



Sec. 703.01           The POTW may deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by IUs where such contributions do not meet applicable Pretreatment Standards and Requirements or where such contributions would cause the POTW to violate its discharge permit.ref. 40CFR 403.8(f)(1)(i)

Sec. 703.02           All Industrial Users (IUs) must be in consistent compliance with applicable Pretreatment Standards and Requirements. ref. 40CFR 403.8(f)(1)(ii)

Sec. 703.03           **Discharge Permit Elements.** Every SIU and any other IU deemed necessary by the Napa Sanitation District must be issued a permit. The minimum components contained within the permit are:

Duration of permit (3 years maximum).

Nontransferability of permits.

Applicable effluent limits (local, state, federal).

Self monitoring, sampling, reporting, notification and recordkeeping requirements, identification of pollutants to be monitored, sampling location, sampling frequency, and sample type.

Civil and Criminal Penalties.

Compliance Schedules which may not extend the compliance date beyond applicable federal deadlines.ref 40CFR 403.8(f)(1)(iii)

Sec. 703.04           **Compliance Schedule.** The District may require from any IU a compliance schedule for the installation of technology required to meet applicable Pretreatment Standards and Requirements and submit all notices and reports from IUs including, but not limited to, the reports required in this Ordinance.ref. 40CFR 403.8(f)(1)(iv)

Sec. 703.05           **Right of Entry.** Representatives of the District, bearing proper credentials and identification, shall be permitted to enter all properties served by the District for the purpose of inspection, surveillance, observance, and monitoring procedures (including measurement, sampling, and testing). This includes authority to enter any IU's discharge source, treatment system or recordkeeping location with authority to copy records. Such authority is as provided under 308 of the Act.ref. 40CFR 403.8 (f)(1)(v)

Sec. 703.06           **Remedies for Noncompliance.** The District may obtain remedies for noncompliance by any IU with any Pretreatment Standard and Requirement including Injunctive Relief, Civil and Criminal Penalties, Judicial Relief, termination of service, etc. as detailed in the enforcement provisions contained within this Ordinance.ref. 40CFR 403.8 (f)(1)(vi)

Sec. 704.00           **Discharge Permits.** Permits to discharge into the sewerage system of the District will only be granted after considering all elements of Article VII of this Ordinance.

Each User shall be classified as Categorical Industrial User, Significant Industrial User, Non-Residential User (other commercial), or Domestic User. Each User, with the exception of Domestic User, may be required to possess a waste discharge permit issued by the District.

Non-Residential Users may be exempted from the permit requirements of this article at the discretion of the Engineer-Manager if they are known to discharge only domestic sanitary sewage (as defined).

Users required to obtain a waste discharge permit shall complete, and file with the Engineer-Manager, a permit application accompanied by any appropriate fees.

Permits will be issued to all significant Industrial Users, categorical Industrial Users, and all non-residential Users that the District deems necessary. A permit fee shall be established to recover administrative costs associated with each class of permitted User.

Within 30 days of receiving approval of the list of SIUs from the Approval Authority, Napa Sanitation District will notify the SIU of applicable pretreatment standards and requirements.

Upon determining that an Industrial User (IU), meeting the definition of a significant noncategorical IU, has no reasonable potential for adversely affecting NSD's operation or for violating any pretreatment regulations, the NSD may determine that such IU is not a Significant Industrial User (SIU).

Long term permits shall be renewed yearly or as defined in each individual permit.

Short term permits shall be renewed as defined in each individual permit.

Sec. 705.00           **Acceptable Wastes.**

Sec. 705.01           **Domestic Sanitary Sewage.** The physical, chemical, and biological characteristics of domestic sanitary sewage shall be based on daily composite average of the discharge and shall conform to the following limits:

<b>Waste Characteristic</b>	<b>Maximum Concentration</b>
Hydrogen Ion Concentration(ph)	5.0 - 10.0
Total Dissolved Solids	500 Milligrams/Liter
Turbidity	250 JTU
Color	500 CU
Biochemical Oxygen Demand	175 Milligrams/Liter
Chemical Oxygen Demand	500 Milligrams/Liter
Suspended Solids	200 Milligrams/Liter
Settleable Solids	10 Milligrams/Liter
Sulfide	0.5 Milligrams/Liter
Grease (vegetable based)	75 Milligrams/Liter
Toxicity (LC Bioassay)	25%
Detergent(MBAS)	10 Milligrams/Liter
Ammonia	20 Milligrams/Liter
Phosphate(Total)	25 Milligrams/Liter

Sec. 706.00           **Prohibited Wastes.** Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following water or wastewaters into public sewers.

Sec. 706.01           **Sewer Use Prohibitions.** A User may not introduce into the POTW any pollutant(s) which cause Pass Through or Interference. These specific prohibitions and the general prohibitions apply to each User introducing pollutants into the POTW whether or not the User is subject to other National Pretreatment Standards or any national, state, or local pretreatment requirements.

Sec. 706.02           **Application of Most Stringent Limitation.** The most stringent regulations or standards: Federal, State, Regional, or local shall apply.

Sec. 706.03           **Specific Prohibitions:**

Sec. 706.03.1       **Fire or Explosion Hazard.** Pollutants which create a fire or explosion hazard in the POTW including wastestreams with a closed-cup flashpoint of less than 140°F (60°C).ref. 40CFR 403.5(b)(1)

Sec. 706.03.2       **Corrosive Materials.** Any waste having a pH lower than 5.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the District. ref. 40CFR 403.5(b)(2)

Sec. 706.03.3       **Obstructions.** Solids or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, resulting in Interference with the proper operation of the sewerage works, such as , but not limited to, ashes, cinders, containers, cups, feathers, garbage, glass, grease, hair, hides, leaves, metal, mud, oil, paper dishes, plastics, rags, sand, sawdust, seeds, shavings, stems, straw, tar, wood, wool, etc. either whole or ground by a garbage grinder. ref. 40CFR 403.5(b)(3)

Sec. 706.03.4       **Pollutant Causing Interference.** Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW. Interference means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both inhibits or disrupts the POTW; its treatment processes or operations; or its sludge processes, use, or disposal; and therefore, causes a violation of the POTW's NPDES permit or prevents sewage sludge use or disposal in compliance with specified Federal statutes, regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II more commonly referred to as the Resource Conservation and Recovery Act (RCRA) and including State regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA, the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

A User shall have an affirmative defense in any action brought against it alleging a violation of the general prohibitions established in 40CFR 403.5(b)(4) if the User can demonstrate that: (7/13/94)

1) It did not know or have reason to know that its discharge, alone or in conjunction with a discharge or discharges from other sources, would cause Pass Through or Interference; and

2) If District local limits for Pass Through and Interference were not developed according to 40 CFR 403.5(c). ref. 40CFR 403.5(b)(5) (ii). (7/13/94)

Sec. 706.03.5       **Temperature.** Heat in amounts which will inhibit biological activity in the POTW resulting in Interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 40°C (104°F).ref. 40CFR 403.5(b)(5)

Sec. 706.03.6       **Mineral Oil.** Any waters or wastes containing petroleum oil, nonbiodegradable cutting oil, or products of mineral origin in amounts that cause Interference or pass through.ref. 40CFR 403.5(b)(6).

Sec. 706.03.7        **Noxious and Malodorous Substances.** Any noxious or malodorous substances which by themselves or by interaction with other wastes may result in toxic gases, fumes, or vapors in a quantity capable of causing a public nuisance or worker health and safety problems.ref. 40CFR 403.5(b)(7).

