

Title 4 - Sewer Use

4.01 General Provisions

4.01.010 Rules and Regulations

The following rules and regulations respecting sewer construction and disposal of sewage and drainage of buildings and connection to the sewage works of the District are hereby adopted, and all work in respect thereto shall be performed as herein required and not otherwise.

4.01.020 Purpose

District Code is intended to provide rules and regulations for the use and construction of sanitary sewer facilities hereafter installed, altered or repaired within the District. District Code shall not apply retroactively, and in the event of an alteration or repair hereafter made, it shall apply only to the new materials and methods used herein.

4.01.030 Intentionally Omitted

4.01.040 Violation Unlawful

Following the effective date of this ordinance, it shall be unlawful for any person to connect to, construct, install or provide, maintain and use any other means of sewage disposal from any building in said District except by connection to a public sewer in the manner as in this ordinance provided, unless a waiver is granted by the General Manager.

4.01.050 Relief on Application

When any person, by reason of special circumstances, is of the opinion that any provision of this Code is unjust or inequitable as applied to his premises, he may make written application to the Board, stating the special circumstances, citing the provision complained of, and requesting suspension or modification of that provision as applied to his premises. If such application be approved, the Board may, but only to the extent compatible with State and Federal laws, rules and regulations pertaining to wastewater facilities constructed, in part, with grant funds, by resolution, suspend or modify the provision complained of, as applied to such premises, to be effective as of the date of the application and continuing during the period of the special circumstances.

4.01.060 Relief on Own Motion

The Board may, on its own motion, find that by reason of special circumstances any provision of this Code should be suspended or modified as to a particular premise, but only to the extent compatible with State and Federal laws, rules and regulations pertaining to wastewater facilities constructed, in part, with grant funds, and may by resolution, order such suspension or modification for such premise during the period of such special circumstances or any part thereof.

4.01.070 User Permit

No contributory industry shall be allowed to discharge wastewater until a user permit has been obtained from the District and all fees paid in accordance with the ordinances, rules and regulations of the District.

4.02 Use of Public Sewers Required

4.02.010 Disposal of Waste

It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the District, or in any area under the jurisdiction of said District, any human or animal excrement, garbage, or other objectionable waste.

4.02.020 Treatment of Wastes Required

It shall be unlawful to discharge to any stream or watercourse any sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this ordinance.

4.02.030 Unlawful Disposal

Except as herein provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, seepage pit or other facility intended or used for the disposal of sewage.

4.02.040 Occupancy Prohibited

No building, industrial facility, or other structure shall be occupied until the owner of the premises has complied with all rules and regulations of District and/or applicable regulations of City or County.

4.02.050 Sewer Required

The owner of any building situated within the District and abutting on any street in which there is now located or may in the future be located a public sewer of the District, is hereby required at his expense to connect said building directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within two hundred (200) feet of the nearest building on the property; provided, however, that where territory is annexed to the District upon which existing improvements are located which are served by a satisfactorily operating and maintained septic tank, the owner may continue to dispose of waste to said septic tank so long as it remains in operating condition to the satisfaction of the County Health Officer or until any additional building or buildings or any division of the property is proposed at which time connection to the public sewer shall be required.

4.03 Private Sewage Disposal

4.03.010 Sewer Not Available

Where a public sewer is not available under the provisions of Section 305, the building sewer shall be connected to a private sewage disposal system, in accordance with the requirements of the office of the Napa County Environmental Management.

4.03.020 Permit Required

Before commencement of construction of a private disposal system the owner shall first obtain a written permit from the Health Department of the City or County.

4.03.030 Inspection Required

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the City and/or County. City and/or County shall be allowed to inspect the work at any stage of construction and in any event, the applicant for the permit shall notify the City and/or County when the work is ready for final inspection, and before any underground portions are covered.

4.03.040 Design Requirements

The type, capacities, locations and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of California and the Health Department of County and/or City. No septic tank or cesspool shall be permitted to discharge to any stream or watercourse.

4.03.050 Abandonment of Facilities

At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 305, a direct connection shall be made to the public sewer in compliance with the ordinances, rules and regulations of District, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material as determined by County and/or City Health Department.

4.03.060 Cost of Maintenance by Owner

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the District.

4.03.070 Additional Requirements

No statement contained in this Title shall be construed to interfere with any additional requirements that may be imposed by any law, ordinance, rule or regulation or by the Health Department of the State or of the City or County.

4.04 Sewer Use Regulations

4.04.010 Objective

It is the objective of the Napa Sanitation District to regulate and control the quantity and quality of the discharges into the sewer system so that they will not adversely affect the various

collection, transmission, treatment, discharge requirements, environmental conditions; enhance opportunities to recycle and reclaim treated effluent and wastewater sludge, and permit the District to treat wastewater to meet requirements of the Federal Government and the State of California and their designated agencies.

Adverse affects can include but are not limited to:

- 1) Health and safety of personnel employed in the operation and maintenance of the sewage collection, transmission, and treatment facilities.
- 2) The operational cost, maintenance and durability of collection, transmission and treatment facilities.
- 3) The quality of the receiving waters with respect to requirements established by the Federal Government and the State of California through their properly designated and responsible agencies.
- 4) The air quality and pollution abatement requirements established by the Federal Government and the State of California through their properly designated and responsible agencies.
- 5) Damage, deterioration or excessive maintenance costs to sewage collection, pumping, and treatment or disposal facilities.

