

**NOVATO SANITARY DISTRICT**  
**AMENDED AND RESTATED ORDINANCE NO. 115**  
**OF NOVATO SANITARY DISTRICT**  
**AMENDING ARTICLE VIII,**  
**SECTIONS 809(c); 809(e); and 832; AND ADDING SECTION 818(e)**  
**ADOPTED OCTOBER 10, 2011**  
**AMENDED AND RESTATED SEPTEMBER 14, 2015**

The Board of Directors of Novato Sanitary District of Marin County, California, does ordain as follows:

Sections 818, 809, and 832 of Article VIII of Ordinance 115, adopted October 10, 2011, are hereby amended as incorporated below:

**ARTICLE I. DEFINITIONS**

For the purpose of this Ordinance, the terms used herein are defined as follows:

Sec. 101. Applicant shall mean the person making application for a permit and shall be the occupant and/or owner or his/her/their authorized representative of the premises to be served by the sewer for which a permit is requested.

Sec. 102. Authorized or Duly Authorized Representative of the User shall mean (1) If the User is a corporation: a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit or general permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. (2) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively. (3) If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee. (4) The individuals described in paragraphs 1 through 3, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the District.

Sec. 103. Best Management Practices or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to

implement the prohibitions listed in Sections 808 and 809 and 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.

Sec. 104. Biochemical Oxygen Demand (BOD) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at twenty (20) degrees centigrade expressed in terms of weight and concentration (milligrams per liter (mg/l)).

Sec. 105. Board shall mean the Board of Directors of the District.

Sec. 106. Building shall mean any structure used for human habitation or a place of business, recreation or other purposes.

Sec. 107. Building Sewer shall mean that portion of any sewer beginning at a point two (2) feet outside the foundation line of any building and running to the property line, street right-of-way line or sewer easement right-of-way line or to a private sewage disposal system.

Sec. 108. Categorical Pretreatment Standards shall mean National Categorical Pretreatment Standards or Pretreatment Standard.

Sec. 109. City shall mean the City of Novato.

Sec. 110. Clean Water Act shall mean the Federal Water Pollution Control Act of 1972, also known as the Clean Water Act, and any amendments thereto.

Sec. 111. Combined Sewer shall mean a sewer receiving both surface runoff and sewage.

Sec. 112. Contractor shall mean an individual, firm, corporation, partnership or association duly licensed by the State of California to perform the type of work to be done under the permit.

Sec. 113. County shall mean the County of Marin, California.

Sec. 114. District shall mean Novato Sanitary District, Marin County, California.

Sec. 115. District Inspector shall mean a person or persons designated by the Manager-Engineer to perform inspection functions.

Sec. 116. Domestic Wastewater shall mean the liquid and solid waterborne wastes derived from the ordinary living processes of humans. Domestic wastewater shall be of such character as to permit satisfactory disposal, without special treatment, into the public sewer system or by means of a private disposal system. For the purpose of this definition, domestic wastewater shall have a BOD and suspended solids concentration of less than 300 milligrams per liter.

Sec. 117. Environmental Protection Agency or EPA shall mean the U.S. Environmental Protection Agency, or, where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of said agency.

Sec. 118. Federal Categorical Pretreatment Standard or Pretreatment Standard shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Sections 307(b) and (c) of the Clean Water Act which applies to specific categories of users.

Sec. 119. Garbage shall mean solid wastes from the preparation, cooking, and the dispensing of food, and from the handling, storage and sale of produce.

Sec. 120. Grab Sample shall mean a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

Sec. 121. Holding Tank Waste shall mean any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

Sec. 122. Interference shall mean the inhibition or disruption of the POTW, its operations or processes, sludge disposal and/or reuse, wastewater reclamation or marsh processes or operations, which contributes to a violation of any requirement of the District's NPDES Permit or other State and/or Federal requirements.

Sec. 123. Lateral Sewer shall mean the portion of a sewer lying within a street or sewer right-of-way connecting a building sewer to the main sewer.

Sec. 124. Main Sewer shall mean a public sewer designed to accommodate more than one lateral sewer.

Sec. 125. Manager-Engineer shall mean the person or persons appointed by the Board to administer and enforce the rules and regulations of the District and shall be a Registered Civil Engineer.

Sec. 126. Multiple-Family Dwelling shall mean any structure under one ownership constructed for occupancy of more than one family, each separate living quarters to be referred to as a unit.

Sec. 127. National Pollution Discharge Elimination System or NPDES Permit shall mean a permit issued pursuant to Section 402 of the Clean Water Act.

Sec. 128. New Source shall mean:

(1) any building, structure, facility or installation from which there may be a discharge of pollutants, the construction of which commenced after the publication of proposed Federal pretreatment standards which will be applicable if such standards are thereafter promulgated, 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 would 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.

Sec. 129. Non-Domestic Sewer User shall mean any contributor of non-domestic wastewater to the District system.

Sec. 130. Non-Domestic Wastewater shall mean all water-carried wastes, excluding domestic wastewater, and shall include wastewater from any producing, manufacturing, processing, institutional, commercial, agricultural, or other operation where the wastewater discharged includes significant quantities of wastes of non-human origin. All wastes hauled by truck, or other means, shall be considered as non-domestic wastewater regardless of the original source of the wastes.

Sec. 131. Outside Sewer shall mean a sanitary sewer which extends beyond the boundaries of the Sanitary District.

Sec. 132. Pass Through shall mean a discharge from wastewater treatment facilities in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, contributes to a violation of any requirement of the District's NPDES Permit or other State and/or Federal requirements.

Sec. 133. Permit shall mean any written authorization required pursuant to this or any other regulation of District for the installation of any sewage works or for the use of public sewers.

Sec. 134. Permittee shall mean a person to whom the District has issued a permit for sewer construction or use.

Sec. 135. Person shall mean any human being, individual, firm, company, partnership, association and private or public or municipal corporations, the United States of America, the State of California, districts and all political subdivisions, governmental agencies and mandatories thereof.

Sec. 136. pH shall mean the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

Sec. 137. Plumbing Fixture Units shall mean fixture unit load values for drainage piping and shall be computed from Tables 1 and 2 of Chapter 4 of the Uniform Plumbing Code adopted herein.

Sec. 138. Plumbing System shall mean all plumbing fixtures and traps, or soil, waste, special waste and vent pipes, and all sanitary sewer pipes within a building and extending to the building sewer connection two (2) feet outside the building wall.

Sec. 139. Pollutant shall mean any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

Sec. 140. Pretreatment or Treatment shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes by other means, except as prohibited by Federal regulations.

Sec. 141. Pretreatment Requirements shall mean any substantive or procedural requirement related to pretreatment.

Sec. 142. Public Sewer shall mean a sewer lying within a street and which is controlled by or under the jurisdiction of the District.

Sec. 143. Publicly Owned Treatment Works or POTW shall mean a treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), which is owned by the District. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.

Sec. 144. Sanitary Sewer shall mean a sewer which carries sewage and to which storm, surface and groundwaters are not intentionally admitted.

Sec. 145. Sewage or Wastewater shall mean a combination of water-carried wastes from residences, business buildings, institutions and industrial establishments.

Sec. 146. Sewage or Wastewater Treatment Plant shall mean that portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

Sec. 147. Sewage Works or Sewerage shall mean all facilities for collecting, pumping, treating and disposing of sewage or wastewater.