Sec. 706.03.8        **Limitations on Point of Discharge.** No person shall discharge any substances directly into a manhole or other opening in a public sewer other than through an approved building sewer, unless he has been issued a permit by the District designating the discharge location. If a permit is issued for such direct discharge, the User shall pay the applicable charges and fees and shall met such other conditions as required by the District.ref. 40CFR 403.5(b)(8)

Sec. 706.03.9        **Pass Through.** A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation). ref. 40CFR 403.3(n)

Sec. 706.03.10       **Perchloroethylene.** The discharge of Perchloroethylene and its breakdown products all of which will be known as perc, including wastewater from perc/water separators, still bottoms (muck), or other wastes containing perc or its breakdown products to the sanitary sewer system is prohibited. Water containing perc cannot be used as make-up water for boilers or any other apparatus that could eventually be discharged to the sewer system. (2/08/95)

Sec. 706.04            **Local Limits.**

Sec. 706.04.1        **Discharge Limit Development.** As required in this section and pursuant to 40CFR 403.8, the Control Authority, (Napa Sanitation District), continually develops and enforces specific limits to implement the prohibitions listed in 403.5 (a)(1), 403.5 (b), and 403.5 (c) including the local limits.

Sec. 706.04.2        **Toxic Substances.** Any waters or wastes containing a toxic or poisonous substance in sufficient quantities to injure or interfere with or create any hazard in the sewage treatment process, effluent quality,sludge quality, or receiving water quality requirements to humans, animals or plant life. The following "local limits" comprises a partial list of toxic pollutants of concern (and others designated pursuant to section 307(a)(1) of the Act) and their maximum concentration allowable by any discharger for admission into the sewerage system:

Sec. 706.04.3        **Local Limits**            1) Any Industrial User who discharges directly into the sanitary sewer will abide by the folowing local limits:

<b>Toxicant</b>	<b>Maximum Allowable Concentration Milligrams/Liter</b>
Aluminum	5.00
Ammonia	58.57
Arsenic	0.16
Beryllium	0.10
Boron	0.65
Cadmium	0.02
Chloride	599.00
Chromium - Total	1.13
Cobalt	0.05
Copper	0.21
Cyanide	0.27
Fluoride	1.00
Iron	5.00
Lead	0.14
Lithium	2.50
Mercury	0.00606
Molybdenum	0.10
Nickel	0.08
Oil and Grease (petroleum based)	50.00
Oil and Grease (vegetable & animal based)	75.00
PAH	0.72
pH	6.0-9.0
Phenol	0.09
Salinity	1.50 dS/m (mmhos/cm)
Selenium	0.51
Silver	0.33
Sodium	90.00
Sulfide, Dissolved	0.10
TDS	1000.00
Vanadium	0.10
VOC's (EPA 608)	1.0% LEL
Zinc	2.99

\* (Na) 70 mg/l or if Sodium concentration exceeds this value then discharge must not have a SAR exceeding 6.

The maximum allowable concentration of toxic or potentially toxic materials not listed above will be determined on an individual basis. No industrial waste shall be discharged which have a lethal toxicity as determined by a 96-hour static bioassay using threespine stickleback of less than 25-percent concentration of wastewater.

- Sec. 706.05           **General Prohibitions.**
- Sec. 706.05.1       **Rainwater or Uncontaminated Water.** No person shall discharge or cause to be discharged any rainwater, storm water, groundwater, street drainage, subsurface drainage, water from yard fountains, ponds or lawn sprays or any other uncontaminated water into any sewerage facility which directly or indirectly discharges to facilities owned by the District.
- Sec. 706.05.2       **Groundwater from Cleanup Projects.** Wastewater generated from the cleanup of spills, leaking underground storage tanks, monitoring wells or other similar source shall not be discharged through direct or indirect connections to a community sewer unless a temporary discharge permit is issued by the District. The District may approve the discharge of such water only when no reasonable alternative method of disposal is available.
- Sec. 706.05.3       **Cooling Water and Swimming Pool Drainage.** Uncontaminated cooling water or swimming pool drains unless special permission has been granted by the Engineer-Manager. Discharge may be allowed to the sewer system after obtaining a waste discharge permit. Applicable fees may apply. (7/13/94)
- Sec. 706.05.4       **Garbage.** Any garbage excepting properly shredded garbage from dwellings or restaurants engaged in preparation of foods and beverages for consumption. Properly shredded garbage shall contain less than five percent (dry weight basis) of material and able to pass a 3/8 inch screen.
- Sec. 706.05.5       **Suspended Solids.** Any industrial process water or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such material at the sewage treatment plant. Suspended solids discharged in industrial process wastewater shall have a dimension no larger than that of a 1/4 inch mesh.
- Sec. 706.05.6       **Pretreatment Sludges.**
- Sec. 706.05.7       **Nondegradable Wastes.** Any water or wastes containing substances which are not amenable to treatment or which cause the treatment plant effluent to fail to meet any discharge requirements established by the State of California or the United States Federal Government.
- Sec. 706.05.8       **Chemical Pesticides and Similar Toxicants.** No chlorinated hydrocarbon, organo-phosphate or similar chemical compounds used as algacides, bactericides, fungicides, herbicides, insecticides, or pesticides shall be discharged into the sewerage system in any concentration except as specifically approved by a written permit.

Sec. 706.05.9       **Oxidizing and Reducing Agents.** Strong oxidizing and reducing agents shall not be discharged into the sewerage system at concentrations exceeding the following concentrations, except by special permit.

<b>Agent</b>	<b>Maximum Concentration</b>
Chlorine, Chlorine Dioxide, Potassium Permanganate, Ozone and other strong oxidants	5 Milligrams/Liter
Sulfite, Thiosulfate, Nitrite and other strong reducing agents	5 Milligrams/Liter

Sec. 706.05.10       **Radioactive Wastes.** Radioactive wastes of any kind, except where:

1. The person is authorized to use radioactive materials by the State of California Department of Public Health, Atomic Energy Commission , or other governmental agency empowered to regulate the use of radioactive materials;
2. The waste is discharged in strict conformity with current California Radiation Control Regulations (California Administrative Code, Title 17) State of California Department of Public Health, Atomic Energy Commission, or other governmental agency empowered to regulate the use of radioactive materials;
3. The person discharging the radioactive waste assumes full responsibility for any injury to personnel or damage to the sewerage system that may result from such discharge;
4. Radioactivity of the treated wastewater prior to disposal does not exceed limits established by the designated agencies of the State of California; and
5. Residual radioactivity is within limits permitted by State or local regulation in final disposal.

Any person discharging a radioactive waste to the sewerage system in accordance with the provisions of the preceding paragraph shall apply for a permit to discharge such wastes, and submit a periodic report of discharge occurrences and quantities. In the event of an accidental spill of any radioactive material into the sewerage system, the person responsible shall immediately notify the Engineer-Manager.

Sec. 706.05.11       **Hospital Wastes.** Hospitals, clinics, offices of medical doctors and convalescent homes shall not discharge to the sanitary sewer:

1. Equipment, instruments, utensils, hypodermic needles, syringes and associated articles.

2. Any article that may harbor or transmit pathogenic organisms and that are used in the rooms of patients having a suspected or diagnosed communicable disease, which by the nature of the disease is required to be isolated.
3. Recognizable portions of the human anatomy.
4. Waste excluded by other provisions of these regulations.

Nothing in this section shall be construed to limit the authority of appropriate health agencies to define wastes as being infectious and to prohibit discharge to the sanitary sewer.

**Sec. 706.05.12 Unusual Waste Concentrations.** Materials which exert or cause:

1. Unusual concentrations of inert suspended or dissolved solids.
2. Excessive discoloration.
3. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment plant.
4. Unusual volume of flow, including slug discharges.
5. Oxygen demanding pollutants discharged at a concentration or volume that will cause Interference.
6. Pollutants in quantities at a concentration or volume that may cause excessive foaming in the treatment works or POTW discharge.