It is the general intent of the Napa Sanitation District to provide collection and treatment of domestic sanitary sewage and for commercial and industrial wastewaters that do not adversely affect the objectives stated hereinbefore and to provide equitable charges for the costs incurred.

4.04.020 Authority

This regulation is adopted under authorization of the County Sanitation District Act, Section 4700 et. seq., of the Health and Safety Code of the State of California, and Section 5470 et. seq. of said Code.

4.04.030 Legal Authority for Napa Sanitation District (NSD) Industrial User Permit Program and Permit Issuance Procedures

NSD has authority over all Industrial Users contributing wastewater to the POTW. This Code provides the authority to issue control mechanisms, conduct compliance monitoring activities, and, when warranted, take appropriate enforcement action in response to noncompliance by Users located within the District boundaries.

- A) 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. (40CFR 403.8)

- B) All Industrial Users (IUs) must maintain consistent compliance with applicable Pretreatment Standards and Requirements. (40CFR 403.8)

4.04.040 Discharge Permits 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 (40CFR 403.8):

- A) Statement of duration of permit (in no case more that 5 years) (40CFR 403.8)
- B) Statement of non-transferability without, at a minimum, prior notification to the District and provision of a copy of the existing control mechanism of the new owner or operator (40CFR 403.8)
- C) Effluent limits, including Best Management Practices, based on applicable general Pretreatment Standards in 40CFR part 403, categorical Pretreatment Standards, local limits, and State and local law (40CFR 403.8)
- D) Best Management Practices.....(40CFR 403.8)
- E) Self-monitoring, sampling, reporting, notification and record keeping requirements, including an identification of pollutants (or best management practice) to be monitored (including the process for seeking a waiver for a pollutant neither present nor expected to be present in the discharge in accordance with 40CFR 403.12, or a specific waived pollutant in the case of an individual control mechanism), sampling location, sampling frequency, and sample type, based on the applicable general Pretreatment Standards in 40CFR part 403., categorical Pretreatment Standards, local limits, and State and local law. (40CFR 403.8)
- F) Statement of applicable civil and criminal penalties for violation of Pretreatment Standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable federal deadlines (40CFR 403.8;
- G) Requirements to control slug discharges, if determined by the District to be necessary. (40CFR 403.8)
- H) Any grant of the monitoring waiver by the POTW must be included as a condition in the User’s permit or other control mechanism.
- I) A User with an expiring individual wastewater discharge permit shall apply for individual wastewater discharge permit reissuance by submitting a complete permit application, in accordance with this ordinance, a minimum of 90 days prior to the expiration of the User’s existing individual wastewater discharge permit.
- J) Permit Modification - The permit may be modified for good causes including, but not limited to, the following:

- 1) To incorporate any new or revised Federal, State, or local pretreatment standards or requirements
 - 2) Material or substantial alterations or additions to the discharger's operation processes, or discharge volume or character which were not considered in drafting the effective permit
 - 3) A change in any condition in either the IU or the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge
 - 4) Information indicating that the permitted discharge poses a threat to the District's collection and treatment systems, POTW personnel or the receiving waters
 - 5) Violation of any terms or conditions of the permit
 - 6) Misrepresentation or failure to disclose fully all relevant facts in the permit application
 - 7) Revision of or a grant of variance from such categorical standards pursuant to 40CFR 403.13
 - 8) To correct typographical or other errors in the permit
 - 9) Upon request of the permittee, provided such request does not create a violation of any applicable requirements, standards, laws, or rules and regulations.
 - 10) The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notice of planned changes or anticipated noncompliance, does not stay any permit condition.
- K) Permit Revocation/Termination - The General Manager may revoke an individual wastewater discharge for good cause, including, but not limited to, the following reasons:
- 1) Failure to notify the General Manager of significant changes to the wastewater prior to the changed discharge;
 - 2) Failure to provide prior notification to the General Manager of changed conditions pursuant to Section 6.5 of this ordinance;
 - 3) Misrepresentation or failure to disclose fully all relevant facts in the wastewater discharge permit application;
 - 4) Falsifying self-monitoring reports and certification statements;
 - 5) Tampering with monitoring equipment;
 - 6) Refusing to allow District staff immediate entry or access to the facility premises and records when requested;

- 7) Failure to meet effluent limitations;
 - 8) Failure to pay fines;
 - 9) Failure to pay sewer charges or capacity charges;
 - 10) Failure to meet compliance schedules;
 - 11) Failure to complete a wastewater survey or the wastewater discharge permit application;
 - 12) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
 - 13) Violation of any Pretreatment Standard or Requirement, or any terms of the wastewater discharge permit or this ordinance.
- L) Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in this ordinance within the time limitations specified by EPA, the State, or the General Manager, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to General Manager for review, and shall be acceptable to General Manager before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to District under the provisions of this ordinance.
- M) Duty to Halt or Reduce Activity - Upon reduction of efficiency of operation, or loss or failure of all or part of the treatment facility, the permittee shall, to the extent necessary to maintain compliance with its permit, control its production or discharges (or both) until operation of the treatment facility is restored or an alternate method of treatment is provided.
- N) The sampling chain of custody shall be submitted with the facility monitoring data.

4.04.050 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.

4.04.060 Right of Entry

Representatives of the District, bearing proper credentials and identification, shall immediately 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 Industrial User discharge source, treatment system or record keeping location with authority to inspect and copy records.

4.04.070 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.

4.04.080 Discharge Permits

Each User shall be classified as Categorical Industrial User, Significant Industrial User, Commercial, Non-Residential User, 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 General 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 General Manager, a permit application accompanied by the appropriate fees.