Sec. 148. Sewer shall mean a pipe or conduit for carrying sewage.

Sec. 149. Side Sewer shall mean the sewer line beginning at a point two (2) feet outside the foundation wall of any building and terminating at the main sewer and includes the building sewer and lateral sewer together.

Sec. 150. Significant Non-Domestic Sewer User or Significant Industrial User shall mean:

(1) An Industrial User subject to Categorical Pretreatment Standards; or

(2) any industrial user or non-domestic user of the District's wastewater disposal system who (a) has a discharge flow of 25,000 gallons or more per average work day of process wastewater (excluding sanitary, noncontact cooling and boiler blowdown wastewater) to the POTW, or (b) has a dry weather flow or organic capacity greater than five (5) percent of the capacity of the District's Wastewater Treatment Plant, or (c) has in his/her wastes toxic pollutants as defined pursuant to Section 307 of the Act of California Statutes and rules or (d) is found by the District, Regional Water Quality Control Board or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the POTW, the quality of sludge, the POTW's effluent quality, or air emissions generated by the POTW.

(3) The District 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 District'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 832, 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 District 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.

Sec. 151. Single-Family Unit shall mean any structure constructed for occupancy of one single family. This classification includes trailers and mobile home units with connections to the District sewer system.

Sec. 152. Slug Load or Slug Discharge. Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Article VIII 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.

Sec. 153. Solid Wastes shall mean all non-waterborne wastes, including garbage, recyclable and nonrecyclable solid wastes, such as paper, plastics, demolition debris, and all other solid waste products of the community.

Sec. 154. Standard Industrial Classification (SIC) shall mean a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972, and any amendments thereto.

Sec. 155. Standard Specifications shall mean the set of documents containing design and construction standards for all sewage works in the District, all dated April 1975, together with subsequent amendments.

Sec. 156. State shall mean the State of California.

Sec. 157. Storm Sewer or Storm Drain shall mean a sewer which carries storm and surface or groundwaters and drainage, but excludes sewage and polluted industrial wastes.

Sec. 158. Storm Water shall mean the water running off of or draining from the surface or subsurface of an area during and after a period of rain or irrigation.

Sec. 159. Street shall mean any public highway, road, street, avenue, alley, way, public place, public easement or right-of-way.

Sec. 160. Subdivision shall mean improved or unimproved land or lands divided for the purpose of sale or lease, whether immediate or future, into two (2) or more lots or parcels.

Sec. 161. Suspended Solids shall mean the total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

Sec. 162. Total Toxic Organics (TTOs) are the sum of the concentrations for each of the regulated toxic organic compounds listed at 40 CFR 401.15 and which are found in the discharge at a concentration greater than ten (10) micrograms per liter. For Categorical dischargers, TTOs may be defined in the 40 CFR National Categorical Pretreatment Standards. If monitoring is necessary the Manager-Engineer may require analysis for only those pollutants which would reasonably be expected to be present in the discharge.

Sec. 163. Uniform Plumbing Code shall mean that certain current issue of the plumbing code, entitled, "Western Plumbing Officials Uniform Plumbing Code," copies of which are on file in the office of the District for use and examination by the public, except such sections therein as are shown to be omitted, amended, or added thereto, in said copies. Wherever the term "Administrative Authority" is used in the Uniform Plumbing Code, it shall be construed to mean the District Manager-Engineer.

Sec. 164. User or Industrial User shall mean any person who contributes, causes or permits the contribution of wastewater into the POTW.

Sec. 165. Additional Definitions. For the purpose of this Ordinance, additional terms shall have the meaning indicated in Chapter 1 of the Uniform Plumbing Code as adopted herein.

Sec. 166. Abbreviations

The following abbreviations shall have the designated meanings:

- BOD - Biochemical Oxygen Demand.
- C - Centigrade.
- CFR - Code of Federal Regulations.
- EPA - Environmental Protection Agency.
- F - Fahrenheit.
- gal/day - Gallons per day.
- l - Liter.
- mg - Milligrams.
- mg/l - Milligrams per liter.
- NPDES - National Pollutant Discharge Elimination System.
- SIC - Standard Industrial Classification.
- TDS - Total Dissolved Solids.
- TSS - Total Suspended Solids.
- ug - Micrograms.
- ug/l - Micrograms per liter.
- USC - United States Code.
- PAH - Polyaromatic Hydrocarbons.
- TTO - Total Toxic Organics.



## **ARTICLE VIII. USE OF PUBLIC SEWERS**

Sec. 801. Objective. It is the objective of the District to regulate and control the quantity and quality of the discharges into the public sewer system so that they will not adversely affect the various collection, transmission, treatment, discharge, reuse, discharge requirements or environmental conditions and permit the District to treat wastewater to meet requirements of the Federal Government and the State of California and their designated agencies.

The POTW was designed to treat and dispose of domestic wastes, and the District reserves the right to refuse to accept non-domestic wastes which may be harmful to the treatment and disposal system.

The adverse effects can include the introduction of pollutants into the District wastewater system which:

- (a) Will interfere with the operation of the system or contaminate the resulting sludges;
- (b) Will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
- (c) Will interfere with or reduce the opportunity to recycle and reclaim wastewaters and sludges from the system; and
- (d) Will create a hazard to health and safety of personnel employed in the operation and maintenance of the POTW.
- (e) Will cause damage, deterioration or excessive maintenance costs to the POTW.
- (f) In the opinion of the Manager-Engineer, will utilize an inordinate proportion of the plant capacity.

It is the general intent of the District to provide collection, transmission, treatment and disposal of domestic and non-domestic wastewaters that do not adversely affect the objectives stated hereinbefore and to provide equitable charges for the costs incurred.

In general, this Article provides regulations concerning the use of the District's wastewater collection, treatment and disposal system, and the issuance of permits for non-domestic sewer users and establishment of permit conditions, pretreatment requirements, monitoring reporting requirements and fees, such as for District monitoring and administration. This Article shall apply to users within the District and to persons outside the District who are, by contract or agreement with the District, users of the POTW.

Sec. 802. Non-Domestic Wastewater Discharge. It shall be unlawful to discharge non-domestic wastewater, as defined in Article I, to the POTW or any facility discharging to the POTW without a sewer use permit issued in accordance with the provisions of this Article. The District reserves the right to refuse to issue a permit for the discharge of non-domestic wastes which may be, or could threaten to be, harmful to the POTW.

Sec. 803. Sample Collection, Storage and Analysis. Sample collection, storage and analysis shall be performed in accordance with 40 CFR, Section 136 and such additional

requirements as may be established by the Manager-Engineer. Analysis shall be performed by a laboratory approved by the State Department of Health Services.

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.

(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 Manager-Engineer. Where time-proportional composite sampling or grab sampling is authorized by the Manager-Engineer, 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 District, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

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

(c) For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 829, 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 Engineer-Manager may authorize a lower minimum. For the reports required by paragraphs Section 832, the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance with applicable Pretreatment Standards and Requirements.

Sec. 804. Federal Categorical Pretreatment Standards. Upon the promulgation of Federal Categorical Pretreatment Standards (40 CFR Chapter I, Subchapter N, Parts 401-471) for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under this Article for sources in that subcategory, shall immediately supersede the limitations imposed under this Article. The Manager-Engineer shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12.