**Sec. 706.13 Floor Drains** No floor drains may be installed in a facility without special permitting. (7/13/94)

**Sec. 707.00 Restricted Waste Discharges.** Any substance in any commercial or industrial waste discharge which may result in operational costs and maintenance of sewage collection and treatment facilities in excess of that required for normal domestic sanitary sewage of waste concentrations as listed in Section 705, or with any of the prohibited waste characteristics as listed in Section 706, and/or having an average daily flow greater than one quarter of one percent(1/4 %) of the average daily flow of the District shall be subject to the review and approval of the Engineer-Manager. The discharges shall provide any of the following restrictions as approved by the Engineer-Manager for acceptance of the wastewater into the sewer system.

**Sec. 707.01 Pretreatment.** Pursuant to Section 307(b) of the Clean Water Act [33 U.S.C. 1251 et. seq.], as amended, all pretreatment for incompatible pollutants discharged at each industrial plant site to the public sewer shall be consistent with Federal Categorical Pretreatment Standards in 40CFR Subchapter N.

- Sec. 707.02           **Flow Control.**   Limitation of the volume and rate of flow discharging into the sewer system to limit and equalize extremes of flow and waste concentration.
- Sec. 707.03           **Surcharge Payment.**   Require a payment, in an amount established by the Board to cover the added cost of handling and treating wastes. If the Engineer-Manager requires pretreatment or equalization of flow, the design and installation of the plants and equipment shall be subject to the review and approval of the District and no construction of such facilities shall commence until said approval is obtained in writing.
- Sec. 707.04           **Damage Caused by Discharge.**   When the discharge of a commercial waste causes an obstruction, damage or other impairment to the sewage system, the Engineer-Manager may assess a reasonable charge against the discharger for the work required to clean or repair the facility.
- Sec. 707.05           **Limitations of Discharge Quantity and Rate of Discharge.**   The Engineer-Manager may limit the quantity and rate of any waste discharge, when in his judgment, the capacity of any part of the sewerage system would be overtaxed by the discharge, or the quantity or rate of discharge would impose a disproportionate cost to the operation of the sewerage system. In addition to commercial and industrial waste discharges, the provisions of this paragraph shall apply to septic tank pumpages, swimming pool drainages, cooling water, or other discharges from building heating, cooling or air conditioning systems. Discharge of any waste covered by this Section shall not be discharged into the sewerage system until after specific approval of the quantity and procedures proposed has been granted by the Engineer-Manager.
- Sec. 707.06           **Disposal of Unacceptable Wastes.**   The disposal of wastes not permitted to be discharged into the public sewer, including, but not limited to, sludges, spent chemicals, and hazardous materials, shall be done in accordance with all applicable Federal, State and local laws, regulations and ordinances including: Section 405 of the Clean Water Act (CWA); Subtitles C & D of the Resource Conservation and Recovery Act (RCRA); and Title 22, Division 4, Chapter 30 of the California Administrative Code (CAC). A record or manifest of disposal shall be maintained and available for review by the District. The required "Waste Haulers Report" must be completed and a copy furnished within 30 days to the District by the discharger.

Sec. 708.00           **Hauled Wastes.**

Sec. 708.01           **Septic Tank Pumpage Discharges.** The Engineer-Manager may allow the discharge of septic tank pumpage into the sewerage system at the treatment plant. All hauled discharges must meet all applicable Federal, State, and local pretreatment standards developed for the waste generators' industrial category. Such discharges shall be made in strict conformance with the regulations and at the locations established by the Engineer-Manager, and discharge of septic tank pumpage in any other manner than herein provided for shall constitute a violation of this Ordinance. Prior to the discharge of any septic tank pumpage into the sewerage system, the following conditions shall be met:

Any person discharging septic tank pumpage into the sewerage system shall have a valid permit therefore issued by the Napa Sanitation District, the State of California and the County of Napa, and shall register his name, telephone number and place of business with the District.

Any registered septic tank pumpage discharger lending his registration certificate to any person or persons or taking out permits in his or their names at the office of the District Secretary for the use of any person or persons not regularly registered or who does not comply in every way with the requirements of this Ordinance shall have his or their agreement suspended and revoked, not to be reissued.

Septic tank pumpage dischargers shall keep accurate records, including source and date of collecting pumpage for each truck load discharged, and shall file with the District, a report of discharges into the sewerage system. Falsification of this report shall constitute a violation of this Ordinance.

Septic Tank discharges shall not contain substances prohibited herein for discharge into the sewerage system, including local limits set in Sections 706 and 707.

Sec. 708.02           **Holding Tank Waste.** No person shall discharge any holding tank wastes or wastes from barrels, storage tanks, or any other such containers into a public sewer unless he has been issued a permit by the District. This permit will state the specific location of discharge, the times of day discharge can occur, the volume of the discharge and the wastewater constituents and characteristics. If a permit is granted for discharge of such waste into a District facility, the User shall pay the applicable charges and fees and shall meet such other conditions as required by the District.

Sec. 708.03           **RCRA Wastes.** No User may discharge any hazardous waste transported to the POTW by any means including truck, rail, or dedicated pipe (when the waste is not mixed with domestic sewage) that can subject the POTW to any RCRA Hazardous Waste Requirements.

Sec. 709.00           **National Pretreatment Standards: Categorical Standards.**

- Sec. 709.01           **Federal Categorical Pretreatment Standards.** Standards and requirements under 40 Code of Federal Regulations 405 through 471 are hereby incorporated by reference including future amendments thereto. The District will monitor Federal regulations for EPA promulgation of new or revised regulations. This Ordinance will be revised as necessary.
- Sec. 709.02           **Category Determination Request.** An IU or the District may request, in writing, from the State a determination as to which category is most appropriate for the IU.
- Sec. 709.02.1       **Application Deadline.** All existing Industrial Users must submit a request to the Engineer-Manager for subcategory determination within 60 days after the effective date of a Pretreatment Standard for a subcategory under which an IU may be included or when an IU adds or changes a process or operation. A "new source" must request this certification prior to commencing discharge.
- Sec. 709.02.2       **Contents of Application.** Each request must include a description of which subcategories might be applicable, evidence and reasons why a particular subcategory may or may not be applicable, and a signed statement of truthfulness as cited in 40CFR 403.6 (a)(2)(ii). (See sample in Appendix at end of chapter B).
- Sec. 709.02.3       **Deficient Requests.** The Engineer-Manager will only act on written requests for determination that contain all of the information required. Any requests having deficiencies that are not corrected within 30 days, or an extended period allowed by the Engineer-Manager, shall be denied.
- Sec. 709.02.4       **Final Decision.**
- Sec. 709.02.5       **Requests for Hearing and/or Legal Decision.** The requester IU may submit within 30 days of receipt of notice of the final determination, a petition to consider or contest the decision to the Regional Administrator.
- Sec. 709.03           **Deadline for Compliance with Categorical Standards.** Compliance by existing sources with categorical Pretreatment Standards shall be within 3 years of the date of the Standard is effective unless a shorter compliance time is specified in the appropriate subpart of 40 CFR, Chapter I, Subpart N. Existing sources which become IUs subsequent to promulgation of an applicable categorical Pretreatment Standard shall be considered existing IUs except where such sources meet the definition of a "new source." New sources shall install and have in operating condition, and shall "start up" all pollution control equipment required to meet applicable Pretreatment Standards before beginning to discharge. Within the shortest feasible time (not to exceed 90 days), new sources must meet all applicable Pretreatment Standards.