Upon determining that an Industrial User (IU), meeting the definition of a significant non-categorical IU, has no reasonable potential for adversely affecting the District's operation or for violating any pretreatment regulations, the District may determine that such IU will not be required to be permitted by the District's pretreatment program.

Long-term permits shall be renewed as per Sec. 4.04.040. Short-term permits shall be renewed as defined in each individual permit.

4.04.090 Best Management Practices (BMP)

The District may develop BMPs by ordinance or in Permits to implement the prohibitions in Section 4.04.110. Such BMPs shall be considered Local Limits and Pretreatments Standards. Industrial Users shall provide documentation necessary to determine compliance with applicable BMPs within the Baseline Monitoring Reports required under Section 4.04.190(A), the Report on Final Compliance required under Section 4.04.190(C), the Periodic Reports on Continued Compliance required under Section 4.04.190(D), the Reports Required by Non-Categorical Industries required under Section 4.04.190(G), and the Monitoring and Analysis Reports required under section 4.04.190(F).

4.04.100 Acceptable Wastes

Domestic Sanitary Sewage. The following parameters are the typical physical, chemical, and biological characteristics of domestic sanitary sewage:

| Waste Characteristic | Typical Concentration |
|-----------------------------|------------------------------|
| Total Dissolved Solids | 500 mg/L |
| Turbidity | 250 JTU/NTU |
| Color | 500 CU |
| Biochemical Oxygen Demand | 175 mg/L |
| Chemical Oxygen Demand | 500 mg/L |
| Suspended Solids | 200 mg/L |
| Settleable Solids | 10 mg/L |
| Sulfide | 0.5 mg/L |
| Grease (vegetable based) | 75 mg/L |
| Detergent (MBAS) | 10 mg/L |
| Ammonia | 20 mg/L |
| Phosphate (Total) | 25 mg/L |

4.04.110 Prohibited Wastes

Except as provided below, no person shall discharge or cause to be discharged any of the following water or wastewaters into public sewers:

A) General 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 Federal, state, or local pretreatment requirements. (40CFR 403.5)

B) Application of Most Stringent Limitation

The most stringent regulations or standards: Federal, State, Regional, or local shall apply.

C) Specific Prohibitions

The following pollutants shall not be introduced into the POTW:

1) Fire or Explosive Hazard

Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140oF or 60oC using the test methods specified in 40CFR 261.21. (40CFR 403.5)

2) pH/Corrosion

Pollutants which will cause corrosive structural damage to the POTW, but in no case Discharges with pH lower than 6.0 or greater than 9.0, unless the works is specifically designed to accommodate such Discharges; (40CFR 403.5)

3) Obstructions

Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in interference. Such substances include but are not limited to, ashes, asphalt, bones, cinders, cement, containers, cups, dead animals or animal parts, diatomaceous earth, entrails, fats, feathers, garbage, glass, gloves, grease, hair, hides, industrial process shavings, leaves, lees, metal, milk containers, mud, offal, oil, paper dishes, paper cups, plants, plastics, paunch manure, rags, resins, rocks, sand, sawdust, seeds, shavings, stems, straw, straws, tar, whole blood, wood, wool, etc. either whole or ground by a garbage grinder. (40CFR 403.5)

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.

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 40oC (104oF) unless the Approval Authority, upon request of the POTW, approves alternate temperature limits. (40CFR 403.5)

6) Mineral Oil

Any waters or wastes containing petroleum oil, non-biodegradable cutting oil, or products of mineral origin in amounts that will cause Interference or pass through. (40CFR 403.5)

7) Toxic Gases/Vapors/Fumes

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: (40CFR 403.5)

8) Trucked/Hauled Waste

Any trucked or hauled pollutants, except at discharge points designated by the POTW. (40CFR 403.5)

D) 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 the discharger 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 meet such other conditions as required by the District.

E) Conditions on Acceptance of FOG

- 1) Fats, oil and grease shall not be considered a Prohibited Waste as defined in this Code, as long as the waste is produced by a food service establishment and is delivered to the District's FOG receiving station by a permitted waste hauler. In all other ways, waste haulers must comply with this Code, including Section 4.04.130 regulating hauled waste.
- 2) The District shall issue waste discharge permits for FOG hauling in accordance with this Code. The District may issue permits to accept hauled FOG from transportation companies that are permitted by Napa County Environmental Services for the collection and transportation of FOG from food service establishments.
- 3) The fats, oil and grease accepted shall conform to the Local Limits as established by the Board of Directors in Section 4.04.110(F) of this Code. All would apply with the following exceptions:
 - a) Oil & Grease for polar only
 - b) Oil & Grease concentration limit is none
- 4) Hauled FOG waste shall contain only FOG generated from food service establishments and shall not be mixed with domestic waste or any other waste type.
- 5) The District reserves the right to refuse acceptance or require scheduled delivery of any hauled waste, including FOG, if doing so would be in the best interest of the operation of the wastewater treatment facility. This determination may be made by the General Manager, the Chief Plant Operator, or any designee without any prior notice being required.
- 6) The General Manager, or designee of the General Manager, shall have the authority to establish operating regulation and procedures, including the issuing of permits to haulers, to ensure the efficient and effective operation of the FOG receiving station in accordance with District Code and to protect the integrity of the wastewater treatment plant.

F) Local Limits

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 40CFR 403.5 including the local limits.