(a) Where a Categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Manager-Engineer may impose equivalent concentration or mass limits in accordance with Section e and f.

(b) When the limits in a Categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Manager-Engineer 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.

(c) When wastewater subject to a Categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the Manager-Engineer shall impose an alternate limit in accordance with 40 CFR 403.6(e).

(d) A User may obtain a net/gross adjustment to a Categorical Pretreatment Standard in accordance with the following paragraphs of this Section.

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

(2) Criteria.

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 District may waive this requirement if it finds that no environmental degradation will result.

(e) When a Categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that the District convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Manager-Engineer. The District may establish equivalent mass limits only if the Industrial User meets all the conditions set forth in Sections (1)a through (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 Manager-Engineer whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph (1)c. of this Section. Upon notification of a revised production rate, the Manager-Engineer 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 (1)a. of this Section so long as it discharges under an equivalent mass limit.

(3) When developing equivalent mass limits, the Manager-Engineer:

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. The Industrial User must also be in compliance with the prohibition of bypass.

(f) The Manager-Engineer 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 Manager-Engineer.

(g) Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this Section 804 in lieu of the promulgated Categorical Pretreatment Standards from which the equivalent limitations were derived.

(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.

(i) Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the Manager-Engineer 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 Manager-Engineer 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.

Sec. 805. Modification of Federal Categorical Pretreatment Standards. Where the District's wastewater treatment system achieves consistent removal of pollutants limited by Federal Categorical Pretreatment Standards, the District may apply to the Regional Water Quality Control Board for modification of specific limits in the Federal Categorical Pretreatment Standards. "Consistent removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system ninety-five (95) percent of the samples taken when measured according to the procedures set forth in Section 403.7(c)(2) of (Title 40 of the Code of Federal Regulations, Part 403) - "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the Clean Water Act. The District may then modify pollutant discharge limits in the Federal Pretreatment Standards if the requirements contained in 40 CFR, Part 403, Section 403.7, are fulfilled and prior approval from the Regional Water Quality Control Board is obtained.

Sec. 806. 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 Article.

Sec. 807. District's Right of Revision. The District reserves the right to establish by Ordinance more stringent limitations or requirements on discharges to the sewer system if deemed necessary to comply with the objectives presented in Section 801 of this Ordinance. The District also reserves the right to establish more stringent requirements to be set forth in the Sewer Use Permit, particularly for significant non-domestic sewer users as defined in Article I.

Sec. 808. General Discharge Prohibitions. No user shall contribute or cause to be contributed any pollutant or wastewater which will not meet the objectives set forth in Section 801 above. These general prohibitions shall prevail in any case where they are more stringent than applicable Federal or State requirements.

The following substances shall not be discharged to the POTW:

(a) Liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two (2) successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five (5) percent nor any single reading over ten (10) percent of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides, organic solvents, fuel oils, or other flammable or explosive solids, liquids, or solvents with a closedcup flashpoint less than 60°C (140°F).

(b) Mineral oils, greases or products of a petroleum origin, petroleum oils, motor oils, cutting oils, or grease trap wastes either as grease or as emulsified grease.

(c) Solids or viscous substances which may cause obstruction to the flow in a sewer or interference with the operation of the POTW such as, but not limited to: grease, garbage with particles greater than one-half (1/2) inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

(d) Oxidizing agents, reducing agents, or any substance having corrosive properties capable of causing damage or hazard to structures, equipment, and/or personnel of the District, or wastewater having a pH less than 5.0.

(e) Toxic, poisonous, or any other pollutants in sufficient quantity, either singly or by interaction with other pollutants, which will injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the treatment plant, or exceed the limitations set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Clean Water Act. Prohibited materials include organic solvents, pesticides, radiator fluids, organophosphates or similar chemical compounds used as algicides, bactericides, fungicides, herbicides, insecticides, or pesticides. A list of toxic pollutants is on file at the District Office.

(f) Noxious, malodorous, or toxic liquids, gases, fumes, vapors, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent District personnel from safely entering into the sewers for maintenance and repair.

(g) Any substance which may cause the Wastewater Treatment Plant's effluent or any other product of the Wastewater Treatment Plant, such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case

shall a substance discharged to the POTW cause the District to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Clean Water Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.

(h) Any substances which are not amenable to treatment or which will cause the District to violate its NPDES and/or State Disposal System Permit or the receiving water quality standards.

(i) Strong oxidizing and reducing agents at concentrations exceeding 5 mg/l, except by special permit (i.e. chlorine, chlorine dioxide, potassium permanganate, ozone and other strong oxidants; sulfite, thiosulfate, nitrite, nitrate and other strong reducing agents).

(j) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which the District or a user knows or has reason to know will cause interference to the treatment process. In no case shall a slug load have a flow rate or contain concentration or quantities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.

(k) Radioactive wastes or isotopes, except:

(1) When the use of radioactive materials is authorized by the State Department of Health or other governmental agency empowered to regulate the use of radioactive materials, and

(2) When the waste is discharged in strict conformity with current California Radiation Control Regulations (California Administrative Code, Title 17) and the Atomic Energy Commission regulations and recommendations for safe disposal, and

(3) When all rules and regulations of all other applicable regulatory agencies have been complied with.

(l) Any wastewater which causes a hazard to human life or creates a public nuisance.

(m) Rainwater, storm water, groundwater, street drainage, subsurface drainage, water from yard fountains, ponds, lawn sprays, yard drainage, or any other uncontaminated water. Discharge of cooling water, process water or blow-down from cooling towers or evaporative coolers may be discharged only with written approval of the Manager-Engineer. Such approval shall be granted only when no reasonable alternative method of disposal is available, or when such water is determined to constitute a pollutant hazard thereby requiring disposal in the public sewer system.

(n) Chemical toilet wastes, wastes to which chemicals have been added for odor control or preservation, or the contents of grease or sand interceptors.

(o) Holding tank waste, chemical toilet waste or non-domestic wastes hauled by truck which are not specifically permitted by a separate Waste Hauler Permit issued by the District.

(p) Any chemicals, enzymes, hot water, for the purpose of dissolving or emulsifying grease in grease traps.

(q) Wastes from hospitals or medical centers which contain infectious materials, blood, body parts, syringes, bandages, dressings, radioactive isotopes, or formaldehyde.

Sec. 809. Specific Pollutant Limitations. No person shall discharge or cause to be discharged to the sewer system, any of the following:

(a) Any liquid or vapor having a closed-cup flashpoint lower than 60 degrees C (140 degrees F).

(b) Any wastewater which contains more than 200 mg/l of fat, oil, or grease that is petroleum ether soluble.

(c) Any wastewater with a pH lower than 5.5 or greater than 10.5. [09/14/2015]

(d) Any wastewater containing TDS greater than 2,420 mg/l, or chloride greater than 480 mg/l, providing that the total daily discharge does not exceed 5,000 gal/day. In the event the discharge exceeds these concentrations, and/or the maximum daily flow rate, the Manager-Engineer may establish an allocation from the following total allocable mass emission rates: TDS, 3,331 #/day, and chlorides, 469 #/day, with the provisions that individual mass emission rates shall be computed on a daily basis, and no more than 20% of the total allocable mass emissions shall be allocated to any one user. No further individual allocations shall be made when these total rates have been assigned.