Sec. 709.04           **Concentration and Mass Limits.** Pollutant discharge limits in categorical Pretreatment Standards will be expressed either as concentration or mass limits. Wherever possible, where concentration limits are specified in standards, equivalent mass limits will be provided so that local, State or Federal authorities responsible for enforcement may use either concentration or mass limits. Limits in categorical Pretreatment Standards shall apply to the effluent of the process regulated by the Standard, or as otherwise specified by the standard.

Sec. 709.05           **Dilution Prohibited as Substitute for Treatment.** Except where expressly authorized to do so by an applicable categorical Pretreatment Standard, no Industrial User shall ever increase the use of process water or, in any other way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a categorical Pretreatment Standard or requirement. The Control Authority may impose mass limitations on Industrial Users which are using dilution to meet applicable Pretreatment Standards or requirements, or in other cases where the imposition of mass limitations is appropriate.

Sec. 709.06           **Combined Wastestream Formula** Where process effluent is mixed prior to treatment with wastewaters other than those generated by the regulated process, fixed alternative discharge limits may be derived by the Control Authority or the Industrial User with the written concurrence of the Control Authority. These alternative limits shall be applied to the mixed effluent. When deriving alternative categorical limits, the Control Authority or Industrial User shall calculate both an alternative daily maximum value using the daily maximum value(s) specified in the appropriate categorical Pretreatment Standard(s) and an alternative consecutive sampling day average value using the monthly average value(s) specified in the appropriate categorical Pretreatment Standard(s).

The Industrial User shall comply with the alternative daily maximum and monthly average limits fixed by the Control Authority until the Control Authority modifies the limits or approves an Industrial User modification request. Modification is authorized whenever there is a material or significant change in the values used in the calculation to fix alternative limits for the regulated pollutant.

An Industrial User must immediately report any such material or significant change to the Control Authority. Where appropriate, new alternative categorical limits shall be calculated within 30 days. The calculations for the alternative concentration limit and/or the alternative mass limit, detection limits, and self-monitoring requirements must comply with 40CFR 403.6(e)(1-4).

Sec. 710.00           **Removal Credits.** Removal credits will not be granted to any indirect dischargers within the Napa Sanitation District service area.

Sec. 711.00           **Procedures.**

Sec. 711.01           **Identification.** Identify and locate all IUs subject to the POTW pretreatment program. Identify the character and volume of pollutants contributed to the POTW by the IUs identified under 403.8(f)(2)(i).

Sec. 711.02           **Notification.** The Napa Sanitation District will notify the SIU of applicable pretreatment standards and requirements.

Sec. 711.03           **Self-Monitoring Reports.** Receive and analyze self-monitoring reports and other notices submitted by IUs in accordance with the self-monitoring requirements in 40CFR 403.12.

Inspect and sample the effluent from each SIU at least once per year. Determine if each SIU needs a plan to control slug discharges at least once every two years.

Sec. 711.04           **Accidental Discharges.**

**A.** Each discharger shall provide protection from accidental discharge of prohibited materials and/or other wastes regulated by this Ordinance. Where necessary, or as directed by the Engineer-Manager, retention basins, dikes, storage tanks or other facilities designed to eliminate, neutralize, offset or otherwise negate the effects of prohibited materials or wastes discharged in violation of this Ordinance shall be installed.

**B.** Dischargers shall notify the District immediately when accidental discharges, including slug loads of wastes in violation of this Ordinance occur so that counter measures may be taken by the District to minimize damage to the sewer system, treatment plant, treatment process and the receiving waters. Such notification of "Interference" will not relieve dischargers of liability for any expense, loss or damage to the sewer system, treatment plant, or treatment process, or for any fines or judgments imposed on the District on account thereof under Section 13000 et. seq. of the California Water Code or for violation of Section 5650 of the California Fish and Game Code.

**C.** In the event of accidental discharge in violation of this Ordinance, discharger shall furnish the District, within 5 days of the date of occurrence, a detailed written statement describing the causes of the accidental discharge and the measures being taken to prevent future occurrence.

**D.** Sewer connections within the discharger's plumbing or drainage system shall be appropriately labeled to warn operating personnel against discharge of any substance in violation of this Ordinance.

Sec. 711.05           **Slug Loading Control Plan.** An Industrial User must develop and implement a slug loading control plan whenever the Control Authority decides that a slug control plan is needed.

The slug loading control plan shall contain, at a minimum, the following elements designed to prevent slug loading:

A.) Description of discharge practices, including non-routine batch discharges.

B.) The description shall include a list of chemicals that are handled/stored, MSDS reports, volume of each chemical, and capacity of each tank.

C.) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under 40CFR 403.5(b), with procedures for follow-up written notification within five (5) days.

D.) Procedures to prevent adverse impact from slug loads, including inspection and maintenance of potential spill sources including storage areas, 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) with a list of measures, equipment, and materials available for spill response activities along with their location. A listing of commercial (or other) suppliers of spill response equipment and materials (indicating the types of equipment available) and their telephone numbers.

A list of the facility personnel (by name and title) that have an identified role to play in the implementation of a slug load response plan, indicating the responsibilities and authorities of each.

The plan containing, all of the above prescribed elements, must be submitted to Napa Sanitation District for approval within two months from the date requested to develop and implement a slug loading control plan. Full implementation of an approved slug loading control plan is not to exceed four months.

The IU "permittee" shall notify the Napa Sanitation District of any proposed changes to the plan by submitting a proposed revised plan to the NSD and informing the NSD in advance of the date upon which the proposed revised plan will take effect (pending approval by NSD).ref. 40CFR 403.8(f)(2)(v)

Sec. 711.06            **Investigate Noncompliance.** Investigate instances of non compliance with Pretreatment Standards and Requirements including but not limited to reports, notices, sample-taking and analysis, inspections and surveillance activities, etc.

Sec. 711.07            **Public Participation. (Significant Noncompliance).** The procedures in this section and 40CFR Part 25 in the enforcement of National Pretreatment Standards include provision. An IU is in significant noncompliance if it's violation meets one or more of the following criteria:

- 1.) Chronic violations (exceeding the daily maximum limit or the average limit 66% of the time during a 6-month period) of the same pollutant parameter;

- 2.) Technical Review Criteria (TRC) violations [33% or more of the measurements for each pollutant parameter taken during a 6-month period equal or exceed the product of the applicable limit and the TRC value (1.4 times the limit for a conventional pollutant or 1.2 times the limit for a toxic pollutant)];
- 3.) A violation of pass through or Interference;
- 4.) A discharge of imminent endangerment to human health, welfare, or the environment, or which required the POTW to use its emergency authorities under 40CFR 403.8(f)(1)(vi)(b);
- 5.) Violations of a compliance schedule milestone by 90 days;
- 6.) Failure to accurately report noncompliance.
- 7.) Any other violation deemed significant by the Control Authority.<sup>ref.</sup>  
40CFR 403.8(f)(2)(vii)

**Sec. 712.00 Other Implementing Provisions.**

**Sec. 712.01 Industrial Parks Notification.** All owners of industrial parks are required to notify the District, at least annually, of all changes in tenancy and any known changes in industrial operations among their tenants.

**Sec. 712.02 Notice of Violation.** Whenever the Engineer-Manager finds that discharge of any waste is, or threatens to become, a public nuisance or a violation of established requirements, including but not limited to this Ordinance, other ordinances and resolutions, he may issue an order specifying such nuisance, violations, or threatened violations, and ordering compliance within the time schedule specified therein. Noncompliance with such order shall constitute a violation of this Ordinance.

