

**GAU Sewer Use Ordinance and Industrial Pretreatment
Greater Augusta Utility District**

Sewer Use Ordinance

As revised, 8/1/1994

As revised, March, 2008

Approved by GAU Board by unanimous vote, 6/23/2008

Notice and hearing having been had thereon, on motion duly seconded it was unanimously voted that regulations for governing the use of public and private sewers proposed under date of April 8, 1992 be adopted, established and promulgated, the effective date thereof to be April 8, 1992.

An ordinance establishing regulations for the use of public and private sewers and drains, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer system(s); and providing penalties for violations thereof:

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SECTION 1 - General Provisions

1.1 Purpose and Policy

This ordinance sets forth uniform requirements for users of the wastewater collection and Publicly Owned Treatment Works (POTW) for the Greater Augusta Utility District and enables the District to comply with all the applicable State and Federal laws including the Clean Water Act (33 U.S.C. 1251 et seq.), and the General Pretreatment Regulations (40 CFR Part 403). The objectives of this ordinance are:

- A. To prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW;
- B. To prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated, into the receiving waters or otherwise be incompatible with the POTW;
- C. To ensure that the quality of the wastewater treatment plant sludge is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations;
- D. To protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public;
- E. To improve the opportunity to recycle and reclaim wastewater sludge from the POTW;
- F. To enable the District to comply with its NPDES permit conditions, sludge use and disposal requirements and any other Federal or State laws to which the POTW is subject.

1.2 Administration

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

1.3 Definitions

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

- A. *Act* or "*the Act*". The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 *et seq.*
- B. *Approval Authority*. State of Maine, Department of Environmental Protection or their designee.
- C. *Authorized Representative of the Industrial User*.
 1. If the industrial user is a corporation, authorized representative shall mean:
 - 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

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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 industrial user is a partnership, or sole proprietorship, an authorized representative shall mean a general partner or proprietor, respectively;
 3. If the industrial 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 his/her 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.
- D. *Biochemical Oxygen Demand*. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20° centigrade expressed in terms of mass and concentration [milligrams per liter (mg/L)].
- E. *Best Management Practices or BMP's* means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 2.1 A and B [40 CFR 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. [Note: BMPs also include alternative means (i.e. management plans) of complying with, or in place of certain established categorical Pretreatment Standards and effluent limits.]
- F. *Building Drain*. That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning eight (8) feet outside the inner face of the building wall.
- G. *Building Sewer*. The extension from the building drain or other non-public sewers from residential, commercial and industrial areas to the public sewer or other place of disposal.
- H. *Categorical Pretreatment Standard or Categorical Standard*. Any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1317) which apply to a specific category of industrial users and which appear in 40 CFR chapter I, Subchapter N, Parts 405-471.
- I. *Color*. The optical density at the visual wavelength of maximum absorption, relative to distilled water. One hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.
- J. *Combined Sewer*. A sewer receiving both surface runoff and sewage.
- K. *Composite Sample*. The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

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- L. *Easement*. An acquired right for the specific use of land owned by others.
- M. *Environmental Protection Agency* or *EPA*. The U.S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the Regional Water Management Division Director or other duly authorized official of said agency.
- N. *Existing Source*. Any source of discharge, the construction or operation of which commenced prior to the publication of proposed categorical pretreatment standards which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.
- O. *Floating Oil*. Fats, wax, grease or oils, whether emulsified or not, in a physical state such that it will separate from wastewater by appropriate pretreatment facilities.
- P. *Garbage*. The solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.
- Q. *Grab Sample*. A sample which is taken from a waste stream on a onetime basis without regard to the flow in the waste stream and without consideration of time.
- R. *Greater Augusta Utility District* – GAU or District
- S. *Indirect Discharge or Discharge*. The introduction of nondomestic pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c) or (d) of the Act.
- T. *Industrial User or User*. A source of indirect discharge.
- U. *Inspection Fee*. Cost of inspection of new or existing sewer related work by District personnel.
- V. *Instantaneous Maximum Allowable Discharge Limit*. The maximum concentration (or loading) of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
- W. *Interference*. A discharge which alone or in conjunction with a discharge or discharges from other sources: 1) inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and 2) therefore is a cause of a violation of the District's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued there under (or more stringent State or local regulations): Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA), including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); and all regulations promulgated under these statutes; any State regulations pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act; Section 405 of the Clean Water Act; and the Marine Protection, Research and Sanctuaries Act.
- X. *Local Limit*. Specific discharge limits developed and enforced by the District upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).
- Y. *Medical Waste*. Isolation wastes, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

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Z. *Natural Outlet.* Any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

AA. *New Source.*

1. Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commence after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
 - a. The building, structure, facility or installation is constructed at a site at which no other source is located; or
 - b. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - c. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
2. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
3. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
 - a. Begun, or caused to begin as part of a continuous onsite construction program:
 1. Any placement, assembly, or installation of facilities or equipment; or
 2. 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 terminate or modified without substantial loss, and con tract for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

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- BB. *Noncontact Cooling Water.* Water used for cooling which does not come into direct contact with any raw material intermediate product, waste product, or finished product.
- CC. *Pass Through.* A discharge which exits the POTW into waters of the U.S. in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the District's NPDES permit (including an increase in the magnitude or duration of a violation).
- DD. *Person.* Any individual, partnership, co-partnership, firm, company corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. This definition includes all Federal, State or local governmental entities.
- EE. *pH.* A measure of the negative logarithm of the hydrogen ion concentration, expressed in standard units.
- FF. *Pollutant.* Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, industrial wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes, and the characteristics of wastewater [i.e., pH, temperature, TSS, turbidity, color, BOD, Chemical Oxygen Demand (COD), toxicity, odor].
- GG. *Pretreatment.* The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes, by process changes, or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.
- HH. *Pretreatment Requirements.* Any substantive or procedural requirement related to pretreatment imposed on an industrial user, other than a pretreatment standard.
- II. *Pretreatment Standards or Standards.* Pretreatment standards shall mean prohibitive discharge standards, categorical pretreatment standards, and local limits.
- JJ. *Prohibited Discharge Standards or Prohibited Discharges.* Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 3.1 of this ordinance.
- KK. *Publicly Owned Treatment Works or POTW.* A "treatment works" as defined by Section 212 of the Act (33 U.S.C. 1292), which is owned by the State or municipality. This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of sewage or industrial wastes and any conveyances which convey wastewater to a treatment plant. The term also means the municipal entity having jurisdiction over the industrial users and responsibility for the operation and maintenance of the treatment works.
- LL. *Septic Tank Waste.* Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- MM. *Sewage.* Human excrement and gray water (household showers, dishwashing operations, etc.).