(e) Any wastewater having a BOD or TSS greater than 400 mg/l, unless a special agreement is entered into with the District providing payment for additional processing and plant capacity costs. Such special agreement shall specify that the District may at any time impose upon the discharger a maximum BOD and/or TSS concentration limit, if deemed necessary. [09/14/2015]

(f) Any wastewater containing the pollutants listed below in excess of the concentrations listed.

Pollutant Maximum Concentration (mg/l)

Ammonia 125.0

Arsenic 0.5

Boron 1.0

Cadmium 0.11

Chromium (total) 1.0

Copper 1.5

Lead 0.4

Mercury 0.1

Nickel 1.0

Silver 0.43

Zinc 2.6



Cyanide 1.0

Phenols 5.0

PAH's (polyaromatic hydrocarbons) 1.0

TICH (total identifiable

chlorinated hydrocarbons 0.15

TTO (total toxic organics) \*

\* This limit to be set on a case-by-case basis.

The maximum allowable concentration of other toxic or potentially toxic, materials not listed herein and/or the upward or downward adjustment of the above-noted maximum allowable concentrations may be determined on a case by case basis and will be included in the Non-Domestic Sewer Use Permit to be issued.

(g) Wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, unless such discharge displays less than sixty (60) percent of the light transmissibility of distilled water under the following conditions:

- (1) After filtration through a 0.45 micron membrane filter;
- (2) In the pH range of 5.0 to 9.0;
- (3) A maximum spectrum band width of ten (10) millimicrons;
- (4) Through the wave length range from 400 to 800 millimicrons.

(h) Any sulfide forming pollutants or wastes which, when discharged to the sewer system, generate sulfide concentrations in excess of 1.0 mg/l.

(i) Wastewater having a temperature greater than 104 degrees F (40 degrees C), or which will inhibit biological activity in the Wastewater Treatment Plant resulting in Interference.

Sec. 810. The Manager-Engineer may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits or general permits, to implement Local Limits and the requirements of Sections 808 and 809. Users shall provide documentation necessary to determine compliance with applicable BMPs within the reports required in Sections 821, 831 and 832.

Sec. 811. 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 Manager-Engineer 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.

Sec. 812. Grease Traps and Oil and Sand Interceptors. Any type of business or establishment where grease or other objectionable materials may be discharged in unusual quantities into a public sewer system shall have a grease trap or oil and sand interceptor of a size and design in accordance with District Standard Specifications and Drawings (Standard

Specs) and to be approved by the Manager-Engineer. Grease traps will be required at restaurants and other commercial and/or non-residential commercial food preparation establishments. Oil and sand interceptors will be required at gas stations and auto repair establishments with floor drains located in service areas, auto or vehicle washing facilities, etc. All existing users which fit in these categories shall install such facilities within one hundred eighty (180) days after the effective date of this Ordinance.

Oil and sand interceptors shall be situated on the user's premises and shall be so located as to be readily and easily accessible for cleaning and inspection. Buildings remodeled for use requiring interceptors shall be subject to these regulations.

Waste discharges from fixtures and equipment in the above-mentioned types of establishments which may contain grease, oil, sand or other objectionable materials, including, but not limited to, scullery sinks, pot and pan sinks, dishwashers, food waste disposals, soup kettles, and floor drains located in areas where such objectionable materials may exist, may be drained into the sanitary waste through grease traps and oil and sand interceptors where approved by the Manager-Engineer; provided, however, that toilets, urinals, washbasins and other fixtures containing fecal materials shall not flow through the grease trap or interceptor.

Grease traps and oil and sand interceptors shall be maintained by the user in efficient operating condition by periodic removal of the accumulated grease, oil or sand. The use of chemicals to dissolve grease or oil is specifically prohibited. No such accumulated grease, oil or sand shall be introduced into any drainage piping or public or private sewer.

Abandoned oil and sand interceptors shall be emptied and filled as required for abandoned septic tanks (see Section 403).

Sec. 813. Acceptance of Wastewater from Cleanup Projects. Wastewater generated from the cleanup of spills, leaking underground storage tanks, contaminated soil or groundwater, monitoring wells or other similar sources shall not be discharged through direct or indirect connection to the District's sewer system unless a temporary discharge permit is issued by the District. The District will approve the discharge of such wastewater and issue such a permit only when, in its judgment, no reasonable alternative method of disposal is available.

Whenever the discharge of such wastewater is proposed, the applicant shall submit an analysis of the nature of the proposed discharge and alternative methods of disposal available, together with justification indicating that there is no reasonable alternative to discharge to the sewer system. Such analysis shall deal with environmental and liability factors, as well as financial impacts.

When deemed necessary by the Manager-Engineer, the District may require that a comprehensive study and report on the proposed discharge be prepared by an engineering consultant hired by the District, at the applicant's expense. The study shall include the following:

- (a) An analysis of the nature of the proposed discharge.
- (b) An analysis of the alternative methods of disposal available to the applicant.
- (c) An analysis of the impact of the discharge on the POTW.
- (d) An analysis of the impact of the discharge on the District's ability to continue to meet its NPDES permit conditions.

- (e) Recommendations on appropriate limits for various constituents in the proposed discharge.
- (f) Recommendations on pretreatment requirements, if necessary.
- (g) Recommendations on appropriate permit fees and charges.
- (h) Any other relevant matters considered necessary to be included by the Manager-Engineer.

The applicant's analysis of alternative methods of disposal, the above described comprehensive report (if required), and a report by the Manager-Engineer with recommendations, shall be submitted to the Board of Directors for a decision on whether or not a temporary discharge permit will be issued.

If a temporary discharge permit is granted for the discharge of such wastewater, the user shall pay such fees and charges and meet such special conditions and requirements as determined by the District to specifically apply for that particular discharge. Such temporary discharge permit shall be considered a Class I Non-Domestic Sewer Use Permit.

Sec. 814. Swimming Pools and Spas. It shall be unlawful for any person to discharge the contents of a swimming pool or a spa into a sanitary sewer except in the manner specified herein. The size of pipe carrying discharge water shall not be larger than two inches and shall not be under a head to exceed twenty (20) feet. If the water is discharged by pumping, the rate of flow shall not exceed one hundred (100) gallons per minute. Each swimming pool or spa discharging to a sanitary sewer shall be equipped with an approved separator to capture filtering agents and an approved air gap to preclude any possibility of a backflow of sewage into the swimming pool or spa piping system.

Sec. 815. Car, Truck or Bus Washes. The Manager-Engineer may require that the applicant for any permit which includes a car, truck or bus wash rack within the facilities to be covered by said permit provide facilities for reclamation and reuse of all or a portion of the water used in the wash process and the submittal of plans and specifications for the installation of such reclamation and reuse facilities acceptable to the Manager-Engineer.

Sec. 816. Use of Storm Sewers Required. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural drainage outlet. No leaders from roofs and nor surface drains for rainwater shall be connected to any sanitary sewer. No surface or subsurface drainage, rainwater, storm water, seepage, cooling water or unpolluted industrial process waters shall be permitted to enter the sanitary sewer system by any device or method whatsoever.

Sec. 817. Excessive Discharge. No user shall 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 Federal Categorical Pretreatment Standards, or in any other pollutantspecific limitation developed by the District or State.