**Sec. 712.03 Serious and Immediate Hazards.** Notwithstanding the provisions of any other section of this Ordinance, whenever in the judgment of the Engineer-Manager, it appears that any waste discharge is causing any condition constituting a hazard to the life, health or safety of any person, or to the sewage system, the Engineer-Manager is empowered to terminate service immediately.

**Sec. 712.04 Sampling Facilities.** The discharger of any industrial waste shall, at his own expense, install a sampling manhole and other metering and monitoring equipment to facilitate observation, sampling, and measurement of the discharger's waste. Such sampling facility shall be acceptable to the Engineer-Manager for the purposes required, shall be safely located, accessible at all times and constructed in a manner and with materials in conformance with District regulations. These facilities shall be maintained in good condition at all times by the discharger at his expense. Sampling facilities shall be installed within ninety (90) days after notice by the Engineer-Manager. Tampering with samplers and flow metering devices is strictly forbidden. Handling of these

devices must be done as approved and in accordance with District regulations.  
(7/13/94)

Sec. 712.05           **Maintenance of Pretreatment Facilities.** Where pretreatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense and to the satisfaction of the District.

Sec. 712.06           **Interceptors Required.** Grease, oil and sand interceptors shall be provided when in the opinion of the Engineer-Manager they are necessary for the proper handling of liquid wastes, containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required for buildings used for residential purposes. All interceptors shall be of a type and capacity approved by the Engineer-Manager, and shall be so located as to be readily and easily accessible for cleaning and inspection. Vaults required, including size etc. Wastewater in the grease trap may not exceed 100 degrees Fahrenheit. This is to allow grease to solidify in the trap. Domestic waste from toilets, urinals, wash basins or any fixtures receiving fecal material shall not flow through the removal device. Wastewater from dishwashers may not be discharged through the grease vault/trap.  
(7/13/94)

Sec. 712.07           **Maintenance of Interceptors.** All grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times. (Emulsifying chemicals may not be used to dissolve grease.)

Sec. 712.08           **Measurements and Tests.** All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this Ordinance shall be determined in accordance with the test procedures found in 40 CFR Part 136 and amendments thereto whenever applicable. If the 40 CFR Part 136 test procedures are not appropriate, then other procedures must be approved by the EPA. Analysis shall be determined from samples collected at a predetermined manhole or other sampling location (i.e., control manhole, end of process, end of pipe, or other location) identified and approved by the Engineer-Manager. In the event that no special sampling location or manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the side sewer is connected.

Sec. 712.09           **Special Agreements.** No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the District and any industrial user concern whereby an industrial waste of unusual strength or character may be accepted by the District for treatment, subject to payment therefore by the industrial concern and subject to such terms and conditions as might be required by District. This agreement or waiver does not preclude any National Categorical Pretreatment Standard or Requirement, or local limits.

Sec. 712.10           **Changes in Pretreatment and Waste Discharge Requirements.**

The provisions contained herein relating to pretreatment and to prohibited waste discharges and as to limitations and restrictions on waste discharges are subject to regulations by State and Federal authorities and are subject to the terms and conditions of the National Pollution Discharge Elimination System Permit heretofore issued to the District. Should the State and Federal regulations be modified or should the National Pollution Discharge Elimination System Permit be amended, the requirements of this Ordinance shall be suspended to the extent that such standards are higher than those contained herein, and such higher standards shall be immediately applicable upon the effective date of such State or Federal regulations or of the amendment to the National Pollution Discharge Elimination System Permit.

Pursuant to Section 307(b) Clean Water Act [33 U.S.C. 1251 et seq.], as amended, all pretreatment for incompatible pollutants discharged at each industrial plant site to the public sewer shall be consistent with Federal Categorical Pretreatment Standards.

Sec. 712.11           **Notice to Employees.** In order that employees of Users be informed of District requirements, Users shall post in a conspicuous place and make available to their employees, copies of these regulations together with such other wastewater information and notices which may be furnished by the District from time to time directed toward more effective water pollution control.

Sec. 713.00           **Sewer Use Ordinance Enforcement Provisions.**

Sec. 713.01           **Administrative Enforcement Remedies.**

Sec. 713.01.1       **Notification of Violation.** Whenever the Engineer-Manager finds that any Industrial User has violated or is violating this Ordinance, or a wastewater permit or order issued hereunder, the Engineer-Manager or his agent may serve upon said User written notice of the violation. Within 10 days of the receipt date 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 to the Engineer-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.

Sec. 713.01.2       **Consent Orders.** The Engineer-Manager is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the Industrial User responsible for the noncompliance. Such orders will include specific action to be taken by the Industrial User to correct the noncompliance within a time period also specified by the order. Consent Orders shall have the same force and effect as administrative orders issued pursuant to the paragraph below entitled "Compliance Order".

Sec. 713.01.3 **Show Cause Hearing.** The Engineer-Manager may order any Industrial User which causes or contributes to violation of this Ordinance or wastewater permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action and the 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 10 days prior to the hearing. Such notice may be served on any principal executive, general partner or corporate office. Whether or not a duly notified Industrial User appears as noticed, immediate enforcement action may be pursued.

Sec. 713.01.4 **Compliance Order.** When the Engineer-Manager finds that an Industrial User has violated or continues to violate the ordinance or a permit or order issued thereunder, he may issue an order to the Industrial User responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices.

Sec. 713.01.5 **Cease and Desist Orders.** When the Engineer-Manager finds that an Industrial User has violated or continues to violate this Ordinance or any permit or order issued hereunder, the Engineer-Manager may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

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

**Sec. 713.01.6 Administrative Fines.**

Pursuant to the authority of California Government Code Sections 54739 to 54740.6, the District or District staff may issue administrative complaints, conduct administrative hearings and/or impose civil penalties in accordance with the procedures set forth in these sections for violation of the District's requirements relating to pretreatment of industrial waste or the prevention of the entry of industrial waste into the District's collection system or treatment works.

These penalties shall be as follows:

- A. In an amount which shall not exceed two thousand dollars (\$2,000) for each day for failing or refusing to furnish technical or monitoring reports.
- B. In an amount which shall not exceed three thousand dollars (\$3,000) for each day for failing or refusing to timely comply with any compliance schedule established by the District.
- C. In an amount which shall not exceed five thousand dollars (\$5,000) per violation for each day for discharges in violation of any waste discharge limitation, permit condition, or requirement issued, reissued, or adopted by the District.
- D. In an amount which does not exceed ten dollars (\$10) per gallon for discharges in violation of any suspension, cease and desist order or other orders, or prohibition issued, reissued, or adopted by the District.

Unless appealed, orders setting administrative civil penalties shall become effective and final upon issuance thereof, and payment shall be made within 30 days.

As to court actions authorized by the above referenced sections, District Counsel, or other special counsel designated by the District Board, shall institute appropriate actions to effect statutorily authorized remedies, upon order of the District Board. (7/13/94)

**Sec. 713.01.7 Emergency Suspensions.**

- a). The Engineer-Manager may suspend the wastewater treatment service and/or wastewater permit of an Industrial User whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health or welfare of persons, the POTW, or the environment.
- b). Any User notified of a suspension of the wastewater treatment service and/or the wastewater permit shall immediately stop or eliminate its

contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Engineer- 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 Engineer-Manager shall allow the User to recommence its discharge when the endangerment has passed, unless the termination proceedings, as set forth in the paragraph below entitled "Term of Permit", are initiated against the User.

c). An Industrial User which is responsible, in whole or in part, for imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures take to prevent any future occurrence to the Engineer-Manager prior to the date of the hearing described in paragraph b). above.

Sec. 713.01.8 **Monitoring Facilities.** Any person who intentionally or negligently tampers with, falsifies, or knowingly renders inaccurate, any monitoring device shall be punished by a fine of not more than ten thousand dollars (\$10,000) or imprisoned in a County jail for more than six (6) months or both.