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- NN. *Sewer Availability Fee.* A one time fee assessed to new users based on average estimated daily flow.
- OO. *Significant Industrial User.* Shall apply to: a) industrial users subject to categorical pretreatment standards; and b) any other industrial user that i) discharges an average of 25,000 GPD or more of process wastewater, ii) contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the treatment plant or, iii) is designated as significant by the District on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
- PP. *Slug Load or Sludge Discharge.* Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 3.1 of this ordinance. A slug discharge in 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.
- QQ. *Standard Industrial Classification (SIC) Code.* A classification pursuant to the Standard Industrial Classification Manual issued by the U.S. Office of Management and Budget
- RR. *Storm Water.* Any flow occurring during or following any form of natural precipitation, and resulting there from, including snowmelt.
- SS. *General Manager.* The person designated by the District to supervise the operation of the POTW, and who is charged with certain duties and responsibilities; by this ordinance or his duly authorized representative.
- TT. *Total Suspended Solids.* The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.
- UU. *Toxic Pollutant.* One of 129 pollutants, or combination of those pollutants, listed as toxic in regulations promulgated by the EPA under the provision of Section 307 (33 U.S.C. 1317) of the Act.
- VV. *Treatment Plant Effluent.* Any discharge of pollutants from the POTW into waters of the State.
- WW. *Wastewater.* Liquid and water-carried industrial wastes, and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
- XX. *Wastewater Treatment Plant or Treatment Plant.* That portion of the POTW designed to provide treatment of sewage and industrial waste.
- YY. Shall is mandatory; may is permissive or discretionary. The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.

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1.4 Abbreviations

- BOD Biochemical Oxygen Demand
- BMP Best Management Practices
- CFR Code of Federal Regulations
- CIU Categorical Industrial User
- COD Chemical Oxygen Demand
- DEP Department of Environmental Protection
- EPA US Environmental Protection Agency
- GAU Greater Augusta Utility District
- gpd gallons per day
- L liter
- mg milligrams
- mg/L milligrams per liter
- NPDES National Pollutant Discharge Elimination System
- O&M Operation and Maintenance
- POTW Publicly Owned Treatment Works
- RCRA Resource and Conservation Recovery Act
- SIC Standard Industrial Classifications
- SWDA Solid Waste Disposal Act (42 USC 6901 et seq.)
- TSS Total Suspended Solids
- USC United States Code

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SECTION 2 - Building Sewers And Connections

- 2.1. No unauthorized person shall uncover, make any connections with or opening into, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the General Manager. Any person, except significant industrial users, proposing a new discharge into the system shall notify the General Manager at least forty-five (45) days prior to the proposed change or connection.
- 2.2. There shall be three (3) classes of building sewer permits: (a) for residential, (b) for commercial service and (c) for service to establishments producing industrial wastes. In each case, the owner or his agent shall make application on a special form furnished by the District. The permit application shall be supplemented by any plan, specifications, or other information considered pertinent in the judgment of the General Manager. A permit, inspection fee and sewer availability fee shall be paid to the District at the time application is filed.
- 2.3. All costs and expense associated with the installation, connection, maintenance and operation of a building sewer to the District's main shall be the responsibility of the owner.
- 2.4. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, or where it is not able to be subdivided, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
- 2.5. Old building sewers may be used in connection with new buildings only when they are found, on examination and tested by the General Manager, to meet all requirements of this ordinance.
- 2.6. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavation, placing of the pipe, jointing, testing, and backfilling the trench, shall conform to the requirements of all applicable building and plumbing codes or other applicable rules and regulations of the Greater Augusta Utility District. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. (ASTM International) and W.E.F. (Water Environment Federation) Manual of Practice No. 9 shall apply.
- 2.7. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- 2.8. The connection of the building sewer shall conform to the requirements of all applicable building and plumbing codes or other applicable rules and regulations of the District. All such connections shall be made gastight and watertight. The General Manager must approve any deviation from the prescribed procedures and materials before installation.
- 2.9. The applicant for the building sewer permit shall notify the General Manager when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the General Manager or their representative.

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2.10. All excavations for building sewer installation shall be adequately guarded with barricades and lights to protect the public from harm. Street, sidewalks, and other public property disturbed in the course of the works shall be restored in a manner satisfactory to the General Manager.

SECTION 3 - General Use Requirements

3.1 Prohibited Discharge Standards

No person(s) shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all industrial users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State or local pretreatment standards or requirements. Furthermore, no person(s) may contribute the following substances to the POTW.

- A. Pollutants which create a fire or explosive hazard in the District's wastewater collection system and POTW, including, but not limited to wastestreams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21.
- B. Any wastewater having a pH less than 5.0 or more than 9.0 or otherwise causing corrosive structural damage to the POTW or equipment, or endangering District personnel.
- C. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference, but in no case solids greater than 1/2 inch or 1.27 centimeters in any dimension.
- D. Any wastewater containing pollutants, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which either singly or by interaction with other pollutants, will cause interference with either the POTW or any wastewater treatment or sludge process, or which will constitute a hazard to humans or animals.
- E. Any wastewater having a temperature greater than 150°F (65°C) or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C).
- F. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.
- G. Any pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- H. Any trucked or hauled pollutants, except at discharge points designated by the District in accordance with Section 4.3.
- I. Any noxious or malodorous liquids, gases, solids or other wastewater which either singly or by interaction with other wastes, are sufficient to create a public nuisance, a hazard to life, or to prevent entry into the sewers for maintenance and repair.
- J. Any wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently impart color to the treatment plant's effluent thereby violating the District's NPDES permit. Color (in combination with turbidity) shall not cause the treatment plant

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effluent to reduce the depth of the compensation point for photosynthetic activity by more than 10 percent from the seasonably established norm for aquatic life.