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:

3) Local Limits

Any Industrial User who discharges directly into the sanitary sewer will abide by the following local limits in the following table:

| Local Limit Constituent | Daily Maximum Uniform/Concentration Limit | |
|--------------------------------|--|----------------------------|
| | (mg/L) milligrams/Liter | (ug/L) micrograms/Liter |
| Aluminum | 5.000 | 5000 |
| Ammonia | 36 | 36000 |
| Antimony | 0.702 | 702 |
| Arsenic | 0.025 | 25 |
| Beryllium | 0.1 | 100 |
| Boron | 0.63 | 630 |
| Cadmium | 0.016 | 16 |
| Chloride | 225 | 225000 |
| Chromium (VI) | 0.538 | 538 |
| Chromium (Total) | 1.13 | 1130 |
| Cobalt | 0.05 | 50 |
| Copper | 0.388 | 388 |
| Cyanide | 0.03 | 30 |
| Fluoride | 1 | 1000 |
| Iron | 5 | 5000 |
| Lead | 0.102 | 102 |
| Manganese | 1.15 | 1150 |
| Mercury | 0.0057 | 5.7 |
| Molybdenum | 0.048 | 48 |
| Nickel | 0.043 | 43 |
| Oil & Grease (polar/non-polar) | 75/50 | 75000/50000 |
| PAH(a) | 0.72 | 720 |
| pH (Standard Units) | 6.0-9.0 SU | 6.0-9.0 SU |
| Phenol | 0.09 | 90 |
| Salinity | 1.5 dS/cm | 1.5 dS/cm |
| Selenium | 0.026 | 26 |
| Silver | 0.224 | 224 |

| | | |
|--------------------|-------|--------|
| Sodium | 90 | 90000 |
| Sulfide, dissolved | 0.1 | 100 |
| Thallium | 0.999 | 999 |
| TDS | 836 | 836000 |
| Vanadium | 0.1 | 100 |
| Zinc | 0.762 | 762 |

(a) The PAH Local Limit is based upon the polyaromatic hydrocarbon (PAH) compounds identified within the promulgated EPA 625 method and is defined as the cumulative sum of the defined 625 method analytes.

The maximum allowable concentration of toxic or potentially toxic materials not listed above will be determined on an individual basis.

G) Local Prohibitions

1) Stormwater, Surface Water, Groundwater, or Uncontaminated Water

No person shall discharge, cause or allow or permit any rainwater, storm water, groundwater (with exceptions, see Section 4.04.110(G)(2)), street or yard drainage, subsurface drainage, water from rainwater leaders or downspouts, yard fountains, ponds or lawn sprays, or any other uncontaminated water into the sanitary sewer system.

No plumbing or piping shall be connected or designed in such a manner as to make possible the discharge of storm, surface and underground waters into the sanitary sewer system.

2) Groundwater and Surface Cleaning Projects

Wastewater generated from the cleanup of spills, leaking underground storage tanks, monitoring wells, surface cleaning operations, or other similar source shall not be discharged through direct or indirect connections to the sanitary sewer without a temporary discharge permit issued by the District.

3) Non-contact Cooling Water and Swimming Pool Water

Uncontaminated cooling water or swimming pool water unless special permission has been granted by the General Manager. Discharge may be allowed to the sewer system at the discretion of the General Manager after obtaining a permit from the District. Applicable fees shall apply.

4) Garbage

Any garbage excepting properly shredded garbage from dwellings or restaurants engaged in preparation of foods and beverages for consumption is prohibited.

5) Floor Drains

No floor drains may be installed in a facility without special approval from the District.

6) Suspended Solids

Any industrial or commercial process water or wastes containing suspended solids of such character and quantity whereby unusual attention or expense is required to handle such material in the sanitary sewer as well as at the sewage treatment facility.

Suspended solids discharged in industrial process wastewater shall have a dimension no larger than that of a 1/4-inch mesh.

7) Pretreatment Sludge

Sludge from treatment facilities, settling or holding ponds, solids from soils testing, etc is prohibited for discharge to the sanitary sewer as well as the sewage treatment facility.

8) Non-degradable 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.

9) Chemical Pesticides and Similar Toxicants

No chlorinated hydrocarbon, organophosphate or similar chemical compounds used as algaecides, bactericides, fungicides, herbicides, insecticides, or pesticides shall be discharged into the sewerage system in any concentration except as specifically approved by a written permit.

10) Oxidizing and Reducing Agents

Strong oxidizing and reducing agents shall not be discharged into the sewerage system at concentrations exceeding 5 mg/L except by special District-issued permit: Chlorine, Chlorine Dioxide, Potassium Permanganate, Ozone and other strong oxidants, Sulfite, Thiosulfate, Nitrite and other strong reducing agents.

11) Radioactive Wastes

Radioactive wastes of any kind, except where:

- a) 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;
- b) 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;

- c) 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;
- d) Radioactivity of the treated wastewater prior to disposal does not exceed limits established by the designated agencies of the State of California; and
- e) Residual radioactivity is within limits permitted by State or local regulation in final disposal.
- f) Any person discharging a radioactive waste to the sewerage system in accordance with the provisions of the preceding sections shall apply for a permit from the District 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 General Manager.