Sec. 713.01.9 **Termination of Permit.** Significant Industrial Users proposing to discharge into the POTW, must first obtain a wastewater discharge permit from the Control Authority. Any User who violates the following conditions of this Ordinance or a wastewater discharge permit or order, or any applicable State and Federal law, is subject to permit termination:

- a). Violation of permit conditions
- b). Failure to accurately report the wastewater constituents and characteristics of its discharge, including BMR, within the required time frame.
- c). Failure to report significant changes in operations or wastewater constituents and characteristics.
- d). Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling.

Noncompliant Industrial Users will be notified of the proposed termination of their wastewater permit and be offered an opportunity to show cause (as set forth in the above paragraph of this Ordinance entitled "Show Cause Hearing") why the proposed action should not be taken.

Sec. 713.01.10 **Disconnection.** As an alternative method of enforcing the provisions of this or any other ordinance, rule or regulation of the District, the Engineer-Manager shall have the power to disconnect the user or subdivision sewer system from

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

Sec. 713.02           **Judicial Remedies.** If any person discharges sewage, industrial wastes, or other wastes into the wastewater disposal system contrary to the provisions of this Ordinance or any order or permit issued hereunder, the Engineer-Manager, through the City Attorney, may commence an action for appropriate legal and/or equitable relief in the Courts of Napa County.

Sec. 713.02.1       **Injunctive Relief.** Whenever an Industrial User has violated or continues to violate the provisions of this Ordinance or permit or order issued hereunder, the Engineer-Manager through counsel may petition the Court for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains or compels the activities on the part of the Industrial User. The Engineer-Manager shall have such remedies to collect these fees as it has to collect other sewer service charges.

Sec. 713.02.2       **Civil Penalties**

a). Any Industrial User who has violated or continues to violate this Ordinance or any order or permit issued hereunder, shall be liable to the Engineer-Manager for a civil penalty of not more than **\$25,000, but not less than \$1,000**, plus actual damages incurred by the POTW per violation per day for as long as the violation continues. In addition to the above described penalty and damages, the Engineer-Manager may recover reasonable attorney's fees, court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses.

b). The Engineer-Manager shall petition the Court to impose, assess, and recover such sums. In determining amount of 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 Industrial User's violation, corrective actions by the Industrial User, the compliance history of the User, and any other factor as justice requires.

Sec. 713.02.3      **Criminal Prosecution**

Sec. 713.02.4      **Violations - Generally**

a. Any Industrial User who willfully or negligently violates any provision of this Ordinance or any orders or permits issued hereunder shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed \$1,000.00 per violation per day or imprisonment for not more than one year or both.

b. In the event of a second conviction, the User shall be punished by a fine not to exceed \$3,000.00 per violation per day or imprisonment for not more that 3 years or both.

Sec. 713.02.5      **Falsifying Information**

a). Any Industrial User who knowingly makes any false statements, representations, or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Ordinance, or wastewater permit, who falsifies, tampers with, or knowingly renders inaccurate any monitoring devise or method required under this Ordinance shall, upon conviction, be punished by a fine of not more that \$1,000.00 per violation per day or imprisonment for not more that one year or both.

b). In the event of a second conviction, the User shall be punished by a fine not to exceed \$3,000.00 per violation per day or imprisonment for not more that 3 years or both.

Sec. 713.03      **Supplemental Enforcement Remedies**

Sec. 713.03.1      **Annual Publication of Significant Violations.** The Engineer-Manager shall publish, at least annually in the largest daily newspaper circulated in the service area, a description of those Industrial Users which are found to be in significant noncompliance, as defined in this Ordinance, with any provisions of this Ordinance or any permit or order issued hereunder during the period since the previous publication.

Sec. 713.03.2      **Performance Bonds.** The Engineer-Manager may decline to reissue a permit to any Industrial User which has failed to comply with the provisions of this Ordinance or any order or previous permit issued hereunder unless such User first files with it a satisfactory bond, payable to the POTW, in a sum not to exceed a value determined by the Engineer-Manager to be necessary to achieve consistent compliance.

Sec. 713.03.3      **Liability Insurance.** The Engineer-Manager may decline to reissue a permit to any Industrial User which has failed to comply with the provisions of this Ordinance or any order or previous permit issued hereunder, unless the Industrial User first submits proof that it has obtained financial

assurances sufficient to restore or repair POTW damage caused by its discharge.

Sec. 713.03.4       **Water Supply Severance.** Whenever an Industrial User has violated or continues to violate the provisions of this Ordinance or an order or permit issued hereunder, water service to the Industrial User may be severed by the water purveyor upon request by the District and service will only recommence, at the User's expense, after it has satisfactorily demonstrated its ability to comply.

Sec. 713.03.5       **Public Nuisances.** Continued habitation of any building or continued operation of any industrial facility in violation of the provisions of this or any other ordinance, rule or regulation of the District.

Sec. 713.03.6       **Contractor Listing.**

a). Industrial Users which have not achieved consistent compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the Napa Sanitation District.

b). Existing contracts for the sale of goods or services to the Napa Sanitation District held by an Industrial User found to be in significant violation with pretreatment standards may be terminated at the discretion of the District.

Sec. 713.04       **Affirmative Defense**

Sec. 713.04.1       **Treatment Upsets**

a). Any Industrial User which experiences an upset in operations that places it in a temporary state of noncompliance, which is not the result of operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation, shall inform the Engineer-Manager thereof immediately upon becoming aware of the upset. Where such information is given orally, a written report thereof shall be filled by the User within five days. The report shall contain:

(i) A description of the upset, its cause(s), and impact on the discharger's compliance status

(ii) The duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance is continuing, the time by which compliance is reasonably expected to be restored

(iii) All steps taken or planned to reduce, eliminate, and prevent recurrence of such an upset.

b). An Industrial User which complies with the notification provisions of this Section in a timely manner shall have an affirmative defense to any enforcement action brought by the Engineer-Manager for any noncompliance with this Ordinance, or an order or permit issued hereunder by the User, which arises out of violations attributable to and alleged to have occurred during the period of the documented and verified upset.

**Sec. 713.04.2 Treatment Bypasses**

a). A bypass of the treatment system is prohibited unless all of the following conditions are met:

(i) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(ii) There was no feasible alternative to the bypass, including the User of auxiliary treatment or retention of the wastewater; and

(iii) The Industrial User properly notified the Engineer-Manager as described in paragraph b., below.

b). Industrial Users must provide immediate notice to the Engineer-Manager upon discovery of any unanticipated bypass.

If necessary, the Engineer-Manager may require the Industrial User to submit a written report explaining the cause(s), nature, and duration of the bypass, and the steps being taken to prevent its recurrence.

c). An Industrial User may allow a bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to ensure efficient operation of the treatment system. Industrial Users anticipating a bypass must submit notice to the Engineer-Manager at least 10 days in advance. The Engineer-Manager may only approve the anticipated bypass if the circumstances satisfy those set forth in paragraph a., above.