Sec. 818. Accidental Discharges.

(a) Facilities for Prevention. All sewer users shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Article. Each non-domestic user, who has or will be issued a Non-Domestic Sewer Use Permit shall provide and

maintain, at the user's own cost and expense, facilities to prevent accidental discharge of prohibited materials and shall submit to the District detailed plans showing facilities and operating procedures to provide this protection. All such facilities shall be favorably reviewed by the District before construction. All existing non-domestic users shall complete such a plan within one hundred eighty (180) days of the effective date of this Ordinance; no user who proposes to commence contribution to the POTW after the effective date of this Ordinance shall discharge into the system until accidental discharge procedures have been favorably approved by the District. Favorable review of such plans and operating procedures shall not relieve the user from the responsibility to modify the user's facility as necessary to meet the requirements of this Ordinance.

(b) Immediate Notice of Discharge in Violation. Users shall notify the District by telephone or in person immediately upon discharging, accidentally or otherwise, wastes in violation of this Ordinance to enable counter-measures to be taken by the District to minimize damage to the POTW, POTW processes, and to the receiving waters. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions being taken.

(c) Written Notice. Within five (5) days following an accidental discharge, the user shall submit to the Manager-Engineer a detailed written statement describing the causes of the accidental discharge and the measures being taken to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss or damage to the POTW or POTW processes, or for any fines, civil liabilities or penalties imposed by this Ordinance or other applicable law.

(d) Notice to Employees. In order that employees of users be informed of District requirements for use of the sewer system. Users 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 directed toward more effective water pollution control. Any notices or information furnished by the District shall be permanently posted on the user's bulletin board, and employees shall be informed of whom to call in case of an accidental discharge in violation of this Ordinance.

(e) All categorical and non-categorical Industrial Users shall notify the POTW immediately of all discharges that could cause problems to the POTW, including any slug loadings, as defined by Section 152 of this Ordinance. [09/14/2015]

Sec. 819. Non-Domestic Sewer Use Permit. All non-domestic sewer users proposing to contribute wastes to the POTW shall apply for and obtain a Class I or Class II Non-Domestic Sewer Use Permit or General Permit before connecting to or discharging to the POTW. All non-domestic users possessing current permits issued by the District shall apply for and obtain an appropriate Class I or Class II Non-Domestic Sewer Use Permit as required by this Article upon expiration of their existing permit. Unless determined otherwise by the Manager-Engineer, restaurants, mortuaries and markets with garbage grinders, will not be required to obtain a Class I or Class II Non-Domestic Sewer Use Permit.

In order to determine whether or not a particular user requires a Non-Domestic Sewer Use Permit and, if so, to determine the class of permit required, the Manager-Engineer may require any user to fill out a questionnaire sufficient to determine the quantity and character of wastes to be discharged and the types of chemicals used, handled or stored on the site which may be intentionally or accidentally discharged to the sewer system. The District will evaluate

the data furnished by the applicant and may require additional information. After evaluation of the data furnished, the Manager-Engineer will determine the class of the user and may require either a Class I, Class II or Class III Non-Domestic Sewer Use Permit or General Permit. The District shall have the right to verify the information contained in the questionnaire by an inspection of the premises.

(a) Class I Non-Domestic Sewer Use Permit - All Significant Non-Domestic Users must obtain a Class I Non-Domestic Sewer Use Permit. Significant non-domestic users are defined as those users which:

- (1) Are categorical users as defined by the EPA.
- (2) Discharge more than 25,000 gal/day "process water."
- (3) Discharge five (5) percent or more of the average daily hydraulic or organic (BOD, TSS TDS, etc.) capacity of the Wastewater Treatment Plant.
- (4) Have a reasonable potential, in the opinion of the Manager-Engineer of adversely affecting the POTW (inhibition, pass-through, sludge contamination, or endangerment of District workers).

(b) Class II Non-Domestic Sewer Use Permit - All non-domestic sewer users, other than Class I defined above, and those non-domestic users specifically exempted as provided above, must obtain a Class II Non-Domestic Sewer Use Permit.

(c) Class III Non-Domestic Sewer Use Permit. Commercial, industrial or institutional establishments which, in the opinion of the Manager-Engineer, have a significant potential for intentional or accidental discharge of prohibited materials or other substances which may adversely affect the POTW shall be issued a Class III Non-Domestic Sewer Use Permit.

(d) General Permit.

(1) At the discretion of the Manager-Engineer, the Manager-Engineer may use general permits to control Significant Industrial User discharges to the POTW if the following conditions are met. All facilities to be covered by a general permit must: (a) Involve the same or substantially similar types of operations; (b) Discharge the same types of wastes; (c) Require the same effluent limitations; (d) Require the same or similar monitoring; and (e) In the opinion of the Manager-Engineer, are more appropriately controlled under a general permit than under individual wastewater discharge permits.

(2) 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 832a 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 Manager-Engineer has provided written notice to the SIU that such a waiver request has been granted in accordance with Section 832a.

(3) The Manager-Engineer will retain a copy of the general permit, documentation to support the POTW's determination that a specific SIU meets the criteria in Section 1(a) to (e) 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.

(4) The Manager-Engineer 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 or Net/Gross calculations.

Sec. 820. Waste Hauler Permit. Any waste hauler proposing to discharge waste into the POTW shall apply for and obtain a Waste Hauler Permit. Such a permit will only be issued for disposal of raw domestic sewage from a holding tank or septage from septic tanks receiving only domestic wastewater, which wastes must be free of chemicals added for odor control, preservation, or any other purpose. The duration of a permit shall be three (3) years, upon which time the waste hauler shall apply for permit reissuance.

A Waste Hauler Permit will only be issued to a mobile waste hauler that has a valid permit from the Marin County Department of Public Health and has filed a copy of said permit with the District. The waste hauler shall abide by all terms and conditions of the Waste Hauler Permit. Failure to do so will be grounds for revocation of the permit.

Unless otherwise approved by the Manager-Engineer, holding tank wastes or septage will only be accepted from the greater Novato area generally bounded by the Sonoma County line on the north, the Petaluma River on the east, the Novato City limits on the south, and the Petaluma-Pt. Reyes Road on the west.

The waste hauler must provide the District with a log of the origin and contents of each load dumped. Discharge of wastes covered by a Waste Hauler Permit shall only be made at the location in the District's wastewater system specified in the permit. The permittee shall pay all permit application and renewal application fees as set forth in this Article, together with all applicable dump fees and sewer service charges in accordance with separate District regulations as established by the District.

Sec. 821. Application for Class I or Class II Non-Domestic Sewer Use Permit. Persons applying for a Class I or Class II Non-Domestic Sewer Use Permit or General Permit shall complete and file with the District an application form, accompanied by the required application fee established by the District. 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 Manager-Engineer a report which contains the application information listed 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 Manager-Engineer a report which contains the application information listed below. A New Source shall report the method of pretreatment it intends to use to meet applicable categorical Standards, and if additional pretreatment and/or O&M will be required the shortest schedule by which the User will provide additional pretreatment and/or

O&M must be provided. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged. The application may include, but not be limited to, the following information:

- (a) Name, address, and location of the occupant and owner of the property;
- (b) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
- (c) Description of activity, facilities and plant process on the premise, including site plans and schematics, raw materials processes and types of materials which are or could be discharged;
- (d) Total product produced by type;
- (e) Number and type of employees;
- (f) estimated wastewater flow;
- (g) constituents and characteristics of the waste discharge;
- (h) average and peak wastewater discharge flow for each lateral service sewer;
- (i) locations of lateral service sewers, sampling points and pretreatment facilities;
- (j) water supply information;
- (k) source, volume, and chemical characteristics of each tank contents;
- (l) other environmental permits held;
- (m) certification by authorized representative;
- (n) and any other information the District shall deem necessary to evaluate the permit application.