- K. Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the General Manager in compliance with applicable State or Federal regulations.
- L. Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted industrial wastewater, unless specifically authorized by the General Manager.
- M. Any sludges, screenings, or other residues from the pretreatment of industrial wastes.
- N. Any medical wastes, except as specifically authorized by the General Manager in a wastewater discharge permit.
- O. Any wastewater causing the treatment plant's effluent to fail a toxicity test.
- P. Any wastes containing detergents, surface-active agents, or other substances, which may cause excessive foaming in the POTW.
- Q. Any water or wastes containing floating oil, fats, wax, greases, or oils, whether emulsified or not, in excess of one hundred (100) mg/L.

Wastes prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW. All floor drains located in process or materials storage areas must discharge to the industrial user's pretreatment facility before connecting with the POTW.

3.2 Federal Categorical Pretreatment Standards

Users must comply with the categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471.

- A. Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the General Manager may impose equivalent concentration or mass limits in accordance with Section 3.2E and 2.2F.
- B. When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the General Manager 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 General Manager shall impose an alternate limit in accordance with 40 CFR 403.6(e).
- D. A CIU may obtain a net/gross adjustment to a categorical Pretreatment Standard in accordance with the following paragraphs of this Section. [Note: See 40 CFR 403.15]
 - 1. Categorical Pretreatment Standards may be adjusted to reflect the presence of pollutants in the Industrial User's intake water in accordance with this Section. Any Industrial User wishing to obtain credit for intake pollutants must make application to the District. Upon request of the Industrial User, the applicable Standard will be calculated on a "net" basis.

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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 General Manager. The District may establish equivalent mass limits only if the Industrial User meets all the conditions set forth in Sections 2.2E(1)(a) through 2.2E(1)(e) below.
 1. To be eligible for equivalent mass limits, the Industrial User must:
 - a. Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;
 - b. Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;
 - c. Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;

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- 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 General Manager whenever production rates are expected to vary by more than 20 percent from its baseline production rates. Upon notification of a revised production rate, the General Manager 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 3.2E(1)(a) of this Section so long as it discharges under an equivalent mass limit.
 3. When developing equivalent mass limits, the General Manager:
 - a. Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process (es) of the Industrial User by the concentration-based Daily Maximum and Monthly Average Standard for the applicable Categorical Pretreatment Standard and the appropriate unit conversion factor;
 - b. Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
 - c. May retain the same equivalent mass limit in subsequent individual wastewater discharger permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section 3.7. The Industrial User must also be in compliance with Section 14.3 regarding the prohibition of bypass.
- F. The General Manager 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 General Manager.

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[Note: When converting such limits to concentration limits, the General Manager will use the concentrations listed in the applicable subparts of 40 CFR Parts 414, 419, and 455 and document that dilution is not being substituted for treatment as prohibited by Section 3.7 of this ordinance (see 40 CFR 403.6(d)). In addition, the General Manager will document how the equivalent limits were derived for any changes from concentration to mass limits, or vice versa, and make this information publicly available (see 40 CFR 403.6(c)(7)).]

- G. Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this Section (3.2) in lieu of the promulgated categorical Standards from which the equivalent limitations were derived. [Note: See 40 CFR 403.6(c)(7)]
- H. Many categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum Monthly Average, or 4-day average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation. [Note: See 40 CFR 403.6(c)(8)]
- I. Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the General Manager 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 General Manager of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate. [Note: See 40 CFR 403.6(c)(9)]

3.3 Local Limits

- A. The General Manger is authorized to establish Local Limits pursuant to 40 CFR 403.5(c).
- B. The following pollutant limits are established to protect against Pass Through and Interference. No person shall discharge wastewater that exceeds the following specific pollutant limitations.

3.4 Specific Pollutant Limitations

At no time shall the influent to the POTW contain quantities in excess of those specified below:

<u>Substance</u>	<u>Industrial Loading Daily Maximum (mg/L)</u>
Arsenic	0.240
Cadmium	0.024
Chromium	0.380
Copper	0.500
Cyanide	0.940
Lead	0.250
Mercury	0.003
Nickel	0.560
Silver	0.630
Zinc	0.950

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

- A. The General Manager may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits to implement Local Limits and the requirements of Section 3.1.

To assure that none of the above noted limitations are violated, the General Manager shall issue permits to significant industrial users limiting the discharge of the substances as noted above.

3.5 District's Right of Revision

The District reserves the right to establish, by ordinance or wastewater discharge permits, more stringent standards or requirements on discharges to the POTW if deemed necessary, to comply with the objectives presented in Section 1.1 of this ordinance or the general and specific prohibitions of Section 3.1 of this ordinance.

3.6 Special Agreement

The District reserves the right to enter into special agreements with industrial users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a pretreatment standard or requirement. However, the industrial user may request a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15. They may also request a variance from the categorical pretreatment standard. Such a request will be approved only if the industrial user can prove factors relating to its discharge are fundamentally different from the factors considered by EPA when establishing that pretreatment standard. An industrial user requesting a fundamentally different fact or variance must comply with the procedural and substantive provisions in 40 CFR 403.13.

3.7 Dilution

No industrial 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 General Manager may impose mass limitations on industrial users, which are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

3.8 Grease, Oil and Sand Interceptors

Grease, oil and sand interceptors shall be provided when, in the opinion of the General Manager, they are necessary for the proper handling of liquid wastes containing floatable oil or grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the General Manager and shall be located as to be readily and easily accessible for cleaning and inspections. Such interceptors shall be inspected and cleaned on a regular basis, and repaired by the User at their expense.