**Sec. 713.05 Liability for Violation.**

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

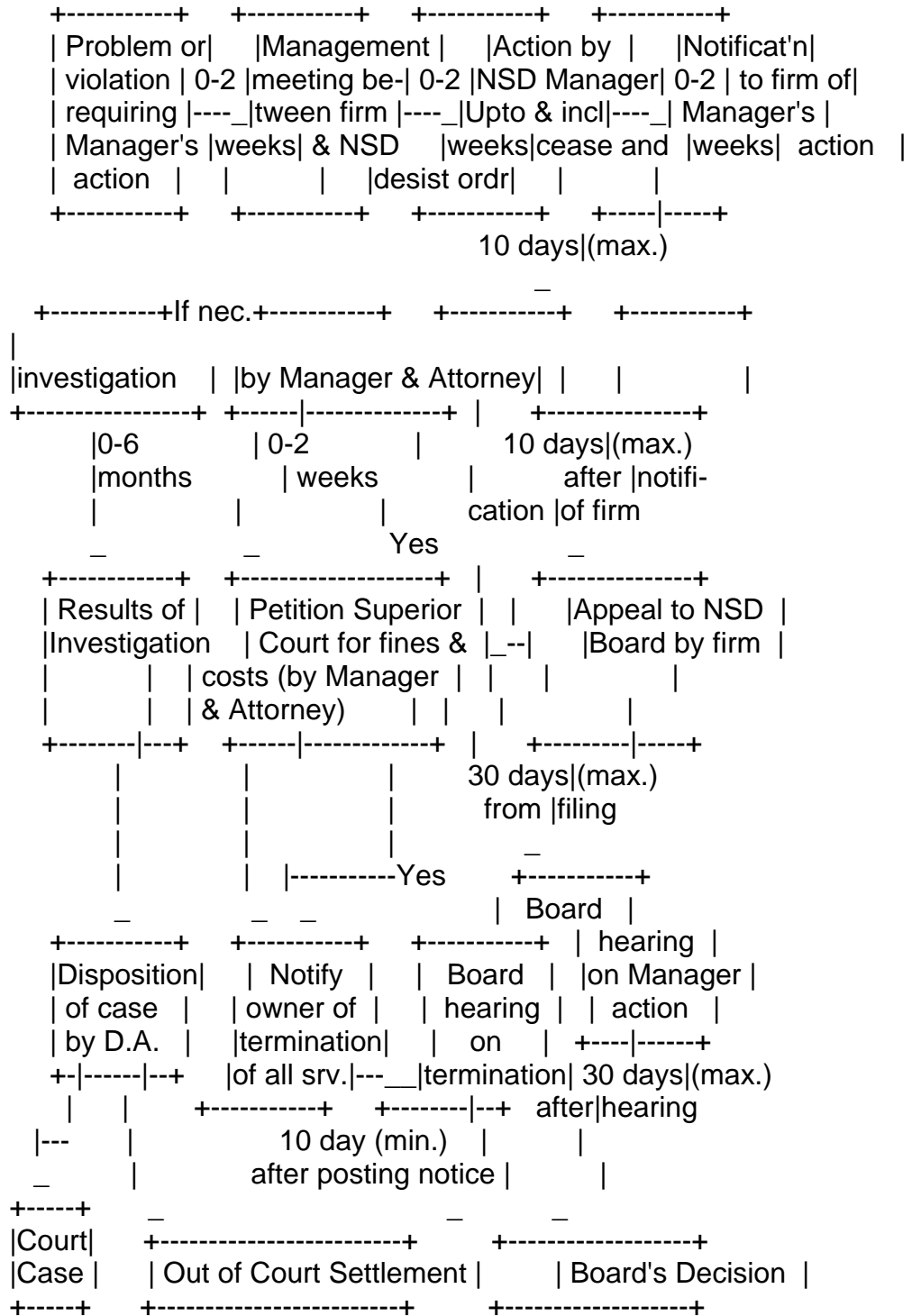
**Sec. 713.06 Enforcement Response Plan.**

All Users are subject to all the provisions of the Napa Sanitation District Enforcement Response Plan.

Sec. 713.07            **Means of Enforcement Only.**

The District hereby declares that the foregoing procedures are established as a means of enforcement of the terms and conditions of its ordinances, rules and regulations, and not as a penalty.

## FLOW CHART OF NSD ENFORCEMENT AND ABATEMENT ACTIONS



Sec. 714.00           **Reporting Requirements.**

Sec. 714.01           **Baseline Monitoring Report.** A BMR must be submitted by existing and new Industrial Users subject to categorical standards and currently discharging or scheduled to discharge to the sewer system. Existing IUs must submit the required information in this section within 180 days after the effective date of a categorical Pretreatment Standard or 180 days after the final administration decision made upon a category determination submission, whichever is later. New source IUs must submit the required information at least 90 days prior to commencement of discharge.

The Engineer-Manager may require additional information as a part of the report if, in his/her opinion, insufficient information has been provided. ref. 40CFR 403.12(b)

Sec. 714.01.1       **Identifying Information.** The User shall submit the name and address of the facility, including the name of the operator and owners.

Sec. 714.01.2       **Permits.** The User shall submit a list of any environmental control permits held by or for the facility.

Sec. 714.01.3       **Description of Operation.** The User shall submit a brief description of the nature of the process, average rate of production (flow, volume, substances and concentrations in the waste discharge). Also submit the Standard Industrial Classification (SIC) 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.

Sec. 714.01.4       **Flow Measurement.** User shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from the regulated process streams and other streams as necessary to allow use of the combined wastestream formula.

Sec. 714.01.5       **Measurement of Pollutants.**

- a. The IU shall identify the Pretreatment Standards applicable to each regulated process.
- b. The IU shall submit the results of sampling and analysis from each regulated process to the Control Authority. The daily maximum and average concentration shall be reported. The sample shall be representative of daily operations.

- c. The proper and approved method of sampling (grab, flow-proportional composite, or time-proportional composite) will be utilized to obtain representative results.
- d. A minimum of one representative sample will be taken to comply with the requirements of this section.
- e. Samples should be taken immediately downstream from pretreatment facilities, if such exist, or immediately downstream from the regulated process if no pretreatment exists. All flows and concentrations must be measured to allow use of combined wastestream formula.
- f. Sampling and analysis shall be performed in accordance with the techniques prescribed in 40CFR part 136 and amendments thereto. Where Part 136 procedures do not include sampling or analytical techniques or where Part 136 methods are deemed (by EPA Administrator) to be inappropriate, sampling and analysis shall occur according to procedures approved by EPA.
- g. The BMR shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.
- h. A BMR containing historical data may only be used upon approval by the Control Authority. ref. 40CFR 403.12(b)(5)

Sec. 714.01.6       **Certification**       A statement reviewed by an authorized representative of the Industrial User and certified to by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O and M) and/or additional pretreatment is required for the Industrial User to meet the Pretreatment Standards and Requirements; and

Sec. 714.01.7       **Compliance Schedule**       If additional pretreatment and/or O and 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 and M. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard.

Sec. 714.02       **Report on Progress in Meeting Compliance Schedules.**       A schedule of events to achieve compliance is required. It shall contain increments of progress 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 IU to meet the applicable pretreatment standards (i.e., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc. No increments shall exceed 9 months.