The District shall maintain the privacy of all business data and trade secrets supplied and identified as confidential matter by the applicant. However, as provided in Section 833, information concerning wastewater constituents and characteristics will not be recognized as confidential.

Applicants shall arrange for a District representative to conduct a walk-through site inspection of the user's facilities prior to finalizing the permit application.

The Manager-Engineer will evaluate the data furnished by the User and may require additional information. The Manager-Engineer will determine whether to issue an individual wastewater discharge permit after receipt of a complete permit application. The Manager-Engineer may deny any application for an individual wastewater discharge permit.

Sec. 822. Class I and Class II Non-Domestic Sewer Use Permit Conditions. All Class I and Class II Non-Domestic Sewer Use Permits shall be expressly subject to all provisions of this Article and all other applicable regulations established by the District. These permits, or a general permit, may contain, but may not necessarily be limited to, the following conditions:

- (a) A statement of the fees associated with the permit;
- (b) Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards.

- (c) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
- (d) Requirements for installation of flow measurement and related facilities;
- (e) Requirements for installation and maintenance of inspection and sampling facilities;
- (f) Requirements for District access to all metering and monitoring facilities;
- (g) Specifications for monitoring programs which may include sampling location, frequency of sampling, number, types and standards for tests and reporting schedule;
- (h) Compliance schedules;
- (i) Requirements for submission of technical reports and compliance reports, including Baseline Monitoring Reports containing the information listed in 40 CFR 403.12(b)(1)-(7), and compliance schedule progress reports as set forth in 40 CFR 403.12(c);
- (j) Requirements for maintaining and retaining, for at least three years, plant records relating to wastewater discharge as specified by the District and affording the District access thereto;
- (k) Requirements for advance notification to the District of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents prior to being introduced into the wastewater treatment system;
- (l) Requirements for notification of slug or other harmful discharges.
- (m) Requirements for facilities to prevent accidental discharge of prohibited materials or other wastes regulated by this Article;
- (n) Requirements of establishment and posting of standard chemical handling procedures for employees;
- (o) Other conditions as deemed appropriate by the District to ensure compliance with this Ordinance and other rules and regulations of the District.
- (p) Written documentation from the user, satisfactory to the District, confirming proper disposal of potentially harmful chemicals.
- (q) Requirements to control Slug Discharge, if determined by the Manager-Engineer to be necessary. Significant Industrial Users are required to notify the Manager-Engineer immediately of any changes at its facility affecting the potential for a Slug Discharge.
- (r) A statement of the permit duration.
- (s) A statement that the wastewater discharge permit is nontransferable without prior notification to the District in accordance with Section 825 of this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
- (t) 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.
- (u) 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 832a. Any grant of the monitoring waiver by the Manager-Engineer must be included as a condition in the User's permit.



Sec. 823. Class III Non-Domestic Sewer Use Permit Conditions. All Class III Non-Domestic Sewer Use Permits shall be expressly subject to all provisions of this Article and all other applicable regulations established by the District. Such permits shall contain requirements for the handling of prohibited materials and/or potentially harmful chemicals which could be discharged, as well as any other provisions deemed appropriate by the District to protect the POTW. The permittee shall be required to prepare a written accidental spill protection plan which may include, but not necessarily be limited to, the following:

- (a) A list of type, quality and location of chemicals of concern;
- (b) Provisions for appropriate spill containment;
- (c) Sealing of floor drains in the vicinity of chemical containers;
- (d) Establishment and posting of standard handling procedures for employees;
- (e) Provisions for employee training so that undesirable chemicals are not disposed of to the sewer system and that such materials are handled in a manner that will prevent spills.
- (f) Written documentation from the user, satisfactory to the District, confirming proper disposal of potentially harmful chemicals.

Sec. 824. Permit Duration. Non-Domestic Sewer Use Permits shall be issued for a specified time period, not to exceed five (5) years. The user shall apply for permit re-issuance a minimum of ninety (90) days prior to the expiration of the user's existing permit.

Sec. 825. Permit Modifications. The District may change the conditions of a Non-Domestic Sewer Use Permit or establish new permit conditions at the time the permit is re-issued or during the life of the permit to accommodate changes in conditions of discharge or other District requirements. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

Any non-domestic sewer use permittee desiring to make alterations in its sewer use, such as modifying its plant, process, or pretreatment facilities in a manner which would increase or decrease the flow rate or alter the quality of wastewater discharge described in its Non-Domestic Sewer Use Permit, shall first apply for and obtain an amended Non-Domestic Sewer Use Permit prior to the commencement of any construction of new facilities or operation of modified facilities. When extensive modifications are proposed or required, the Manager-Engineer may require application for and issuance of a new Non-Domestic Sewer Use Permit.

As soon as possible after promulgation of a National Categorical Pretreatment Standard, any Non-Domestic Sewer Use Permit subject to such standard shall be revised by the District to include requirements for compliance with such standards within the time frame prescribed by such standard. Users holding existing Non-Domestic Sewer Use Permits shall submit to the Manager-Engineer, within ninety (90) days after the promulgation of an applicable Federal Categorical Pretreatment Standard, information on the nature, concentration, proposed pretreatment and compliance schedule for applicable standards. Where a user subject to a National Categorical Pretreatment Standard has not previously submitted an application for a Non-Domestic Sewer Use Permit, the user shall submit a Non-Domestic Sewer Use Permit application within ninety (90) days after the promulgation of the applicable National Categorical Pretreatment Standard.

Sec. 826. Permit Transfer. Non-Domestic Sewer Use Permits are issued to a specific user for a specific operation. A Non-Domestic Sewer Use Permit shall not be assigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the written approval of the District. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

Sec. 827. Permit Fees. It is the purpose of this Article to provide for the recovery of costs from users of the POTW for the implementation of the program established herein. Fees for Non-Domestic Sewer Use Permits or Waste Hauler Permits are defined below and more particularly set forth in Table 1.

(a) Application Fee - The Application Fee is set forth in Table 1 and is intended to cover the District's estimated cost in reviewing the application for a Non-Domestic Sewer Use Permit. The Application Fee shall be paid to the District upon submission of the permit application. Should the permit be denied, the Application Fee will not be refunded.

(b) Renewal Application Fee - The Renewal Application Fee is set forth in Table 1 and is intended to cover the District's estimated cost in reviewing the renewal application for a Non-Domestic Sewer Use Permit. The Renewal Application Fee shall be paid to the District upon submission of the permit application. Should the permit renewal be denied, the Renewal Application Fee will not be refunded.