3.9 Control Manhole

When required by the General Manager, the owner of any property serviced by a building sewer or private sewer carrying industrial wastes shall install a suitable control manhole, together with such necessary meters and other appurtenances in the building sewer to facilitate

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observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the General Manager. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

SECTION 4- Pretreatment Of Wastewater

4.0 Pretreatment Facilities

Industrial users shall provide necessary wastewater treatment as required to comply with this ordinance and shall achieve compliance with all categorical pretreatment standards, local limits and prohibitions set out in Section 3.1 above within the time limitations specified by the EPA, the State, or the General Manager, whichever is more stringent. Any facilities required to pretreat wastewater to a level acceptable to the District shall be provided, operated, and maintained at the industrial 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 industrial user from the responsibility of modifying the facility as necessary to produce an acceptable discharge to the District under the provisions of this ordinance.

4.1 Accidental Discharge/Slug Control Plans

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

- A. Description of discharge practices, including non-routine batch discharges.
- B. Description of stored chemicals.
- C. Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge, which would violate any of the prohibited discharges in Section 3.1 of this ordinance.
- D. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

The industrial user shall notify the POTW immediately of any changes that occur at the facility affecting the potential for a slug discharge, thereby allowing the POTW to reevaluate the need for a slug control plan or other actions to prevent such discharges.

4.2 Tenant Responsibility

Where an owner of property leases premises to any other person as a tenant under any rental or lease agreement, if either the owner or the tenant is an industrial user, either or both may be held responsible for compliance with the provisions of this ordinance.

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4.3 Hauled Wastewater

- A. Septic tank waste may be accepted into the POTW at a designated receiving structure within the treatment plant area, and at such times as are established by the General Manager, provided such wastes do not violate Section 3 of this ordinance or any other requirements established or adopted by the District. The General Manager shall issue wastewater discharge permits for individual vehicles to use such facilities.
- B. The discharge of hauled industrial wastes as “industrial septage” requires prior approval and a wastewater discharge permit from the District. The General Manager shall have authority to prohibit the disposal of such wastes, if such disposal would interfere with the treatment plant operation. Waste haulers are subject to all other sections of this ordinance.
- C. Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

4.4 Vandalism

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or equipment, or other part of the District’s POTW property. Any person found in violation of this requirement shall be subject to the sanctions set out in Sections 11-12.

SECTION 5 - Wastewater Discharge Permit Eligibility

5.1 Wastewater Survey

When requested by the General Manager, all industrial users must submit information on the nature and characteristics of their wastewater by completing a wastewater survey prior to commencing their discharge. The General Manager is authorized to prepare a form for this purpose and may periodically require industrial users to update the survey. Failure to complete this survey shall be reasonable grounds for terminating service to the industrial user and shall be considered a violation of this ordinance.

5.2 Wastewater Discharge Permit Requirement

- A. It shall be unlawful for any significant industrial user to discharge wastewater into the District’s POTW without first obtaining a wastewater discharge permit from the General Manager. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in Sections 11-12. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State and local law.
- B. The General Manager may require other industrial users, including liquid waste haulers, to obtain wastewater discharge permits as necessary to carry out the purposes of this ordinance.

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5.3 Wastewater Discharge Permitting: Existing Connections

Any User required to obtain an individual wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within sixty (60) days after said date, apply to the General Manager for an individual wastewater discharge permit in accordance with Section 5.2 of this ordinance, and shall not cause or allow discharges to the POTW to continue after ninety (90) days of the effective date of this ordinance except in accordance with an individual wastewater discharge permit issued by the General Manager.

5.4 Wastewater Discharge Permitting New Connections

Any significant industrial user proposing to begin or recommence discharging industrial wastes into the POTW must obtain a wastewater discharge permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit must be filed at least ninety (90) days prior to the date upon which any discharge will begin.

5.5 Regulation of Waste Received from other Jurisdictions

- A. If another municipality, or User located within another municipality, contributes wastewater to the POTW, the General Manager shall enter into an intermunicipal agreement with the contributing municipality.
- B. Prior to entering into an agreement required by paragraph A, above, the General manager shall request the following information from the contributing municipality:
 1. A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
 2. An inventory of all Users located within the contributing municipality that are discharging to the POTW; and
 3. Such other information as the General Manager may deem necessary.
- C. An intermunicipal agreement, as required by paragraph A, above, shall contain the following conditions:
 1. A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this ordinance and Local Limits, including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in Section 3.4 of this ordinance. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the District's ordinance or Local Limits;
 2. A requirement for the contributing municipality to submit a revised User inventory on at least an annual basis;
 3. A provision specifying which pretreatment implementation activities, including individual wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted jointly by the contributing municipality and the General Manager.
 4. A requirement for the contributing municipality to provide the General Manager with access to all information that the contributing municipality obtains as part of its pretreatment activities;

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5. Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where is discharges to the POTW;
 6. Requirements for monitoring the contributing municipality's discharge;
 7. A provision ensuring the General Manager access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the General Manager; and
 8. A provision specifying remedies available for breach of the terms of the intermunicipal agreement.
- D. Any existing significant industrial user located beyond the District limits shall submit a wastewater discharge permit application, in accordance with Section 5.6 below, within sixty (60) days of the effective date of this ordinance. New significant industrial users located beyond the District limits shall submit such applications to the General Manager ninety (90) days prior to any proposed discharge into the POTW.
- E. Alternately, the General Manager may enter into an agreement with the neighboring jurisdiction in which the significant industrial user is located to provide for the implementation and enforcement of pretreatment requirements against said industrial user.