Not later than 14 days following each date in the schedule and the final date for compliance, the Industrial User shall submit a progress report to the NSD

including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the Industrial User to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the NSD. ref. 40CFR 403.12(c)

Sec. 714.03           **Report on Final Compliance (90 Day Report).** Within 90 days following the date for final compliance with applicable categorical Pretreatment Standards or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any Industrial User subject to Pretreatment Standards and requirements shall submit to the NSD a report, with the same requirements as for the BMR, indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by Pretreatment Standards and Requirements and the average and maximum daily flow for these process units in the Industrial User which are limited by such Pretreatment Standards and Requirements. The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional O and M and/or pretreatment is necessary to bring the Industrial User into compliance with the applicable Pretreatment Standards or Requirements. This statement shall be signed by an authorized representative of the Industrial User who is a certified, qualified professional. ref. 40CFR 403.12(b) and (d)

Sec. 714.04           **Periodic Reports on Continued Compliance.** Any Industrial User subject to a categorical Pretreatment Standard, after the compliance date of such Pretreatment Standard, or in the case of a New Source, after commencement of the discharge into the POTW, shall submit to the NSD during the months of June and December, unless required more frequently in the Pretreatment Standard or by the NSD or the CRWQCB , a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical Pretreatment Standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the discharge reported, except that the NSD may require more detailed reporting of flows. At the discretion of the NSD and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the NSD may agree to alter the months during which the above reports are to be submitted. ref. 40CFR 403.12(e)

Sec. 714.05           **Notice of Slug Loading.** The Industrial User shall notify the POTW immediately of any slug loading, as defined in Section 711 of this Ordinance, by the Industrial User. ref. 40CFR 403.12(f)

Sec. 714.06           **Monitoring and Analysis Reports.** Whenever sampling performed by an IU indicates a violation, the User shall notify the Control Authority within 24 hours of becoming aware of the violation. Repeat sampling

and analysis by the User shall be performed and results submitted to the Control Authority within 30 days of becoming aware of the violation. ref. 40CFR 403.12(g)(2)

The Control Authority determines the frequency of monitoring necessary to assess and assure compliance by IUs with applicable Pretreatment Standards and Requirements. Sampling for all SIUs for periodic reports must be performed during the period covered by the report. ref. 40CFR 403.12(g)(3)

Any IU subject to a categorical pretreatment standard that monitors any pollutant more frequently than required by the Control Authority, shall include the results of this monitoring in the periodic reports. ref. 40CFR 403.12(g)(5)

Sec. 714.07           **Reports Required by Noncategorical Industries.** All significant noncategorical Industrial Users are required to sample their effluent at least once every six months (on dates specified by the Control Authority) and submit the results to the Control Authority. Sampling and analysis shall be performed in accordance with 40CFR Part 136 and amendments thereto or other approved sampling or analytical techniques as determined by the Administrator. All or parts of this report will not be required if the POTW elects to perform the sampling and analysis. ref. 40CFR 403.12(h)

Sec. 714.08           **Annual POTW Reports.** An annual Pretreatment Report will be submitted to the Approval Authority summarizing the activities and effectiveness of the District's pretreatment program. The goals of the local pretreatment program is to regulate discharges from Industrial Users (IUs) into the sewers.

The annual Pretreatment Report will include, at a minimum, the following:

An updated list of IUs; a summary of the status of IU compliance over the reporting period; a summary of compliance and enforcement activities (including inspections and samplings) conducted by the POTW during the reporting period; and any other relevant information requested by the Approval Authority. ref. 40CFR 403.12(i)

Sec. 714.09           **Notification of Changed Discharge.** All IUs are required to notify the Control Authority in advance of any waste discharge changes, including hazardous wastes. ref. 40CFR 403.12(j)

Sec. 714.10           **Signatory Requirements for Industrial User Reports.** All required reports shall include the certification statement as set forth in Appendix B of this Ordinance, and shall be signed by an authorized representative of the Industrial User. An authorized representative may be:

- 1.) A responsible corporate officer (president, vice-president, or secretary-treasurer) in charge of a principal business function, etc.

2.) A general partner or proprietor (if the IU submitting the reports is a partnership or sole proprietorship).

3.) A duly authorized representative of the individual in 403.12 (l)(1) of this section, if:

a.) the authorization is made in writing.

b.) the authorization specifies either an individual or a position having responsibility for the overall operation of the facility or environmental matters for the company.

c.) the written authorization is submitted to the Control Authority.

4.) A reauthorized individual that satisfies the requirements in this section. ref. 40CFR 403.12(l)

Sec. 714.11 **Provisions Governing Fraud and False Statements.** The reports required in 40CFR 403.12 are subject to the provisions of 18 U.S.C. 1001 relating to fraud and false statements and the provisions of section 309(c)(2) of the Act governing false statements, representations or certifications in reports required under the Act.ref. 40CFR 403.12(n)

Sec. 714.12 **Recordkeeping Requirements.** Any Industrial User, subject to reporting requirements established in 40CFR 403.12, shall maintain records of all information resulting from any monitoring activities required in 40CFR, this Ordinance, and waste discharge permit. Such records shall include for all samples:

The date, exact place, method, and time of sampling and the name(s) of the person(s) taking the samples;

The dates analyses were performed;

Who performed the analyses;

The analytical method and detection limit used;

The results of such analyses;

Chain of custody, when required.

Any Industrial User subject to the reporting requirements established in this section shall be required to retain for a minimum of 3 years any records of monitoring activities and results (whether or not such monitoring activities are required in 40CFR, this Ordinance, or waste discharge permit) and shall make such records available for inspection and copying by the Engineer-Manager, Regional Administrator and POTW.

This period of retention shall be extended during the course of any unresolved litigation regarding the IU. This period of retention can be extended at the request of the State or the EPA. ref. 40CFR 403.12(o)

Sec. 714.13           **Hazardous Waste Notification.** All IUs are required to notify the EPA, the State and the Control Authority within 180 days of the DSS regulations effective date (or within 180 days for sources commencing discharge after the effective date of the regulations) of discharges of listed and characteristic hazardous wastes, the constituents of these wastes, and anticipated discharges of such wastes over a calendar month and over one year. The regulations do not apply to discharges of less than 15 kilograms per month of hazardous wastes unless the wastes are acute hazardous wastes. Additionally, notification is not necessary if pollutants are already reported in periodic self-monitoring reports. ref. 40CFR 403.12(p)

Sec. 715.00           **Variations.** A request for variations from categorical pretreatment standards for fundamentally different factors must be made in accordance with the criteria set forth in 40CFR 403.13 (a-m).

Sec. 716.00           **Confidentiality**

Sec. 716.01           **EPA Authorities.** In accordance with 40 CFR Part 2, any information submitted to Environmental Protection Agency, the State of California or to the Napa Sanitation District, may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions, or, in the case of other submissions, by stamping the words "Confidential Business Information" on each page containing such information. If no claim is made at the time of submission, EPA, the State of California or the Napa Sanitation District may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in 40 CFR Part 2 (Public Information). ref. 40CFR 403.14(a)

Sec. 716.02           **Effluent Data.** Information and data provided to the Control Authority or District which is effluent data shall be available to the public without restriction. ref. 40CFR 403.14(b)

Sec. 716.03           **State or POTW.** All other information which is submitted to the State or POTW shall be available to the public at least to the extent provided by 40CFR 2.302. ref. 40CFR 403.14(c)

The District shall not be liable for damages to any permit applicant or User for any disclosure of any secret furnished to the District.

Sec. 717.00            **Net/Gross Calculation.** Categorical Pretreatment Standards may be adjusted to reflect the presence of pollutants in the IU's intake water in accordance with the following:

A.) The IU must make application to Control Authority to obtain credit for intake pollutants calculated on a "net" basis.

B.) The IU must demonstrate that the Standards could not be met in the absence of intake waters with the proposed pretreatment process.

1.) Credit for generic pollutants such as BOD, TSS and oil and grease shall not be granted unless the IU demonstrates that the constituents of the generic measure of the intake water and the User's effluent are substantially similar.

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

3.) 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 NSD discharges or if the user is using reclaimed water supplied by the NSD. The Napa River is the body of water into which the Napa Sanitation District discharges.

C.) The applicable categorical pretreatment standards contained in 40CFR subchapter N specifically provides that they shall be applied on a net basis.

All applications, reports, or information submitted to the Napa Sanitation District must contain the following certification statement and be signed as required.

## STATEMENT OF TRUTHFULNESS

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete.

I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Company Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_

Authorized Representative

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