12) Unusual Water Concentrations

Materials that exert or cause:

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

13) Medical Waste

Human or veterinary hospitals, clinics, offices of medical doctors, medical laboratories, medical facilities, production facilities, pharmaceutical/research institutions, mortuaries, morgues, funeral parlors, animal shelters, tattoo parlors and convalescent homes shall not discharge to the sanitary sewer the following:

- a) Solid wastes including, but not limited to gloves, instruments, utensils, hypodermic needles, syringes or other paper and plastic items of a disposable nature. This applies to households as well.
- b) Any article that may harbor or transmit pathogenic organisms and that is 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.
- c) Recognizable portions of the human anatomy.
- d) Waste excluded by other provisions of these regulations.
- e) Any hazardous waste, both California-only hazardous wastes and federal hazardous wastes
- f) Liquid and solid medications or pharmaceutical wastes, such as IV bags containing biologically active materials (e.g., antibiotics, painkillers, and antineoplastics) and controlled substances. This also includes all substances that may be determined an endocrine disruptor.
- g) Pharmaceuticals shall not be disposed of in the sanitary sewer. Waste pharmaceuticals, including over-the-counter medications, shall be disposed of properly such as at take-back events, pharmacies, or taken to the household hazardous waste facility for proper disposal. Controlled substances shall be disposed of as determined by the proper authorities, but may not be disposed into the sanitary sewer.
- h) Undisinfected tissue fluid, diseased human or animal organ tissue, undisinfected whole blood, or other contaminated solid waste.

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. The District shall also have the authority to require that any discharge of an infectious waste to the sewer be rendered non-infectious prior to discharge if the infectious waste is deemed to pose a threat to the public health and safety, or will result in any violation of applicable waste discharge requirements.

4.04.120 Restricted Waste Discharges

Any substance in any commercial or industrial waste discharge which may result in operational costs and maintenance of POTW facilities in excess of that required for normal domestic sanitary sewage of waste concentrations as listed in Section 4.04.100, or with any of the prohibited waste characteristics as listed in Section 4.04.110, and/or having an average daily flow greater than one quarter of one percent (1/4 %) of the average daily dry weather flow of the District shall be subject to the review and approval of the General Manager. The discharges shall provide any of the following restrictions as approved by the General Manager for acceptance of the wastewater into the sewer system.

A) 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.

B) Flow Control

General Manager reserves the right to require flow equalization and/or flow volume control.

C) Surcharge Payment

Require a payment, in an amount established by the Board to cover the added cost of handling and treating wastes. If the General Manager requires pretreatment or flow equalization, the design and installation of the facility 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.

D) Damage Caused by Discharge

When the discharge of any Industrial or commercial waste causes an obstruction, damage or other impairment to the POTW, the General Manager may assess a reasonable charge against the discharger for the work required to clean or repair the facility.

E) Limitations of Discharge Quantity and Rate of Discharge

The General Manager may limit the quantity and rate of any waste discharge, when in the General Manager's best professional judgment, the capacity of any part of the POTW would be overtaxed by the discharge, or the quantity or rate of discharge would impose a disproportionate cost to the operation of the POTW. In addition to commercial and industrial waste discharges, the provisions of this paragraph shall apply to all other non-domestic sanitary sewage. Discharge of any waste covered by this Section shall not be discharged into the POTW until after specific approval of the quantity and procedures proposed has been granted by the General Manager.

F) Disposal of Unacceptable Wastes

The disposal of wastes not permitted to be discharged into the POTW, including, but not limited to, sludge, 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.

4.04.130 Hauled Waste

A) Hauled Waste Discharges

The General Manager may allow the discharge of hauled waste into the POTW 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 General Manager, and discharge of hauled waste in any other manner than herein provided for shall constitute a violation of this Ordinance. Prior to the discharge of any hauled waste into the POTW, the following conditions shall be met:

Any person discharging hauled waste into the POTW shall have a valid waste hauler permit issued by the Napa Sanitation District, as well as required permits issued by the State of California and the County of Napa Environmental Management.

Waste from other counties other than listed in the waste hauler permit is prohibited unless written permission is first obtained from the District.

Any registered waste hauler lending their registration certificate to any person or persons or taking out permits in 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 their agreement suspended and revoked, not to be reissued.

Waste haulers shall keep accurate records, enter the required waste hauler information accurately, and shall file with the District, a report of discharges into the POTW when requested. Falsification of the entries or report shall constitute a violation of this Ordinance and is subject to penalties including fines and permit revocation.

Hauled waste shall not contain substances prohibited herein for discharge into the POTW.

B) 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 that person has obtained a permit from the District to do so. 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.

No person shall discharge or cause or allow or permit to be discharged directly or indirectly to a public sewer any wastes originating from a recreational vehicle, boat, camper, mobile home, trailer, portable toilet, chemical toilet, or any temporary or mobile sanitation facility except pursuant to approval or permit issued by the District at a facility designed and operated for this type of discharge. Discharge directly to the sanitary sewer via a clean out on the person's property for equipment owned by that person is allowed.

C) 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 Resource Conservation and Recovery Act (RCRA) Hazardous Waste Requirements.

4.04.140 National Pretreatment Standards: Categorical Standards

A) Federal Categorical Pretreatment Standards

Standards and requirements under 40CFR are hereby incorporated by reference including future amendments thereto. The District will monitor Federal regulations for EPA promulgation of new or revised regulations.

B) 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. (40CFR 403.6 (a))

1) Application Deadline

All existing Industrial Users must submit a request to the General 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. (40CFR 403.6)

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.

All applications, reports, or information submitted to the District must contain the following certification statement and be signed as required to include company name, facility address, date, and authorized representative:

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.