5.6 Wastewater Discharge Permit Application Contents

- A. All Users required to obtain an individual wastewater discharge permit must submit a permit application. The General Manager may require Users to submit all or some of the following information as part of a permit application:
1. Identifying Information.
 - a. The name and address of the facility, including the name of the operator and owner.
 - b. Contact information, description of activities, facilities, and plant production processes on the premises;
 2. Environmental Permits. A list of any environmental control permits held by or for the facility.
 3. Description of Operations.
 - a. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
 - b. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
 - c. Number and type of employees, hours of operation, and proposed or actual hours of operation;

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- d. Type and amount of raw materials processed (average and maximum per day);
 - e. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
4. Time and duration of discharges;
 5. The location for monitoring all wastes covered by the permit;
 6. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in Section 2.2C (40 CFR 403.6(e)).
 7. Measurement of Pollutants.
 - a. The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
 - b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by [the General Manager], of regulated pollutants in the discharge from each regulated process.
 - c. Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.
 - d. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 7.10 of this ordinance. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the General Manager or the applicable Standards to determine compliance with the Standard.
 - e. Sampling must be performed in accordance with procedures set out in the sampling section of this ordinance.
 8. Any other information as may be deemed necessary by General Manager to evaluate the permit application.

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

5.7 Application Signatories and Certification

- A. All wastewater discharge permit applications, User reports and certification statements must be signed by an Authorized Representative of the User and contain the certification statement in Section 5.7 (C).
- B. If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the General

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Manager prior to or together with any reports to be signed by an Authorized Representative.

- C. Certification of Permit Applications, User Reports and Initial Monitoring Waiver—The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 5.6; Users submitting baseline monitoring reports under Section 7.1 B (5) [Note: See 40 CFR 403.12 (1)]; Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section 6.3 [Note: See 40 CFR 403.12(d)]; Users submitting periodic compliance reports required by Section 6.4 A–D [Note: See 40 CFR 403.12(e) and (h)], and Users submitting an initial request to forego sampling of a pollutant on the basis of Section 7.4B(4)[Note: See 40 CFR 403.12(e)(2)(iii)]. The following certification statement must be signed by an Authorized Representative as defined in Section 1.4 C:

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

5.8 Wastewater Discharge Permit Decisions

The General Manager will evaluate the data furnished by the industrial user and may require additional information. Within thirty (30) days of receipt of a complete wastewater discharge permit application, the General Manager will determine whether or not to issue a wastewater discharge permit. If no determination is made within this time period, the application will be deemed denied. The General Manager may deny any application for a wastewater permit.

SECTION 6 - Wastewater Discharge Permit Issuance

6.1 Wastewater Discharge Permit Duration

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

6.2 Wastewater Discharge Permit Contents

Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the General Manager to prevent pass-through or interference, protect the quality of the water body receiving the treatment plant’s effluent, protect worker health and safety, facilitate sludge management and disposal, protect ambient air quality, and protect against damage to the POTW.

- A. Wastewater discharge permits must contain the following conditions:

1. A statement that indicates wastewater discharge permit issuance date, expiration date, effective date and duration, which in no event shall exceed 5 years.

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2. A statement that the wastewater discharge permit is non-transferable without prior notification to and approval from the District, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit.
 3. Effluent limits, including Best Management Practices, applicable to the user based on applicable standards in Federal, state, and local law.
 4. Self-monitoring, sampling, reporting, notification, and record keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, or local law.
 5. 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, and local law.
 6. Requirements to control Slug Discharge, if determined by the General Manager to be necessary.
- B. Wastewater discharge permits may contain, but need not be limited to, the following:
1. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization.
 2. Limits on the instantaneous, daily and monthly average and/or maximum concentration, mass, or other measure of identified wastewater pollutants or properties.
 3. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.
 4. Development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges.
 5. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW.
 6. The unit charge or schedule of industrial user charges and fees for the management of the wastewater discharged to the POTW.
 7. Requirements for installation and maintenance of inspection and sampling facilities and equipment.
 8. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit.
 9. Other conditions as deemed appropriate by the General Manager to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

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6.3 Wastewater Discharge Permit Appeals

Any person, including the industrial user, may petition the District to reconsider the terms of a wastewater discharge permit within thirty (30) days of its issuance.

- A. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- B. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
- C. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
- D. If the District fails to act within fifteen (15) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit, shall be considered final administrative action for purposes of judicial review.
- E. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the Superior Court for the State of Maine, Kennebec County, within thirty (30) days after notice of any action or refusal to act of which review is sought unless the Court enlarges the time.

6.4 Wastewater Discharge Permit Modification

The General Manager may modify the wastewater discharge permit for good cause including, but not limited to, the following:

- A. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements
- B. To address significant alterations or additions to the industrial user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance
- C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge
- D. Information indicating that the permitted discharge poses a threat to the District's POTW, District personnel, or the receiving waters
- E. Violation of any terms or conditions of the wastewater discharge permit
- F. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting
- G. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13
- H. To correct typographical errors in the wastewater discharge permit
- I. To reflect a transfer of the facility ownership and/or operation to a new owner/operator

The filing of a request by the permittee for a wastewater discharge permit modification does not stay any wastewater discharge permit condition.

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6.5 Wastewater Discharge Permit Transfer

Wastewater discharge permits may be reassigned or transferred to a new owner and/or operator only if the permittee gives at least sixty (60) days advance notice to the General Manager and the General Manager approves the wastewater discharge permit transfer. The notice to the General Manager must include a written certification by the new owner and/or operator which:

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

Failure to provide advance notice of a transfer renders the wastewater discharge permit voidable on the date of the transfer.

6.6 Wastewater Discharge Permit Revocation

Wastewater discharge permits may be revoked for the following reasons:

- A. Failure to notify the District of significant changes to the wastewater prior to the changed discharge
- B. Failure to provide prior notification to the District of changed condition pursuant to Section 7.5
- C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application
- D. Falsifying self monitoring reports
- E. Tampering with monitoring equipment
- F. Refusing to allow the District timely access to the facility premises and records
- G. Failure to meet effluent limitations
- H. Failure to pay fines
- I. Failure to pay sewer charges
- J. Failure to meet compliance schedules
- K. Failure to complete a wastewater survey or the wastewater discharge permit application
- L. Failure to provide advance notice of the transfer of a permitted facility
- M. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or the ordinance

Wastewater discharge permits shall be voidable upon nonuse, cessation of operations, or transfer of business ownership. All existing wastewater discharge permits are void upon issuance of a new wastewater discharge permit to a User.

