);
2. A statement that the wastewater discharge permit is non-transferable without prior notification to the District in accordance with Section 6.5 of Appendix F, and provisions for furnishing the new owner and operator with a copy of the existing wastewater discharge permit;
3. Effluent limits based on applicable Pretreatment Standards;
4. Self-monitoring, sampling, reporting, notification, and recordkeeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local requirements; and
5. 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.

(b) Wastewater discharge permits 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;

## SECTION V – WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS

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 non-routine discharges;
4. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the Sewer System;
5. Requirements for installation and maintenance of inspection and sampling facilities and equipment;
6. Compliance schedules, if necessary;
7. Requirements for submission of technical reports or discharge reports;
8. Requirements for maintaining and retaining facility records, and affording the District reasonable access thereto;
9. Requirements for notification of the District of any new introduction of wastewater constituents or any substantial change in volume or character of the wastewater constituents being discharged;
10. Requirements for notification of the District of excessive, accidental, or slug discharges;
11. Requirements for the notification of the District of any change in manufacturing and/or pretreatment process(es) used by the permittee;
12. Requirements for notification of the District of any change in facility name or address, or change of owner(s) or operator(s);
13. A statement that compliance with the 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 wastewater discharge permit;
14. The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the Wastewater Treatment Plant; and
15. Other conditions as deemed appropriate by the District to ensure compliance with this ordinance, federal and state laws, rules, and regulations.

### 5.3 Wastewater Discharge Permit Appeals

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The District will publish in the Vail Daily and the Eagle Valley Enterprise a notice of intent to issue a wastewater discharge permit at least fourteen (14) days prior to issuance. The notice will indicate a location where the draft permit may be reviewed



## SECTION V – WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS

and an address where written comments may be submitted. A person may appeal the District's decision to issue a wastewater discharge permit, or appeal the terms and conditions of a wastewater discharge permit, in writing to the General Manager not later than thirty (30) calendar days from the date of the Manager's decision.

In addition to the above decisions subject to appeal, the applicant may also appeal the District's decision to deny a wastewater discharge permit. Failure to submit an appeal within the thirty (30) days shall be deemed to be a waiver of the administrative appeal.

In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for the objection, and the alternative condition(s), if any, it seeks to have placed in the wastewater discharge permit. The effectiveness of the permit shall not be stayed pending reconsideration by the District. The General Manager shall decide whether to issue the wastewater discharge permit, uphold, reverse, modify, and/or delete terms or conditions, or direct that a wastewater discharge permit shall not be issued, or give such other or further orders and directives as are necessary and appropriate. If, after considering the petition and any arguments put forth by the District Staff, the General Manager determines that reconsideration is proper, it shall remand the permit back to the District Staff for re issuance. Those permit provisions that are subject to the remand shall thereupon be stayed pending re issuance.

The District's decision not to consider a final permit shall be considered final administrative action for purposes of judicial review. Aggrieved parties seeking judicial review of the final District action must do so by filing a request for appeal to the District's Board of Directors within sixty (60) days of the final decision.

### **5.4 Wastewater Discharge Permit Modification**

The District may modify a wastewater 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 requirements;
- (b) To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
- (c) A change in any condition in the Wastewater Treatment Plant or Sewer System or the permittee's facilities that requires either a temporary or permanent reduction or elimination of the authorized discharge;

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## SECTION V – WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS

- (d) Information indicating that the permitted discharge poses a threat to the District's Wastewater Treatment Plant, Sewer System, personnel, or the receiving waters;
- (e) Violation of any terms or conditions of the wastewater discharge permit;
- (f) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- (g) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
- (h) To correct typographical or other errors in the wastewater discharge permit;
- (i) To reflect a transfer of the facility ownership or operation to a new owner or operator; or
- (j) Upon request of the permittee, provided such request does not create a violation of any applicable requirements, standards, laws, or rules and regulations.

The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or the notification of planned changes or anticipated noncompliance, does not stay any permit condition.

### **5.5 Wastewater Discharge Permit Transfer**

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

- (a) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- (b) Identifies the specific date on which the transfer is to occur; and
- (c) Acknowledges full responsibility for complying with the existing wastewater discharge permit.