3) Deficient Requests

The Water Management Division Director or Director will only act on written requests for determinations that contain all of the information required. Persons who have made incomplete submissions will be notified by the Water Management Division Director or Director that their requests are deficient and, unless the time period is extended, will be given 30 days to correct the deficiency. If the deficiency is not corrected within 30 days or within an extended period allowed by the Water Management Division Director or Director, the request for a determination shall be denied. (40CFR 403.6)

4) Final Decision

- a) When the Water Management Division Director or Director receives a submittal he or she will, after determining that it contains all of the information required within section 709.02.2 of this ordinance, consider the submission, any additional evidence that may have been requested, and any other available information relevant to the request. The Water Management Division Director or Director will then make a written determination of the applicable subcategory and state the reasons for the determination.
- b) Where the request is submitted to the Director, the Director shall forward the determination described in this paragraph to the Water Management Division Director who may make a final determination. The Water Management Division Director may waive receipt of these determinations. If the Water Management Division Director does not modify the Director's decision within 60 days after receipt thereof, or if the Water Management Division Director waives receipt of the determination, the Director's decision is final.
- c) Where the request is submitted by the Industrial User or POTW to the Water Management Division Director or where the Water Management Division Director elects to modify the Director's decision, the Water Management Division Director's decision will be final.
- d) The Water Management Division Director or Director, as appropriate, shall send a copy of the determination to the affected Industrial User and the POTW. Where the final determination is made by the Water Management Division Director, he or she shall send a copy of the determination to the Director. (40CFR 403.6)

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. (40CFR 403.6)

C) 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. (40CFR 403.6)

D) Concentration and Mass Limits

Pollutant discharge limits in categorical Pretreatment Standards will be expressed either as concentration or mass limits as approved by the District. 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. (40CFR 403.6)

E) Dilution Prohibited as a 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 or in other cases where the imposition of mass limitations is appropriate. (40CFR 403.6)

F) 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.

| Combined Wastestream Formula Determination (Alternate Concentration Limit) | |
|---|--|
| $C_T = \left(\frac{\sum_{i=1}^N C_i F_i}{\sum_{i=1}^N F_i} \right) \left[\frac{F_T - F_D}{F_T} \right]$ | |
| C_T , mg/L | Alternate Final Concentration mg/L |
| N | Total Number of Regulated Wastestreams |
| i | Regulated Wastestream |
| F_T | Average Daily Flow, GPD (Combined-includes F_i & F_D) |
| C_i | CIU Pretreatment Standard conc. Limit in regulated wastestream i |
| F_i | Average Daily Flow (Regulated Wastestream) |
| F_D | Average Daily Flow (Boiler Blowdown, cooling tower, etc.) |

4.04.150 Removal Credits

Removal credits will not be granted with exception for Categorical Industrial Users as approved by the District.

4.04.160 Implementing Provisions and Procedures

A) Notification

All IUs subject to the POTW pretreatment program are required to file a written request for coverage with the District as indicated under 40CRF 403.8(f)(2).

B) Current Requirements

All IUs are required to keep apprised of currently applicable pretreatment standards and requirements.

C) Self-Monitoring Reports

The District will receive and analyze self-monitoring reports and other notices submitted by IUs in accordance with the self-monitoring requirements in 40CFR 403. The District may inspect and sample the effluent from each SIU at least once per year. The District may determine if each SIU needs a plan to control slug discharges at least once every two years.

D) Accidental Discharges

- 1) 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 General 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.

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 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.

- 2) 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 for cleanup and to prevent future occurrence.
- 3) 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.

E) 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 or within one year of being designated an SIU. The slug loading control plan shall contain, at a minimum, the following elements designed to prevent slug loading:

- 1) Description of discharge practices, including non-routine batch discharges.
- 2) The description shall include a list of chemicals that are handled/stored, MSDS reports, volume of each chemical, and capacity of each tank.
- 3) 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.
- 4) 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.

- 5) A list of the facility personnel (by name and title) that have an identified role for the implementation of a slug load response plan, indicating the responsibilities and authorities of each.
- 6) 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.
- 7) 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).

F) 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.

G) 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 its violation meets one or more of the criteria set forth as defined by Significant Noncompliance (SNC).

4.04.170 Implementing Provisions

A) 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 and commercial operations among their tenants.

B) Notice of Violation

Whenever the General 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.

C) Serious and Immediate Hazards

Notwithstanding the provisions of any other section of this Ordinance, whenever in the judgment of the General 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 General Manager is empowered to terminate service immediately.

D) Sampling Facilities

The discharger of any industrial waste shall, at the facility's expense, install a sampling manhole and/or other metering and monitoring equipment to facilitate observation, sampling, and measurement of the discharger's waste as required by the District. Such sampling facility shall be acceptable to the General 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 at the discharger's expense. Sampling facilities shall be installed prior to commencement of discharge into the sanitary sewer system or within ninety (90) days after notice by the General Manager or District designee. 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.

Notwithstanding the provisions above, the General Manager has the discretion to waive, in a waste discharge permit, the User's requirement to install sampling or other metering and monitoring equipment, where he or she determines that it is not feasible to do so and that the nature of the wastewater discharge is such that the lack of sampling and monitoring will not adversely affect the District's objectives set forth in Section 4.04.010. In such event, the waste discharge permit shall establish a fixed strength factor for the purpose of calculating sewer service charges.

E) 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.

F) Interceptors/Traps Required

Any type of business or establishment where fats, grease, oils or other objectionable materials including sand, oil, sludge, muck, etc. may be discharged into the POTW shall have a grease and/or solids-removal device of a size and design approved by the District in accordance with the current Uniform Plumbing Code.

G) Maintenance of Interceptors/Traps

All grease, oil and sand interceptors and traps shall be maintained by the owner, at the owner's expense, to meet limit requirements.