SECTION 7- Reporting Requirements

7.1 Baseline Monitoring Reports

- A. Within 180 days after either 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 significant industrial users subject to such categorical pretreatment standards, and currently discharging to or scheduled to discharge to the POTW, shall be required to submit to the District a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the District a report which contains the information listed in paragraph B, below. A new source shall also be required to report the method of pretreatment it intends to use to meet applicable pretreatment standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged.
- B. The industrial user shall submit the information required by this section including:
1. Identifying Information. The name and address of the facility including the name of the operator and owners.
 2. Wastewater Discharge Permits. A list of any environmental control wastewater discharge permits held by or for the facility.
 3. Description of Operations. A brief description of the nature, average rate of production, and standard industrial classification of the operation(s) carried out by such industrial user. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
 4. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6 (e).
 5. Measurement of Pollutants.
 - a. Identify the categorical pretreatment standards applicable to each regulated process.
 - b. Submit the results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the standard or by the District) of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and long term average concentrations (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 7.10.
 - c. Sampling must be performed in accordance with procedures set out in Section 7.11.

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6. Certification. A statement reviewed by the industrial user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.
7. Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the industrial user will provide such additional pretreatment and/or O&M shall be submitted to the District for review and approval. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 7.2 of this ordinance.
8. All baseline-monitoring reports must be signed and certified in accordance with Section 5.7.

7.2 Compliance Schedule Progress Report

The following conditions shall apply to the schedule required by 7.1 (B) (7). The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, start-up and conduction of routine operations). No increment referred to above shall exceed nine (9) months. The industrial user shall submit a progress letter to the General Manager no later than 14 days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, reason for any delay, and, if appropriate, the steps being taken by the industrial user to return to the established schedule. In no event shall more than nine (9) months elapse between such progress reports to the General Manager.

7.3 Report on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any industrial user subject to such pretreatment standards and requirements shall submit to the District a report containing the information described in Section 7.1 (B) (4-6). For industrial users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6 (c), this report shall contain a reasonable measure of the industrial user's long term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the industrial user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 5.7.

7.4 Periodic Compliance Reports

- A. Any significant industrial user subject to a pretreatment standard shall, at a frequency determined by the General Manager, but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by such pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the

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Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the General Manager or the Pretreatment Standard necessary to determine the compliance status of the User. All periodic compliance reports must be signed and certified in accordance with Section 5.7.

- B. All wastewater samples must be representative of the industrial 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 an industrial user to keep its monitoring facility in good working order shall not be grounds for the industrial user to claim that sample results are unrepresentative of its discharge.
- C. If an industrial user subject to the reporting requirement in and of this Section monitors any pollutant more frequently than required by the POTW, using the procedures prescribed in Section 7.11 of this ordinance, the results of this monitoring shall be included in the report.

7.5 Report of Changed Conditions

Each industrial user is required to notify the General Manager of any significant changes to the industrial user's operations or system which might alter the nature, quality or volume of its wastewater at least 90 days before the change.

- A. The General Manager may require the industrial user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 5.6
- B. The General Manager may issue a wastewater discharge permit under Section 5.6 or modify an existing wastewater discharge permit under Section 6.4
- C. No industrial user shall implement the planned changed condition(s) until and unless the General Manager has responded to the industrial user's notice
- D. For purposes of this requirement, flow increases of ten percent (10%) or greater, and the discharge of any previously unreported pollutants, shall be deemed significant.

7.6 Reports of Potential Problems

- A. In the case of any discharge including, but not limited to, accidental discharges of a non-routine, episodic nature, a non-customary batch discharge, or a Slug Discharge or Slug Load which may cause potential problems for the POTW (including a violation of the prohibited discharge standards in Section 3.1 of this ordinance), it is the responsibility of the industrial user to immediately telephone and notify the District of the incident. This notification shall include location of discharge, type of waste, concentration and volume, if known, and corrective actions taken by the industrial user.
- B. Within five (5) days following such discharge, the industrial user shall, unless waived by the General Manager, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the industrial user to prevent similar future occurrences. Such notification shall not relieve the industrial user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the industrial user of any fines, civil penalties, or other liability which may be imposed by this ordinance.

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- C. A notice shall be permanently posted on the industrial user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in Paragraph A, above. Employers shall ensure that all employees, who may cause or suffer such a discharge to occur, are advised of the emergency notification procedure.
- D. Significant Industrial Users are required to notify the General Manager immediately of any changes at its facility affecting the potential for a Slug Discharge.

7.7 Reports from Nonsignificant Industrial Users

All industrial users not subject to categorical pretreatment standards and not required to obtain a wastewater discharge permit shall provide appropriate reports to the District as the General Manager may require.

7.8 Notice of Violation/Repeat Sampling and Reporting

If sampling performed by an industrial user indicates a violation, the industrial user must notify the District within 24 hours of becoming aware of the violation. The industrial user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the District within 30 days after becoming aware of the violation.

7.9 Notification of the Discharge of Hazardous Waste

- A. Any industrial user who commences the discharge of hazardous waste shall notify the POTW, 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 type of discharge (continuous, batch, or other). If the industrial user discharges more than 10 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is know and readily available to the industrial user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream expected 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 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 discharges must be submitted under Section 7.5. The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of Section 7.1, 7.3, and 7.4.
- B. Dischargers are exempt from the requirements of paragraph (1) of this section during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous waste, 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 non-acute 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 industrial 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

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waste, the industrial user must notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of the discharge of such substance within 90 days of the effective date of such regulations.

- D. In the case of any new notification made under this section, the industrial 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.

7.10 Analytical Requirements

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and 40 CFR Part 403, App E., unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the EPA.