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

### **5.6 Wastewater Discharge Permit Revocation**

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The District may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

## SECTION V – WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS

- (a) Failure to notify the District of significant changes to the wastewater prior to the changed discharge;
- (b) Failure to provide prior notification to the District of changed conditions;
- (c) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- (d) Falsifying self-monitoring reports;
- (e) Tampering with monitoring equipment;
- (f) Refusing to allow the District 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 required wastewater analysis 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 this ordinance.

Wastewater discharge permits shall be void upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular User are void upon the issuance of a new wastewater discharge permit to that User.

### **5.7 Wastewater Discharge Permit Reissuance**

A User with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a renewal permit application a minimum of ninety (90) days prior to the expiration of the User's existing wastewater discharge permit.

### **5.8 Continuation of Expired Permits**

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An expired permit will continue to be effective and enforceable until the permit is reissued if the User has submitted a complete permit application at least ninety (90)

days prior to the expiration date of the User's existing permit and the failure to reissue the permit, prior to expiration of the previous permit, is not due to any act or failure to act on the part of the User.

### **5.9 Wastewater Hauler Permits**

Septic tank waste may be introduced into the Sewer System only at locations designated by the District. Such waste shall not violate any section of these Rules and Regulations or any other requirements established by the District. The District may require septic tank waste haulers to obtain a wastewater discharge permit. Hauled wastes from industrial or commercial sources are prohibited and may not be discharged by a hauler to the Sewer System or Wastewater Treatment Plants. Discharge of such non-septic tank wastes into the Sewer System or Wastewater Treatment Plants shall constitute a violation of these rules, and subject the hauler to penalties.

## **SECTION VI – REPORTING REQUIREMENTS**

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### **6.1 Periodic Compliance Reports**

- (a) If required in writing by the Discharge Permit, Users shall, at the frequency determined by the Discharge Permit, submit report(s) indicating the nature and 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. All periodic compliance reports must be signed and certified in accordance with Section 6.5 of this regulation.
  
- (b) 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.
  
- (c) If a User, subject to the reporting requirement in this section, monitors any pollutant more frequently than required by the Discharge Permit using the procedures prescribed in Section 7.06 of this regulation, the results of this monitoring shall be included in the periodic compliance report.

### **6.2 Reports of Changed Conditions**

For purposes of this section (Section 6.2), a Significant Industrial User is defined as:

- (a) Any discharger subject to Categorical Pretreatment Standards;
- (b) Any discharger which has a process wastewater flow of 25,000 gallons or more per day;
- (c) Any discharger contributing five percent (5%) or more of the average dry weather hydraulic or organic capacity of the Wastewater Treatment Plant; or
- (d) Any discharger who is designated by either EPA, the state, or the District as having a reasonable potential for adversely affecting the Wastewater Treatment Plant's operation or for violating any Pretreatment Standards or requirements.

All Significant Industrial User(s) must notify the District of any planned substantial changes to the User's operations or system, which might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the proposed change.

Such notice must identify:

## SECTION VI – REPORTING REQUIREMENTS

- (a) Any new introduction of pollutants into the Sewer System from the Significant Industrial User which would be subject to Sections 301, 306, and 307 of the Federal Clean Water Act (33 U.S.C. § 1251 et seq.) if it were directly discharging those pollutants, or
- (b) Any substantial change in the volume or character or pollutants being introduced by the Significant Industrial User.

The notice shall include information on the identity of the Significant Industrial User; the nature and concentration of pollutants in the discharge; the average and maximum flow of the discharge to be introduced into the Sewer System; and any anticipated impact of the change on the quantity or quality of effluent to be discharged from or biosolids produced at the Wastewater Treatment Plant. For purposes of this requirement, substantial changes include, but are not limited to, flow increases of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants. The District may require the User to submit such additional information as may be deemed necessary by the District to evaluate the changed condition.

### **6.3 Reports of Potential Problems**

- (a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a Slug Load, that may cause potential problems for the Sewer System, the User shall immediately telephone and notify the District 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 District, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the Sewer System, 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 regulation.

### **6.4 Notice of Violation/Repeat Sampling And Reporting**

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

## **6.5 Report Signatories and Certification**

All wastewater discharge permit applications and User reports must be signed by an Authorized Representative of the User 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.”

## **6.6 Analytical Requirements**

All pollutant analyses, including sampling techniques, to be submitted to the District shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, 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, sampling and analyses must be performed in accordance with procedures approved by EPA.