H) Measurements and Tests

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this Ordinance including sampling techniques, to be submitted as part of a wastewater discharge permit application or report, shall be determined in accordance with the test procedures in 40 CFR Part 136 and amendments thereto whenever applicable. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the District or other parties approved by 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 General 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.

I) Representative Sampling

All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge. If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the General Manager using the procedures prescribed in this Ordinance, the results of this monitoring shall be included in the report. (40 CFR 403.12)

J) 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.

K) 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.

L) Notice to Employees

In order for employees of Users to 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 prevention.

4.04.180 Enforcement Provisions

A) Administrative Enforcement Remedies.

1) Notification of Violation

Whenever the General Manager finds that any Industrial User has violated or is violating this Ordinance, or a wastewater permit or order issued hereunder, the General 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 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.

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 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".

3) Show Cause Hearing

The General 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.

4) Compliance Order

When the General 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.

5) Cease and Desist Orders

When the General Manager finds that an Industrial User has violated or continues to violate this Ordinance or any permit or order issued hereunder, the General 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.

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 POTW.

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, not to 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 not to 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 not to 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.
- e) Unless appealed, orders setting administrative civil penalties shall become effective and final upon issuance thereof, and payment shall be made within 30 days.
- f) Administrative Fines shall not absolve or protect the violator from additional penalties by the District or other agencies.
- g) 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 affect statutorily authorized remedies, upon order of the District Board.

7) Emergency Suspensions

- a) The General 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 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 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 General Manager prior to the date of the hearing described in paragraph 2 above. (40CFR 403.8)

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.

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.
- e) 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.

10) Disconnection

As an alternative method of enforcing the provisions of this or any other ordinance, rule or regulation of the District, the General Manager shall have the power to disconnect the user or subdivision sewer system from the sewer mains of the District. Upon disconnection the General 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 General Manager shall refund any part of deposit remaining after payment of all costs of disconnection and reconnection.

B) 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 General Manager, through the District's attorney, may commence an action for appropriate legal and/or equitable relief in the Courts of Napa County.

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 General 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 General Manager shall have such remedies to collect these fees as it has to collect other sewer service charges.

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 General 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 General Manager may recover reasonable attorney's fees, court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses.
- b) The General 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.

3) **Criminal Prosecution**

a) **Violations – Generally**

- 1) 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.
- 2) 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 than three years or both.

b) **Falsifying Information**

- 1) 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 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 one year or both.

- 2) 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 than three years or both.

C) Supplemental Enforcement Remedies

1) Annual Publication of Significant Violations

The General Manager shall publish, at least annually in the largest daily newspaper circulated in the service area, a description of those Industrial Users 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.

2) Performance Bonds

The General 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 General Manager to be necessary to achieve consistent compliance.

3) Liability Insurance

The General 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.

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.

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.

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.

D) Affirmative Defense

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 General Manager thereof immediately upon becoming aware of the upset. Where such information is given orally, the User thereof shall submit a written incident report to the District within five days. The report shall contain:
 - 1) A description of the upset, its cause(s), and impact on the discharger's compliance status,
 - 2) The duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance is continuing, the steps taken or to be taken and the time by which compliance is reasonably expected to be restored, and
 - 3) 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 may have an affirmative defense to any enforcement action brought by the General 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.

2) Treatment Bypasses

- a) A bypass of the treatment system is prohibited unless all of the following conditions are met:
 - 1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

- 2) There was no feasible alternative to the bypass, including the User of auxiliary treatment or retention of the wastewater; and
 - 3) The Industrial User properly notified the General Manager as described in paragraph b below.
- b) Industrial Users must provide immediate notice to the General Manager upon discovery of any unanticipated bypass.
 - c) If necessary, the General 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.
 - d) 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 General Manager at least 10 days in advance. The General Manager may only approve the anticipated bypass if the circumstances satisfy those set forth in 4.04.180(D)(2)(a).

3) Affirmative Defenses

A User shall have an affirmative defense in any action brought against it alleging a violation of the general prohibitions established in 40CFR 403 where the User can demonstrate that:

- a) 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
- b) A local limit designed to prevent Pass Through and/or Interference, as the case may be, was developed in accordance with paragraph (c) of this section for each pollutant in the User's Discharge that caused Pass Through or Interference, and the User was in compliance with each such local limit directly prior to and during the Pass Through or Interference; or

If a local limit designed to prevent Pass Through and/or Interference, as the case may be, has not been developed by the POTW for the pollutant(s) that caused the Pass Through or Interference, the User's Discharge directly prior to and during the Pass Through or Interference did not change substantially in nature or constituents from the User's prior discharge activity when the POTW was regularly in compliance with the POTW's NPDES permit requirements and, in the case of Interference, applicable requirements for sewage sludge use or disposal.

E) 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.

F) Enforcement Response Plan

All Users are subject to all the provisions of the Napa Sanitation District Enforcement Response Plan. (40 CFR 403.8)

G) 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.

4.04.190 Reporting Requirements

A) 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 General Manager may require additional information as a part of the report if, in his/her opinion, insufficient information has been provided. (40CFR 403) The report shall contain the results of sampling and analysis indicating the nature and concentration of pollutants in the effluent which are limited by such categorical Pretreatment Standards.

1) Identifying Information

The User shall submit the name and address of the facility, including the name of the operator and owners.

2) Permits

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

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, indicating points of discharge to the POTW from the regulated processes.

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.