7.11 Sample Collection

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

- 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 the General Manager authorizes time-proportional composite sampling or grab sampling. Where the District authorizes time-proportional composite sampling or grab sampling, 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. The District, as appropriate, may authorize composite samples for other parameters unaffected by the compositing procedures, as documented in approved EPA methodologies. 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 7.1 and 7.3 [40 CFR 403.12(b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the General Manager may authorize a lower minimum. For the reports required by paragraphs Section 6.4 (40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

7.12 Determination of Noncompliance

The General Manager may use a grab sample(s) to determine noncompliance with pretreatment standards.

7.13 Timing

Written reports will be deemed to have been submitted on the date received.

7.14 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. 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 be automatically extended for the duration of any litigation concerning the User or the District, or where the General Manager has specifically notified the User of a longer retention period.

SECTION 8- Compliance Monitoring

8.1 Inspection and Sampling

The District shall have the right to enter the facilities of any industrial user to ascertain whether the purpose of this ordinance, and any permit or order issued hereunder, is being met and whether the industrial user is complying with all requirements thereof. Industrial users shall allow the General Manager or his representatives ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- A. Where an industrial user has security measures in force which require proper identification and clearance before entry into its premises, the industrial user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, personnel from the District, State, and EPA will be permitted to enter without delay, for the purposes of performing their specific responsibilities.
- B. The District, State, and EPA shall have the right to set up on the industrial user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.
- C. The District may require the industrial user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the industrial user at its own expense. All devices used to measure wastewater flow shall be calibrated semi-annually to ensure their accuracy. All quality measuring devices shall be kept in calibration as required by the General Manager in the Industrial User's permit.
- D. Any temporary or permanent obstruction to safe and easy access to the industrial facility to be inspected and/or sampled shall be promptly removed by the industrial user at the

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written or verbal request of the General Manager and shall not be replaced. The costs of clearing such access shall be borne by the industrial user.

- E. Unreasonable delays in allowing District personnel access to the industrial user's premises shall be a violation of this ordinance.

8.2 Refusal of Access

If the General Manager has been refused access to a building, structure or property or any part thereof, the General Manager may petition the Superior Court for an Order to authorize such entry.

SECTION 9- Confidential Information

Information and data on an industrial user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from District inspection and sampling activities, shall be available to the public without restriction, unless the industrial user specifically requests, and is able to demonstrate to the satisfaction of the District, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable State law. When requested and demonstrated by the industrial user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for users related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

SECTION 10- Publication Of Industrial Users In Significant Noncompliance

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

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 2;
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 3 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- C. Any other violation of a Pretreatment Standard or Requirement as defined by Section 3 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the General Manager determines has caused, alone or in combination with other discharges,

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Interference or Pass Through, including endangering the health of POTW personnel or the general public;

- D. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the District's exercise of its emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction completing construction, or attaining final compliance;
- F. Failure to provide within 45 days after the due date, any required reports, including baseline monitoring reports, 90 day compliance reports, periodic self-monitoring reports, and report on compliance with compliance schedules;
- G. Failure to accurately report noncompliance;
- H. Any other violation(s), which may include a violation of Best Management Practices, which the District determines will adversely affect the operation or implementation of the local pretreatment program.

SECTION 11 - Administrative Enforcement Remedies

11.1 Notification of Violation

Whenever the General Manager finds that any user has violated or is violating this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment requirement, the General Manager or his agent may serve upon said user a written Notice of Violation. Within ten (10) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the General Manager. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the District to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

11.2 Consent Orders

The General Manager is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such orders will include specific action to be taken by the user to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as the administrative orders issued pursuant to Sections 11.4 and 11.5 below and shall be judicially enforceable.

11.3 Show Cause Hearing

The General Manager may order any user which causes or contributes to violation(s) of this ordinance, wastewater discharge permits, or orders issued hereunder, or any other pretreatment standard or requirement, to appear before the General Manager and show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the user. Whether or not the user appears as ordered, immediate

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enforcement action may be pursued following the hearing date. A show cause hearing shall not be a prerequisite for taking any other action against the user.

11.4 Compliance Orders

When the General Manager finds that a user has violated or continues to violate the ordinance, wastewater discharge permits or orders issued hereunder, or any other pretreatment standard or requirement, he may issue an order to the user responsible for the discharge directing that the user come into compliance following a specific period of time. If the user does not come into compliance, the District may, at its option proceed with further action under this Section or Section 12 unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the noncompliance, including additional self- monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Federal pretreatment standard or requirement, nor does a compliance order release the user of liability for any violation, including any continuing violation.

Issuance of a compliance order shall not be a prerequisite to taking any other action against the user.

11.5 Cease and Desist Orders

When the General Manager finds that a user is violating this ordinance, the user's wastewater discharge permit, any order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the General Manager may issue an order to the user directing it to cease and desist all such violations and directing the user to:

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

Issuance of a cease and desist order shall not be a prerequisite to taking any other action against the user.

11.6 Administrative Fines

- A. When the General Manager finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the General Manager may fine such User in an amount not to exceed \$1000.00 per day. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.
- B. Unpaid charges, fines, and penalties shall, after 60 calendar days, be assessed an additional penalty of one percent (1.0 %) of the unpaid balance, and interest shall accrue thereafter at a rate of one percent (1.0 %) per month. A lien against the User's property shall be sought for unpaid charges, fines, and penalties.
- C. Users desiring to dispute such fines must file a written request for the General Manager to reconsider the fine along with full payment of the fine amount within sixty (60) days of being notified of the fine. Where a request has merit, the General Manager may convene a hearing on the matter. In the event the user's appeal is successful, the payment,

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together with any interest accruing thereto, shall be returned to the user. The General Manager may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

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

11.7 Emergency Suspensions

The General Manager may immediately suspend a user's discharge (after informal notice to the user) whenever such suspension is necessary in order to stop an actual or threatened discharge, which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of the environment and its inhabitants.