(c) Permit Issuance Fee - The Permit Issuance Fee is set forth in Table 1 and covers the District's estimated cost for processing each class of permit, including establishing the permit requirements, District compliance reporting to the State and EPA, and minor permit modification during the life of the permit. The Permit Issuance Fee shall be paid each time the permit is issued and when the permit is re-issued. The Permit Issuance Fee shall be paid to the District prior to issuance or re-issuance.

(d) Permit Monitoring and Inspection Fee - The Permit Monitoring and Inspection Fee will be established by the District for each individual permit and will be based on an estimate of the costs of routine monitoring for compliance and periodic inspection of the permittee's processes during the life of the permit. The Permit Monitoring and Inspection Fee will vary from permit to permit and will depend on the frequency of the monitoring and cost of the necessary laboratory tests to verify compliance with the permit conditions. This fee will be billed directly to the permittee in advance on an annual basis and is payable within fifteen (15) days from the date of invoice.

(e) Non-Compliance Monitoring Fee - The Non-Compliance Monitoring Fee will consist of actual costs incurred by the District associated with any additional inspection, sampling, analysis and reporting, together with direct labor and overhead of District personnel and all direct costs for work performed as a result of a permittee's non-compliance with permit conditions. The Non-Compliance Monitoring Fee will be billed directly to the permittee as costs are incurred and is payable within fifteen (15) days from the date of invoice.

#### Table 1 Schedule of Sewer Use Fees

##### Non-Domestic Sewer Use Permit Hauler

##### Type of Fee Class I Class II Class III Permit

1. Application Fee \$ 175 \$ 85 None \$ 85

2. Renewal Application \$ 175 \$ 85 None \$ 85 Fee
  3. Permit Issuance Fee \$ 1,240 \$ 620 \$ 210 \$ N/A
  4. Permit Monitoring Established by the Manager-Engineer when\* and Inspection Fee the permit is issued
  5. Non-Compliance Actual costs incurred by the District associated Monitoring Fee with monitoring non-compliance with permit conditions
- \* Waste Haulers shall pay a fee for discharge of each tank truck load in accordance with other District rules and regulations.

In addition to the fees listed above associated with Non-Domestic Sewer Use Permits, permittees shall pay all other applicable District fees and charges as provided elsewhere in this Ordinance, and sewer service charges in accordance with separate District regulations.

Sec. 828. Pretreatment. Users shall provide necessary wastewater treatment as required to comply with this Article and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. Any facilities required to pretreat wastewater to a level acceptable to the District shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the District for review and shall be acceptable to the District before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the District under the provisions of this ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the District prior to the user's initiation of the changes.

The District shall annually publish in a local newspaper a list of the users which were in significant noncompliance of Pretreatment Requirements or Standards during the twelve (12) previous months in accordance with applicable Federal regulations. The notification shall also summarize any enforcement actions taken against these users during the same twelve (12) months. All records relating to compliance with Pretreatment Standards shall be made available to officials of the Regional Water Quality Control Board or EPA upon request.

For purposes of the above publication requirement, a Significant Industrial User (or any Industrial User which violates paragraphs (3), (4) or (8)) is in significant non-compliance if its violation meets one or more of the following criteria:

(1) chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all 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 by 40 CFR 403.3(l);

(2) 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 40 CFR 403.3(l) multiplied by the applicable TRC value (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH)];

(3) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the

Manager-Engineer determines has caused, alone or in combination with other discharges, pass through or interference, including endangering the health of POTW personnel or the general public;

(4) a discharge of imminent endangerment to human health, welfare, or the environment, or which required the District to use its emergency authorities under 40 CFR 403.8(f)(1)(vi)(B);

(5) violations of a compliance schedule milestone by 90 days;

(6) violations of report submittal deadlines by 45 days;

(7) failure to report noncompliance; and

(8) any other violation, which may include a violation of Best Management Practices, deemed significant by the District.

Sec. 829. Monitoring Facilities. The District may require to be provided and operated at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the District may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operation condition at the expense of the user.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the District's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the District.

Sec. 830. Inspection and Sampling. The District may inspect the facilities of any user to ascertain whether the purpose of this Article is being met and all District requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the District or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination, records copying or in the performance of any of their duties. The District, Regional Water Quality Control Board and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that, upon presentation of suitable identification, personnel from the District, Regional Water Quality Control Board and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

Sec. 831. Initial Pretreatment Compliance Report. 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 pretreatment standards and requirements shall submit to the Manager-Engineer a report complying with 40 CFR 403.12(d) of the Federal regulations. The report shall state

whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the user, and certified to by a qualified professional. All costs associated with the Initial Pretreatment Compliance Report shall be borne by the user.

Sec. 832. Periodic Compliance Reports. All Significant Industrial Users shall submit to the Manager-Engineer semi-annually, unless required more frequently in the pretreatment standard or by the Manager-Engineer, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards, together with a record of all daily flows. [09/14/2015]

Where mass limitations have been imposed, the compliance report required above shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user.

Periodic Compliance Reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the Manager-Engineer, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All costs for Periodic Compliance Reports shall be borne by the user.

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.

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 Manager-Engineer, using the procedures prescribed in Section 803 of this ordinance, the results of this monitoring shall be included in the report. All reports required by this section shall include 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."

Further, all reports required by this section shall be signed by an Authorized Representative as defined in Section 102.

(a) The Manager-Engineer 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. 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.
- (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 102, and include the certification statement below.
- (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 Manager-Engineer 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 Manager-Engineer for 3 years after expiration of the waiver.
- (7) Upon approval of the monitoring waiver and revision of the User's permit by the Manager-Engineer, the Industrial User must certify on each report with the statement 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 this section, or other more frequent monitoring requirements imposed by the Manager-Engineer, and notify the Manager-Engineer.
- (9) This provision does not supersede certification processes and requirements established in Categorical Pretreatment Standards, except as otherwise specified in the Categorical Pretreatment Standard.

Users that have an approved monitoring waiver based on the above section 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.

"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 832.a.”

(b) Annual Certification for Non-Significant Categorical Industrial Users — A facility determined to be a Non-Significant Categorical Industrial User by the Manager-Engineer pursuant to Section 150 must annually submit the following certification statement signed in accordance with the signatory requirements in Section 102. This certification must accompany an alternative report required by the Manager-Engineer:

“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 Section 150.

(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.”

Sec. 833. Confidential Information. Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency 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, such as trade secrets of the user.

When requested by the person furnishing a report, 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 upon written request to governmental agencies for uses related to this Ordinance, the National Pollutant Discharge Elimination System (NPDES) Permit, State Disposal System Permit and/or the Pretreatment Programs; provided, however, that such portions of a report shall be available for use by the State or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Sec. 834. Revocation of Permit. The Manager-Engineer may revoke the Non-Domestic Sewer Use Permit of any person who commits any of the following violations or violates any applicable State and Federal regulations.

(a) Failure of a user to factually report the wastewater constituents and characteristics of his discharge;

(b) Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;

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

- (d) Violation of conditions of the permit; or
- (e) Failure of a user to notify District immediately of an accidental discharge and/or to take appropriate corrective action to prevent a recurrence.

Sec. 835. Notification of the Discharge of Hazardous Waste.

(a). Any User who commences the discharge of hazardous waste shall notify the District, 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 823 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 829 and 830 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 Manager-Engineer, 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.

Sec. 836. 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 810. 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 Manager-Engineer, or where the User has been specifically notified of a longer retention period by the Manager-Engineer.