5) Measurement of Pollutants (Sample Collection Procedures)

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. The following section relates to all SIU monitoring:

- a) Except as indicated in Section B and C below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by General Manager. Where time-proportional composite sampling or grab sampling is authorized by POTW, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the General Manager, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.
- b) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

For sampling required in support of baseline monitoring and 90-day compliance reports required 40 CFR 403, 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. 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.

The following paragraphs relate to Categorical Industrial User monitoring reports only:

- 1) The IU shall identify the Pretreatment Standards applicable to each regulated process.
- 2) 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.
- 3) The proper and approved method of sampling (grab, flow-proportional composite or time-proportional composite) will be utilized to obtain representative results.
- 4) A minimum of one representative sample will be taken to comply with the requirements of this section.
- 5) 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.
- 6) 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.
- 7) 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.
- 8) A BMR containing historical data may only be used upon approval by the Control Authority. (40CFR 403)

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 & M) and/or additional pretreatment is required for the Industrial User 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. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard.

B) 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. (40CFR 403)

C) 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 & M and/or pretreatment is necessary to bring the Industrial User into compliance with the applicable Pretreatment Standards or Requirements. This statement must be reviewed by an authorized representative of the Industrial User and certified by a qualified professional. (40CFR 403)

D) Periodic Reports on Continued Compliance

All Industrial Users shall submit to the NSD no later than July 15 and January 15 for the previous complete six month period, unless required more frequently in the Pretreatment Standard or by the NSD or the RWQCB, 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 date by which the above reports are to be submitted. (40CFR 403)

The Control Authority may authorize an Industrial User subject to categorical Pretreatment Standards to forgo sampling of a pollutant required for periodic reports on continued compliance if the Industrial User demonstrates through sampling and a technical evaluation of its facility operations, that a given pollutant is neither present nor expected to be present in the Discharge, or is only present at background levels from intake water without any increase in the pollutant due to the activities of the Industrial User. At a minimum, the Industrial User must sample for the waived pollutant(s) at least once during the term of the Permit.

A waiver may be granted by the Control Authority to the Industrial User in the User's Permit. The waiver is valid only for the duration of the Permit, and in no case longer than five (5) years. In order to continue the waiver for the period of the next Permit, the Industrial User will need to reapply for the waiver, including the submission of appropriate monitoring data.

The request for a monitoring waiver must comply with the signatory requirements in Section 714.10. Upon approval of the monitoring waiver, the Industrial User must certify on each report with the statement that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User.

In the event a waived pollutant is found to be present or is expected to be present because of changes that occur in the User's operations, the User must immediately comply with the monitoring requirements of this Section, or other more frequent monitoring requirements imposed by the District, and notify the District.

E) Notice of Slug Loading

The Industrial User shall notify the POTW immediately of any discharges that could cause problems to the POTW, including any slug loadings, as defined by 40 CFR 403.5.

F) 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. (40CFR 403.12)

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.

If a Significant Industrial User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by General Manager, using the procedures prescribed, the results of this monitoring shall be included in the report. (40 CFR 403.12)

Resampling by the Industrial User is not required if the POTW performs sampling at the User's facility at least once a month, or if the POTW performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the POTW receives the results of this sampling, or if the POTW has performed the sampling and analysis in lieu of the Industrial User.

G) Reports Required by Non-categorical Industries

All significant non-categorical 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. The reports must be based on sampling and analysis performed in the period covered by the report and in accordance with 40 CFR Part 136 and amendments thereto or other approved sampling or analytical techniques as determined by the Administrator. The report shall contain a description of the nature, concentration, and flow of the pollutants required to be reported by the Control Authority. All or parts of this report will not be required if the POTW elects to perform the sampling and analysis. (40 CFR 403.12)

H) 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 goal 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. (40CFR 403.12)

I) Notification of Changed Discharge

All IUs are required to notify the Control Authority in advance of any waste discharge changes, including hazardous wastes. (40CFR 403.12)

J) Signatory Requirements for Industrial User Reports

All required reports shall include the certification statement as set forth in 40 CFR 403.6(a)(2)(ii) 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 responsible party as identified in 40 CFR 403.12(L), 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; and
 - c) the written authorization is submitted to the Control Authority;
- 4) A reauthorized individual that satisfies the requirements stated in 40CFR 403.12.

K) 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. (40CFR 403.12)

L) Recordkeeping Requirements

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established by the District. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or District, or where the User has been specifically notified of a longer retention period by General Manager.

M) 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. (40CFR 403.12)

4.04.200 Variances

A request for variances from categorical pretreatment standards for fundamentally different factors must be made in accordance with the criteria set forth in 40CFR 403.13.

4.04.210 Confidentiality

A) 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 40CFR Part 2 (Public Information). (40CFR 403.14)

B) Effluent Data

Information and data provided to the Control Authority or District which is effluent data shall be available to the public without restriction. (40CFR 403.14)

C) 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. The District shall not agree to maintain any information submitted to the State or the POTW as confidential, and shall not be liable to any permit applicant or User for release of such information. (40CFR 403.14)

4.04.220 Net/Gross Calculations

A) Application

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 Control Authority. Upon request of the Industrial User, the applicable Standard will

be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the requirements of 4.04.220(B) are met.

B) Criteria

- 1) Either:
 - a) The applicable categorical Pretreatment Standards contained in 40 CFR subchapter N specifically provide that they shall be applied on a net basis; or
 - b) The Industrial User must demonstrate 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.
- 2) 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.
- 3) 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.
- 4) 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 Control Authority may waive this requirement if it finds that no environmental degradation will result. (40CFR 403.15)