The General Manager may also immediately suspend a user's discharge (after notice and opportunity to respond) that threatens to interfere with the operation of the POTW, or which presents or may present an endangerment to the environment.

- A. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the General Manager shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The General Manager shall allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the District that the period of endangerment has passed, unless termination proceedings set forth in Section 11.7 are initiated against the user.
- B. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the General Manager prior to the date of any show cause or termination hearing under Sections 11.3 and 11.7.

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

11.7 Termination of Discharge

In addition to those provisions in Section 6.6 of this ordinance, any user that violates the following conditions of this ordinance, wastewater discharge permits, or orders issued hereunder, is subject to discharge termination.

- A. Violation of wastewater discharge permit conditions
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge
- C. Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge
- D. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling
- E. Violation of the pretreatment standards in Section 3 of this ordinance

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Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 11.3 of this ordinance why the proposed action should not be taken.

SECTION 12-Judicial Enforcement Remedies

12.1 Injunctive Relief

Whenever a user has violated a pretreatment standard or requirement or continues to violate the provisions of this ordinance, wastewater discharge permits or orders issued hereunder, or any other pretreatment requirement, the General Manager may petition the Superior Court through the District's attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the industrial user. The District may also seek such other action as appropriate for legal and/or equitable relief. A petition for injunctive relief need not be filed as a prerequisite to taking any other action against a user.

12.2 Civil Penalties

- A. Any user which has violated or continues to violate this ordinance, any order or wastewater discharge permit hereunder, or any other pretreatment standard or requirement shall be liable to the General Manager for a maximum civil penalty of \$1,000 per violation per day. In the case of a monthly or long- term average discharge limit, penalties shall accrue for each day during the period of the violation.
- B. The General Manager may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the District
- C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.
- D. Filing a suit for civil penalties shall not be a prerequisite for taking any other action against a user.

12.3 Criminal Prosecution

- A. User who willfully or negligently violates any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$1000.00 per violation, per day, or imprisonment for not more than the maximum allowable number of years, or both.
- B. A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction be subject to a penalty of at least \$1,000.00 per day or be subject to imprisonment for not more than the maximum allowable number of years, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.
- C. A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance, individual wastewater discharge permit, or order

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issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be punished by a fine of not more than \$1,000.00 per violation, per day, or imprisonment for not more than the allowable maximum years, or both.

- D. In the event of a second conviction, a User shall be punished by a fine of not more than \$1,000.00 per violation, per day, or imprisonment for not more than the maximum allowable years, or both.

12.3 Remedies Nonexclusive

The provisions in Sections 11-12 are not exclusive remedies. The District reserves the right to 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 District reserves the right to take other action against any user when the circumstances warrant. Further, the District is empowered to take more than one enforcement action against any noncompliant user. These actions may be taken concurrently.

SECTION 13 - Supplemental Enforcement Action

13.1 Performance Bonds

The General Manager may decline to reissue a wastewater discharge permit to any user which has failed to comply with the provisions of this ordinance, any orders, or a previous wastewater discharge permit issued hereunder, unless such user first files a satisfactory bond, payable to the District, in a sum not to exceed a value determined by the General Manager, to be necessary to achieve consistent compliance.

13.2 Liability Insurance

The General Manager may decline to reissue a wastewater discharge permit to any user which has failed to comply with the provisions of this ordinance, any order, or a previous wastewater discharge permit issued hereunder, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

13.3 Informant Rewards

The General Manager is authorized to pay up to \$500 for information leading to the discovery of noncompliance by a user. In the event that the information provided results in a civil penalty levied against the user, the General Manager is authorized to disperse up to five percent of the collected penalty to the informant. However, a single reward payment may not exceed \$1,000.00.

13.4 Contractor Listing

Users which have not achieved consistent compliance with approvable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the District. Existing contracts for the sale of goods or services to the District held by a user found to be in significant noncompliance with pretreatment standards may be terminated at the discretion of the District.

SECTION 14 -Affirmative Defenses To Discharge Violations

14.1 Upset

- A. For the purposes of this section, “upset” means an exceptional incident in which there is unintentional and temporary noncompliance with pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, lack of preventive maintenance, or careless or improper operation.
- B. An upset shall constitute an affirmative defense to an action brought for noncompliance with pretreatment standards if the requirements of paragraph (C) are met.
- C. An industrial user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - 1. An upset occurred and the industrial user can identify the cause(s) of the upset;
 - 2. The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures;
 - 3. The industrial user has submitted the following information to the POTW and treatment plant operator within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five (5) days):
 - i. A description of the indirect discharge and cause of noncompliance
 - ii. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue
 - iii. Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.
- D. In any enforcement proceeding, the industrial user seeking to establish the occurrence of an upset shall have the burden of proof.
- E. Industrial users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with pretreatment standards.
- F. The industrial user shall control production or all discharges to the extent necessary to maintain compliance with applicable pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

14.2 General / Specific Prohibitions

An industrial user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general and specific prohibitions in Section 3.1 of this ordinance if it can prove that it did not know or have reason to know that its discharge, along or in conjunction with discharges from other sources, would cause pass through or interference and

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that either: (a) a local limit exists for each pollutant discharged and the industrial user was in compliance with each limit directly prior to, and during, the pass through or interference, and or (b) no local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the District was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

14.3 Bypass

- A. (1) "Bypass" means the intentional diversion of wastestreams from any portion of an industrial user's treatment facility.
- (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- B. An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (C) and (D) of this section.
- C. (1) If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the POTW at least ten days before the date of the bypass if possible.
- (2) An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the POTW within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within 5 days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The POTW may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
- D. (1) Bypass is prohibited, and the POTW may take enforcement action against an industrial user for a bypass, unless:
- (i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
 - (iii) The industrial user submitted notices as required under paragraph (C) of this section.

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

SECTION 15 - Miscellaneous Provisions

15.1 Severability

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

15.2 Conflicts

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this ordinance are hereby repealed to the extent of the inconsistency or conflict.