## **ARTICLE IX. ENFORCEMENT**

Sec. 901. Violation. Any person found to be violating any provision of this or any other ordinance, rule or regulation of the District shall be served by the Manager-Engineer or other authorized person with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. Said time limit shall be not less than two (2) nor more than fourteen (14) working days, as said time is determined by the Manager-Engineer. The offender shall, within the period of time stated in such notice, permanently cease all violations. All persons shall be held strictly responsible for their acts and any and all acts of agents or employees done under the provisions of this or any other ordinance, rule or regulation of the District. Upon being notified by the Manager-Engineer of any defect arising in any sewer or of any violation of this Ordinance, the person or persons having charge of said work shall immediately correct the same.

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

Sec. 902. Public Nuisance. Continued occupancy of any building or continued operation of any commercial, industrial or institutional facility in violation of the provisions of this or any other ordinance, rule or regulations of the District is hereby declared to be a public nuisance. The District may cause proceedings to be brought for the abatement of the occupancy of the building involved during the period of such violation.

Sec. 903. Disconnection. In order to effect its powers, the District may enter upon private property for the purpose of inspection and maintenance of sanitary and waste disposal facilities and may, as an alternative method of enforcing the provisions of this or any other District ordinance, rule or regulation, disconnect the user from the sewer system of the District.

Prior to disconnection, the Manager-Engineer shall give written notice to the owner and tenant or tenants, if any, of the property involved that disconnection is intended to be made, and the District Board of Directors shall conduct a hearing on the matter. Such notice shall be mailed to the owner at the address shown on the last equalized assessment roll of the County Assessor, or as shown on the records of the Assessor to be used in the preparation of the next

assessment roll, and a copy shall be delivered to the tenant or posted conspicuously on the property. The notice shall state the date of proposed disconnection, the reasons therefore, and the date the District Board of Directors shall hold a hearing upon such intended disconnection. Such hearing shall not be held less than ten (10) days subsequent to the giving of notice as herein required.

Notwithstanding the above provisions, the Manager-Engineer shall have the authority to suspend service, including immediate disconnection, when such suspension of service and disconnection is necessary to stop an actual or threatened harmful discharge as provided in Section 908 hereof.

In the event disconnection occurs as above provided, the Manager-Engineer shall estimate the cost of disconnection from and reconnection to the sewer system, and the user shall deposit the estimated cost of disconnection and reconnection before such user is reconnected to the system. The Manager-Engineer shall refund any part of the deposit remaining after payment of all costs of disconnection and reconnection.

Sec. 904. Public Nuisance - Abatement in the Event of Disconnection. During the period of such disconnection, habitation of such premises by human beings shall constitute a public nuisance, whereupon the District shall cause proceedings to be brought for the abatement for the occupancy of said premises by human beings during the period of such disconnection. In such event, and as a condition of reconnection, there is to be paid to the District reasonable attorneys' fees and costs of suit arising in said action.

Sec. 905. Misdemeanor. Section 6523 of the Health and Safety Code of the State of California provides that the violation of an ordinance, rule or regulation of a sanitary district by any person is a misdemeanor punishable by fine not to exceed One Thousand Dollars (\$1000), imprisonment not to exceed thirty (30) days, or both. Each and every connection or occupancy or discharge in violation of the ordinances, rules and regulations of the District shall be deemed a separate violation and each and every day or part of a day a violation of the ordinance, rule or regulation continues shall be deemed a separate offense hereunder and shall be punishable as such.

Sec. 906. Liability for Violation. Any person violating any of the provisions of the ordinances, rules or regulations of the District shall become liable to the District for any expense, loss or damage occasioned by the District by reason of such violation.

Sec. 907. Damage to Facilities. When a discharge of wastes causes an obstruction, damage, or any other impairment to the POTW, the person responsible for such discharge shall become liable to the District for any expense, loss or damage to such facilities.

Sec. 908. Harmful Discharges, Immediate Suspension. The Manager-Engineer may suspend service when in his or her opinion such suspension is necessary in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, or causes interference with the operation of the POTW. Any person notified of such a suspension of service shall immediately stop or eliminate the harmful discharge. In the event of a failure of the responsible person to comply voluntarily with the suspension order, the Manager-Engineer shall take such steps as deemed necessary, including immediate disconnection to prevent or minimize damage to or interference with the sewerage system or endangerment to any individuals. The Manager-Engineer may reinstate the service upon proof of the elimination of the non-complying

discharge. A detailed written statement submitted by the user describing the causes of the harmful discharge and the measures taken to prevent any future occurrence shall be submitted to the District before reinstatement of the service.

Sec. 909. Legal Action. In the event of violation of any provisions of this Ordinance, Federal or State Pretreatment Requirements, or any order of the District pursuant to this Ordinance, the District Board of Directors may commence an action for appropriate legal and/or equitable relief in the Superior Court of Marin County.

Sec. 910. Civil Penalties. Any person who violates any provision of this Ordinance, requirements, or conditions set forth in permits duly issued, or who discharges wastewater which causes pollution, or violates any prohibition, effluent limitation, national standard of performance, pretreatment or toxicity standard, shall be assessed civil penalties of not less than One Thousand Dollars (\$1,000) nor more than Six Thousand Dollars (\$6,000) for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the District may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this Ordinance or the orders, rules, regulations, and permits issued hereunder. (Ord 78, 2/28/94).

Sec. 911. Falsifying Information. Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Ordinance, or Non-Domestic Sewer Use Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance, shall, upon conviction, be punished by a fine of not more than One Thousand Dollars (\$1,000) or by imprisonment for not more than thirty (30) days, or by both. (Ord 78, 2/28/94)

Sec 912. Administrative Fines.

(1) When the Manager-Engineer finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the Manager-Engineer may fine such User in an amount not to exceed One Thousand Dollars (\$1000). 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.

(2) Users desiring to dispute such fines must file a written request for the Manager-Engineer to reconsider the fine along with full payment of the fine amount within thirty (30) days of being notified of the fine. Where a request has merit, the Manager-Engineer 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 Manager-Engineer may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

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

Sec 913. Remedies Nonexclusive. The remedies provided for in this ordinance are not exclusive. The Manager-Engineer 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 District's enforcement response plan. However, the Manager-Engineer may take other action against any User when the circumstances warrant. Further, the Manager-Engineer is empowered to take more than one enforcement action against any noncompliant User.

\*\*\*\*\*

If any section, subsection, sentence, clause or phrase of this Ordinance or the application thereof to any person or circumstance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance or the application of such provision to other persons or circumstances. The Board hereby declares that it would have passed this ordinance or any section, subsection, sentence, clause or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared to be unconstitutional.

All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Upon adoption this Ordinance shall be entered in full in the minutes of the District Board and a summary published once in the Marin Independent Journal, a daily newspaper of general circulation published in the District, within one (1) week following its passage and adoption.

PASSED AND ADOPTED at a regular meeting of the Board of Directors of the Novato Sanitary duly held on the 14<sup>th</sup> day of September, 2015, by the following vote:

AYES, and in favor thereof, Members: Mariani, Butler, Long, Miller, Peters

NOES, Members: None

ABSENT, Members: None

**signature on file**

President, Board of Directors

ATTEST:

**signature on file**

Secretary