## **6.7 Recordkeeping**

Users subject to any reporting requirements under this regulation shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this regulation and any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements. 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 District, or where the District has specifically notified the User of a longer retention period.

## **SECTION VII – COMPLIANCE MONITORING**

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### **7.1 Right Of Entry: Inspection and Sampling**

The District shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this regulation and any enforcement action issued hereunder. Users shall provide the District 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, will be permitted to enter without delay for the purposes of performing specific responsibilities.
- (b) The District 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 District 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 at the frequency required by the District 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 District and shall not be replaced. The costs of clearing such access shall be borne by the User.
- (e) Unreasonable delays in allowing the District access to the User's premises shall be a violation of this regulation.

### **7.2 Search Warrants**

If the District 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 regulation, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the District designed to verify compliance with this regulation or any enforcement action issued hereunder, or to protect the overall public health, safety and welfare of the community, then the General Manager may seek issuance of a search warrant from any court of competent jurisdiction.



### 7.3 Confidential Information

Information and data on a User obtained from reports, surveys, and monitoring programs, and from the District'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 District, 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 EPA's National Pollutant Discharge Elimination System (NPDES) program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction

## **SECTION VIII – ADMINISTRATIVE ENFORCEMENT REMEDIES**

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### **8.1 Notification of Violation**

When the District finds that a User has violated, or continues to violate, any provision of this regulation or any other Pretreatment Standard or Requirement, the District may serve upon that User a written Notice of Violation. Within the timeframe specified by the District, 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 District. Submission of this plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the District to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

### **8.2 Compliance Orders**

When the District finds that a User has violated, or continues to violate, any provision of this regulation or any other Pretreatment Standard or requirement, the District may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified timeframe. 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 non-compliance, 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.

### **8.3 Cease and Desist Orders**

When the District finds that a User has violated, or continues to violate, any provision of this regulation or any other Pretreatment Standard or requirement, or that the User's past violations are likely to recur, the District 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.

#### **8.4 Administrative Fines**

When the District finds that a User has violated, or continues to violate, any provision of this regulation or any other Pretreatment Standard or requirement, the District may fine such User in an amount not to exceed \$1,000 per day, per violation. 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 may be assessed by the District for each day during the period of violation.

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

#### **8.5 Emergency Suspensions**

The District may immediately suspend a User's discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The District may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the Sewer System, or which presents, or may present, an endangerment to the environment.

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 District may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the Sewer System, its receiving stream, or endangerment to any individuals. The District may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the District that the period of endangerment has passed.

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

## **SECTION IX – JUDICIAL ENFORCEMENT REMEDIES**

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### **9.1 Injunctive Relief**

When the District finds that a User has violated, or continues to violate, any provision of this regulation or any other Pretreatment Standard or requirement, the District may petition any court of competent jurisdiction for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of any requirement imposed by this regulation on activities of the User. The District 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.

### **9.2 Civil Penalties**

- (a) A User who has violated, or continues to violate, any provision of this regulation or any other Pretreatment Standard or requirement shall be liable to the District for a maximum civil penalty of up to \$1,000 per day, per violation. 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 District 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 District.
- (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.

**9.3 Criminal Prosecution**

- (a) A User who willfully or negligently violates any provision of this regulation, a wastewater discharge permit, 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 the maximum fine allowed under state law per violation, per day, or imprisonment for not more than the maximum number of years allowed under state law, or both.
- (b) A User who willfully or negligently introduces any substance into the Sewer System which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of not more than the maximum fine allowable under state law, or be subject to imprisonment for not more than the maximum number of years allowed under state law, 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 regulation, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this regulation shall, upon conviction, be punished by a fine of not more than the maximum fine allowable under state law per violation, per day, or imprisonment for not more than the maximum number of years allowed under state law, or both.

**9.4 Remedies Non-Exclusive**

The remedies provided for in this regulation are not exclusive. The District may take any, all, or any combination of these actions against a non compliant User

## **SECTION X – MISCELLANEOUS PROVISIONS**

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### **10.1 Pretreatment Charges and Fees**

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

- (a) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's discharge, and reviewing monitoring reports submitted by Users;
- (b) Fees for reviewing and responding to accidental discharge procedures and construction;
- (c) Fees for filing appeals; and
- (d) Other fees as the District may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this regulation and are separate from all other fees, fines, and penalties chargeable by the District.

### **10.2 Severability**

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